



**MINUTES**  
**CITY OF LAKE WORTH BEACH**  
**HISTORIC RESOURCES PRESERVATION BOARD REGULAR MEETING**  
**CITY HALL COMMISSION CHAMBER**  
**WEDNESDAY, SEPTEMBER 21, 2022 -- 6:00 PM**

**ROLL CALL and RECORDING OF ABSENCES** Present were: Stephen Pickett, Chairman; R. D'Arinzo; Nadine Heitz; Jamie Foreman; Mariana Gonzales; Tricia Hallison-Mischler. Also present were: Annie Greening, Senior Preservation Planner; Yeneneh Terefe, Preservation Planner; Erin Sita, Assistant Director for Community Sustainability; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary.

**OATH OF OFFICE**

Board Secretary administered Oath of Office to new Board members: Tricia Hallison-Mischler and Jamie Foreman.

**PLEDGE OF ALLEGIANCE**

**ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA** None

**APPROVAL OF MINUTES:** None

**CASES**

**SWEARING IN OF STAFF AND APPLICANTS** Board Secretary administered oath to those wishing to provide testimony.

**PROOF OF PUBLICATION** Provided in meeting packet.

- 1) 301 8th Ave North

**WITHDRAWALS / POSTPONEMENTS** None

**CONSENT** None

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE:** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:**

- A. HRPB Project Number 22-01500002: A request for a variance to allow a 6-foot high fence in the required setback for the property located at 301 8th Avenue North; PCN #38-43-44-21-15-224-0090. The subject property is a non-contributing resource within the Northeast Lucerne Historic District and is located within the Single-Family Residential (SF-R) zoning district. The future land use designation is Single Family Residential (SF-R).

**Staff:** E. Sita presents case findings and analysis. Applicant installed fence in this location outside the scope of the permit and now requesting a variance.

All members of the Board, in particular new members, are apprised of their role with regard to Land Development Regulations, as pertains to the variance criteria. Normally the Board reviews projects in light of Historic requirements and Historic Design Guidelines.

Asst. Director explains how the frontage is determined which is the narrowest part on the Right-of-Way. What implication does that have on walls, fences, and relationship to the sidewalk, alley etc.? The applicant originally came to discuss in 2019. The front door is on the side property line. An administrative decision was made to allow a portion of the side property line to be deemed a front property line which allowed a portion of the fence (4 foot in height) to be placed at the property line. The balance of the fence was to be set back 30 inches with a landscape screen between the fence and sidewalk. Once the permit was approved and inspected, the property owner removed the fence and re-installed a six (6) foot fence at the property line outside the scope of the permit. One year ago a Variance request before this Board to allow the fence installed on the property line was denied. Again, staff administratively allowed the balance of the side property line to receive the fence but setback 30 inches as opposed to the normally required 5 feet for the side property line setback. There are two (2) primary reasons why six (6) fencing on the sidewalk is not allowed:

- It creates a bland visual barrier.
- Public Works does not want fences set against the sidewalk because when there is a sidewalk repair, more often than not, the fence will incur damage and the City will have to re-imburse the homeowner for the damage.

The applicant is now in Code Enforcement. All four of the variance criteria must be met in order to grant the Variance request.

- Special Circumstance which is peculiar to the lot and not generally found in the neighborhood-many houses with the front door faces the side, a typical arrangement in the City.
- Deprivation of Reasonable Use
- Variance is the minimum variance which makes possible the reasonable use of the land; and
- Granting of the variance in the spirit and purpose of the chapter will not be unduly injurious to the contiguous properties and neighborhood.

**Wes Blackman on behalf of the Applicant:** Believes the house does have special circumstances. Small decisions seem small but are large in peoples lives.

**Arborist for the Applicant:** Jeff Shimonski discusses the critical root zone for the saplings on the property and effect of loss of canopy if pruned to accommodate the fence being moved.

**Applicant:** Giovanna Dominguez Timor The property can be seen from Federal Hwy.. A rolling gate permit was denied until such time as the fence violation is resolved. Applicant states they understand the code and is suffering from the letter of the code, experiencing a lack of privacy. Property was purchased in 2017. Items have been stolen from the property, pedestrian traffic has increased, encountered people sleeping on the property, adult daughter is harassed by passersby when hanging clothes on the clothesline. Received eleven (11) letters of support from neighbors. Gabriella Mazzone questions where is the harm from a fence, a four (4) foot fence does not afford protection.

**Board:** Clarification that the fence in question is the one along 8<sup>th</sup> Avenue North: an eight (8) foot fence is allowed on the Federal Hwy side. Does a mango tree need a permit for removal?

**Response:** The mango tree does not need a permit for removal. **Board:** Why was the fence moved to the wrong place? Chairman doesn't completely understand how the fence post would impact the roots. **Arborist response:** The moving of fence would necessitate trimming of the canopy. **Board** members question which is important - the claim of needing safety or the loss of the mango tree? Members have empathy but believe the mango tree is a "red herring." Board member cites Seaside, in the panhandle, as an example of how to effectively achieve privacy with a 4- foot fence and landscaping. Doesn't understand taking matter in own hands, there needs to be consistency in the neighborhood. Staff has multiple made accommodations and worked to resolve the situation. Neither the Board nor staff are denying solutions to the security, code is there for a reason not as punishment. Once this is resolved then the rolling gate could be permitted.

**Public Comments:** Erika Gettig- writes in favor of fence and believes there are different ways to look at variances. Brendon McCarthy- also in favor of the granting of the variance. These comments were received after the publication of the meeting materials which included eleven other comments.

**Motion:** J. Foreman moves to deny HRPB 22-01500002 as the applicant has not established by competent substantial evidence that the application is in compliance with the City of Lake Worth Beach Land Development Regulations; R. D'Arinzo 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

B. HRPB Project Number 22-00100239: Consideration of a Certificate of Appropriateness (COA) for window, door, and siding replacement for the single-family house located at 216 South J Street; PCN# 38-43-44-21-15-087-0090. The subject property is a contributing resource within the Southeast Lucerne Historic District and is located in the Low-Density Multi-family (MF-20) zoning district. The future land use designation is Medium Density Residential (MDR).

**Staff:** A. Greening presents case findings and analysis. The request is to allow horizontal rollers or awning windows in two openings. They are not appropriate for frame vernacular architecture. Staff is recommending six over one single-hung windows. This is not a request that can be administratively approved.

**Applicant:** Jason Maki -The north façade is not easily visible from the street. The difficulty is in the re-location of electric and sprinkler system. There is no header in the window, it may have been a screened in porch. The windows are horizontal so they do not match anything. Intends to put a header in but the roller would save money by not having to replace the siding. Would make the height slightly larger to match the 6 over portion on the rest of the house.

**Staff:** There is the option to apply muntins to the rollers or 2 over 2 in each roller.

**Board:** M. Gonzales proposes 3 over one on each awning (which would be 6 over one in appearance) for continuity with the existing window light pattern.

**Motion:** R. D'Arinzo moves to approve HRPB 22-00100239 with amended conditions as stated, the replacement windows shall match the 6 over 6 portion of the existing windows, based upon competent substantial evidence in the staff report and pursuant to the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements; M. Gonzales 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**PLANNING ISSUES:** None

**PUBLIC COMMENTS:** (3 minute limit) None

**DEPARTMENT REPORTS:** Staff has been notified by inspectors of 2 projects (314 South K Street and 501 North K Street) working out of scope of window permits. One may come before the Board for a Historic Waiver.

**BOARD MEMBER COMMENTS:** Welcome of new members to the Board.

**ADJOURNMENT** 7:28 PM