



AGENDA
CITY OF LAKE WORTH BEACH
HISTORIC RESOURCES PRESERVATION BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, SEPTEMBER 15, 2021 -- 6:00 PM

ROLL CALL and RECORDING OF ABSENCES

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA

APPROVAL OF MINUTES:

CASES

SWEARING IN OF STAFF AND APPLICANTS

PROOF OF PUBLICATION

- 1) [1001 North Lakeside Drive](#)
[220 South L Street](#)

WITHDRAWALS / POSTPONEMENTS

CONSENT

PUBLIC HEARINGS:

BOARD DISCLOSURE

UNFINISHED BUSINESS:

NEW BUSINESS:

- HRPB Project Number 21-00100216:** A Certificate of Appropriateness (COA) for the construction of a new ± 540 square foot accessory dwelling unit located at **220 South L Street**; PCN #38-43-44-21-15-091-0070. The subject property is located in the Low-Density Multi-Family Residential (MF-20) zoning district and is a contributing resource to the Southeast Lucerne Local Historic District.
- HRPB Project Number 21-12400003:** An Appeal of the Development Review Official's decision regarding the expansion of a legal non-conforming garage apartment at **1029 North Palmway**; PCN #38-43-44-21-15-298-0090. The subject property is located in the Single-Family Residential (SF-R) Zoning District and is a contributing resource to the Northeast Lucerne Local Historic District.
- HRPB Project Number(s) 21-00100213 and 21-01600001:** A Certificate of Appropriateness (COA) for the construction of a new ± 840 square foot accessory structure

and a historic waiver to exceed the accessory structure limitation for the property located at 226 South L Street; PCN #38-43-44-21-15-091-0040. The subject property is located within the Low-Density Multi-Family Residential (MF-20) zoning district and is a contributing resource to the Southeast Lucerne Local Historic District.

D. HRPB Project Number(s) 21-00100214, 21-01500007, and 21-01500008: A Certificate of Appropriateness (COA) for the installation of an inground pool in the front yard and variances from the front setback requirement and accessory structure location requirement for the property located at **1001 North Lakeside Drive; PCN #38-43-44-21-15-296-0160.** The subject property is located within the Single-Family Residential (SF-R) zoning district and is a contributing resource to the Northeast Lucerne Local Historic District.

E. HRPB Project Number 21-00100076: Consideration of a Certificate of Appropriateness (COA) for window replacement for the property located at 518 South L Street; PCN #38-43-44-21-15-167-0070. The subject property is a contributing resource to the Southeast Lucerne Local Historic District and is located in the Single-Family Residential (SF-R) zoning district.

PLANNING ISSUES:

PUBLIC COMMENTS: (3 minute limit)

DEPARTMENT REPORTS:

A. Historic Old Town Commercial District: Recognition of the 20th anniversary of the historic district listing on the National Register of Historic Places.

BOARD MEMBER COMMENTS:

ADJOURNMENT

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105)

NOTE: ALL CITY BOARDS ARE AUTHORIZED TO CONVERT ANY PUBLICLY NOTICED MEETING INTO A WORKSHOP SESSION WHEN A QUORUM IS NOT REACHED. THE DECISION TO CONVERT THE MEETING INTO A WORKSHOP SESSION SHALL BE DETERMINED BY THE CHAIR OR THE CHAIR'S DESIGNEE, WHO IS PRESENT AT THE MEETING. NO OFFICIAL ACTION SHALL BE TAKEN AT THE WORKSHOP SESSION, AND THE MEMBERS PRESENT SHOULD LIMIT THEIR DISCUSSION TO THE ITEMS ON THE AGENDA FOR THE PUBLICLY NOTICED MEETING. (*Sec. 2-12 Lake Worth Code of Ordinances*)

Note: One or more members of any Board, Authority or Commission may attend and speak at any meeting of another City Board, Authority or Commission.

Legal Notice No. 39113

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Historic Resources Preservation Board (HRPB) will conduct the meeting virtually with an in-person quorum per the Centers for Disease Control and Prevention Coronavirus Disease 2019 (Covid-19) Guidance at 7 North Dixie Highway, Lake Worth Beach on **September 15, 2021 at 6:00 pm** or soon thereafter to consider the following:

HRPB Project #21-00100216: Consideration of a Certificate of Appropriateness (COA) for the construction of a new ± 540 square foot accessory dwelling unit located at 220 South L Street. The subject property is located in the Low-Density Multi-Family Residential (MF-20) zoning district and is a contributing resource to the Southeast Lucerne Local Historic District. PCN#38-43-44-21-15-091-0070.

The public can view the meeting via YouTube, <https://www.youtube.com/c/CityofLakeWorthBeach>. The agenda and back-up materials are available: <https://lakeworthbeachfl.gov/government/advisory-board-agendas-and-minutes/>

Public comment will be accommodated through the web portal on the day of the meeting: <https://lakeworthbeachfl.gov/virtual-meetings/>. If you are unable to access the web portal, please leave a message at 561-586-1687 or email pzoning@lakeworthbeachfl.gov. Written responses or comments can be sent to the Department for Community Sustainability PZHP Division, 1900 2nd Avenue North, Lake Worth Beach, FL 33461 and must arrive before the hearing date to be included in the formal record.

Affected parties, as defined in Section 23.1-12 of the Lake Worth Beach Code of Ordinances, who are interested in participation must notify the City of their status at least five (5) days before the hearing. Failure to follow the process will be considered a waiver of the right to participate as affected party in the hearing, but does not preclude the party from making public comment. Affected parties shall submit the evidence they wish the Historic Resources Preservation Board to consider a minimum of one (1) full business day prior to the date of the meeting. Affected parties, whether individually or collectively and irrespective of the number of affected parties, shall have the right to request one (1) continuance provided that the request is to: address neighborhood concerns or new evidence, hire legal counsel or a professional services consultant, or is unable to be represented at the hearing. For additional information, please contact City staff at 561-586-1687 or pzoning@lakeworthbeachfl.gov.

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Publish: The Lake Worth Herald
September 2, 2021

PLEASE TAKE NOTICE that the City of Lake Worth Beach's Historic Resources Preservation Board (HRPB) will conduct the meeting virtually with an in-person quorum per the Centers for Disease Control and Prevention Coronavirus Disease 2019 (Covid-19) Guidance at 7 North Dixie Highway, Lake Worth Beach on **September 15, 2021 at 6:00 pm** or soon thereafter to consider the following:

HRPB Project Number(s) 21-00100214, 21-01500007, and 21-01500008: Consideration of a Certificate of Appropriateness (COA) for the installation of an inground pool in the front yard and variances from the front setback requirement and accessory structure location requirement for the property located at **1001 North Lakeside Drive**. The subject property is located within the Single-Family Residential (SF-R) zoning district and is a contributing resource to the Northeast Lucerne Local Historic District. PCN #38-43-44-21-15-296-0160.

The public can view the meeting via YouTube, <https://www.youtube.com/c/CityofLakeWorthBeach>. The agenda and back-up materials are available: <https://lakeworthbeachfl.gov/government/advisory-board-agendas-and-minutes/>

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Publish: The Lake Worth Herald
September 2, 2021



MEMORANDUM DATE: September 8, 2021

AGENDA DATE: September 15, 2021

TO: Chair and Members of the Historic Resources Preservation Board

RE: **220 South L Street**

FROM: Jordan Hodges, Senior Preservation Coordinator
Abraham Fogel, Preservation Planner
Department for Community Sustainability

TITLE: **HRPB Project Number 21-00100216:** A Certificate of Appropriateness (COA) for the construction of a new ± 540 square foot accessory dwelling unit located at 220 South L Street; PCN #38-43-44-21-15-091-0070. The subject property is located in the Low-Density Multi-Family Residential (MF-20) zoning district and is a contributing resource to the Southeast Lucerne Local Historic District.

OWNER(S): Benjamin Lubin and Tiasha Palikovic
2275 S Ocean Blvd Apt 305N
Palm Beach, FL 33480

ARCHITECT: Geoffrey B. Harris
Geoffrey B. Harris Architecture

PROPERTY DEVELOPMENT HISTORY:

Documentation available in the structure's property file indicates that the building was constructed circa 1924 in a Wood Frame Vernacular architectural style. Although the original architectural drawings are not available, property cards from 1944 and 1956 (included as **Attachment A**) indicate that the property was originally developed with a single-family structure and rear detached garage. Both structures utilized frame construction with wood siding, gable roofs, and wood windows. City permit records indicate the structure has had additional improvements, including the construction of a rear addition in the 1940s, partial window replacements, installation of Bahama shutters over openings in the enclosed front porch, roof replacement, and fencing. Due to the minimal alterations over time, the single-family structure has a high degree of integrity of setting, materials, design, location, workmanship, feeling, and association.

The property owners requested that the City's Building Official inspect the detached garage to determine if unsafe conditions warranted condemnation. On March 3, 2021, the City's Building Official, Peter Ringle, declared the garage was unsafe due to decay, deterioration or dilapidation, and was likely to fully or partially collapse. The condemnation letter is included as **Attachment B**. Pursuant to Land Development Regulation (LDR) Section 23.5-4(m)(3), a COA is not required for the demolition of a building that has been condemned by the City. The demolition of the structure was approved with building permit #21-253. Current photos of the property are included as **Attachment C**.

PROJECT DESCRIPTION:

The property owners, Benjamin Lubin and Tiasha Palikovic, are requesting approval for a new accessory dwelling unit (ADU). The subject property is a 50'x135' (6,750 square foot) parcel containing two (2) platted lots of record located on the east side of South L Street, between 2nd Avenue South and 3rd Avenue South in Lake Worth Beach. The property is located in the Low-Density Multi-Family Residential (MF-20) zoning district and retains a Future Land Use (FLU) designation of Medium Density Residential (MDR).

If approved, the subject application would allow construction of a new +/- 540 square foot single-story ADU. The building is designed to replicate a detached Wood Frame Vernacular apartment. The application will require the following approval:

1. COA for the new construction of a ± 540 square foot ADU

STAFF RECOMMENDATION: Staff recommends approval with conditions as provided on pages 9 and 10.

PROPERTY DESCRIPTION:

Owner	Benjamin Lubin and Tiasha Palikovic
General Location	East side of South L Street, between 2 nd Avenue South and 3 rd Avenue South
PCN	38-43-44-21-15-091-0070
Zoning	Low Density Multi-Family Residential (MF-30)
Existing Land Use	Single-Family Residence
Future Land Use Designation	Medium Density Residential (MDR)



SITE ANALYSIS:

Surrounding Properties

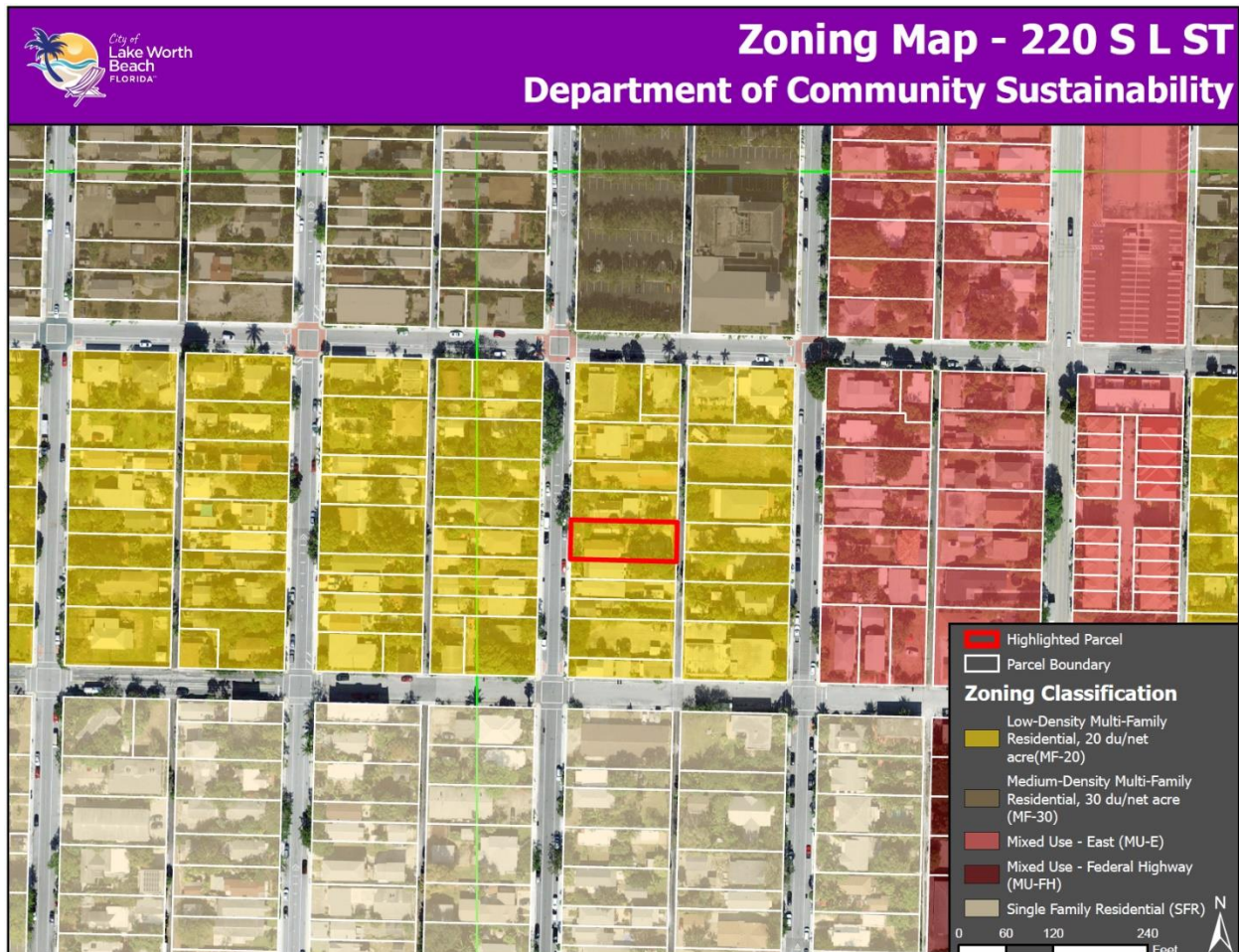
The site is surrounded by residential properties with similar Zoning and FLU designations, and thus, are found to be compatible with the proposed residential use on the subject site. The following summarizes the nature of the surrounding properties adjacent to the subject site:

NORTH: Immediately north of the subject site is a single-family structure. This area contains a FLU designation of MDR and a zoning designation of MF-20.

SOUTH: Immediately south of the subject site is a single-family structure. This area contains a FLU designation of MDR and a zoning designation of MF-20.

EAST: East of the subject site across the rear alley is a single-family structure and a detached ADU. This area contains a FLU designation of MDR and a zoning designation of MF-20.

WEST: West of the subject site across South L Street is a single-family structure. This area contains a FLU designation of MDR and a zoning designation of MF-20.



Consistency with the Comprehensive Plan

The subject parcel is located in the High-Density Residential Future Land Use (FLU) designation. Per Policy 1.1.1.3 in the City’s Comprehensive Plan, the FLU designation allows for a maximum density of 20 units per acre. The proposed density for the project is 2 units. As the proposed project will increase the density of the property with a new ADU, it is consistent with the intent of the Medium Density Residential designation to develop lots with occupancy by more than one family.

The proposed ADU is also consistent with Goal 3.1, which seeks to achieve a supply of housing that offers a variety of residential unit types and prices for current and anticipated homeowners and renters in all household income levels by the creation and/or preservation of a full range of quality housing units. The project encourages architectural design that complements the City’s appearance, consistent with Objective 3.2.4.

LAND DEVELOPMENT CODE REQUIREMENTS:

Land Development Code Requirements		
Code References	23.3-10 (MF-20); 23.4-1 (ADU); and 23.4-10 (Off-street parking)	
	Required	Proposed
Lot Area	5,000 sf.	6,750 sf.
Lot Width	50'-0"	50'-0"
Building Height	24'-0" (2 stories)	10'-6"
Setback - Front	20'-0"	19.6' (non-conforming primary structure)
Setback - Side	North: 3'-0" South: 3'-0"	North: 7'-6" South: 11'-0"
Setback - Rear	5'-0"	13'-6"
Distance Between Structures	10'-0"	26'-6" ⁽²⁾
Impermeable Surface Total ⁽¹⁾	60.0% total (4,050 sf.)	31.02% (2,094 sf.)
Front Yard Pervious Surface Minimum	900 sf. or 75% pervious and landscaped	94.80% (948 sf.) ⁽²⁾
Maximum Building Coverage ⁽¹⁾	40.0% maximum (2,700 sf.)	23.62% (1,595 sf.)
Unit Size	60% of habitable floor area of the primary structure (max.) (547 sf.)	59.14% (540 sf.) 684 sf. (including covered terrace)
Density/Number of Units	3 dwelling units	2 dwelling units
Floor Area Ratio ⁽¹⁾	0.75 maximum (5,062.5 sf.)	0.24 (1,595 sf.)
Living Area	400 sf. minimum	540 sf.

Parking	3 spaces total (1.5 spaces per unit)	3 spaces
Parking Dimensions	9'x18' perpendicular or angled off street 9'x28' perpendicular or angled off alley 9'x22' parallel	9'x20' perpendicular off street 9'x30' perpendicular off alley 9'x24' parallel

(1)- Medium lot (lots 5,000 square feet to 7,499 square feet)

(2)- Approximation based on site plan

The proposed ADU is consistent with all site data requirements in the City’s zoning code. The application, as proposed, meets the minimum off-street parking requirements and complies with all impermeable surface requirements, building coverage allotments, and required building setbacks. The proposed site plan is included in this report as **Attachment D**. Landscaping will be reviewed at permitting to ensure the proposal complies with the City’s landscape requirements.

Existing Non-Conformities – Buildings and Structures

The existing primary residence has a legal non-conforming front setback that does not comply with minimum setback requirements provided within Section 23.3-10 of the Lake Worth Beach Land Development Regulations (LDRs). Pursuant to LDR Section 23.5-3(d), Non-conforming buildings and structures:

1. *Nonconforming buildings and structures may be enlarged, expanded or extended subject to these LDRs, including minimum site area and dimensions of the district in which the building or structure is located. No such building or structure, however, shall be enlarged or altered in any way so as to increase its nonconformity. Such building or structure, or portion thereof, may be altered to decrease its nonconformity, except as hereafter provided.*

The proposed ADU will comply with current zoning requirements and does not increase the existing non-conforming setback of the existing structure since it is a detached structure at the rear of the property.

HISTORIC PRESERVATION ANALYSIS:

All new construction within a designated historic district shall be visually compatible. New buildings should take their design cues from the surrounding existing structures, using traditional or contemporary design standards and elements that relate to existing structures that surround them and within the historic district as a whole. Building design styles, whether contemporary or traditional, should be visually compatible with the existing structures in the district.

The design of the single-story ADU is inspired by the garage structure that was demolished. The project architect developed a linear plan closely sited in the location of the garage and added a cross gable massing and a covered terrace to mimic additions that would take place over time. The exterior finishes include dimensional asphalt shingles, cementitious lap siding, and cementitious trim and sill detailing. Fenestration consists of French doors, wood or wood-look slat doors, and single-hung, fixed, and

casement windows. Site features include three (3) new parking spaces with vehicular access from the alley. Overall, the design of the ADU relates to the primary residence by the use of similar exterior wall materials, window types, door and window trim and sill detailing, roofing materials and roof pitch, arranged to be compatible with the Wood Frame Vernacular architectural style.

Section 23.5-4(k)(3)(A) – Review/Decision

In approving or denying applications for certificates of appropriateness for new construction, the City shall also, at a minimum, consider the following additional guidelines which help to define visual compatibility in the applicable property's historic district:

- (1) The height of proposed buildings shall be visually compatible and in harmony with the height of existing buildings located within the historic district.

Staff Analysis: The proposed building is consistent with the height of other single-story buildings surrounding the property, and is in harmony with the height of other historic properties in the district.

- (2) The relationship of the width of the building to the height of the front elevation shall be visually compatible and in harmony with the width and height of the front elevation of existing buildings located within the district.

Staff Analysis: The width and height of the front elevation is in scale with the surrounding properties.

- (3) For landmarks and contributing buildings and structures, the openings of any building within a historic district should be visually compatible and in harmony with the openings in buildings of a similar architectural style located within the historic district. The relationship of the width of the windows and doors to the height of the windows and doors in a building shall be visually compatible with buildings within the district.

Staff Analysis: The proposed French doors, wood or wood-look slat doors, single-hung, fixed glass, and casement windows are compatible in height and width with the typical windows and doors on the neighboring structures.

- (4) The relationship of solids to voids in the front facade of a building or structure shall be visually compatible and in harmony with the front facades of historic buildings or structures located within the historic district. A long, unbroken facade in a setting of existing narrow structures can be divided into smaller bays which will complement the visual setting and the streetscape.

Staff Analysis: Each façade features a rhythm of solids to voids with window and door openings that avoid long, unbroken walls.

- (5) The relationship of a building to open space between it and adjoining buildings shall be visually compatible and in harmony with the relationship between buildings elsewhere within the district.

Staff Analysis: The proposed building complies with setback requirements in LDR Section 23.4-1, secondary accessory dwelling unit regulations.

- (6) The relationship of entrance and porch projections to sidewalks of a building shall be visually compatible and in harmony with the prevalent architectural styles of entrances and porch projections on buildings and structures within the district.

Staff Analysis: The ADU is proposed at the rear of the property, however the front façade is designed to engage South L Street with a covered terrace and entrance doors.

- (7) The relationship of the materials, texture and color of the façade of a building shall be visually compatible and in harmony with the predominant materials used in the buildings and structures of a similar style located within the Northeast Lucerne Local Historic District.

Staff Analysis: The building will utilize a cementitious material that simulates wood lap siding. This is a common and compatible façade material for new construction proposals within the historic districts and is also compatible with the primary residence on the lot.

- (8) The roof shape of a building or structure shall be visually compatible and in harmony with the roof shape of buildings or structures of a similar architectural style located within the Northeast Lucerne Local Historic District.

Staff Analysis: The gable roof with dimensional asphalt shingles is consistent with Wood Frame Vernacular style structures in Lake Worth Beach.

- (9) Appurtenances of a building, such as walls, wrought iron, fences, evergreen, landscape masses and building facades, shall, if necessary, form cohesive walls of enclosures along a street to insure visual compatibility of the building to the buildings and places to which it is visually related.

Staff Analysis: Landscaping and fencing will be reviewed at permitting for compliance with the LDRs.

- (10) The size and mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible and in harmony with the buildings and places to which it is visually related.

Staff Analysis: The size, massing, and other visual qualities of the proposed new ADU are compatible and in harmony with visually related properties.

- (11) A building shall be visually compatible and in harmony with the buildings and places to which it is visually related in its directional character: vertical, horizontal or non-directional.

Staff Analysis: The applicant has provided renderings showing the ADU in relation to the existing residence. The ADU's height and massing is compatible with the existing residence and other residential structures on the block.

(12) In considering applications for certificates of appropriateness to install mechanical systems which affect the exterior of a building or structure visible from a public right-of-way, the following criteria shall be considered:

- (a) Retain and repair, where possible, historic mechanical systems in their original location, where possible.

Staff Analysis: This requirement is not applicable to the new ADU.

- (b) New mechanical systems shall be placed on secondary facades only and shall not be placed on, nor be visible from, primary facades.

Staff Analysis: The mechanical systems shall be reviewed at permitting to ensure this requirement is satisfied.

- (c) New mechanical systems shall not damage, destroy or compromise the physical integrity of the structure and shall be installed so as to cause the least damage, invasion or visual obstruction to the structure's building materials, or to its significant historic, cultural or architectural features.

Staff Analysis: The new mechanical systems shall be ground-mounted and shall be reviewed at permitting.

(13) The site should take into account the compatibility of landscaping, parking facilities, utility and service areas, walkways and appurtenances. These should be designed with the overall environment in mind and should be in keeping visually with related buildings and structures.

Staff Analysis: The proposal complies with maximum lot coverage and impermeable surface totals for the MF-20 zoning district. Parking is proposed at the rear of the property with vehicular access from the alley. In historic districts, this is the preferable location for parking where it is the least visible from the street. In addition, the parking configuration is consistent with the original site layout. Overall, the design of the proposed structure and site are compatible with visually related properties in the Southeast Local Historic District.

