



**MEMORANDUM DATE:** February 5, 2020

**AGENDA DATE:** February 12, 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 Unreasonable Economic Hardship Request, and a Certificate of Appropriateness for the construction of a new ± 7,817 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.

<b>Owner:</b>	Brendan and Lisa Lynch 920 S. Lakeside Drive Lake Worth Beach, FL 33460	<b>Agent:</b>	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. Mr. and Mrs. Charles Warner commissioned the building, and it was designed in a sprawling Masonry Vernacular style with influences of Palm Beach Regency style architecture. The structure has frontage on South Lakeside Drive to the west and frontage on the Intracoastal 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 Intracoastal. 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 that brought the total square footage to approximately 4,214 square feet (2,995 square feet under air). 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 the request and exhibits illustrating the basis for an Unreasonable Economic Hardship request, which outlines the Applicant's attempts at mold remediation for the property. Should the Board approve the request for demolition; the Applicants also have submitted plans for the construction of a new ± 7,817 square foot single-family structure on the parcel.

#### **REQUEST BACKGROUND:**

This request came before the HRPB at the January 8, 2020 regular meeting. The HRPB and its legal counsel requested that the Applicant submit a signed affidavit and submit additional supporting materials in regards to the Unreasonable Economic Hardship request. The Applicant also presented newly revised architectural drawings for the proposed new construction at the meeting, which were not provided to the Department for Community Sustainability in time for historic preservation staff to analyze the proposal's compliance with historic preservation and zoning criteria. The HRPB voted to continue the request to the February meeting. The Applicant has submitted the requested affidavit and additional back-up materials, which have been included in this report as **Attachment L**. The revised architectural drawings have been evaluated, and are included in this report as **Attachment I**.

#### **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, provided 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 have 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**. Additional information supporting the request, including a signed affidavit and supplementary materials requested by the HRPB at the January meeting, is included as **Attachment L**. The attachment includes an affidavit template created by the City Attorney that was provided to the Applicant to complete.

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. Staff directs the Board's attention to the Applicant's submitted documentation, provided as **Attachments F, G, and L**.

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

**Staff Response:** Per Palm Beach County Property Appraiser, in 2019 the property had an assessed land value of \$800,000 and an improvement value of \$248,420. In 2018, the property had an assessed land value of \$771,021 and an improvement value of \$231,473.

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

**Staff Response:** The Applicant states that \$18,319 was paid in property taxes in 2018, and \$19,096 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 920 S Lakeside Drive has a monthly mortgage amount of \$2,913.

- 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 **Attachments F, G, and L**, which provide 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 **Attachments F, G, and L**.

(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 provided a letter by Licensed Real Estate Associate, Bo Allen of Illustrated Properties, included in this report as *Exhibit T* in **Attachment L**.

(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:** Staff defers to the Applicants response, provided in **Attachment L**.

(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:** Staff defers to the Applicant's signed Unreasonable Economic Hardship Affidavit and supporting materials, included in this report as **Attachment L**, as requested by the Historic Resources Preservation Board at the January 8, 2020 regular meeting.

**Alternative remedies per LDR Section 23.5-4(l)(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(l)(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 ± 7,817 square foot single-family residence to be constructed 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 South Lakeside Drive.

The building is designed utilizing masonry construction with a smooth stucco finish. Character-defining features of the building include a Bermuda-style flat tile hip roof, bracketed overhanging eaves, large casement windows with horizontal lights, a recessed covered entryway, operable colonial and Bahama impact shutters, and decorative stone detailing. Site features include a 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>Proposed</u>
Lot size	5,000 sq. ft.	Approx. 33,000 sq. ft.
Lot width	50'-0"	150'-0" (three 50' wide 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) 29'-2" (North side setback)
Rear setback	10% of lot depth for primary structures	93'-6"
Height (SFR zoning)	30' for primary structure	23-0" Average Mean Height
F.A.R. <sup>1</sup> for a Large Lot	0.45 max. (14,852.7sq. ft)	0.24 = (7,818 sq. ft.)
Max. Building Coverage <sup>2</sup> for a Large Lot	30% max. (9,901 sq. ft.)	23.6% = (7,818 sq. ft.)
Impermeable surface for a Large Lot	50% max. (66,012 sq. ft.)	36% = (11,996 sq. ft.)

