



**MEMORANDUM DATE:** April 7, 2021

**AGENDA DATE:** April 14, 2021

**TO:** Chair and Members of the Historic Resources Preservation Board

**RE:** **312 North Palmmay**

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

**TITLE:** **HRPB Project Number 20-01500002:** Consideration of a variance from base flood elevation requirements of the Florida Building Code for the single-family residence at **312 North Palmway**; PCN 38-43-44-21-15-100-0030. The subject property is located in the Single-Family Residential Zoning District (SF-R) and is a contributing resource within the Old Lucerne Local Historic District.

**OWNER:** Palm Beach Design Masters, LLC  
PO Box 2369  
Palm Beach, FL 33480

#### **PROPERTY DEVELOPMENT HISTORY**

Per documentation in the City's property file, the structure at 312 North Palmway was designed by noted Lake Worth architect Edgar Wortman in March of 1939. Similar to other Wortman designed single-family residences of the period, the building is designed in a Frame Minimal Traditional style featuring a cross and stepped gable roof, wood siding, wood double-hung divided-light windows, and an asymmetrical façade. Other character-defining features include a metal shingle roof, a small front entry stoop, short overhangs, and decorative vertical siding on the gable ends.

The structure has been subject to alterations over time. The original wood double-hung windows were removed and replaced with jalousie windows and the original metal shingle roof was replaced with asphalt shingles. In the 1950s, the integral forward-facing garage was enclosed and a new carport was erected in front of the garage bay. The rear screen porch, as evident in Wortman's 1939 drawings, was also enclosed and converted into a Florida room in 1977. Wortman's 1939 architectural drawings and the plans for the carport and Florida room additions are included as **Attachment A**. Current photos of the structure are included as **Attachment B**.

#### **Project Description**

The property owners, Palm Beach Design Masters, LLC, are requesting a variance from base flood elevation requirements of the Florida Building Code due to a substantial improvement. The subject property is a 50' x 135' (6,750 square foot) platted lot of record located on the east side of North Palmway, between 3<sup>rd</sup> and 4th Avenue North, in Lake Worth Beach. The property is located in the Single-

Family Residential (SF-R) Zoning District and retains a Future Land Use (FLU) designation of Single Family Residential (SFR). If approved, the application would allow the structure to maintain its existing base flood elevation of 7.6' NAVD as opposed to the current 9' NAVD requirement.

The application will require the following approval:

**1. Variance (VAR) from Base Flood Elevation** requirements in the Florida Building Code.

**PROJECT BACKGROUND**

- On July 16, 2020, the applicants submitted building permit application #20-2117 for the rehabilitation of the property. The permit application requested a full interior renovation with upgrades to mechanical, electrical, and plumbing systems. For the exterior, the scope of work included removing the front carport addition and replacing the structure's jalousie windows with new impact single-hung windows that more closely replicate the original windows. Additional exterior improvements included door replacement, siding repair, and the reconstruction of exterior walls on the deteriorated rear Florida room.
- On July 29, 2020, historic preservation staff reviewed and failed the permit application as the request did not specify the glass type for the proposed replacement windows and because details surrounding the reconstruction of the garage bay opening and rear Florida room walls were unclear.
- On August 7, 2020, staff conducted a Zoom meeting with the project contractor to go over the comments and to discuss the items to be included in a resubmittal.
- On August 10, 2020, new drawings and product details were submitted.
- On August 19, 2020, staff reviewed the new documentation and approved the project administratively as the proposed exterior alterations were compliant with the Historic Preservation Ordinance and the Historic Preservation Design Guidelines. The historic preservation approval (COA#20-00100176) is included in this report as **Attachment C**. The permit application was then forwarded to the Building Division for review.
- On October 2, 2020, the Lake Worth Beach Building Official, Peter Ringle, failed the permit application and provided the following comments to the applicant:

*"Proposed renovations constitute a substantial improvement. The entire structure will need to be elevated to 9 ft. NAVD. See FEMA Publication P-758 for information on what the next steps are.*

