



MEMORANDUM DATE: January 1, 2020
AGENDA DATE: January 8, 2020
TO: Chair and Members of the Historic Resources Preservation Board
RE: **920 South Lakeside Drive**
FROM: Jordan Hodges, Senior Preservation Coordinator
Abraham Fogel, Preservation Planner
Department for Community Sustainability

TITLE: **HRPB Project Number 19-00100275:** Consideration of a Certificate of Appropriateness (COA) for the Demolition of the existing contributing single-family structure, an Economic Hardship Request, and a Certificate of Appropriateness for the construction of a new ± 7,435 square foot single-family structure at **920 South Lakeside Drive**; PCN# 38-43-44-27-01-033-0040. The subject property is a contributing resource to the South Palm Park Local Historic District.

Owner:	Brendan and Lisa Lynch 920 S. Lakeside Drive Lake Worth Beach, FL 33460	Agent:	Wes Blackman, AICP CWB Associates 241 Columbia Drive Lake Worth Beach, FL 33460
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BACKGROUND:

The single-family structure located at 920 South Lakeside Drive was designed in May of 1946 by prominent Lake Worth architect Edgar S. Wortman. A Mr. and Mrs. Charles Warner commissioned the property, and it was designed in a sprawling Masonry Vernacular style with influences of Palm Beach Regency architecture. The structure has frontage on South Lakeside Drive to the west and frontage on the intercostal waterway to the east. The original architectural drawings are located within the City's property files and are included in this report in **Attachment B**. The architectural drawings for the structure illustrate an expansive single-story residence with an "L" shaped plan of masonry construction with a smooth stucco exterior finish, flat white concrete tile hip roof, a small projecting front porch, and a utility wing containing a two-car garage. With a \$19,000 building permit valuation, the structure was an impressive residence for its time, featuring a formal entrance hall, a master bedroom with an en-suite bathroom, formal dining room, and a rear terrace overlooking the intercostal. City permit records indicate the structure has had alterations over time, including permits for window replacement, various electric and plumbing improvements, and two additions to the structure occurring in 2004. In March of 2019, staff administratively issued a Certificate of Appropriateness for roof replacement with a flat concrete tile. Site improvements include the installation of an in ground swimming pool in 2006 and retaining wall installation in 2017. The structure retains a moderate to high degree of historic integrity of location, setting, materials, and design. Current Photos of the structure are provided in this report as **Attachment C**.

REQUEST:

The Applicant is requesting to demolish the existing contributing resource due to extensive and ongoing complications with mold and air quality at the property. The Applicant has submitted a justification statement for their request and exhibits illustrating the basis for an Economic Hardship request, which outlines in detail the Applicant's attempts at mold remediation for the property. Should the Board approve the request for demolition; the Applicants have also submitted plans for the construction of a new ± 7,435 square foot single-family structure on the parcel.

ANALYSIS:**Demolition**

The contributing single-family structure retains a moderate to high degree of historic integrity of location, setting, materials, and design. The building is structurally sound and contributes to the overall character and concentration of architecturally significant structures in the district.

The City of Lake Worth Land Development Regulation Section 23.5-4(k)4 contains the decision-making criteria for the demolition of historic structures, and states that "*No certificate of appropriateness for demolition of a landmark or contributing property shall be issued by the HRPB unless the applicant has demonstrated that no other feasible alternative to demolition can be found.*" Staff has reviewed the decision-making criteria for granting Certificates of Appropriateness for demolition, and have included Staff's responses in **Attachment D**. The Applicant has also submitted responses to these criterion, proved as **Attachment E**.

Based on the decision-making criteria, it is the analysis of Staff that the existing contributing resource should not be considered for demolition under regular circumstances. The building was designed by an important local architect, is structurally sound, retains a moderate to high degree of its character defining features, and contributes to the historic integrity of the South Palm Park Local Historic District. The Applicant maintains that the structure is uninhabitable and that continuing phases of remediation would result in an ongoing economic hardship, and that the results of future remediation cannot be guaranteed to fully correct the existing problems.

Staff recommends that the Board carefully review the Economic Hardship request for the demolition request to determine the structure's viability and to determine if the Applicant has demonstrated that no other feasible alternative to demolition can be found.

Economic Hardship Request

According to the City of Lake Worth Beach, Land Development Regulations, Section, 23.5-4(l)(1), no decision of the development review officer, HRPB, or the city commission shall result in an unreasonable economic hardship for the property owner. The HRPB shall have the authority to determine the existence of an unreasonable economic hardship in accordance with the criteria set forth in this section. The applicant shall have the burden of proving by substantial competent evidence that denial of a certificate of appropriateness or imposition of conditions on a certificate of appropriateness have caused or will cause an unreasonable economic hardship for the owner of the property. The following addresses the submission of evidence with respect to the applicant's requested economic hardship.

