



**MEMORANDUM DATE:** September 1, 2021

**AGENDA DATE:** September 8, 2021

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

**RE:** **732 North Palmway | Continuance**

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

**TITLE: HRPB Project Number(s) 21-00100119 and 21-01500004:** A Certificate of Appropriateness (COA) for exterior alterations and a variance from base flood elevation requirements of the Florida Building Code for the detached garage located at 732 North Palmway; PCN #38-43-44-21-15-228-0080. The subject property is located within the Single-Family Residential (SF-R) zoning district and is a contributing resource to the Northeast Lucerne Local Historic District.

**OWNER:** James Murphy  
719 Claremore Drive  
West Palm Beach, FL 33401

**ARCHITECT:** Jeremy K. Walter Architects  
601 Heritage Drive, Ste. 105  
Jupiter, FL 33458

**PROJECT BACKGROUND:**

The single-family structure and a single-vehicle detached garage at 732 North Palmway were designed by Sea-Crest Homes for Mr. Walter Eisenberg in 1949 in a Masonry Minimal Traditional architectural style. The original architectural plans are included as **Attachment A**. The property maintains a high degree of the seven aspects of historic integrity: location, setting, design, workmanship, materials, feeling, and association. Current photos of the property are included as **Attachment B**.

At the July 14, 2021 regular meeting, the HRPB reviewed and approved a COA for additions, exterior alterations, site improvements, and a variance from base flood elevation requirements of the Florida Building Code for the single-family residence on the property. Although a COA for exterior alterations and a base flood elevation variance were also requested for the detached garage, the HRPB separated and continued the scope of work proposed for the garage as the request sought to substantially alter the massing, height, and roof design of the building. The HRPB provided the project architect with recommendations and requested a redesign, specifically in regards to lowering the roof height below that of the single-family residence. The project architect submitted revised plans on July 19, 2021, included as **Attachment C**. The proposed plans provide two options for the building's roof design; the property

owner’s preferred choice of a gable roof, and an alternate consideration as a hip roof. The continuance was scheduled to be heard at the August 11, 2021 meeting, but the meeting was postponed until September 8, 2021.

**PROJECT DESCRIPTION:**

The property owner, James Murphy, is requesting approval for exterior alterations and a variance from base flood elevation requirements of the Florida Building Code due to a substantial improvement. The subject property is a 50’x135’ (6,750 square foot) platted lot of record located on the southeast corner of North Palmway and 8<sup>th</sup> Avenue North, in Lake Worth Beach. The subject property is located within the Single-Family Residential (SF-R) zoning district and retains a Future Land Use (FLU) designation of Single Family Residential (SFR).

The application will require the following approvals:

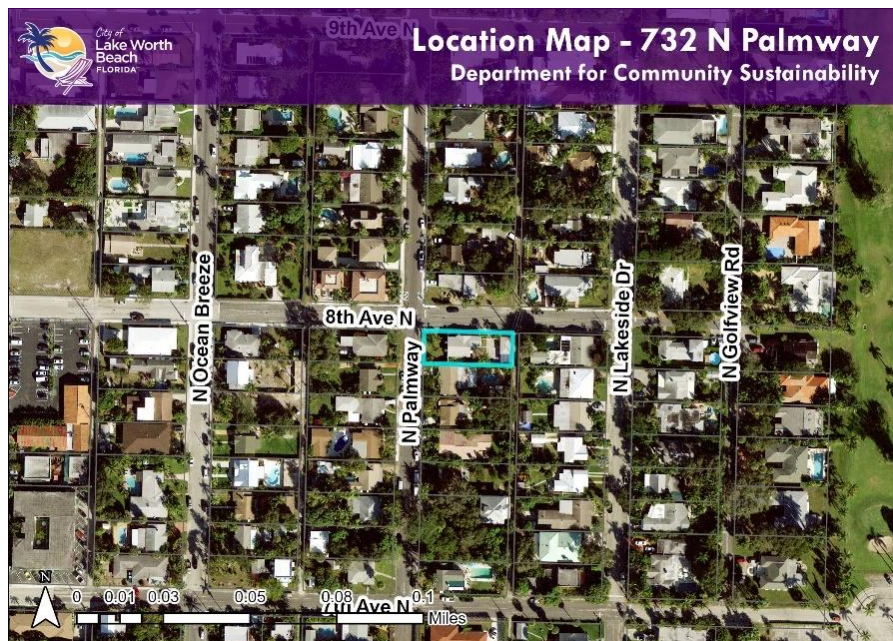
1. **Certificate of Appropriateness (COA)** for exterior alterations
2. **Variance from Base Flood Elevation (VAR)** from the Florida Building Code

**STAFF RECOMMENDATION:**

Staff recommends approval with conditions, listed on pages 11 and 12.