B. In considering certificates of appropriateness for new buildings or structures, which will have more than one primary facade, such as those on corner lots facing more than one street, the HRPB shall apply the visual compatibility standards to each primary facade.

Staff Analysis: Not applicable, the ADU only has one primary façade fronting South L Street.

Historic Preservation Design Guidelines (Wood Frame Vernacular Architectural Style)

The City’s Historic Preservation Design Guidelines provide a guide to architectural styles found within the historic districts. The proposal generally adheres to the design features of Wood Frame Vernacular structures. An excerpt of the Wood Frame Vernacular architectural style section of the Design Guidelines has been included as **Attachment E**. This architectural style was described as being built by local craftsman, using locally available materials, and were built to take advantage of (or protect from) the specific environment in which they were built. Ultimately, this meant that the buildings were utilitarian in nature and had very little ornamentation or detailing, other than those elements that had an actual use.

In Lake Worth Beach, Wood Frame Vernacular structures were typically one or two stories, and were built on a foundation of multiple masonry piers. The siding could be horizontal (shiplap, clapboard, weatherboard, single) or vertical (board on batten, weatherboard). Roof types were front gable, side gable, or hipped roofs that were clad in wood shingles, composition shingles, or metal shingles. Roof overhangs generally extended past the walls of the house to provide shade from the sun. Exposed rafter ends and brackets under the eaves were common.

A front porch occasionally extended across the length of the house. Wood doors generally featured glazed panels. Windows were either casement or double-hung sash and made of wood and usually had multiple lights (window panes) in both the top and bottom sash. Windows were often large for maximum ventilation and had plain wood window surrounds, with sills that sloped away from the house to shed water and ornamentation was limited to those elements that were actually used as part of the structure: shingle accents or a slotted vent in the gable end, porch columns, roof brackets or braces.

Staff Analysis: The proposed design utilizes regularized window sizes, appropriate material usage, and has a balanced layout. The ADU as designed utilizes elements of Wood Frame Vernacular architecture commonly found in early twentieth-century residential structures throughout Lake Worth Beach and the resulting drawings propose a compatible design for the South Palm Park Local Historic District. Staff has recommended several conditions of approval to further ensure visual compatibility.

PUBLIC COMMENT:

At the time of publication of the agenda, staff has not received written public comment.

CONCLUSION:

The proposed application, as conditioned, is consistent with the City’s Land Development Regulations and the structure’s design is generally consistent with the Wood Frame Vernacular architectural style and the Historic Preservation Design Guidelines requirements. Therefore, staff recommends approval with conditions, listed below, to allow construction of a new ADU.

Conditions of Approval

- 1) The windows shall utilize historically compatible trim, sill, and mullion details, subject to staff review at permitting.

- 2) All proposed exterior entry doors shall be compatible with the Wood Frame Vernacular architectural style, subject to staff review at permitting.
- 3) All paired windows shall utilize a 4"-6" wide mullion between windows. Wood or cementitious trim shall be utilized to replicate the appearance of historic window details.
- 4) The windows shall be recessed a minimum of three inches (3") in the wall, and shall not be installed flush with the exterior wall.
- 5) All divided-light patterns shall be created utilizing exterior raised applied triangular muntins. Exterior flat muntins or "grills between the glass" shall not be permitted.
- 6) The windows shall utilize glazing that is clear, non-reflective, and without tint. Low-E (low emissivity) is allowed but the glass shall have a minimum 60% visible light transmittance (VLT) measured from the center of glazing. Glass tints or any other glass treatments shall not be combined with the Low-E coating to further diminish the VLT of the glass.
- 7) The doors may utilize clear glass, frosted, obscure glass, or glass with a Low-E coating (60% minimum VLT). Tinted, highly reflective, grey, colored, etched, or leaded glass shall not be used.
- 8) The porch posts, decorative vents, and panels shall be constructed out of wood or a wood-look cementitious material and shall be compatible with the Wood Frame Vernacular architectural style, subject to staff review at permitting.
- 9) All improved surfaces shall be setback a minimum of 1'-0" from side property lines to allow for adequate water runoff within the property boundary.
- 10) A landscape plan shall be submitted at permitting, subject to staff review.

POTENTIAL MOTION:

I MOVE TO **APPROVE** HRPB Project Number 21-00100216 with staff recommended conditions for a Certificate of Appropriateness (COA) for the new construction of a ± 540 square foot accessory dwelling unit located at **220 South L Street**, based upon the competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements.

I MOVE TO **DENY** HRPB Project Number 21-00100216 for a Certificate of Appropriateness (COA) for the new construction of a ± 540 square foot accessory dwelling unit located at **220 South L Street**, because the applicant has not established by competent substantial evidence that the application complies with the City of Lake Worth Beach Land Development Regulation and Historic Preservation requirements.

ATTACHMENTS:

- A. Property File Documentation
- B. Condemnation Letter
- C. Current Photos
- D. Proposed Architectural Plans
- E. LWBHPDG – Wood Frame Vernacular



MEMORANDUM DATE: September 8, 2021

AGENDA DATE: September 15, 2021

TO: Chair and Members of the Historic Resources Preservation Board

RE: **1029 North Palmway**

FROM: Jordan Hodges, Senior Preservation Coordinator
Abraham Fogel, Preservation Planner
Department for Community Sustainability

TITLE: **HRPB Project Number 21-12400003:** An Appeal of the Development Review Official's decision regarding the expansion of a legal non-conforming garage apartment at 1029 North Palmway; PCN #38-43-44-21-15-298-0090. The subject property is located in the Single-Family Residential (SF-R) Zoning District and is a contributing resource to the Northeast Lucerne Local Historic District.

Owner: Brian Sher
315 North Ocean Breeze
Lake Worth Beach, FL 33460

Applicant: Geoffrey Harris
Geoffrey B. Harris Architecture

PROPERTY DEVELOPMENT HISTORY:

The single-family structure fronting North Palmway was constructed c. 1940 in a Masonry Vernacular architectural style. Coral Gables architect, H. George Fink, designed the structure at a cost of \$4,500. The architectural drawings illustrate a single-story single-family structure of masonry construction with a smooth stucco exterior finish and a gable tile roof. The garage apartment, fronting 11th Avenue North, was constructed c. 1949 in a Masonry Vernacular architectural style. The structure was constructed at a cost of \$3,500. The architectural drawings illustrate a single-story garage apartment structure with a smooth stucco exterior finish, hip roof, and casement windows. The floor plan illustrates an apartment, a single-car garage, and rear laundry facilities. The original architectural drawings for both structures are included as **Attachment A**. Recent improvements include roof replacement in 2017 and window and door replacement in 2018 that were approved by staff administratively. Current photos of the property are included as **Attachment B**.

PROJECT BACKGROUND:

- On May 4, 2021, Code Compliance Case #21-1843 was established based on a citizen complaint. The property was cited for the conversion of the garage stall in the detached rear building into additional living space. Unpermitted exterior alterations included removal of the driveway and garage door. The property owner at the time was Joseph Resendiz.

- On May 6, 2021, the property was sold to Brian Sher.
- On June 10, 2021, in response to an inquiry, staff emailed Mr. Sher to indicate that the expansion of the legal non-conforming apartment into the garage stall was in conflict with the City's Land Development Regulations. The property owner was informed that a zoning verification request should be submitted if he sought to appeal this determination. An appeal cannot be pursued without a formal zoning determination or application in which a decision is being challenged.
- On June 29, 2021, the property owner's agent, Mr. Harris, emailed staff to ask whether a zoning verification request was required and what other options were available.
- On June 29, 2021, staff replied to Mr. Harris to provide 2 options that offered the option to pursue an appeal:
 - Option 1: Zoning verification request
 - Option 2: Applying for a Certificate of Appropriateness (COA)
- On July 9, 2021, a COA Application and associated plans were submitted.
- On July 22, 2021, the Development Review Official's (DRO) determination was issued. The letter indicated that the proposal to expand the +/- 300 square foot apartment into the +/-240 square foot garage stall is in violation of LDR Section 23.5-3(e)(2). The DRO's zoning determination is included as **Attachment C**. Staff also outlined the procedure to appeal the decision.
- On July 19, 2021, Code Compliance Case #21-1843 was established to issue the violations to the new property owner.
- On August 4, 2021, Mr. Harris submitted the notice of appeal and the basis of appeal, included as **Attachment D**.
- The appeal of the DRO decision was scheduled for the next available hearing.

PROJECT DESCRIPTION:

The applicant, Geoffrey Harris, is appealing a decision by the City's Development Review Official (DRO) denying the request to expand the +/- 300 square foot non-conforming apartment into the +/-240 square foot garage stall. The subject property is a 50'x135' (6,750 square feet) platted lot of record located on the southwest corner of North Palmway and 11th Avenue North, in Lake Worth Beach. The subject property is located within the Single-Family Residential (SF-R) zoning district and retains a Future Land Use (FLU) designation of Single Family Residential (SFR).

The application will require the following approval:

1. **Appeal** interpreting the City's Land Development Regulations to allow the expansion of the legal non-conforming garage apartment.

STAFF RECOMMENDATION:

The DRO denied the request to expand the +/- 300 square foot non-conforming apartment into the +/-240 square foot garage stall. Staff recommends that the Board interpret LDR Section 23.5-3(e)(2) in a manner consistent with the DRO's decision based on the zoning analysis in the following section.

PROPERTY DESCRIPTION:

Owner	Brian Sher
General Location	Southwest corner of North Palmway and 11 th Avenue North
PCN	38-43-44-21-15-298-0090
Zoning	Single-Family Residential (SF-R)
Existing Land Use	Single Family Residence
Future Land Use Designation	Single Family Residential (SFR)



ZONING ANALYSIS:

The subject property is located in the Single-Family Residential (SF-R) zoning district. The maximum density allowed under the current Land Development Regulations in the SF-R zoning district, for a 50' x 135' parcel (6,750 square foot), is one (1) unit. The existing two (2) units are considered existing legal non-conformities and are grandfathered subject to the regulations in LDR Section 23.5-3, *Nonconformities*:

(e) Nonconforming uses of building and structures. A nonconforming use of a major building or structure is an activity primarily occurring within such building or structure, but which may also include the use of surrounding premises including land or nearby minor buildings. Such activity shall have been lawfully permitted at the time of its inception. The decision of the development review officer as to whether a nonconforming use is a nonconforming use of land or a nonconforming use of a building or structure, as each is described in this section, shall be final unless reversed by the planning and zoning board or historic resources preservation board, as applicable. Such nonconforming use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 1. No existing building or structure devoted to a use not permitted by these LDRs may be extended, enlarged, reconstructed, moved, or structurally altered except as necessary to change the use of the building or structure to a use permitted by these LDRs or except to change the building or structure to a conforming building or structure.*
- 2. No nonconforming use of a structure may be extended to any portion of a building or structure not previously put to such use prior to the adoption of the regulation giving rise to the nonconformity. Further, such use shall not be extended to occupy any land outside such building or structure.***
- 3. In the event a nonconforming use of a building or structure is discontinued for any period however brief and replaced by a permitted use, the nonconforming use shall not be resumed.*
- 4. When a nonconforming use of a structure or building ceases for six (6) consecutive months, or for eighteen (18) months during any three-year period, and is not replaced by a permitted use, the structure or building shall not thereafter be used except in conformance with the regulations of the district in which it is located. The issuance or existence of a required license, permit or other governmental authorization to conduct such nonconforming use shall not mean that the use has not ceased, but the lack of such license, permit or authority shall create a rebuttable presumption that the use has ceased. Actions or activities of the owner of a property attempting to lease or rent the property shall not be considered a use of the property in determining whether a nonconforming use of a structure or building has ceased.*
- 5. Where nonconforming use status applies to a building or structure, removal or destruction of the building or structure shall eliminate the nonconforming use, including any and all related activities on the surrounding premises including land or nearby minor buildings. Destruction for the purpose of this section is defined as damage to an extent of more than fifty (50) percent of the current replacement value of the building or structure, as determined by the building official.*

As the second unit is a legal non-conforming use in the Single-Family Residential zoning district, the unit may not be extended to any portion of the building or structure not previously put to such use prior to the adoption of the regulation giving rise to the nonconformity. Therefore, the proposal to expand the +/- 300 square foot apartment into the +/-240 square foot garage stall is in violation of LDR Section 23.5-3(e)(2). The application plan set is included as **Attachment E**.