The Applicant's Justification Statement and documentation provided for the Economic Hardship Request has been included in this report as **Attachment F**. In addition, the Applicant has submitted exhibits documenting their efforts to remediate the issues at the property. These exhibits have been included as **Attachment G**.

City of Lake Worth Land Development Regulation Section 23.5-4(L), *Supplemental standards to determine if unreasonable economic hardship exists*, has been included in this staff report as **Attachment H**.

Evidence considered for all property per LDR Section 23.5-4(l)(3):

- A. Whether the owner knew or should have known of the landmark or historic district designation at the time of acquisition and whether the structure or district was designated subsequent to acquisition.

Staff Response: Per the Applicant's Justification Statement, the owner knew that the property was in a historic district at the time of purchase.

- B. The amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between seller and buyer.

Staff Response: The Applicant paid approximately \$1.1 million for the property in September of 2009. Per the Applicant, there was no relationship between the seller and the current owner outside of the purchase of the property. The Applicant states that there were no terms of financing between the seller and buyer.

- C. The form of ownership of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture or other form, and whether or not it is a homestead property.

Staff Response: The Applicants own the property and it is utilized as their primary residence. The property is homesteaded.

- D. An estimate of the cost of the proposed construction, alteration, demolition or removal.

Staff Response: Based on early estimations and design, the Applicant is assessing the total project cost at \$1.3 million.

- E. The assessed value of the property according to the two (2) most recent assessments.

Staff Response: In 2018, 920 S Lakeside Drive was assessed at \$809,882. In 2019, the property assessed at \$825,270.

- F. The real estate taxes for the previous two (2) years.

Staff Response: The Applicant states that \$12,198 was paid in property taxes in 2018, and \$11,076 was paid in 2019.

- G. Annual debt service or mortgage payments if any, for the previous two (2) years.

Staff Response: The Applicant states that there were no annual debt services or mortgage payments for the previous two years.

- H. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property.

Staff Response: Not applicable, item E indicates the most recent assessments of the property's value.

- I. Any information that the property is not marketable or able to be sold, considered in relation to any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years, including testimony and relevant documents regarding:

- (a) Any real estate broker or firm engaged to sell or lease the property.
- (b) Reasonableness of the price or rent sought by the applicant.
- (c) Any advertisements placed for the sale or rent of the property.

Staff Response: Not applicable. The Applicant does not intend on selling the property.

- J. Any Phase I or any other environmental analysis prepared for the site.

Staff Response: Staff directs attention to this report's **Attachment G**, which provides the existing environmental analysis of the property.

- K. Any information regarding the unfeasibility of adaptive or alternative uses for the property that can earn a reasonable economic return for the property as considered in relation to the following:

- (a) A report from a professional engineer registered in the State of Florida or an architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.

Staff Response: Not provided by the Applicant. The structural soundness of the structures is not in question.

(b) An estimate of the costs of construction, alteration, demolition or removal and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the HRPB concerning the appropriateness of the proposed alterations.

Staff Response: Staff directs attention to this report's **Attachment G**.

(c) The estimated market value of the property in its current condition, after completion of the demolition, after completion of the proposed construction and after renovation of the existing property for continued use.

Staff Response: The Applicant states, "A letter is being prepared by a licensed real estate professional. It will estimate the value of the property "as is", the impact of latent defects (mold), the value of the property as three buildable and vacant waterfront lots, and the value of the three lots as one parcel and then that value including the proposed new construction."

(d) In the case of a proposed demolition, an estimate from an architect, developer, licensed contractor, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

Staff Response: The Applicant states, "...In addition to previous sums already paid, that means this project would have a cost of approximately \$323,000 and neither the owner of the mold remediation company or the mold inspection company could not guarantee this would resolve the situation". **See Attachment F**.

(e) Financial documentation of the ability to complete the replacement project, which may include, but is not limited to, a performance bond, a letter of credit or a letter of commitment from a financial institution.

Staff Response: Not provided by the Applicant.

(f) The fair market value of the property, as determined by at least two (2) independent certified appraisals.

Staff Response: Not provided by the Applicant.

L. Any state or federal income tax returns relating to the property or the owner for the past two (2) years. These forms may be redacted for confidentiality purposes.

Staff Response: Not provided by the Applicant.

M. Any other information considered necessary by the HRPB in making its determination.

Staff Response: Please refer to **Attachment F** (Applicant’s Justification Statement) and **Attachment G** (Economic Hardship Request Exhibits)

Alternative remedies per LDR Section 23.5-4(I)(7):

If the HRPB determines that the applicant has proved that an unreasonable economic hardship exists, it shall consider whether other relief is available that will not result in unreasonable economic hardship but which will provide the least adverse effect on the site or its historic, architectural, archeological or cultural features. If found, and within its power, the HRPB may grant this relief, or grant the requested relief with appropriate conditions attached thereto, so as to insure the least possible adverse effect on the historic property which does not result in unreasonable economic hardship.