**PROPERTY DESCRIPTION:**

Owner	James Murphy
General Location	Southeast corner of North Palmway and 8 <sup>th</sup> Avenue North
PCN	38-43-44-21-15-228-0080
Zoning	Single-Family Residential (SF-R)
Existing Land Use	Single Family Residence
Future Land Use Designation	Single Family Residential (SFR)



**SITE ANALYSIS:**

**Surrounding Properties**

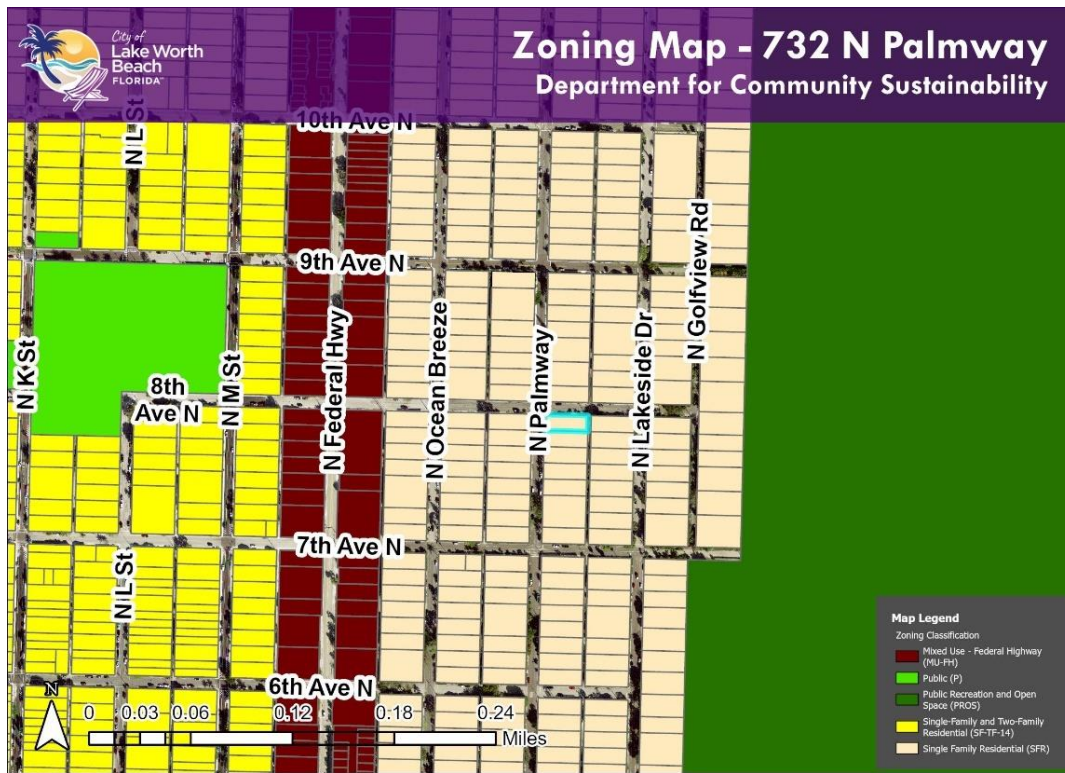
The site is surrounded by single-family structures with similar Zoning and FLU designations, and thus, are found to be compatible with the existing and proposed residential use on the subject site. The following summarizes the nature of the surrounding properties adjacent to the subject site:

**NORTH:** North of the subject site across 8<sup>th</sup> Avenue North is a single-family. This parcel contains a FLU designation of SFR and a Zoning designation of SF-R.

**SOUTH:** Immediately south of the subject site is a single-family residence. This parcel contains a FLU designation of SFR and a Zoning designation of SF-R.

**EAST:** East of the subject site across the rear alley is a single-family residence. This parcel contains a FLU designation of SFR and a Zoning designation of SF-R.

**WEST:** West of the subject site across North Palmway is a single-family residence. This parcel contains a FLU designation of SFR and a Zoning designation of SF-R.



