



MEMORANDUM DATE: June 2, 2021

AGENDA DATE: June 8, 2022

TO: Chair and Members of the Historic Resources Preservation Board

RE: **814 North Ocean Breeze**

FROM: Erin Sita, Assistant Director
Yeneneh Terefe, Preservation Planner
Department for Community Sustainability

TITLE: HRPB Project Number 22-00100212: Consideration of Certificate of Appropriateness (COA) for roof replacement and an Unreasonable Economic Hardship Application for the property located at **814 North Ocean Breeze**; PCN #38-43-44-21-15-232-0040. The subject property is a non-contributing resource to the Northeast Lucerne Local Historic District and is located within the Single-Family Residential (SF-R) zoning district.

OWNER: Hillary Broder
814 North Ocean Breeze
Lake Worth Beach, FL 33460

PROPERTY DEVELOPMENT HISTORY:

Based on the historical property files, the single-family residence located at 814 North Ocean Breeze was completed on December 30, 1947, in the Masonry Vernacular architectural style. The file indicates that the original roofing material was asbestos shingles. Several modifications have occurred over time. In 1967 the asbestos shingles were removed, and the home was re-roofed with concrete tiles. In 1987 an addition, concrete patio, and in-ground pool were added. The addition was roofed with concrete tile while the patio roof was insulated aluminum. In 1988 the carport was enclosed with a louvered panel trellis and new door.

PROJECT DESCRIPTION:

The property owner, Hilary Broder, is requesting a Certificate of Appropriateness (COA) to replace the existing gable white concrete tile roof with new Owens Corning Lifetime Duration Series 130mph Dimensional Shingle roof. The request is accompanied by an Unreasonable Economic Hardship application (LDR Section 23.5-4(I)(4)). The subject property is located on the east side of North Ocean Breeze, between 8th Avenue North and 9th Avenue North. The property is located in the Single-Family Residential (SF-R) zoning district and has a Future Land Use (FLU) designation of Single Family Residential (SFR).

The application will require the following approval:

1. **COA** for roof replacement accompanied by an Unreasonable Economic Hardship Application

Exhibit 1 – Concrete Tile Roof Installed in 1967



PROJECT BACKGROUND:

In May of 2022, COA application #22-00100212 was submitted by the applicant’s contractor for the replacement of the existing gable white concrete tile roof with a new dimensional asphalt shingle roof. Due to the increase in cost between a Design Guideline compliant white concrete tile roof and the requested asphalt shingle roof, the property owner submitted an Unreasonable Economic Hardship application in May 2022.

STAFF RECOMMENDATION:

Staff recommends that the Board review the criteria and documentation supplied by the applicant to determine if replacing the barrel tile roof with an asphalt shingle roof would pose an unreasonable economic hardship for the property owner. If the Board determines that there is an economic hardship, staff has drafted conditions of approval for a light grey dimensional asphalt shingle roof to replace the existing white barrel tile roof.

PROPERTY DESCRIPTION:

Owner	Hilary Broder
General Location	East side of North Ocean Breeze, between 8 th Avenue North and 9 th Avenue North
PCN	38-43-44-21-15-232-0040
Zoning	Single Family Residential (SF-R)
Existing Land Use	Single-Family Residence
Future Land Use Designation	Single Family Residential (SFR)

LOCATION MAP:



Consistency with the Comprehensive Plan

The proposed project is not in compliance with Policy 3.4.2.1 which requires 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 features should be substantiated by documentary, physical, or pictorial evidence. The non-contributing resource at 814 N. Ocean Breeze currently has a white flat concrete tile roof which was install in 1967. Concrete tile roofing is typical roof material for the masonry vernacular architectural style.

HISTORIC PRESERVATION ANALYSIS:

Historic Preservation Design Guidelines Analysis

The City’s Historic Preservation Design Guidelines provide a guide for compatible roof replacement for structures within the historic districts based on the structure’s architectural style. Replacement products for historic structures should match the original features in design, color, texture, and other visual qualities and, where possible, materials. Pages 53-64 of the City’s Historic Preservation Design Guidelines provide a guide for compatible roof types for Masonry Vernacular Structures. Per the Design Guidelines,

Masonry Vernacular roofs for buildings constructed after 1930 were typically flat white concrete tile, or occasionally asbestos shingle or white glazed barrel tile.

Roof material is an important character-defining feature for a historic property. Per the Design Guideline, new white flat or barrel concrete tiles are the most successful replacement options for original white tile roofs. Flat white concrete tiles that replicate historic tile profiles and dimensions are still in production today and could be utilized as the replacement roofing material.

This style of architecture primarily used flat white concrete tiles or white concrete barrel tiles as a roofing material. The buildings are typically linear in appearance, often one story, and utilized horizontal details in the windows and doors. The roofing materials for these buildings continued this theme, with thick concrete tiles laid in horizontal rows creating a visually stepped appearance towards the high point of the roof. Asphalt shingles are labeled as an unsuccessful replacement option for original concrete tiles, as the proportions, dimensions, material, and related visual qualities are not consistent with tiles. However, an asphalt shingle roof would be considered a successful replacement of an asbestos shingle roof, which was the original roofing material installed when the structure was built in 1947.