Staff Response: Staff defers to the Board to determine if there are alternative remedies that will not result in unreasonable economic hardship and will have the least adverse effect on the contributing resource.

Issuance of certificate per LDR Section 23.5-4(I)(8):

If, after full consideration of all other possible relief, the HRPB determines that unreasonable economic hardship shall result unless the specific relief requested is granted, the HRPB shall promptly grant the certificate of appropriateness for such relief.

New Construction

Should the request for demolition be approved, the Applicant has submitted plans for the construction of a new ± 7,435 square foot single-family residence to be construction on the lot. The Applicant has provided proposed architectural plans for the building, including a site plan, floor plan, landscape plan, and building elevations. The proposed building is designed in a contemporary architectural style with elements of Anglo-Caribbean architecture. The architectural plans for new construction can be found in this report as **Attachment I**.

The Applicant currently owns three abutting fifty-foot wide parcels (ADD 1: Lots 4, 5, and 6 of Block 33). The existing structure at 920 S Lakeside Drive currently occupies two of those lots (Lots 4 and 5). The Applicant is in the process of joining the three lots together for the new construction proposal, creating a parcel with 150 linear feet on frontage along S Lakeside Drive.

The building is proposed to be building of masonry construction with a stucco finish. Character-defining features of the structure include an expansive hip roof system with Bermuda-style flat tiles, bracketed overhanging eaves, large casement windows with horizontal lights, a projecting covered entryway, and a three-car forward facing garage. Site features include a large circular driveway, concrete walkways, and extensive landscaping. The Applicant is proposing to utilize the existing rear pool and spa from the current structure.

The property is zoned Single-Family Residential (SFR) and is subject to the provisions of LDR Section 23.3-7.

<u>Dimension</u>	<u>Required by Code</u>	<u>Existing or Proposed</u>
Lot size	5,000 sq. ft.	Approx. 33,000 sq. ft.
Lot width	50'-0"	150'-0" (three platted lots of record)
Lot depth	n/a	Approx. 220 linear feet
Front setback	50'-0"	50'-0"
Side setback	10% of lot width (min. of 10 ft. for lots over 100 ft. in width)	10'-0" (South side setback) 34'-4" (North side setback)
Rear setback	10% of lot depth for primary structures	93'-6"
Height (SFR zoning)	30' for primary structure	21'-8" Average Max. Height
F.A.R. ¹ for a Small Lot	0.45 max. (14,852.7sq. ft)	0.23 = (7,435 sq. ft.)
Max. Building Coverage ² for a Large Lot	30% max. (9,901 sq. ft.)	22.5% = (7,435sq. ft.)
Impermeable surface for a Large Lot	50% max. (66,012 sq. ft.)	35% = (11,560 sq. ft.)

ANALYSIS:

New Construction:

Zoning and Comprehensive Plan Consistency

The proposed new construction project is consistent with all site data requirements in the City's Zoning Code and Comprehensive Plan. The application as proposed meets the minimum off-street parking requirements and is in compliance with all impermeable surface requirements.

A landscape plan is included in **Attachment I**. The landscaping for the property will need to be evaluated to ensure it meets the minimum requirements of Section 23.6-1, Landscape Regulations. Final review and approval will take place during the building permit review process.

¹ *Floor area ratio:* A regulatory technique which relates to total developable site area and the size (square feet) of development permitted on a specific site. A numeric rating assigned to each land use category that determines the total gross square feet of all buildings as measured from each building's exterior walls based upon the actual land area of the parcel upon which the buildings are to be located. Total gross square feet calculated using the assigned floor area ratio shall not include such features as parking lots or the first three (3) levels of parking structures, aerial pedestrian crossovers, open or partially enclosed plazas, or exterior pedestrian and vehicular circulation areas.

² *Building lot coverage:* The area of a lot covered by the impervious surface associated with the footprint(s) of all buildings on a particular lot. Structured parking garages are exempt from building lot coverage.

Historic Preservation

New construction within a local historic district is subject to specific criteria for visual compatibility as set forth in Section 23.5-4(k) of the City's historic preservation regulations. This criterion is provided in **Attachment J** and include Staff's response to each criterion. The Applicant has also provided responses to these criterions, provided as **Attachment K**. The criteria deal primarily with massing, scale, materials, and design compatibility with the surrounding historic district.

After reviewing the decision making criteria, it is the analysis of Staff that the new construction project as proposed is minimally compatible with the regulations set forth in the historic preservation ordinance and the City of Lake Worth Beach Historic Preservation Design Guidelines portions on new construction and site plan considerations.