**Consistency with the Comprehensive Plan**

The subject property is located in the Single-Family Residential Land Use (FLU) designation. Per Policy 1.1.1.2 in the City’s Comprehensive Plan, the FLU designation allows for a maximum density of 7 dwelling units per acre. The purpose of the Single-Family Residential designation is to permit the development of single-family structures designed for occupancy by one family or household. As the project proposes improvements to the single-family residence, it is consistent with the intent of the Single-Family Residential designation. Staff has included conditions of approval to ensure the accessory structure is not utilized as an additional dwelling unit which is not consistent with the parcel’s FLU designation.

The project also encourages architectural design that complements the City’s appearance, consistent with Objective 3.2.4.

**LAND DEVELOPMENT CODE REQUIREMENTS:**

Land Development Code Requirements		
Code References	<b>23.3-7 SF-R; Florida Building Code</b>	
	Required	Existing/Proposed
Lot Area	5,000 square feet	6,750 square feet
Lot Width	50'-0"	50'-0"
Building Height	24'-0" 2 stories (Accessory Structure)	12'-2" (midpoint of roof)
<b>Base Flood Elevation</b>	<b>9'-0" NAVD</b> (Zone AE) (BFE 8'-0" + 12" Freeboard)	Garage Existing: <b>4.0' NAVD</b> Garage Proposed: <b>4.33' NAVD</b>

The applicant is requesting approval to convert the existing garage into additional under-air living space. The site plan associated with the overall project is consistent with all site data requirements in the City’s zoning code and was approved at the July 14, 2021 regular meeting. The approved site plan and revised architectural drawings of the detached garage are included in this report as **Attachment C**.

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. The Palm Beach County Property Appraiser’s 2020 assessed improvement value for the existing structures on the parcel is \$124,106, which provides \$62,053 of improvement value before the project will be considered a substantial improvement. The project architect submitted an overall project valuation estimate, which estimates the improvement value of the project at \$135,990.

As the proposal is deemed a substantial improvement, the entire structure must be raised to meet the current 9-foot NAVD base flood elevation requirement established within the Florida Building Code. The

current floor elevation of the detached garage is listed at 4' NAVD, per an elevation certificate provided by the applicant, included as **Attachment D**.

As the structure is a contributing resource within the Northeast Lucerne Local Historic District, the property owner 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 analyzed in the section below.

**Variance from Base Flood Elevation of the Florida Building Code**

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.*

**Staff Analysis:** The current slab height of the detached garage is 4' NAVD. The plan involves raising the floor height in the garage by 4", bringing the proposed floor height to 4.33' NAVD. The Federal Emergency Management Agency (FEMA) Pending Flood Map indicates the property is located in Zone AE, which requires an 8'-0" elevation for finished floors for habitable living spaces. The Florida Building Code also requires finished floors be constructed an additional 12" above the base flood elevation. **Therefore, the pending base flood elevation for the building is 9'-0" NAVD, which is 4.67' above the finished floor of the garage (after the 4" slab pour).**

Because the subject property is a contributing resource to the Northeast Lucerne Local Historic District, which was designated by municipal ordinance, the proposed garage conversion 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 Northeast Lucerne Local Historic District, the detached garage is eligible for the exception to the flood resistant construction requirements of the Florida Building Code. It is staff's analysis that the proposed exterior alterations, as revised, will likely not preclude the continuation of the structure's contributing designation as the new design mitigates the changes in height and massing in an adequate manner. For a more in-depth visual compatibility analysis, refer to the Historic Preservation Analysis, pgs. 7-10, and the Design Guidelines Analysis, pgs. 10-11.

Pursuant to City of Lake Worth Beach LDR Section 23.7-7(g)(2), variances to flood-resistant construction requirements have specific variance criteria. Provided below are the variance criteria and Staff's responses.

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;

**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. Raising the finish floor elevation of the converted garage an additional 4.67' could disrupt the foundation and wall proportions and general height of the buildings when compared to neighboring Minimal Traditional resources.

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 garage structure to remain below the required base flood elevation is unlikely to increase flood heights, cause additional threats to public safety, public expense, or create a

nuisance. The proposal is compliant with the impermeable surface requirements in the LDRs and there are pervious buffers around the property lines.

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

**Staff Analysis:** The variance is likely the minimum necessary to allow for a substantial improvement without having to raise the garage to meet current base flood elevation requirements or to significantly raise the beam height of the structure to accommodate higher ceilings due to an increase in floor height.