**ANALYSIS:**

<sup>1</sup> *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.

<sup>2</sup> *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.

*New Construction:*

Zoning and Comprehensive Plan Consistency

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

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.

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. These criteria are provided in **Attachment J** and include Staff's response to each criterion. The Applicant also has provided responses to these criterion, 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 generally 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 elements of Anglo-Caribbean detailing, such as large bracketed eaves, flat concrete roof tiles, and operable colonial and Bahama shutters.

Per Staff's recommendations, the project architect has made several revisions to the architectural drawings since the January HRPB meeting. The roofline has been lowered and simplified and the front porch has been redesigned to be more in keeping with Anglo-Caribbean architectural massing. The three bay garage also has been relocated to the north (side) façade of the structure. Additional architectural details, such as additional decorative brackets, Bahama shutters, and paired porch columns add to the architectural styling of the structure.

Staff does have some remaining concerns regarding the overall scale and dimensions of the structure. The square footage of the building is restrained from what the Land Development Regulations allow for a lot of this size, and while the total square footage under roof is 7,817 square feet, only 4,903 square feet of that is under air living space. Staff's concerns arise from the overall height and the proportions of the architectural features. As evident in the streetscape elevation, the proposed single-story structure has an overall roof height of 33 feet and is roughly the same height as the neighboring two-story structure to the north. The height of the exterior walls contributes to the height and scale of the building. The projecting



front rooms of the structure stand 12 feet tall from the finish floor height to the top of the wall. The front of the structure also is designed with 6'-0" x 6'-4" window openings, which are in proportion to the scale of the building, but are significantly larger than the window openings of neighboring historic structures. The applicant has placed the building back the required 50'-0" from South Lakeside Drive, which could reduce the visual size of the building from the street with the addition of appropriate landscaping.

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 generally consistent with the following Comprehensive Plan goals and objectives concerning future land use and housing.

**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)

**Staff response:** The proposal will supply a high-end residential unit in the South Palm Park neighborhood.

**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.

Should the Board approve the demolition, Staff recommends that the Board review the compatibility of the proposed new construction, with specific attention paid to the height, scale, and massing of the structure.

Should the Board approve the request for new construction, Staff has included Conditions of Approval to further increase visual compatibility.

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

1. The property owner shall provide access to City staff on-site at the property to thoroughly photograph the building prior to demolition for City records.

**If the Board chooses to approve the application for New Construction, Staff suggests the following conditions:**

1. The proposed exterior entry doors and garage doors shall be compatible with the Anglo-Caribbean architectural style, and shall be subject to staff review at permitting.

2. The proposed windows and doors shall have wood, wood-clad, aluminum, or fiberglass frames.
3. All window and door glass shall be clear or have a clear Low-E coating. Tinted, grey, colored, or mirrored glass shall not be used.
4. All divided light patterns on the proposed casement windows shall be created utilizing exterior raised applied triangular muntins. Exterior flat muntins or “grills between the glass” shall not be permitted.
5. All windows shall be recessed a minimum of three inches (3”) from the exterior face of the wall.
6. All exterior porch columns shall be made of wood, shall be wood-clad, or shall be clad with a wood-look material, subject to staff review at permitting.
7. A sample of the proposed stone veneer shall be provided and shall be reviewed by staff at permitting.
8. The proposed flat concrete tiles shall be white or light grey and shall be subject to staff review at permitting.

**POTENTIAL MOTION:**

I MOVE TO **APPROVE** HRPB Project Number 19-00100275: Consideration of a Certificate of Appropriateness (COA) for a Request for Unreasonable Economic Hardship for the Demolition of the existing contributing resource and the construction of a new ± 7,817 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 a Request for Unreasonable Economic Hardship for the Demolition of the existing contributing resource and the construction of a new ± 7,817 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
- L. **Unreasonable Economic Hardship Affidavit & Additional Requested Materials from January 8, 2020 HRPB Meeting**

ATTACHMENT A