*Options include:*

- 1. Provide an appraisal of the structure according to set standards set out in P - 758 to set the pre-improvement value of the structure. The value declared on the permit will need to be verified by detailed contract including all costs as outlined in p - 758. If the value of the improvements is less than 50% the pre-improvement of the structure, the elevation requirement would not apply.*
- 2. Apply for a historical variance for relief from the elevation requirements as outlined in our ordinances 23-7.7. Jordan and Abraham are the ones who coordinate the process for variance process.*  
*Permit on hold until issue is resolved."*

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- Per FEMA regulations and local ordinance, a substantial improvement may occur when planned improvements exceed 50% of the appraised value of the pre-improved structure. When the substantial improvement threshold is crossed, the entire building must be brought into compliance with the building code, including base flood elevation requirements. Per documentation submitted with the permit application, the existing structure has a finished floor elevation of 7.6' NAVD, whereas 9' NAVD is currently required.
  - The Building Official utilized the 2019 Palm Beach County Property Appraiser's assessed improvement value to determine the substantial improvement threshold. The 2019 assessed value for the structure was \$59,071.00, which would allow for \$29,535.50 of improvements (50% of assessed value) without being considered a substantial improvement. The valuation for the project as listed by the applicant on the permit application is \$50,000.00.
  - On October 10, 2020, the applicants submitted an independent appraisal of the structure and a detailed breakdown of the costs associated with the proposed improvements, as provided as an option by the Building Official. The applicant's independent appraisal placed a total value of the structure and parcel at \$264,000.00, with the parcel value listed at \$90,000.00 and the structure value at \$174,000.00. Mr. Ringle accepted the new appraisal, which provided a new substantial improvement threshold of \$87,000.00. The applicant's itemized cost breakdown of the project placed the final value of the proposed work at \$80,537.00.
  - On October 14, 2020, Mr. Ringle approved the application and issued the permit (#20-2117). As the interior demolition of the project got underway, substantial structural deterioration due to termite damage was discovered. The interior and exterior walls were stripped down to the framing and the exterior lap siding and trim was discarded, exceeding what was approved in the Certificate of Appropriateness (COA). Photos the structural deterioration and termite infestation are included in this report as **Attachment D**.
  - On December 18, 2020, the applicants submitted a roof replacement permit application to replace the existing asphalt shingle roof and rear flat roof. The Building Official determined that the additional cost associated with the roof replacement at the property pushed the total permit valuation over the \$87,000.00 substantial improvement value threshold determined by the independent appraisal.
  - On February 19, 2021, the applicants met with Historic Preservation Staff via Zoom to discuss bringing the structure into compliance with the 9' NAVD base flood elevation requirement. After receiving cost estimates on raising the structure, the applicants submitted a formal request to seek a base flood elevation variance from the requirements in the Florida Building Code.

#### **STAFF RECOMMENDATION**

Staff recommends approval with conditions, listed on page 10, for the variance from base flood elevation requirements within the Florida Building Code. Staff recommends that the Board review the variance criteria, staff's analysis, and the applicant's responses to determine if the criterion for relief has been sufficiently met.

**PROPERTY DESCRIPTION**

Owner	Palm Beach Design Masters, LLC
General Location	East side of North Palmway between 3 <sup>rd</sup> and 4 <sup>th</sup> Avenue North
PCN	38-43-44-21-15-100-0030
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 district 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 314 North Palmway, a single-family residence. This parcel contains a FLU designation of SFR and is located in the SF-R zoning district.