### **HISTORIC PRESERVATION ANALYSIS:**

#### **Certificate of Appropriateness**

All additions and exterior alterations to structures within a designated historic district are subject to visual compatibility criteria. 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 proposed work consists of installing new aluminum impact casement windows, glazed doors, a triplet of panel doors to create a faux garage door opening, and altering the building's ceiling height and roof design. The existing beam height of the garage is 8'-0", and the applicants are proposing to raise the beam height to 10'-0". Additionally, the existing hip roof will be removed and replaced with a gable roof with dimensional asphalt shingles. A hip roof design is also illustrated for the Board's consideration.

- 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 proposed alterations to the garage are generally compatible with the Masonry Minimal Traditional architectural style. The window and door replacement proposal accurately replicate the original products and the new roof design is largely compatible with the architectural style and overall arrangement of buildings on the parcel. The request also includes a variance to allow the structure to be maintained at the existing floor height, after the 4" slab pour. Raising the building could result in adverse visual impacts as the building's current elevation is similar to visually contributing resources.

- 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 architectural features on the building are largely being replicated with materials consistent with Design Guidelines requirements. The proposed wall height and roof design arrangements are a departure from the original design, but they are largely compatible with the Minimal Traditional architectural style.

- 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 his property.

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

**Staff Analysis:** The plans are feasible and could be carried out in a reasonable timeframe.

- 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 planned exterior alterations for the garage are generally in compliance with the City of Lake Worth Beach Design Guidelines. The proposed massing and exterior finish materials are generally appropriate for the structure. Staff does have some remaining concerns regarding the change in roof type, but the applicants have lowered the roof's overall height since the July HRPB meeting and the existing primary structure on the parcel features similar rooflines and detailing consistent with the proposed alterations.

- 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:** The garage was designated as a single-story vehicular structure with very little detailing or architectural embellishments. The project architect has maintained the appearance of a vehicular structure by replicating the appearance of a garage bay with three new panel doors to fill the garage door opening.

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:** The use of the building will change from a garage to a pool cabana. The design of the building requires few exterior alterations to accommodate the new use, including filling in the vehicular garage bay with a triplet of doors and raising the beam height two feet to accommodate additional ceiling height.

- 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 proposal does include removing existing doors, windows and a garage door, but the elements will be replaced with architecturally compatible alternatives.

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

**Staff Analysis:** The alterations to the building will largely be visually compatible when viewed from 8<sup>th</sup> Avenue North. The project architect has lowered the beam height in the garage by 2'-0" in a redesign requested by the Board at the July meeting. The new design also incorporates a decorative circle vent in the gable end in lieu of a window that was presented in July. Overall, the changes in design increase the visual compatibility of the building.

- D. When a certificate of appropriateness is requested to replace windows or doors the HRPB or development review officer, as appropriate, may permit the property owner's original design when the city's alternative design would result in an increase in cost of twenty-five (25) percent above the owner's original cost. The owner shall be required to demonstrate to the city that:

- (1) The work to be performed will conform to the original door and window openings of the structure; and

**Staff Analysis:** The replacement windows largely conform to the original opening sizes.

- (2) That the replacement windows or doors with less expensive materials will achieve a savings in excess of twenty-five (25) percent over historically compatible materials otherwise required by these LDRs. This factor may be demonstrated by submission of a written cost estimate by the proposed provider of materials which must be verified by city staff; and

**Staff Analysis:** Not applicable, the applicant did not request to replace the windows and doors with less expensive materials.

- (3) That the replacement windows and doors match the old in design, color, texture and, where possible, materials where the property is significant for its architectural design or construction.

**Staff Analysis:** The replacement windows replicate the design of the original casement windows and could be approved administratively, per the Design Guidelines.

- (4) If the applicant avails himself of this paragraph the materials used must appear to be as historically accurate as possible and in keeping with the architectural style of the structure.

**Staff Analysis:** Not applicable, the applicant is not requesting to be availed of this paragraph.

#### **Historic Preservation Design Guidelines Analysis**

Per the Historic Preservation Design Guidelines, the six historic districts in Lake Worth Beach feature 10 primary historic architectural styles. Chapter 5; Architectural Styles, illustrates and describes the elements that define each style. In addition to defining the physical characteristics of each primary style, a narrative is provided that chronicles the history and context of each style. The Masonry Minimal Traditional architectural style section is included as **Attachment E**.