HISTORIC RESOURCES PRESERVATION BOARD (HRPB) AUTHORITY:

Pursuant to LDR Section 23.2-17, *Appeals*:

- a) *To planning and zoning board and historic resources preservation board. An applicant may appeal a final decision of the development review official to the planning and zoning board or the historic resources preservation board, as applicable, within thirty (30) days of the official's written decision.* The appeal shall be in writing on a form provided by city staff and accompanied by the applicable fee and filed with the development review official. The appeal shall be heard at a quasi-judicial hearing and be based on the record made in the proceeding below.

As indicated LDR Section 23.2-17(a), the Historic Resources Preservation Board (HRPB) has the authority to review appeals of a final decision of the DRO.

PUBLIC COMMENT:

At the time of publication of the agenda, staff has received no public comment.

CONCLUSION:

As Section 23.5-3, *Nonconformities* of the City's LDRs expressly states that "No nonconforming use of a structure may be extended to any portion of a building or structure not previously put to such use" and based on the data and analysis in this report, staff recommends that the Board interpret LDR Section 23.5-3(e)(2) in a manner consistent with the DRO's decision.

POTENTIAL MOTION:

I MOVE TO **APPROVE** HRPB Project Number 21-12400003: An Appeal of the Development Review Official decision, interpreting the City's Land Development Regulations to allow the expansion of the legal non-conforming garage apartment. The project will require subsequent Board review if exterior alterations are proposed.

I MOVE TO **DENY** HRPB Project Number 21-12400003: An Appeal of the Development Review Official decision, interpreting the City's Land Development Regulations to disallow expansion of the legal non-conforming garage apartment.

ATTACHMENTS

- A. Property File Documentation
- B. Current Photos
- C. DRO Decision
- D. Notice of Appeal and Basis of Appeal
- E. Application Plan Set



MEMORANDUM DATE: September 8, 2021

AGENDA DATE: September 15, 2021

TO: Chair and Members of the Historic Resources Preservation Board

RE: **226 South L Street**

FROM: Jordan Hodges, Senior Preservation Coordinator
Abraham Fogel, Preservation Planner
Department for Community Sustainability

TITLE: HRPB Project Number(s) 21-00100213 and 21-01600001: A Certificate of Appropriateness (COA) for the construction of a new ± 840 square foot accessory structure and a historic waiver to exceed the accessory structure limitation for the property located at 226 South L Street; PCN #38-43-44-21-15-091-0040. The subject property is located within the Low-Density Multi-Family Residential (MF-20) zoning district and is a contributing resource to the Southeast Lucerne Local Historic District.

OWNER: Anne Fairfax Ellett
Fairfax, Sammons & Partners, LLC
214 Brazilian Ave
Palm Beach, FL 33480

PROPERTY DEVELOPMENT HISTORY:

The single-family structure at 226 South L Street was constructed c.1925 in a Frame Vernacular style. The subject property is a simple expression of the style with few decorative architectural elements. Original features that define the style of the building include the rectangular floor plan, gable roof, overhanging eaves with exposed rafter tails, and shiplap siding. Features that have been altered overtime include the window types, sizes, and locations, and the roofing materials. The property file documentation is included as **Attachment A**.

The building sat largely vacant for many years, with rehabilitation proposals reviewed by the HRPB in 2006 and 2013. The majority of planned improvements did not materialize, aside from the partial demolition of a rear addition. In May 2016, the current property owner received approval for a new two-story +/- 1,238 square foot addition, a new one-story +/- 252 square foot detached single car garage, exterior alterations, a historic waiver to allow the front stoop to encroach into the front setback, and a pre-construction approval for a historic preservation ad valorem tax exemption. Additionally, the application included a request for a variance from the building lot coverage requirements, which was not approved.

In January of 2017, a revision to the scope of work was approved for the tax exemption application that greatly reduced the size of the addition and eliminated the construction of the garage. The revised

application proposed replacing the structure’s windows, doors, roof, and siding and included the construction of a +/- 205 square foot laundry, storage, and pergola addition on an elevated rear deck. The property also received a full interior renovation, including upgrades to all mechanical and plumbing systems. The revision application was approved, and the historic preservation tax exemption was revised to reflect the new scope of work.

At the July 14, 2021 HRPB meeting, the Board reviewed conceptual plans for a detached two-story accessory structure. The accessory structure, as proposed, will require a historic waiver to exceed the accessory structure square footage limitation provided in the zoning code. The Board recommended that the project return as a formal item and indicated the historic waiver could be useful in discouraging two-story additions to small historic structures by allowing larger accessory structures. The property owner’s Justification Statement provided during the conceptual review is provided as **Attachment B**. Current photos of the property are included as **Attachment C**.

PROJECT DESCRIPTION

The property owner, Anne Fairfax Ellett, is requesting approval for the construction of a new ± 840 square foot accessory structure and a historic waiver to exceed the accessory structure limitation. The subject property is a 25’x135’ (3,375 square foot) platted lot of record located on the east side of South L Street between 2nd Avenue South and 3rd Avenue South, in Lake Worth Beach. The subject property is located within the Low-Density Multi-Family Residential (MF-20) zoning district and retains a Future Land Use (FLU) designation of Medium Density Residential (MDR).

The application will require the following approvals:

1. **Certificate of Appropriateness (COA)** for the construction of a new accessory structure
2. **Historic Waiver (HW)** to exceed the accessory structure limitation provision

STAFF RECOMMENDATION

Staff recommends approval with conditions for a COA to construct the new accessory structure as the proposed building is sited in an appropriate location and designed in a historically compatible manner that utilizes appropriate materials that are in compliance with the City’s Historic Preservation Design Guidelines. Staff recommends that the HRPB review the Historic Waiver criteria to determine if the accessory structure area limitation provision may be waived.

PROPERTY DESCRIPTION

Owner	Anne Fairfax Ellett
General Location	East side of South L Street between 2 nd Avenue South and 3 rd Avenue South
PCN	38-43-44-21-15-091-0040
Zoning	Low-Density Multi-Family Residential (MF-20)
Existing Land Use	Single Family Residence
Future Land Use Designation	Medium Density Residential (MDR)



SITE ANALYSIS:

Surrounding Properties

The site is surrounded by similar residential structures with similar Zoning and FLU designations, and thus, are found to be compatible with the existing and proposed residential use on the subject site. The following summarizes the nature of the surrounding properties adjacent to the subject site:

NORTH: Immediately north of the subject site is a single-family structure. This parcel contains a FLU designation of MDR and a zoning designation of MF-20.

SOUTH: Immediately south of the subject site is a surface parking lot. This parcel contains a FLU designation of MDR and a zoning designation of MF-20.

EAST: East of the subject site across the rear alley is a single-family structure. This parcel contains a FLU designation of MDR and a zoning designation of MF-20.

WEST: West of the subject site across South L Street is a single-family structure and a detached accessory dwelling unit. This parcel contains a FLU designation of MDR and a zoning designation of MF-20.



LAND DEVELOPMENT CODE REQUIREMENTS:

Land Development Code Requirements		
Code References	23.3-10 (MF-20); 23.4-10 (Off-street parking)	
	Required	Existing/Proposed
Lot Area	5,000 sf.	3,375 sf. (Platted Lot of Record)
Lot Width	50'-0"	25'-0" (Platted Lot of Record)
Building Height	24'-0" (2 stories – accessory structure)	23'-0" (2 stories)
Setback - Side	North: 5'-0" (Min. 5' for 2-story buildings) South: 5'-0" (Min. 5' for 2-story buildings)	North: 5'-0" South: 5'-0"
Setback - Rear	5'-0" (5' for accessory structures)	10'-0"
Impermeable Surface Total ⁽¹⁾	65.0% total (2,183.75 sf.)	41.98% (1,417 sf.)
Front Yard Impermeable Surface Total	900 sf. or 75% pervious and landscaped	87%.00 (261 sf.)
Maximum Building Coverage ⁽¹⁾	45.0% maximum (1,518.75 sf.)	30.74% (1,037.5 sq. ft.)
Floor Area Ratio ⁽¹⁾	0.60 maximum (2,025 sf.)	0.30 (1,037.5 sq. ft.)

Accessory Structure Limitation	247 sf. (40% of the principal structure area or 1,000 sf., whichever is less)	840 sf. (136.03% of the principal structure)
Parking	Single-family detached on lot less than 50 ft. wide: 1 space per unit	1 space
Parking Dimensions	9'x28' perpendicular or angled off alley	9'x28' perpendicular off alley

(1)- Small lot (lots up to 4,999 square feet)

The proposed architectural plans are provided as **Attachment D**. The application, as proposed, meets the minimum off-street parking requirements and complies with all impermeable surface requirements, building coverage allotments, and required building setbacks with the exception of the accessory structure limitation provision. As outlined in the site data table, the proposed accessory structure is 136% of the principal structure area which is in conflict with LDR Section 23.3-10. The applicant has requested relief from this code limitation with the use of a historic waiver. The historic waiver request is evaluated in the Historic Waiver Analysis on pages 11-12.

The applicant’s calculations do not distinguish between the buildings (principal and accessory) and structures (rear raised deck). Staff has included a condition of approval that the site data calculations be revised for permitting to ensure compliance with the development standards. Any proposed site improvements such as pavers and gravel shall be included in these coverage calculations.

Existing Non-Conformities

The existing property is a nonconforming lot of record that does not comply with the minimum lot area and lot width provided within Section 23.3-10 of the Lake Worth Beach Land Development Regulations. Pursuant to LDR Section 23.5-3(c), Nonconforming lots of record:

*A nonconforming lot of record is a platted lot which by width, depth, area, dimension or location does not meet current standards set forth in these LDRs. **In any zoning district in which single-family dwelling units are permitted, notwithstanding limitations imposed by other provisions of these LDRs, a single-family dwelling unit and customary accessory buildings may be erected on any single nonconforming lot of record so platted on or before January 5, 1976.***

The subject property was platted prior to January 5, 1976. Therefore, single-family development and customary accessory buildings may be erected.

Accessory Structure

Although the property is zoned multi-family, the parcel does not meet the minimum lot width or area provisions required to accommodate more than a single-family structure and an accessory structure. Accessory structures are customarily incidental and subordinate to the principal building or use. Examples of accessory structures include but are not limited to detached garages, tool sheds, pool cabanas, and

guesthouses. The proposed accessory structure features a garage on the ground floor and habitable living space on the second floor, consisting of a bedroom, dressing room, bathroom, and wet bar. As the parcel does not meet the minimum lot provisions necessary to accommodate a multifamily use, the living space will not be permitted to function independently from the existing single-family residence. The accessory structure will not be eligible for a Lake Worth Beach rental license and will not be permitted to have separate utility connections. Staff has included conditions of approval regarding the use restrictions for the proposed accessory structure.

HISTORIC PRESERVATION ANALYSIS

Certificate of Appropriateness

All new construction within a designated historic district shall be visually compatible. New buildings should take their design cues from the surrounding existing structures, using traditional or contemporary design standards and elements that relate to existing structures that surround them and within the historic district as a whole. Building design styles, whether contemporary or traditional, should be visually compatible with the existing structures in the district.

The massing and placement of the accessory structure is similar to many surviving examples of rear two-story garage-apartments from the City's early development history found throughout the historic districts. The building is designed with a flared Dutch gable roof, a projecting second story balcony, an exterior staircase, decorative divided light windows, and a combination of stucco and wood lap siding. The Land Development Regulations (LDRs) provide general guidelines for granting COAs and specific visual compatibility guidelines for new construction within historic districts. The guidelines and staff's analysis to the criteria are provided below. The property owner has submitted responses to the guidelines, included in this report as **Attachment E**.

Section 23.5-4(K)(1) *General guidelines for granting certificates of appropriateness;*

1. *In general.* In approving or denying applications for certificates of appropriateness, the city shall, at a minimum, consider the following general guidelines:

- A. What is the effect of the proposed work on the landmark or the property upon which such work is to be done?