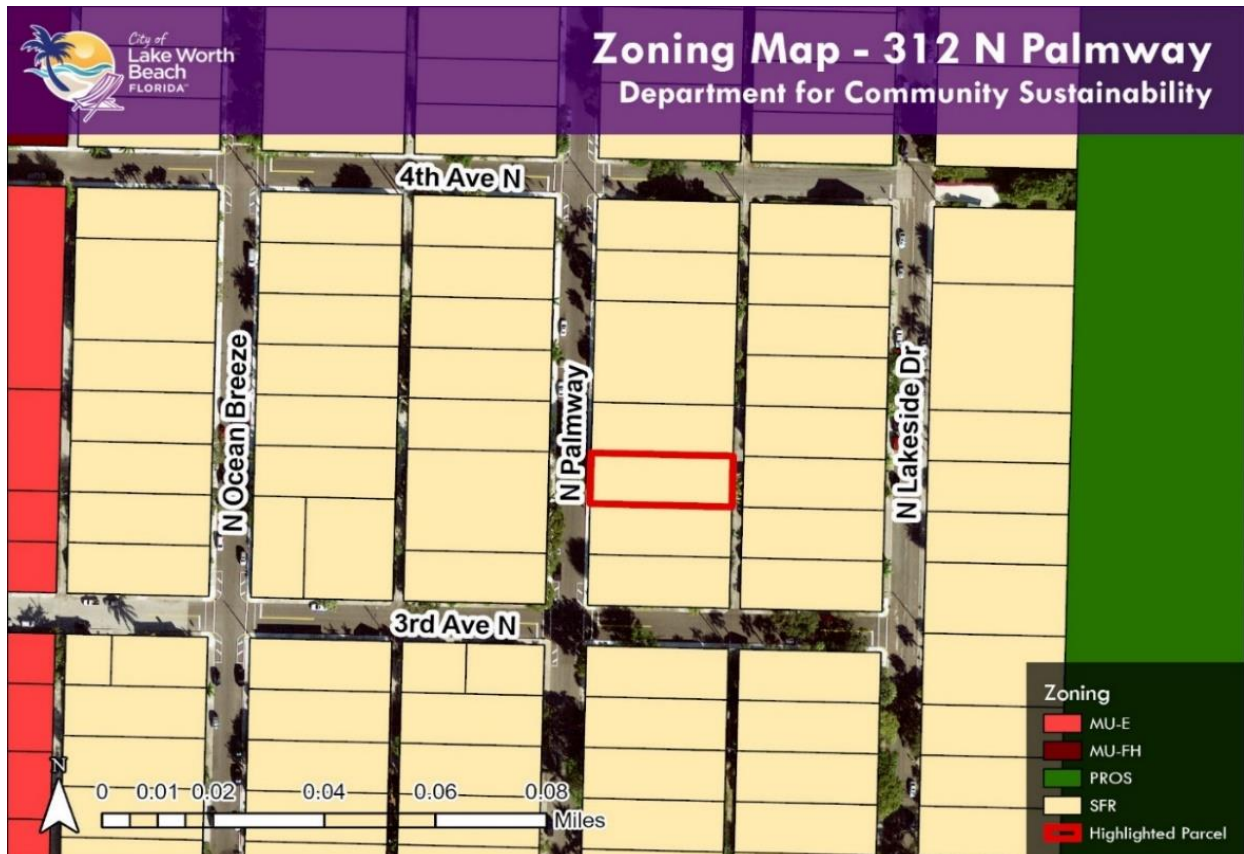


The structure at 314 North Palmway is also a contributing resource to the Old Lucerne Local Historic District.

**SOUTH:** Immediately south of the subject site is 306 North Palmway, a single-family residence. This parcel contains a FLU designation of SFR is located in the SF-R zoning district. The structure at 306 North Palmway is currently a non-contributing resource within the Old Lucerne Local Historic District.

**EAST:** East of the subject site across the alley is 311 North Lakeside Drive, a single-family residence. This parcel contains a FLU designation of SFR is located in the SF-R zoning district. The structure at 311 N Lakeside Drive is also a contributing resource to the Old Lucerne Local Historic District.

**WEST:** West of the subject site across North Palmway is 311 North Palmway, a single-family residence. This parcel also contains a FLU designation of SFR and is located in the SF-R zoning district. The structure at 311 North Palmway is also a contributing resource to the Old Lucerne Local Historic District.