**Staff Analysis:** The existing single bay garage is proposed to be converted into a new pool cabana featuring a full bathroom, living room area, and kitchenette. The garage door on the north façade is proposed to be removed and infilled with three doors utilizing recessed panels and 4-light windows. The doors will be mulled together in the existing opening, with two being fixed doors and one being operable. The remaining window and pedestrian door openings will be replaced with new impact casement windows and divided light glazed doors. The replacement of these features could be approved administratively, as the replacement products adequately replicate the original features in design, operability, and related visual qualities.

The proposal also includes raising the beam height from 8'-0" to 10'-0" and changing the roof design from a hip roof to a forward-facing gable roof. An alternate design illustrating a hip roof configuration is also provided for the Board's consideration. Both roof options maintain the same overall height. The proposed alterations, while significant, are not in conflict with the architectural style, massing, and design common amongst Minimal Traditional buildings from the 1940s and 1950s. The applicants have lowered the roof's midpoint height (from 14'-3" to 12'-2") since the July meeting and the existing primary structure on the parcel features similar rooflines and soffit detailing. The decorative casement window in the gable end that was presented at the July meeting was also removed and replaced with a decorative round vent to match the primary structure.

#### **PUBLIC COMMENT:**

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

**CONCLUSION:**

The proposed exterior alterations requested in the COA application are generally compatible with the Historic Preservation Ordinance criteria and the Historic Preservation Design Guidelines. The structure also meets the eligibility requirements for a variance from base flood elevation requirements and it is staff's analysis that the proposed improvements would not preclude the continuation of the building's contributing designation. Therefore, staff recommends approval of the COA and variance applications with the conditions provided below.

**CONDITIONS OF APPROVAL:**

**Certificate of Appropriateness**

COA#21-00100119

1. The exact window and door product selection shall be reviewed by staff at permitting. The triplet of doors for the garage bay shall utilize a recessed panel or vertical plank design.
2. The windows shall be installed recessed in the jambs to the same depth as they are on the existing historic structure and shall not be installed flush with the exterior face of the wall.
3. All divided light patterns shall be created utilizing exterior raised applied muntins. External flat muntins or "grills between the glass" shall not be permitted.
4. All glazing shall be clear, non-reflective, and without tint. Low-E (low emissivity) is allowed but the glass shall have a minimum 60% visible light transmittance (VLT) measured from the center of glazing. Glass tints or any other glass treatments shall not be combined with the Low-E coating to further diminish the VLT of the glass.
5. The single French doors on the west elevation shall utilize 5 horizontal lights and the casement windows shall utilize 8 and 3 lights, depending on size, as depicted in the original architectural drawings.
6. The roofing material shall be a dimensional asphalt shingle or flat white concrete tile, subject to staff review at permitting. Staff recommends white or light grey for asphalt shingles.
7. All stucco applications shall be consistent with the existing structure's stucco texture and application.
8. The accessory structure shall not be utilized as an accessory dwelling unit (ADU).
9. The accessory structure shall not have kitchen facilities as defined in the City's Land Development Regulations. Future alterations that would lead to the conversion of the structure to an accessory dwelling unit (ADU) shall be prohibited. The accessory structure shall function as an extension of and subordinate to the single-family use.
10. The accessory structure shall not be granted an additional utility meter from the Public Utilities Department and shall not be issued a rental license from the Lake Worth Beach Business License Division.

**Variance from Florida Building Code (Base Flood Elevation)**

HRPB#21-01500004

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 that it appears in the chain of title for the affected parcel of land.

**POTENTIAL MOTION:**

I MOVE TO **APPROVE** HRPB Project Number(s) 21-00100119 and 21-01500004, with staff recommended conditions, for a Certificate of Appropriateness for exterior alterations and a variance from base flood elevation requirements of the Florida Building Code for the garage structure located at **732 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(s) 21-00100119 and 21-01500004, for a Certificate of Appropriateness for exterior alterations and a variance from base flood elevation requirements of the Florida Building Code for the property located at **732 North Palmway**, because the applicant has not established by competent substantial evidence that the application is in compliance with the City of Lake Worth Beach Land Development Regulation and Historic Preservation requirements.

**ATTACHMENTS:**

- A. Property File Documentation
- B. Current Photos
- C. Proposed Architectural Plans
- D. Elevation Certificate
- E. LWBHPDG Minimal Traditional