Staff Analysis: The proposed accessory structure will have no direct impact on the existing contributing resource, but will have an indirect visual effect. The application proposed to construct a new two-story accessory building with garage space on the ground floor and habitable living space on the second floor.

- B. What is the relationship between such work and other structures on the landmark site or other property in the historic district?

Staff Analysis: The proposed work will have a minor visual effect on the surrounding district. It is staff's analysis that the proposal will not adversely impact neighboring structures within the district as the structure's architectural style, massing, and placement are largely compatible and unobtrusive.

- C. To what extent will the historic, architectural, or archaeological significance, architectural style, design, arrangement, texture, materials and color of the landmark or the property be affected?

Staff Analysis: The physical arrangement of the parcel will be altered with the construction of a new accessory building, but the contributing resource at the front of the lot will not be altered.

- D. Would denial of a certificate of appropriateness deprive the property owner of reasonable beneficial use of his property?

Staff Analysis: The applicants contend that the additional space the accessory structure will provide is necessary for reasonable use of the property as the existing historic resource is very small and inadequate for today's living expectations.

- E. Are the applicant's plans technically feasible and capable of being carried out within a reasonable time?

Staff Analysis: The plans are feasible and could be carried out in a reasonable timeframe.

- F. Are the plans (i) consistent with the city's design guidelines, once adopted, or (ii) in the event the design guidelines are not adopted or do not address the relevant issue, consistent as reasonably possible with the applicable portions of the United States Secretary of the Interior's Standards for Rehabilitation then in effect?

Staff Analysis: The proposal is largely compatible with the Lake Worth Beach Historic Preservation Design Guidelines section on Frame Vernacular architecture and the considerations provided for new construction.

- G. What are the effects of the requested change on those elements or features of the structure which served as the basis for its designation and will the requested changes cause the least possible adverse effect on those elements or features?

Staff Analysis: The existing historic resource on the property will not be directly affected by the construction of the proposed accessory structure.

Section 23.5-4(K)(3) Additional guidelines for new construction and for additions (as applicable); visual compatibility.

- A. In approving or denying applications for certificates of appropriateness for new construction, the City shall also, at a minimum, consider the following additional guidelines which help to define visual compatibility in the applicable property's historic district:

- (1) The height of proposed buildings shall be visually compatible and in harmony with the height of existing buildings located within the historic district.

Staff Analysis: The proposed building is consistent with the height of other two-story buildings in the neighborhood and is in harmony and visually compatible with other historic properties in the district.

- (2) The relationship of the width of the building to the height of the front elevation shall be visually compatible and in harmony with the width and height of the front elevation of existing buildings located within the district.

Staff Analysis: Although the building is set to the rear of the parcel behind the existing cottage, the width and height of the front elevation, as visible from South L Street, is in scale with surrounding properties.

- (3) For landmarks and contributing buildings and structures, the openings of any building within a historic district should be visually compatible and in harmony with the openings in buildings of a similar architectural style located within the historic district. The relationship of the width of the windows and doors to the height of the windows and doors in a building shall be visually compatible with buildings within the district.

Staff Analysis: The proposed fenestration is in harmony with visually related buildings of similar architectural styles. The proportion and placement of the windows and doors is visually compatible with the proposed architectural style of the building and with the existing historic resource on the parcel.

- (4) The relationship of solids to voids in the front facade of a building or structure shall be visually compatible and in harmony with the front facades of historic buildings or structures located within the historic district. A long, unbroken facade in a setting of existing narrow structures can be divided into smaller bays which will complement the visual setting and the streetscape.

Staff Analysis: Each façade features a rhythm of solids to voids with window and door openings that avoid long, unbroken walls. The design utilizes an overhead garage door on the east façade and outswing carriage doors on the west façade to further enhance its use and overall design.

- (5) The relationship of a building to open space between it and adjoining buildings shall be visually compatible and in harmony with the relationship between buildings elsewhere within the district.

Staff Analysis: The proposed building complies with all setback requirements within the zoning code and is spaced appropriately with surrounding properties.

- (6) The relationship of entrance and porch projections to sidewalks of a building shall be visually compatible and in harmony with the prevalent architectural styles of entrances and porch projections on buildings and structures within the district.

Staff Analysis: The accessory structure is proposed to the rear of the property and does not directly address South L Street. However, the rear façade adequately addresses the alley with a garage bay, a masonry site wall and a pedestrian gate, which is appropriate for rear facades.

- (7) The relationship of the materials, texture and color of the façade of a building shall be visually compatible and in harmony with the predominant materials used in the buildings and structures of a similar style located within the Southeast Lucerne Local Historic District.

Staff Analysis: The building is proposed to utilize stucco siding on the ground floor and wood lap siding on the second floor. Dimensional asphalt shingle is proposed for the roofing material. Overall, the materials are in harmony with the predominate materials used on the existing residence and with visually related structures within the Southeast Lucerne Local Historic District.

- (8) The roof shape of a building or structure shall be visually compatible and in harmony with the roof shape of buildings or structures of a similar architectural style located within the Southeast Lucerne Local Historic District.

Staff Analysis: The building is designed with a flared Dutch gable roof, which is a more elaborate roof system than typically seen on secondary accessory structures. Although the design is somewhat atypical, the roof system is compatible and complimentary with the overall design of the building.

- (9) Appurtenances of a building, such as walls, wrought iron, fences, evergreen, landscape masses and building facades, shall, if necessary, form cohesive walls of enclosures along a street to insure visual compatibility of the building to the buildings and places to which it is visually related.

Staff Analysis: The design utilizes a masonry site wall and gates to form a compatible and cohesive enclosure along the alley.

- (10) The size and mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible and in harmony with the buildings and places to which it is visually related.

Staff Analysis: The size, massing, and other visual qualities of the proposed accessory structure are compatible and in harmony with visually related properties.

- (11) A building shall be visually compatible and in harmony with the buildings and places to which it is visually related in its directional character: vertical, horizontal or non-directional.

Staff Analysis: The applicant has provided renderings showing the building in relation to the existing residence, and a streetscape elevation depicting the building's visible portions as viewed from South L Street. The building's height and massing are compatible with the existing residence and other residential structures on the block.

- (12) In considering applications for certificates of appropriateness to install mechanical systems which affect the exterior of a building or structure visible from a public right-of-way, the following criteria shall be considered:

- (a) Retain and repair, where possible, historic mechanical systems in their original location, where possible.

Staff Analysis: Not applicable, the application proposes new construction.

- (b) New mechanical systems shall be placed on secondary facades only and shall not be placed on, nor be visible from, primary facades.

Staff Analysis: The mechanical system placement will be reviewed at permitting to ensure this requirement is satisfied.

- (c) New mechanical systems shall not damage, destroy or compromise the physical integrity of the structure and shall be installed so as to cause the least damage, invasion or visual obstruction to the structure's building materials, or to its significant historic, cultural or architectural features.

Staff Analysis: The mechanical system placement will be reviewed at permitting to ensure this requirement is satisfied.

- (13) The site should take into account the compatibility of landscaping, parking facilities, utility and service areas, walkways and appurtenances. These should be designated with the overall environment in mind and should be in keeping visually with related buildings and structures.

Staff Analysis: The proposal successfully incorporates sheltered parking, adequate vehicle backout, walkways, and site walls to create a visually compatible environment.

B. In considering certificates of appropriateness for new buildings or structures, which will have more than one primary facade, such as those on corner lots facing more than one street, the HRPB shall apply the visual compatibility standards to each primary facade.

Staff Analysis: The structure is sited on the rear of the parcel, but portions will remain visible from South L Street which have been reviewed for compliance with the visual compatibility standards.

Historic Preservation Design Guidelines Analysis

The Lake Worth Beach Historic Preservation Design Guidelines identify 10 primary historic architectural styles that make up the majority of the City's historic resources. Chapter 5; Architectural Styles, illustrates and describes the elements that define each style. In addition to defining the physical characteristics of each primary style, a narrative is provided that chronicles the history and context of each style. The Frame Vernacular architectural style section is included as **Attachment F**.

Staff Analysis: The proposed accessory structure is largely compatible with the elements of Frame Vernacular architecture as outlined in the Design Guidelines. The design utilizes a two-story regular box form topped with a flared Dutch gable roof with broad overhanging eaves. The base of the building is clad in stucco and the second floor, which hosts the living quarters, is clad in a wood lap siding. The building features regularized and balanced fenestration, utilizing divided light hung windows and French doors. The rear of the building, fronting the alley, incorporates six-foot-high site walls to form a cohesive enclosure.

Historic Waiver Analysis

Pursuant to LDR Section 23.3-10(c)(8) *Accessory Structures*:

"All accessory structures shall not exceed 40% of the gross floor area of the principal structure or one thousand (1,000) square feet whichever is less, excluding approved prefabricated metal storage buildings totaling no more than one hundred forty-four (144) square feet."

The existing single-family structure's gross area is 617.5 square feet, therefore the maximum allowed square footage of an accessory structure at the property is 247 square feet. The current request is for an accessory structure totaling 840 square feet, which is 136% of the gross area of the existing single-family structure.

Pursuant to LDR Sec. 23.5-4(r)(2) *Incentives for improvements to designated landmark and contributing properties*:

"Waiver or modification of certain land development regulations. In addition, the HRPB may waive or modify certain land development regulation requirements. Waiver or modification may occur concurrently with issuance of a certificate of appropriateness or upon initial designation of a landmark or of a historic

district. Waivers may include setbacks, lot width, area requirements, height limitations, open space requirements, vehicular parking and circulation requirements, design compatibility requirements and similar development regulations. No waiver shall be permitted for permitted land uses, density or environmental and health standards.”

Pursuant to City of Lake Worth Beach LDR Sec. 23.5-4(r)(2), the HRPB may grant historic waivers if the request meets the criterion listed in the section below. Due to the building’s contributing designation within the Southeast Lucerne Local Historic District, the application is eligible for relief from certain land development requirements provided in Sec. 23.3-10, should the Board determine that the criterion is sufficiently met. The applicant has provided a Justification Statement for the request, included in this report as **Attachment G**.

In accordance with City of Lake Worth Beach LDR Sec. 23.5-4(r)(2), before granting a waiver or modification, the HRPB must find that:

- (A) The waiver or modification is in harmony with the general appearance and character of the neighborhood or district.

Staff Analysis: The proposed accessory structure’s placement, scale, and overall architectural design is intended to replicate the design and function of many two-story rear garage apartments established during the City’s early development in the 1920’s. The building’s design is in harmony with the general appearance and character of the district.

- (B) The project is designed and arranged in a manner that minimizes aural and visual impact on adjacent properties while affording the owner reasonable use of the land.

Staff Analysis: The design and arrangement of the building does not have a substantial aural or visual impact on adjacent properties and affords the property owner reasonable use of the land.

- (C) The waiver or modification will not injure the area or otherwise be detrimental to the public health, safety or welfare.

Staff Analysis: Utilizing a historic waiver to permit a two-story accessory structure will not be more detrimental to the surrounding area than developing a two-story addition that is in full compliance with the LDRs. Staff does not find that the waiver to allow the would be detrimental to public health, safety, or welfare.

- (D) The waiver or modification is the minimum necessary to allow reasonable use of the property while preserving its historical attributes.

Staff Analysis: The applicant contends in their Justification Statement that the historic waiver is the minimum necessary to allow reasonable use of the property while also preserving the character of the existing historic cottage.

PUBLIC COMMENT

At the time of publication of the agenda, staff has received no public comment.

CONCLUSION

The proposed accessory structure is sited in an appropriate location and designed in a historically compatible manner utilizing appropriate materials that are in compliance with the City's Historic Preservation Design Guidelines. Therefore, Staff recommends approval for the Certificate of Appropriateness for new construction. Staff recommends that the HRPB review the Historic Waiver criteria to determine if the accessory structure area limitation provision may be waived. Should the Board approve both requests, staff recommends the following conditions.