**LAND DEVELOPMENT CODE REQUIREMENTS**

Land Development Code Requirements		
Code References	Florida Building Code	
	Required	Proposed
<b>Base Flood Elevation (min.)</b>	<b>9'-0" NAVD Finish Floor Elevation</b> Zone AE (BFE 8'-0" + 12" Freeboard)	<b>7.6' NAVD</b>

The proposal does not comply with the Base Flood Elevation requirements established within the Florida Building Code. The applicant has applied for a variance from the base flood elevation requirements of the Florida Building Code per Sec. 23.7-7 of the Lake Worth Beach Land Development Regulations. The variance request is discussed in the analysis below.

**Variance from Base Flood Elevation**

The applicant is requesting a variance from Florida Building Code 1201.3, Flood Hazard Areas:

*In flood hazard areas, if all proposed work, including repairs, work required because of a change of occupancy, and alterations, **constitutes substantial improvement**, then the building shall comply with Section 1612 of the Florida Building Code, Building, or Section R322 of the Florida Building Code, Residential, as applicable.*

**Exception:** *If the program that designated the building as historic determines that it will continue to be an historic building after the proposed work is completed, then the proposed work is not considered to be substantial improvement. For the purposes of this exception, an historic building is:*

1. *Individually listed in the National Register of Historic Places; or*
2. *A contributing resource within a National Register of Historic Places listed district; or*
3. *Designated as historic property under an official municipal, county, special district or state designation, law, ordinance or resolution either individually or as a contributing property in a district, provided the local program making the designation is approved by the Department of the Interior (the Florida state historic preservation officer maintains a list of approved local programs); or*
4. *Determined eligible by the Florida State Historic Preservation Officer for listing in the National Register of Historic Places, either individually or as a contributing property in a district.*

The applicant is requesting that the property maintain its existing base flood elevation of 7.6' NAVD as opposed to the 9' NAVD required by the Florida Building Code as a result of the substantial improvement.

The existing Federal Emergency Management Agency (FEMA) Flood Map indicates the property is located in Zone AE, which requires an 8'-0" elevation for finished floors. The Florida Building Code also requires

finished floors to be constructed an additional 12” above the base flood elevation. Therefore, the required elevation for the addition is 9’-0” NAVD, which is 18” above the existing finished floor elevation.

Because the subject property is designated as a contributing resource to the Old Lucerne Local Historic District, which was designated by municipal ordinance, the proposed substantial improvement is eligible for an exception from the Florida Building Code to allow substantial improvements and/or alterations that do not meet the current flood resistant construction requirements. Although this proposal meets the criteria for an exemption within the Florida Building Code, the City of Lake Worth Beach Land Development Regulations require that applicants seeking to utilize this exemption apply for a formal variance from the Historic Resources Preservation Board.

Pursuant to City of Lake Worth Beach LDR Section 23.7-7, Variances and Appeals:

*d) Historic buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.*

**Staff Analysis:** As a contributing resource to the Old Lucerne Local Historic District, the property located at 312 North Palmway is eligible for the exception to the flood resistant construction requirements of the Florida Building Code. It is Staff’s analysis that the work approved administratively under COA #20-001000176 would not preclude the building’s continued designation as a designated historic building. For a more in-depth analysis regarding the proposed exterior alterations to the structure, refer to the Historic Preservation Analysis section on page 8.

Pursuant to City of Lake Worth Beach LDR Section 23.7-7(g)(2), variances to flood resistant construction requirements have their own specific variance criteria. Provided below are the variance criteria and Staff’s responses. The applicant has also provided a justification statement and responses to this criterion, provided in this report as **Attachment E**.

Variance criteria per LDR Section 23.7-7(g)(2):

- A. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
- A. **Staff Analysis:** Staff contends that complying with the strict interpretation of the Florida Building Code could result in a disruption to the structure’s historic appearance and could jeopardize the remaining structural integrity of the property. The building has existed at its current finished floor height for 82

years and the structure is compromised due to neglect and deterioration. Failure to grant the variance could result in further losses of historic materials and a visual disruption to the streetscape.

- B. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and

**Staff Analysis:** Allowing the structure to remain in its historic configuration below the current required base flood elevation will not increase flood heights, cause additional threats to public safety, public expense, or create a nuisance.

