



**MINUTES
CITY OF LAKE WORTH BEACH
HISTORIC RESOURCES PRESERVATION BOARD REGULAR MEETING
CITY HALL COMMISSION CHAMBER
WEDNESDAY, OCTOBER 13, 2021 -- 6:00 PM**

ROLL CALL and RECORDING OF ABSENCES: Present were: Bernard Guthrie, Vice-Chair; Robert D'Arinzo; Stephen Pickett, Judi Fox (Virtual); Ricardo Martin. William Feldkamp absent. Also present were: Erin Sita, Assistant Director for Community Sustainability; William Waters, Director for Community Sustainability; Elizabeth Lenihen, Board Attorney; Sherie Coale, Board Secretary.

PLEDGE OF ALLEGIANCE

ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA Vice-chair requests the addition of a discussion item under Planning Issues.

Motion: R. D'Arinzo moves to amend the agenda with a discussion item, Non-conformities under Planning Issues; R. Martin, 2nd.

Vote: Ayes all to amend the agenda. Unanimous

APPROVAL OF MINUTES: None

CASES

SWEARING IN OF STAFF AND APPLICANTS: Board Secretary administered oath to those wishing to give testimony.

PROOF OF PUBLICATION

- 1) Lake Worth Herald Notices

WITHDRAWALS / POSTPONEMENTS: None

CONSENT: None

PUBLIC HEARINGS:

BOARD DISCLOSURE: None

UNFINISHED BUSINESS:

- A. HRPB Project Number 21-00100222:** Consideration of a Certificate of Appropriateness (COA) for the construction of a new +/- 1,790 square foot addition for the single-family residence at 320 North Lakeside Drive; PCN #38-43-44-21-15-430-0050. The subject property is located within the Single-Family Residential (SF-R) zoning district and is a contributing resource to the Old Lucerne Local Historic District.

Staff: The project was reviewed by the Board as a conceptual plan on May 12, 2021. A full submittal was presented at the September 8, 2021 meeting with the recommendation to reduce the overall height of the addition and re-orient the gable ends to reduce the visible massing from the streetscape. On September 15, 2021, again as a conceptual review, the Board advised returning on October 13, 2021 with the recommendation to: reduce the overall height of the connection to the new addition and; add windows to the west elevation and increase the size of the faux shutter openings. As the applicants have incorporated the Board's recommendations, staff is recommending approval with the conditions found within the staff report.

Public Comment: None

Motion: R. D'Arinzo moves to approve HRPB 21-00100222 with staff recommended Conditions of Approval 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. R. Martin 2nd.

Vote: Ayes all, unanimous.

B. HRPB Project Number 21-00100157: Consideration of a Certificate of Appropriateness (COA) for the installation of a new circular asphalt driveway off of South Lakeside Drive for the property located at 726 South Palmway; PCN #38-43-44-27-01-014-0020. The subject property is a non-contributing resource within the South Palm Park Local Historic District and is located in the Single-Family Residential (SF-R) zoning district.

Staff: The parcel once had a circular drive that has fallen into disrepair, curb cuts are still intact. The parking created by the proposed circular drive would add off-street parking in excess of what is required for a single-family residence. The permit was failed by staff and brought before the Board on June 9, 2021 with the result being the Board recommending the applicant work with staff toward a parallel parking solution. Circular drives in Historic Districts are historically inaccurate as they give unwanted prominence to the automobile.

Agent for the applicant: There is no way to accommodate a parallel parking situation. It would also double the cost. She wants to retain the pelican statue in the middle of a narrow circle and to pull in and pull out. The contractor is willing to put cocoplum shrubs to buffer the area as the owner is not willing to add anything.

Board: B. Guthrie – Would like to see pavers or concrete, asphalt is not correct for Historic areas. Agent states he also installs concrete and pavers but applicant doesn't want that. Since it is a dual frontage lot on Lakeside and Palmway, it would be a disservice to the neighborhood if something is installed that doesn't look nice. The property owner has been using the front driveway all these years. R. D'Arinzo continues to support the previous Board recommendation. S. Pickett – The proposal is not significantly different from the previous proposal, Board guidance was not taken. It is questionable if it is safe; it would also vest the drive going forward. J. Fox – pavers would be esthetically pleasing and believes the cocoplum planting may create a blind spot. R. Martin doesn't care for the proposal, it would change the look of the street and does not want to set any precedence.

Motion: S. Pickett moves to deny HRPB 21-00100157 because the applicant has not established by competent substantial evidence that the application is compliant with the Land Development Regulations and Historic Preservation requirements: R. D'Arinzo 2nd.

Vote: Ayes all, unanimous.

NEW BUSINESS:

A. HRPB Project Number 21-00000014: Consideration of a request for Mural Installation for the contributing structure located at 17 South L Street; PCN#38-43-44-21-15-021-0250. The subject property is located in the Mixed-Use East (MU-E) zoning district and the Old Town Local Historic District.

Staff: E. Sita provides background information on the mural. This is a request for a retro-active approval as the mural is already installed. The commercial message has been removed. Historically murals were used on the sides or rear walls/facades which means the location of this mural is appropriate.

Board: S. Pickett agrees with staff as long as the message is gone. R. Martin inquires as to whether murals are not allowed on side or back of home if not visible. Staff states it is a commercial property.

Public Comment: None

Motion: R. D'Arinzo moves to approve HRPB 21-00000014 with two (2) conditions 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; J. Fox 2nd

J. Fox asks if this is yet another case of asking forgiveness. Everyone does what they want to do and then comes before the Board for approval. **Staff:** They were cited by Code Compliance and there is a permit penalty fee.