Conditions of Approval:

Certificate of Appropriateness

COA#21-00100213

1. The windows shall be recessed in the walls and shall utilize a historically compatible trim and sill detail.
2. All divided light patterns shall be created utilizing exterior raised applied muntins. External flat muntins or "grills between the glass" shall not be permitted.
3. All glazing shall be clear, non-reflective, and without tint. Low-E (low emissivity) is allowed but the glass shall have a minimum 60% visible light transmittance (VLT) measured from the center of glazing. Glass tints or any other glass treatments shall not be combined with the Low-E coating to further diminish the VLT of the glass.
4. The asphalt shingles shall be dimensional or architectural shingles. Three-tab shingles shall not be permitted.
5. The overhead garage door shall utilize a vertical plank, recessed panel, or flush panel design. Raised panel doors shall not be permitted.
6. All new improved surfaces shall be set back a minimum of 1'-0" from side property lines, subject to staff review at permitting.
7. The accessory structure shall not be utilized as an accessory dwelling unit (ADU).
8. The accessory structure shall not have kitchen facilities as defined in the City's Land Development Regulations. Future alterations that would lead to the conversion of the structure to an accessory dwelling unit (ADU) shall be prohibited. The accessory structure shall function as an extension of and subordinate to the single-family use.
9. The accessory structure shall not be granted an additional utility meter from the Public Utilities Department and shall not be issued a rental license from the Lake Worth Beach Business License Division.

Historic Waiver (Accessory Structure Square Footage Limitation)

HRPB#21-01600001

1. The historic waiver to allow an accessory structure at 136% of the square footage area of the principal structure shall be project specific, and shall only apply to the scope of work approved

under this application. Should any structures on the parcel be destroyed, relocated, or demolished, any future development for the parcel shall adhere to the current City of Lake Worth Beach Land Development Regulations.

POTENTIAL MOTION

I MOVE TO **APPROVE** HRPB Project Number(s) 21-00100213 and 21-01600001, with staff recommended conditions, for a Certificate of Appropriateness for the construction of a new 840 sq. ft. accessory structure and a historic waiver from the accessory structure area limitation provision for the property located at 226 South L Street, based upon the competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements.

I MOVE TO **DENY** HRPB Project Number(s) 21-00100213 and 21-01600001 for a Certificate of Appropriateness for the construction of a new 840 sq. ft. accessory structure and a historic waiver from the accessory structure area limitation provision for the property located at 226 South L Street, based upon the competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements.

ATTACHMENTS

- A. Property File Documentation
- B. Conceptual Review Justification Statement
- C. Current Photos
- D. Architectural Plan Set
- E. Applicant Justification – COA
- F. LWBHPDG Frame Vernacular
- G. Applicant Justification – Historic Waiver



MEMORANDUM DATE: September 8, 2021

AGENDA DATE: September 15, 2021

TO: Chair and Members of the Historic Resources Preservation Board

RE: **1001 North Lakeside Drive**

FROM: Jordan Hodges, Senior Preservation Coordinator
Abraham Fogel, Preservation Planner
Department for Community Sustainability

TITLE: HRPB Project Number(s) 21-00100214, 21-01500007, and 21-01500008: A Certificate of Appropriateness (COA) for the installation of an inground pool in the front yard and variances from the front setback requirement and accessory structure location requirement for the property located at 1001 North Lakeside Drive; PCN #38-43-44-21-15-296-0160. The subject property is located within the Single-Family Residential (SF-R) zoning district and is a contributing resource to the Northeast Lucerne Local Historic District.

OWNER: Melissa Larsen
1001 North Lakeside Drive
Lake Worth Beach, FL 33460

PROPERTY DEVELOPMENT HISTORY:

The single-family structure at 1001 North Lakeside Drive was constructed in 1952 in a Masonry Vernacular architectural style with a Ranch style floor plan. The structure was designed by locally renowned architect Edgar S. Wortman at a cost of \$16,500. The original architectural drawings are included as **Attachment A**. The architectural drawings for the structure illustrate a single-story residence of masonry construction with a smooth stucco exterior finish, exposed concrete block cast columns, flat white concrete tile hip roof, aluminum awning windows with stucco sills, and jalousie doors. Character-defining features include raised planters, a rear carport fronting 10th Avenue North, wood shutters, and slump brick exterior detailing. City permit records indicate the primary structure has had alterations over time including door replacement, roof replacement, and fence installation. Photos of the existing property are included as **Attachment B**.

PROJECT DESCRIPTION:

The property owner, Melissa Larsen, is requesting approval for the installation of a new pool in the front yard of the property and variances from the front setback requirement, accessory structure location requirement, and front yard impermeable surface limitation. The subject property is a 50'x135' (6,750 square foot) platted lot of record located on the northwest corner of North Lakeside Drive and 10nd Avenue North, in Lake Worth Beach. The subject property is located within the Single-Family Residential (SF-R) zoning district and retains a Future Land Use (FLU) designation of Single Family Residential (SFR).

The application will require the following approvals:

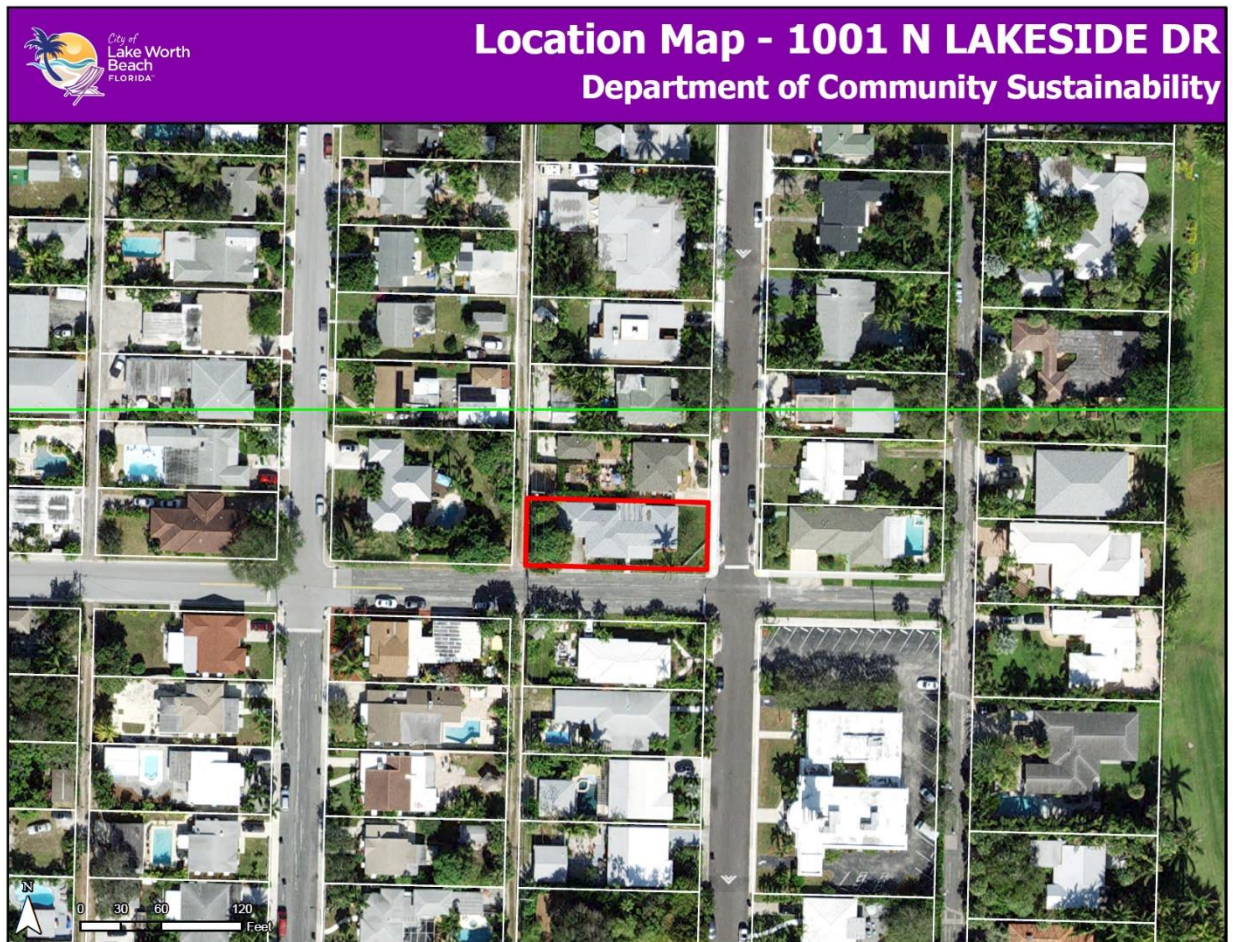
1. **COA** for installation of a pool in the front yard
2. **Variance** from front setback requirement
3. **Variance** from accessory structure location requirement

STAFF RECOMMENDATION:

Staff recommends approval with conditions, listed on pages 8 and 9, for the COA for a new pool and the associated variances to allow its installation in the front yard.

PROPERTY DESCRIPTION:

Owner	Melissa Larsen
General Location	Northwest corner of North Lakeside Drive and 10nd Avenue North
PCN	38-43-44-21-15-296-0160
Zoning	Single-Family Residential (SF-R)
Existing Land Use	Single Family Residence
Future Land Use Designation	Single Family Residential (SFR)



SITE ANALYSIS:

Surrounding Properties

The site is surrounded by similar structures with similar Zoning and FLU designations, and thus, are found to be compatible with the existing and proposed residential use on the subject site. The following summarizes the nature of the surrounding properties adjacent to the subject site:

NORTH: Immediately north of the subject site is a single-family structure. This area contains a FLU designation of SFR and a zoning designation of SF-R.

SOUTH: Immediately south of the subject site across 10th Avenue North is a single-family structure. This area contains a FLU designation of SFR and a zoning designation of SF-R.

EAST: East of the subject site across North Lakeside Drive is a single-family residence. This area contains a FLU designation of SFR and a zoning designation of SF-R.

WEST: West of the subject site across the alley is a single-family structure. This area contains a FLU designation of SFR and a zoning designation of SF-R.



Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Single Family Residential (SFR). Per Policy 1.1.1.2, the SFR future land use area is intended primarily to permit development of single-family structures at a maximum of 7 dwelling units per acre. Single-family structures are designed for occupancy by one family or household. The COA and variances being sought do not change the use of the property as the scope of work involves the installation of a new pool in the front yard. As such, a formal consistency review of the strategic plan and comprehensive plan is not applicable to an improvement of this scale. However, it is important to note that the proposed improvement would visually impact the district, particularly the intersection of North Lakeside Drive and 10th Avenue North, where it is atypical for a pool to be located.

LAND DEVELOPMENT CODE REQUIREMENTS:

Land Development Code Requirements		
Code References	23.3-7 (SF-R); 23.1-12 (Definitions)	
	Required	Existing/Proposed
Lot Area	5,000 square feet	6,750 square feet
Lot Width	50'-0"	50'-0"
Setback - Front	20'-0"	12'-6"
Setback - Side	North: 5'-0" (10% of lot width) South: 5'-0" (10% of lot width)	North: 7'-9" South: 17'-5"
Accessory Structure Location	May not be constructed between any principal structure and a public street right-of-way	Pool to be constructed between the principal structure and a public street right-of-way
Front Yard Impermeable Surface Total	900 sf. or 75% pervious and landscaped	763 sf. (76%)
Impermeable Surface Total ⁽¹⁾	55.0% (3,712.5 sf.)	45.75% (3,088 sf.)

(1)- Medium lot (lots 5,000 square feet to 7,499 square feet)

The applicant is requesting approval for the installation of a ± 338 square foot pool in the front yard of the property. The proposed plans are provided as **Attachment C**. As indicated in the site data table provided above, the proposal is in conflict with the front setback requirement, accessory structure location provision, and front yard impermeable surface limitation within Sections 23.3-7 and 23.1-12 of the Lake Worth Beach Land Development Regulations (LDRs). The applicant has requested relief from these code limitations by applying for two (2) individual variances. The variance analysis is provided in the next section of this report.

Variance Requests

According to the City of Lake Worth Beach, Land Development Regulations, Section 23.2-26 Variances, the power to grant any such variance shall be limited by and be contingent upon documentation that all

required findings are made by the appropriate Board. As a property located within the Northeast Lucerne Local Historic District, the HRPB is tasked with making the required findings to grant a variance. The table provided below summarizes the variance requests:

Variance Requests		
Code References	23.3-7 (SF-R); 23.1-12 (Definitions)	
	Required	Proposed
Setback - Front	20'-0"	12'-6"
Accessory Structure Location	May not be constructed between any principal structure and a public street right-of-way	Pool to be constructed between the principal structure and a public street right-of-way

The following analysis addresses each of the required findings with respect to the applicant’s requested variances. The applicant has written a justification statement included as **Attachment C**.