The proposed design of the structure is typical of large contemporary residential structures on expansive lots. The proposal has a broad and staggered front façade with multiple projecting bays and recessed alcoves. The front façade utilizes regular window placement and generally avoids large expanses of blank façade. The proposal also utilizes compatible building materials, such as a stucco exterior, divided light casement windows, and a concrete tile roof. The project's design also incorporates some elements of traditional detailing, such as large bracketed overhangs and operable colonial-style shutters.

Staff does have remaining concerns regarding the overall massing, the complexity of the roofline, the forward facing three-bay garage, and the monumental entry porch. The building as designed, as evident in the streetscape elevation, is generally taller and wider than neighboring single-story structures. The project architect, at Staff's recommendation, did substantially lower the height of the roof, but Staff maintains that the complexity of the roofline is atypical for the district. The roofline highlights the individual massing components of the structure and results in a series of cascading hipped roofs, which is atypical for surrounding historic buildings.

The front facing three-bay garage is also uncommon amongst neighboring historic structures and the district as a whole. The design does utilize appropriate single-vehicle wide recessed panel garage doors, but their prominence on the front façade of the building is uncommon for the district, with the garage taking up nearly a third of the structure's primary façade. Staff recommends that the garage entrance be relocated to the north façade of the structure. The existing placement of the building leaves approximately thirty-four feet from the structure to the north property line which would allow ample space for vehicle entry into a north-facing garage. In addition, Staff recommends that the proposed circular driveway be consolidated into a single driveway with vehicular entry from the north side of the property. The project architect has adjusted the proposed driveway to conform to front yard impermeable surface requirements as seen on the current site plan. Please note that the landscape plan utilizes the first rendition of the driveway's design, and will need to be revised.

The proposed design also utilizes a projecting monumental entryway porch with large square columns under a separate roofline. This design is atypical for surrounding historic properties and is not compatible with prevalent architectural styles within the neighborhood. Staff recommends that the Applicant explore altering the roofline of the two projecting bays on either side of the porch to have forward facing gable roofs and incorporating a low slope shed roof over the entryway connecting the two projecting bays.

Public Comment

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

COMPREHENSIVE PLAN CONSISTENCY:

The project, as proposed, is consistent with the following Comprehensive Plan goals and objectives concerning future land use and housing:

Goal 1.3 To preserve and enhance the City’s community character as a quality residential and business center within the Palm Beach County urban area. (Objective 1.3.4)

Goal 3.1 To achieve a supply of housing that offers a range of residential unit styles and prices for current and anticipated homeowners and renters in all household income levels by the creation and/or preservation of housing units. (Objective 3.1.1)

CONSEQUENT ACTION:

Approve the application; approve the application with conditions; continue the hearing to a date certain to request additional information; or deny the application.

RECOMMENDATION:

Staff recommends that the Board carefully review the Economic Hardship request for the proposed demolition to determine the structure’s viability and to determine if the Applicant has demonstrated that retaining the existing structure would result in an undue economic hardship. Staff recommends that the Board continue the proposal for new construction to facilitate a redesign addressing Staff’s comments.

If the Board chooses to approve the application, Staff suggests the following conditions:

1. Should the Board approve the request for demolition, Staff shall be allowed on-site at a predetermined time to photo document the existing structure for City records.

POTENTIAL MOTION:

I MOVE TO **APPROVE** HRPB Project Number 19-00100275: : Consideration of a Certificate of Appropriateness (COA) for the Demolition of the existing contributing single-family structure, an Economic Hardship Request, and the Construction of a new ± 7,435 square foot single-family structure at **920 South Lakeside Drive**, based upon the competent substantial evidence, and pursuant to the City of Lake Worth Land Development Regulations, Section 23.5-4.

I MOVE TO **DENY** HRPB Project Number 19-00100275: Consideration of a Certificate of Appropriateness (COA) for the Demolition of the existing contributing single-family structure, an Economic Hardship Request, and the Construction of a new ± 7,435 square foot single-family structure at **920 South Lakeside Drive**, because the Applicant has not established by competent substantial evidence that the application is in compliance with the City of Lake Worth Land Development Regulations Section 23.5-4.

ATTACHMENTS:

- A. Location Map – 920 S Lakeside Drive
- B. Property File Documentation
- C. Current Photos
- D. Decision Criteria – Demolition – Staff’s Responses
- E. Decision Criteria – Demolition – Applicant’s Responses
- F. Applicant’s Justification Statement for Economic Hardship
- G. Economic Hardship Application Exhibits
- H. City of Lake Worth Land Development Regulation Section 23.5-4(L), *Supplemental standards to determine if unreasonable economic hardship exists*
- I. Proposed Architectural Plans
- J. Decision Criteria – New Construction – Staff’s Responses
- K. Decision Criteria – New Construction – Applicant’s Responses

ATTACHMENT A – LOCATION MAP