Certificate of Appropriateness

Exterior alterations to structures within a designated historic district are subject to visual compatibility criteria. The applicant has requested approval for dimensional asphalt shingles. The HRPB, as tasked in the LDR Sec. 23.2-7(C)(7), shall review the request and supporting exhibits to determine if a COA may be granted. 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 applicant has submitted a request for a COA for the replacement of the existing white concrete tile roof with a new dimensional asphalt shingle roof. The request is accompanied by a request for relief through an Unreasonable Economic Hardship application.

- 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 roof replacement will have no direct physical effect on any surrounding properties within the surrounding College Park Local Historic District but could impact the character of the surrounding district.

- 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 currently has a white concrete tile roof, which is a character defining roof material for Masonry Vernacular residences. The request to install a new asphalt shingle roof will alter the design, arrangement, texture, material, and potentially color, of the non-contributing resource's roof.

- 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 the property.

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

Staff Analysis: Yes, the applicant's plans can be carried out in a reasonable time frame.

- 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 City's Historic Preservation Design Guidelines place significant importance on compatible roofing materials and roof replacement. A request for an asphalt shingle roof does not satisfy the requirements of the Historic Preservation Design Guidelines or the Secretary of Interior Standards as this material is not a visually compatible replacement option for flat white concrete tiles.

- 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: Replacing the existing white concrete tile roof with a new asphalt shingle roof does not pose the least possible adverse effect, as the roof could be replaced in-kind with a new flat concrete tile in white.

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: The existing character-defining white concrete tile roof would be removed if the application is approved.

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

Staff Analysis: Many masonry structures from the 1940's and 1950's on Columbia Drive have lost their concrete tile roofs over time. They have largely been replaced with asphalt shingles. A change from white concrete tiles to asphalt shingles would not be visually incompatible with neighboring properties.

UNREASONABLE ECONOMIC HARDSHIP ANALYSIS:

LDR Section 23.5-4 (I)

According to the City of Lake Worth Beach, Land Development Regulations, Section, 23.5-4(I)(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.

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

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

- 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 affidavit, she did not know at the time of acquisition that the property was located within a historic district. The property's ownership was through inheritance in 2020 from brother to sister.

- 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: Per the applicant's affidavit, the property's ownership was transferred in 2020 from brother to sister.

- 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: Per the applicant's affidavit, the property is owned in a sole proprietorship with the intended use as a homesteaded property.

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

Staff Response: Per the applicant's affidavit, roof replacement proposals from one company are provided in the application

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

Staff Response: Per Palm Beach County Property Appraiser, in 2021 the property had an assessed land value of \$121,750 and an improvement value of \$155,471 with a total market value of \$277,221. In 2020, the property had an assessed land value of \$100,000 and an improvement value of \$150,519 with a total market value of 250,519.

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

Staff Response: Per the Palm Beach County Constitutional Tax Collector, the real estate taxes totaled \$5,988 in 2021 and \$6,398 in 2020.

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

Staff Response: Not Applicable.

- 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.

- 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 to sell the property.

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

Staff Response: Not Applicable.

+

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 Applicable

(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 evidence submitted in **Attachment C**.

(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: Not Applicable

(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: Not applicable.

(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: The applicant has provided a summary statement of their financial ability to complete the replacement project. The applicant has stated that they are retiree on a fixed income. No supporting documents from financial institutions were included in the submittal.

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

Staff Response: Per the applicant’s affidavit, they were not able to afford two independent appraisals at this time. However, they have provided a Zillow estimate of the property’s value of approximately \$542,500, which has increased to \$561,500 at the time of the publication of this report.

- 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: A tax and income document was provided and is included in **Attachment E**.

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

Staff Response: Per the applicant’s affidavit, the applicant is willing to provide additional information at the request of the HRPB.

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 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.

PUBLIC COMMENT:

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

CONCLUSION:

The City’s historic preservation ordinance tasks the Board to review the criteria and documentation supplied by the applicant and determine if replacing the roof with a new Design Guidelines compliant roof would pose an unreasonable economic hardship for the property owner. Should the Board determine that replacing the roof with a Design Guidelines complaint roof would cause an unreasonable economic hardship, staff has included conditions of approval to help mitigate the visual impact.

Conditions of Approval

1. The replacement roof shall utilize a light grey dimensional or architectural asphalt shingles. Three-tab shingles shall not be approved.

POTENTIAL MOTIONS:

I MOVE TO **APPROVE** HRPB Project Number 22-00100212 for a Certificate of Appropriateness (COA) for roof replacement with asphalt shingles due to an unreasonable economic hardship for the property located at **814 North Ocean Breeze**, 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 22-00100212 for a Certificate of Appropriateness (COA) for roof replacement with asphalt shingles for the property located at **814 North Ocean Breeze**, because the applicant has not established by competent substantial evidence that the request is consistent with the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements and because replacing the roof with a Design Guidelines compliant roof does not pose an unreasonable economic hardship.

ATTACHMENTS:

A. Applicant's Supporting Documentation