Variance criteria per LDR Section 23.2-26(b):

- A. Special circumstances or conditions exist which are peculiar to the land or building for which the variance is sought and do not apply generally to nearby lands and buildings, and that this is not the result of action of the applicant;

Staff Analysis: Based on the siting of the structure, the front setback of the primary structure is 28 feet and the rear setback is 21.9 feet. The property owner contends that the back yard does not have enough space for a new pool. Also, there are two (2) large mango trees, a starfruit tree, and utilities that would impede locating the pool in the back yard. It is staff’s analysis that the primary residence was constructed with a front setback of 28 feet that exceeds the required 20 feet. As a result, the property has a smaller back yard than similar properties that adhere to the typical front setback. Furthermore, the mature vegetation also limits the ability to install a new pool without tree removals.

- B. The strict application of the provision of these LDRs would deprive the applicant of any reasonable use of the land or building for which the variance is sought;

Staff Analysis: The subject property has accommodated a single-family use for over 50 years. Strict application of the LDRs would not deprive the applicant’s continued use of the residence, however a pool is a reasonable expectation for a single-family home in South Florida due to the context and climate. The property owner contends that a pool is necessary for reasonable use of the property.

- C. That the variance proposed is the minimum variance which makes possible the reasonable use of the land or building;

Staff Analysis: The proposed variances from the front setback and accessory structure location is the minimum necessary to accommodate a new pool of this size and configuration in the front yard.

- D. That the granting of the variance will be in accordance with the spirit and purpose of this chapter, and will not be unduly injurious to contiguous property or the surrounding neighborhood nor otherwise detrimental to the public welfare. In deciding appeals from decisions of the development review official or in granting variances, the decision-making board is authorized and required to impose any reasonable conditions and safeguards it deems to be necessary or desirable, and violation of such conditions or safeguards when made a part of the terms under which a variance is granted, shall be deemed to be a violation of these LDRs.

Staff Analysis: Although the character of the neighborhood does not include pools in the front yard, this request would not be unduly injurious or detrimental to the public welfare. The applicant will utilize fencing and hedging that will screen the pool location in the front yard. In addition, the residence was designed to front 10th Avenue North, where the yard will remain without further alterations.

HISTORIC PRESERVATION ANALYSIS:

Certificate of Appropriateness

According to the COA Approval Matrix, ground-level pools required historic preservation review. Staff has reviewed the documentation and materials provided in this application and outlined the applicable guidelines and standards found in the City's Historic Preservation Ordinance, detailed in the section below.

Section 23.5-4(K)(1) General guidelines for granting certificates of appropriateness

1. *In general.* In approving or denying applications for certificates of appropriateness, the city shall, at a minimum, consider the following general guidelines:

- A. What is the effect of the proposed work on the landmark or the property upon which such work is to be done?

Staff Analysis: The proposed work is to install a new pool in the front yard of the property. No alterations are proposed to the contributing structure.

- B. What is the relationship between such work and other structures on the landmark site or other property in the historic district?

Staff Analysis: Historically, homes in the City's historic districts were not developed with pools in the front yard. The LDRs codify this as a regulation by not permitting an accessory structure between the principal structure and the street.

- C. To what extent will the historic, architectural, or archaeological significance, architectural style, design, arrangement, texture, materials and color of the landmark or the property be affected?

Staff Analysis: The historic arrangement of the lot will be impacted by the installation of the pool in the front yard. The typical pool arrangement in the City’s historic districts takes place in the back yard. As mentioned in the variance analysis, the subject property has a unique configuration where a 28-foot setback is provided from North Lakeside Drive, whereas only 20 feet is required.

- A. Would denial of a certificate of appropriateness deprive the property owner of reasonable beneficial use of his property?

Staff Analysis: The applicant contends that denial of the COA would deprive the reasonable use of his property. It is staff’s analysis that pool associated with a single-family residence is a reasonably expected use in South Florida.

- E. Are the applicant's plans technically feasible and capable of being carried out within a reasonable time?

Staff Analysis: The plans are feasible and could be carried out in a reasonable timeframe.

- F. Are the plans (i) consistent with the city's design guidelines, once adopted, or (ii) in the event the design guidelines are not adopted or do not address the relevant issue, consistent as reasonably possible with the applicable portions of the United States Secretary of the Interior's Standards for Rehabilitation then in effect?

Staff Analysis: The Secretary of the Interior’s Standards for Rehabilitation recommend identifying, retaining, and preserving buildings as well as the features of the site. The proposed pool will not alter or change the existing contributing structure.

- G. What are the effects of the requested change on those elements or features of the structure which served as the basis for its designation and will the requested changes cause the least possible adverse effect on those elements or features?

Staff Analysis: The proposal will not impact the elements or features of the structure which served as the basis for its classification as a contributing resource. The pool is proposed at ground level with surrounding pavers that will not abut the residence.

Historic Preservation Design Guidelines Analysis

The landscape and site features section of the City’s Historic Preservation Design Guidelines does not address pools and their respective locations. The section primarily focuses on landscaping and driveways.

PUBLIC COMMENT:

At the time of publication of the agenda, staff has received not received written public comment.

CONCLUSION:

Due to the unique siting of the principal structure with a 28-foot front setback, whereas a 20-foot setback is required, and the location of mature vegetation in the back yard, installing a pool that strictly complies with the LDRs is not reasonably feasible. Therefore, staff recommends approval for the COA for a new

pool and the associated variances to allow its installation in the front yard, subject to the conditions provided below:

Conditions of Approval:

Certificate of Appropriateness

HRPB#21-00100214

1. New fences and gates shall comply with the height and placement requirements of LDR Sec. 23.4-4, subject to staff review at permitting.
2. New landscaping shall screen the new pool from view from the public streets right-of-way. A landscape screen of shrub hedging or other continuous decorative landscaping on the side of the fence facing the public right-of-way that is a minimum height of twenty-four (24) inches or one-third ($\frac{1}{3}$) of the height of the fence at installation whichever is greater and shall be maintained at no less than three-fourths ($\frac{3}{4}$) of the total height of the fence in perpetuity, subject to staff review at permitting.

Variance from front setback

HRPB#21-01500007

1. The variance from the front setback shall be project specific, and shall only apply to the scope of work approved under this application. Should any structures on the parcel be destroyed, moved, or demolished, any future development for the parcel shall adhere to the current City of Lake Worth Beach Land Development Regulations.
2. The variance shall be recorded in the office of the Palm Beach County Clerk of the Court so that it appears in the chain of title for the affected parcel of land.

Variance from accessory structure location

HRPB#21-01500008

1. The variance from the front setback shall be project specific, and shall only apply to the scope of work approved under this application. Should any structures on the parcel be destroyed, moved, or demolished, any future development for the parcel shall adhere to the current City of Lake Worth Beach Land Development Regulations.
2. The variance shall be recorded in the office of the Palm Beach County Clerk of the Court so that it appears in the chain of title for the affected parcel of land.

POTENTIAL MOTIONS:

Certificate of Appropriateness

I MOVE TO **APPROVE** HRPB Project Number 21-00100214, with staff recommended conditions for a COA for the installation of ± 338 square foot pool in the front yard of the property located at **1001 North Lakeside Drive**, based upon the competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements.

I MOVE TO **DENY** HRPB Project Number 21-00100214, with staff recommended conditions for a COA for the installation of ± 338 square foot pool in the front yard of the property located at **1001 North Lakeside Drive**, because the applicant has not established by competent substantial evidence that the application is in compliance with the City of Lake Worth Beach Land Development Regulation and Historic Preservation requirements.

Variance from front setback

I MOVE TO **APPROVE** HRPB Project Number 21-01500007, with staff recommended conditions for a variance to allow a 10'-6" front setback for a new pool, whereas a 20'-0" front setback is required for the property located at **1001 North Lakeside Drive**, based upon the competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements.

I MOVE TO **DENY** HRPB Project Number 21-01500007, with staff recommended conditions for a variance to allow a 10'-6" front setback for a new pool, whereas a 20'-0" front setback is required for the property located at **1001 North Lakeside Drive**, because the applicant has not established by competent substantial evidence that the application is in compliance with the City of Lake Worth Beach Land Development Regulation and Historic Preservation requirements.

Variance from accessory structure location

I MOVE TO **APPROVE** HRPB Project Number 21-01500008, with staff recommended conditions for a variance to allow the installation of pool in the front yard, whereas such accessory structures are not permitted between the principal structure and the street for the property located at **1001 North Lakeside Drive**, based upon the competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements.

I MOVE TO **DENY** HRPB Project Number 21-01500008, with staff recommended conditions for a variance to allow the installation of pool in the front yard, whereas such accessory structures are not permitted between the principal structure and the street for the property located at **1001 North Lakeside Drive**, because the applicant has not established by competent substantial evidence that the application is in compliance with the City of Lake Worth Beach Land Development Regulation and Historic Preservation requirements.

ATTACHMENTS:

- A. Property File Documentation
- B. Current Photos
- C. Applicant Variance Justification Statement & Pool Plans



MEMORANDUM DATE: September 8, 2021

AGENDA DATE: September 15, 2021

TO: Chair and Members of the Historic Resources Preservation Board

RE: **518 South L Street**

FROM: Jordan Hodges, Senior Preservation Coordinator
Abraham Fogel, Preservation Planner
Department for Community Sustainability

TITLE: **HRPB Project Number 21-00100076:** Consideration of a Certificate of Appropriateness (COA) for window replacement for the property located at **518 South L Street**; PCN #38-43-44-21-15-167-0070. The subject property is a contributing resource to the Southeast Lucerne Local Historic District and is located in the Single-Family Residential (SF-R) zoning district.

OWNER: Madeleine Burnside
518 South L Street
Lake Worth Beach, FL 33460

PROPERTY DEVELOPMENT HISTORY:

Documentation available in the structure's property file indicates that the building was constructed circa 1925 in a Mission Revival architectural style. Although the original architectural drawings are not available, property cards from 1944 and 1956 (included as **Attachment A**) indicate that the property was originally developed with a two-family structure and rear garage. The two-family structure and garage utilized frame construction with a stucco exterior, a flat roof, and wood windows. In 1981, a major renovation was completed that included interior renovations, window replacement with awning windows, a new stucco application, and roof replacement. That same year, the rear garage was demolished due to structural concerns. In 2001, four (4) awning windows on the front façade were replaced with single-hung windows. Front door replacement was completed in 2008. City permit records indicate the structure had additional improvements, including the installation of a solar energy system, reconstruction of the rear staircase, new French doors on the south elevation, and fence installation. Due to the substantial and insensitive alterations over time, the structure has a moderate to low degree of integrity of setting, materials, design, location, workmanship, feeling, and association. Photos of the existing property are included as **Attachment B**.

PROJECT BACKGROUND:

On October 7, 2020, a Code Compliance Case (#20-2325) was initiated for window replacement that began without a building permit or historic preservation approval. On October 21, 2020, Historic Preservation staff received building permit application #20-3247 for partial window replacement. Staff disapproved the request, as the building permit application did not include a COA Application, keyed photos of each opening, or glass specifications. In late December of 2020, staff exchanged several emails

with the property owner regarding options for administrative review and HRPB review. As the windows were already installed, the property owner opted for HRPB review. Staff continued communication in January, March, and July of 2021, until a complete application for HRPB review was provided. The scope of work was amended to include replacement of all windows rather than three (3) windows, as initially submitted, since none of the installed windows received a building permit or historic preservation approval. The item was scheduled for the next available hearing in September, as the August meeting was canceled. The window replacement plan, product information, and glass specifications are included as **Attachment C**.

PROJECT DESCRIPTION:

The property owner, Madeline Burnside, is requesting a COA for window replacement for the property located at 518 South L Street. The subject property is located on the east side of South L Street, between 5th Avenue South and 6th Avenue South in Lake Worth Beach. The subject property is located within the Single-Family Residential (SF-R) zoning district and retains a Future Land Use (FLU) designation of Single Family Residential (SFR).