- C. The variance is the minimum necessary, considering the flood hazard, to afford relief;

**Staff Analysis:** The variance is the minimum necessary to allow the structure to be maintained at its current base flood elevation and to maintain the exterior appearance of the historic structure. The proposed design allows the property to retain its contributing designation as the work proposed and approved under COA#20-00100176 is generally compliant with design and material usage guidelines found within the City's Historic Preservation Ordinance, the Lake Worth Beach Historic Preservation Design Guidelines, and the Secretary of Interior Standards for Rehabilitation.

#### **HISTORIC PRESERVATION ANALYSIS**

Per review of the building permit application and COA application that was submitted on July 16, 2020, it was determined by staff that the work proposed in the application was compliant with the regulations set forth in the Historic Preservation Ordinance and the Lake Worth Beach Historic Preservation Design Guidelines. The scope of work associated with the exterior rehabilitation of the property was approved administratively per COA#20-00100176, included in this report as **Attachment C**. The COA approved the removal of the front carport addition that was erected in 1955 and allowed for the reconstruction of the garage's original appearance. The approval additionally allowed the non-original jalousie windows to be removed and to be replaced with new divided light impact aluminum single-hung windows to more closely replicate the products illustrated in the 1939 architectural drawings.

Due to the severe termite infestation, the exterior wood siding and window and door trim were removed and discarded, which exceeded the work approved under the administrative COA. Staff is currently working with the applicants to revise the COA to include replacement of the wood siding with new cedar siding of the same profile. The wood window trim, sills, door surrounds, and attic vents are also proposed to be replaced per photographic evidence and the 1939 architectural drawings. Although the majority of the historic materials of the building have been removed, the Historic Preservation Design Guidelines and the Historic Preservation Ordinance allow for the in-kind replacement of features where deterioration is present.

Staff recommends that the building be allowed to maintain its historic foundation and current finished floor elevation. The scale and massing of historic buildings are important character-defining features. Frame Minimal Traditional buildings in Lake Worth Beach generally have short concrete stem wall foundations which provide a raised finish floor. The structure at 312 North Palmway features an integral garage and a recessed front porch which is two steps above grade. Raising the structure an additional



18" will result in adverse visual effects to the proportions of these elements in relation to similar neighboring structures.

#### **PUBLIC COMMENT**

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

#### **CONCLUSION**

The scope of work for the exterior alterations for this property were approved administratively per COA#20-00100176 in August of 2020. Staff is currently working with the property owners to revise the COA to include compatible siding and trim replacement, as outlined in the Historic Preservation Design Guidelines, as a result of substantial deterioration. The substantial improvement requirement in the Florida Building Code requires the structure to conform to current base flood elevation requirements, which would result in the structure being raised by 18". The applicants have requested a variance available to historically designated resources to allow the structure to maintain its existing finished floor elevation. It is Staff's analysis that the work approved under COA#20-00100176 would not preclude the continuation of the structure's contributing designation and that raising the structure could result in adverse effects to the structure's scale and massing of character defining features.

#### **Conditions of Approval**

1. The variance from base flood elevation shall be project specific, and shall only apply to the scope of work approved under this application. Any future additions, alterations, or substantial improvements that may trigger additional FEMA floodplain management requirements, as determined by the City's Floodplain Administrator, shall be reviewed under a separate application.
2. The variance shall be recorded in the office of the Palm Beach County Clerk of the Court so as to appear in the chain of title for the affected parcel of land.

#### **POTENTIAL MOTION**

I MOVE TO **APPROVE** HRPB Project Number 20-01500002, with staff recommended conditions, for a variance from base flood elevation requirements of the Florida Building Code for the property located at **312 North Palmway**, 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 20-01500002 for a variance from base flood elevation requirements of the Florida Building Code for the property located at **312 North Palmway**, because the applicant has not established by competent substantial evidence that the application is compliant with the City of Lake Worth Beach Land Development Regulation and Historic Preservation requirements.

#### **ATTACHMENTS**

- A. Property File Documentation
- B. 2020 Photos
- C. COA#20-001000176 Approval
- D. Termite Damage Photos
- E. Applicant Justification Statement