Vote: Ayes all, unanimous.

B. HRPB Project Number 21-00100269: A Certificate of Appropriateness (COA) for window and door replacement for the property located at 220 South L Street; PCN #38-43-44-21-15-091-0070. The subject property is located in the Low-Density Multi-Family Residential (MF-20) zoning district and is a contributing resource to the Southeast Lucerne Local Historic District.

Staff: E. Sita presents case findings and analysis. On March 3, 2021 the detached garage was condemned by the Building Official per his findings and at the request of the property owners. Any structure in a Historic District that is condemned by the Building Official does not need Board approval to be demolished.

Of interest is the closure of window openings on the south elevation. This is a result of a non-conforming setback and inability to meet fire rating with any window. The closure will increase safety of the residents'. Faux shutters will be applied at those locations. Non-conformities will not increase.

Architect for the applicant: Geoff Harris- explains the front door will become a solid, recessed panel door. The new one will be a three (3) panel door. Other changes include one window to be replaced with siding, one opening to accommodate a pair of windows, and alteration of a paired window to accommodate a triplet of windows.

Motion: S. Pickett moves to approve HRPB 21-00100269, a request for window and door replacement, with staff recommended Conditions 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; R. D'Arinzo 2nd.

Vote: Ayes all, unanimous.

C. PZB/HRPB Project Number 20-01100001: A request by MAG Real Estate & Development, Inc. on behalf of Hammon Park on the Ave, LLC, for consideration of a replat to subdivide a portion of 'Hammon Park' to the development known as 'Aviara on the Ave', which is the subject property. The property is located within the Northeast Lucerne Local Historic District and is located within the Mixed Use - Dixie Highway (MU-DIXIE) zoning district with a Future Land Use of Mixed Use East (MU-E).

Staff: E. Sita provides background information for the reason of the re-platting. A condition of the Ordinance 2015-05 was to replat showing the conversion from townhouse to multi-family condominium structures prior to receiving a Certificate of Occupancy. In 2019 building permits were issued for construction in accordance with the Major RPD in 2015. The townhome HOA had to agree to changes guaranteeing and clarifying access to the roadways. This is why it took so long for the plat to get to this stage.

Public Comment: Fred Romaine-308 North J Street- has concerns about whether the re-plat will affect the Knox-Box on J Street. Also trash and gate concerns.

Staff: The Site Plan was approved in 2015 and will receive the Certificate of Occupancy once all conditions of that approval are met. The Knox Box and gate would have been a part of the Site Plan approval. Appropriate trash can days and replacing to the proper location is addressed by Public Services and Code Compliance.

Motion: R. Martin move to recommend approval of PZB/HRPB 20-01100001 the re-plat of a portion of Hammon Park to the City Commission, the proposal meets the applicable criteria based upon data and analysis in the staff report; S. Pickett 2nd.

Vote: Ayes all, unanimous.

D. PZB/HRPB 21-00400001 (Ordinance 2021-09): Consideration of an ordinance to Chapter 23 "Land Development Regulations" regarding changes to the development appeal process.

Staff: E. Sita explains the changes to the appeal process. The City process is no longer the standard, it is atypical. Florida Statutes allow for appeal directly to the Circuit Court. This proposal represents standard practice within local governments. It is cumbersome to the municipality to prepare and process, it provides better due process and also more time for both the applicant and appellant. It costs money and time to appeal to the City Commission, it eliminates the Commission. W. Waters- many cities do not have decision making Boards, unlike Lake Worth Beach. The Commission was in agreement, and requested, after the last appeal, to move the process directly toward the Circuit Court. Only site plans and conditional uses followed that route, variances have always been to appeal directly to Circuit Court.

Board: Clarification about the waiver process within an RPD, distinction is made between modifying a law or ordinance and appealing a decision made by Board according to that law.

Board Attorney: An appellant review is only looking for whether the decision was arbitrary and capricious. The appeal is seeking to determine if the decision was made contrary to law. It puts the Commission in a difficult position to rule on statute driven law.

Staff: Administrative decisions are still appealed to the Board, that is a decision made by the Development Review Official. W. Waters also mentions the Permitted Use table and the inclusionary code decisions come directly to Board. The Board acts in a quasi-judicial matter as it relates to certain applications, other recommendations are legislative in nature. In that case the City Commission is the decision making body.

Motion: S. Pickett moves to recommend approval to the City Commission to adopt PZB/HRPB 21-00400001 Ordinance 2021-09; R. D'Arinzo 2nd.

PLANNING ISSUES: B. Guthrie has questions about Non-Conformities. Initial concern is building on a 25-foot lot which was previously part of a larger parcel and broken apart.

Staff: Changes in minimum lot size have varied over the years. Currently a conforming Single Family Residential lot is 50 foot in width decreased from 75-feet approximately six (6) years ago. Certain lots in the Worthmore and College Park area are excluded. There is still an appreciation for the historic lots of record. The distinction is made between a Unity of Title and re-platting. A Unity of Title gives one parcel number and one tax bill but the underlying lots remain. Replatting removes all previous lot lines. Lots created after January 5, 1976 must be according to the requirements for that district. The non-conforming legal lots of record can still be built upon. One could request a Unity of Title be released and the City could deny the request to release the Unity of Title.

Board inquires if an interested party could not be required to meet the conforming size? No, there are property rights. There is a place for 25-foot lots, they require creative configurations, attention to mass and density.

PUBLIC COMMENTS: (3 minute limit) None

DEPARTMENT REPORTS: None

BOARD MEMBER COMMENTS: None

ADJOURNMENT: 8:35 pm