If approved, the subject application would allow the unpermitted windows to remain. The proposed products are Lawson aluminum impact single-hung windows with a grey tinted Low-E coating.

The application will require the following approval:

1. **COA** for window replacement

STAFF RECOMMENDATION:

As the request is not in compliance with the Lake Worth Beach Historic Preservation Ordinance and the Historic Preservation Design Guidelines criteria on window replacement, staff is recommending denial of the application because the proposed glazing of the windows is tinted and has a visible light transmittance that is below the 60% minimum.

PROPERTY DESCRIPTION:

Owner	Madeleine Burnside
General Location	East side of South L Street, between 5 th Avenue South and 6 th Avenue South
PCN	38-43-44-21-15-167-0070
Zoning	Single-Family Residential (SF-R)
Existing Land Use	Single Family Residence
Future Land Use Designation	Single Family Residential (SFR)



Consistency with the Comprehensive Plan

The proposed project is not consistent with Goal 1.4 of the Comprehensive Plan, which encourages preservation and rehabilitation of historic resources. Policy 3.4.2.1 insists that properties of special value for historic, architectural, cultural, or aesthetic reasons be restored and preserved through the enforcement of the City's Historic Preservation Ordinance to the extent feasible. Per the City's Historic Preservation Ordinance (LDR Sec. 23.5-4), the Lake Worth Beach Historic Preservation Design Guidelines, and the Secretary of Interior Standards for Rehabilitation, the replacement of missing features should be substantiated by documentary, physical, or pictorial evidence. The current proposal is not substantiated by evidence that the products proposed are compatible with the architectural style of the structure or current regulations. The photo below provides evidence of the structure's window configuration in 2002, after replacement of the original windows with awning windows:

Photo of 518 South L Street provided in the 2002 Florida Master Site File



HISTORIC PRESERVATION ANALYSIS:

Historic Preservation Design Guidelines

The City’s Historic Preservation Design Guidelines provide a guide for compatible window replacement for historic structures within the historic districts. Windows are amongst the most important character-defining architectural features, but they are also one of the most commonly replaced features of a building. Replacement products for historic structures should match the original features in design, color, texture, and other visual qualities and, where possible, materials.

The window replacement, as proposed, utilizes single-hung windows in every opening. Based on the Design Guidelines, an applicant may propose an architecturally compatible alternative for window replacement. The Mission Revival architectural style section of the Design Guidelines, included as **Attachment D**, provides examples of common window types. Staff contends that the proposal is not *most successful* in replicating the original windows. Architecturally compatible alternatives are appropriate when none of the original windows remain and there is no architectural or photographic evidence of their design. As an example, the property located at 331 South Federal Highway no longer had any of its original casement windows in the enclosed front porch. There was also no architectural or photographic evidence of the original windows in that area of the structure. But due to the size and location of the openings and the functionality of the room, staff was able to utilize the Historic Preservation Design Guidelines to recommend a compatible window replacement for the building’s architectural style.

Example: 331 South Federal Highway

Before: Mixture of original wood double-hung windows and replacement awning windows



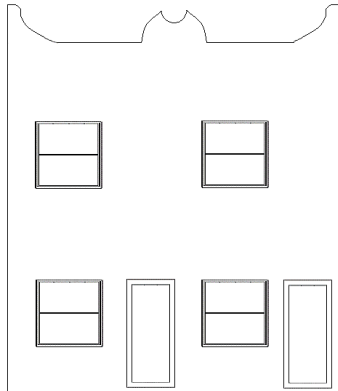
Example: 331 South Federal Highway

After: Aluminum Single-Hung and Horizontal Rollers Replacement Windows



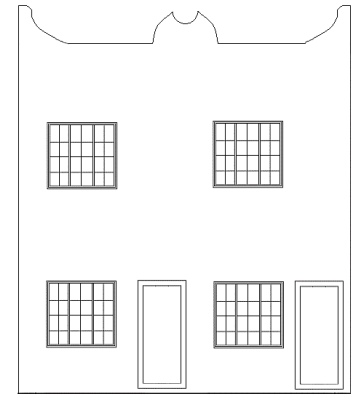
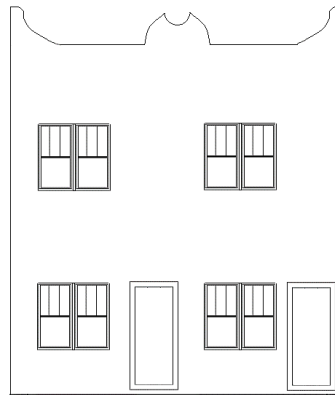
Administratively, staff could approve single-hung windows with or without decorative light patterns on the top sash for the majority of windows. The front façade features horizontally-oriented single-hung windows that are atypical for Mission Revival structures. Staff recommends that the four (4) windows on the front façade match the north and south elevation’s configuration of paired openings separated by a mullion. Alternatively, a triplet of casement windows or horizontal rollers (equal thirds configuration) with decorative light patterns could be replicated as this was a common configuration for Mission Revival structures, depicted on the next page:

Proposed Window Replacement
*Utilizes horizontally-oriented
single-hung windows*



Staff Recommended Options

Utilizes paired single-hung windows separated by a mullion or a triplet of casement windows/horizontal rollers (equal thirds configuration)



As discussed in the property development history, the openings on the front façade received approval in 2001. Therefore, these openings and can be replaced in-kind by the property owner although it is not the *most successful* approach to replicating original windows in a Mission Revival structure.

The applicant is also proposing to utilize windows with a grey tinted Low-E coating, which is not an administratively approvable option. Per the applicant's submittal packet, the proposed windows have a VTL of 49%. The requested grey tinted Low-E coating is not compliant with the current regulations of clear glass or clear glass with a Low-E coating (60% VLT). **Overall, full-view single-hung windows for every opening are an approvable option at permitting with the exception of the grey tinted Low-E coating.**

Certificate of Appropriateness

All exterior alterations to structures within a designated historic district are subject to visual compatibility criteria. Staff has reviewed the documentation and materials provided in this application and outlined the applicable guidelines and standards found in the City's Historic Preservation Ordinance, detailed in the section below.

Section 23.5-4(K)(1) *General guidelines for granting certificates of appropriateness*

1. *In general.* In approving or denying applications for certificates of appropriateness, the city shall, at a minimum, consider the following general guidelines:
 - A. What is the effect of the proposed work on the landmark or the property upon which such work is to be done?

Staff Analysis: The proposed window replacement with new Lawson aluminum single-hung windows with a grey tinted Low-E coating does not successfully replicate historic windows.

- B. What is the relationship between such work and other structures on the landmark site or other property in the historic district?

Staff Analysis: The proposed window replacement will have no direct physical effect on any surrounding properties within the Southeast Lucerne Local Historic District, although the products utilized on this proposal may detract from the district's visual appearance as a whole.

- C. To what extent will the historic, architectural, or archaeological significance, architectural style, design, arrangement, texture, materials and color of the landmark or the property be affected?

Staff Analysis: The structure no longer retains its original windows. Per the regulations set forth in the Historic Preservation Design Guidelines, windows with a grey tinted Low-E coating are not appropriate for the structure's period of construction and do not comply with the glass standards.

- D. Would denial of a certificate of appropriateness deprive the property owner of reasonable beneficial use of his property?

Staff Analysis: No, denial of the COA would not deprive the applicant of reasonable use of his property.

- E. Are the applicant's plans technically feasible and capable of being carried out within a reasonable time?

Staff Analysis: Not applicable, the windows are already installed.

- F. Are the plans (i) consistent with the city's design guidelines, once adopted, or (ii) in the event the design guidelines are not adopted or do not address the relevant issue, consistent as reasonably possible with the applicable portions of the United States Secretary of the Interior's Standards for Rehabilitation then in effect?

Staff Analysis: The proposal, as a whole, is not in compliance with the City's Historic Preservation Design Guidelines Design Guidelines, Secretary of the Interior's Standards for Rehabilitation, or the City's Land Development Regulations, Historic Preservation Ordinance (LDR Sec. 23.5-4) due to grey tinted Low-E coating that is proposed for the windows.

- G. What are the effects of the requested change on those elements or features of the structure which served as the basis for its designation and will the requested changes cause the least possible adverse effect on those elements or features?

Staff Analysis: The structure is designated as a contributing resource within a local historic district. The resource is a Mission Revival building, which has a distinct set of architectural characteristics. Although incompatible changes have taken place, such as the alteration of original window sizes and locations, the City has enacted Historic Preservation Design Guidelines that outline requirements that would prevent the perpetuation of these

incompatible changes in replacement products in order to bring the property further into compliance.

Section 23.5-4(K)(2) *Additional guidelines for alterations and additions.*

2. In approving or denying applications for certificates of appropriateness for alterations and additions, the city shall also consider the following additional guidelines: *Landmark and contributing structures*:

A. Is every reasonable effort being made to provide a compatible use for a property that requires minimal alteration of the building, structure or site and its environment, or to use the property for its originally intended purpose?

Staff Analysis: Not applicable; no change to the use of the property is proposed.

B. Are the distinguishing original qualities or character of a building, structure or site and its environment being destroyed? The removal or alteration of any historic material or distinctive architectural features shall be avoided whenever possible.

Staff Analysis: Distinguishing original qualities that characterize the building are not being removed. The structure does not retain any of its original windows.

C. Is the change visually compatible with the neighboring properties as viewed from a primary or secondary public street?

Staff Analysis: The proposed windows with a grey tinted Low-E coating are not allowed within the historic districts per the City's Historic Preservation Design Guidelines. Therefore, the new windows are not visually compatible with neighboring properties.

D. When a certificate of appropriateness is requested to replace windows or doors the HRPB or development review officer, as appropriate, may permit the property owner's original design when the city's alternative design would result in an increase in cost of twenty-five (25) percent above the owner's original cost. The owner shall be required to demonstrate to the city that:

(1) The work to be performed will conform to the original door and window openings of the structure; and

Staff Analysis: Yes, the proposed window replacement will conform to the existing opening sizes.

(2) That the replacement windows or doors with less expensive materials will achieve a savings in excess of twenty-five (25) percent over historically compatible materials otherwise required by these LDRs. This factor may be demonstrated by submission of a written cost estimate by the proposed provider of materials which must be verified by city staff; and

Staff Analysis: Windows with applied tints and/or Low-E coatings are typically an upgrade that is more costly than windows with clear glass.

- (3) That the replacement windows and doors match the old in design, color, texture and, where possible, materials where the property is significant for its architectural design or construction.

Staff Analysis: Overall, full-view single-hung windows for every opening are an approvable option at permitting with the exception of the grey tinted Low-E coating. However, greater compatibility could be achieved by utilizing single-hung windows with or without decorative light patterns on the top sash for the majority of windows. In addition, the front façade could match the north and south elevation’s configuration of paired openings separated by a mullion. Alternatively, a triplet of casement windows could be replicated as this was a common configuration for Mission Revival structures.

- (4) If the applicant avails himself of this paragraph the materials used must appear to be as historically accurate as possible and in keeping with the architectural style of the structure.

Staff Analysis: Staff defers to the applicant. The evidence presented within this report illustrates that the replacement products are not historically accurate or compatible.

PUBLIC COMMENT:

At the time of publication of the agenda, staff has received not received written public comment.

CONCLUSION:

Window replacement was completed at the property without a building permit and historic preservation approval. The installed windows have a grey tinted Low-E coating with a VLT of 49% that does comply with City’s Historic Preservation Design Guidelines. Staff recommends denial of the application and recommends that the applicant submit a revised application with new window products that can be approved administratively.

POTENTIAL MOTION:

I MOVE TO **APPROVE** HRPB Project Number 21-00100076 for a Certificate of Appropriateness (COA) for window replacement for the property located at **518 South L Street**, based upon the competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements.

I MOVE TO **DENY** HRPB Project Number 21-00100076 for a Certificate of Appropriateness (COA) for window replacement for the property located at **518 South L Street**, because the Applicant has not established by competent substantial evidence that the application is in compliance with the City of Lake Worth Beach Land Development Regulation and Historic Preservation requirements.

ATTACHMENTS:

- A. Property File Documentation
- B. Current Property Photos
- C. Window Replacement Plan and Product Information
- D. LWBHPDG – Mission Revival