



HISTORIC RESOURCES PRESERVATION BOARD REPORT

HRPB Project Number 23-00100216: Consideration of a Certificate of Appropriateness for two historic waivers for a swimming pool in the front yard and minimum required front setback for the structure located at 401 North Lakeside Drive. The subject property is located within the Single Family Residential (SFR) zoning district and has a future land use designation of Single Family Residential (SFR). The property is a contributing resource in the Old Lucerne Historic District.

Meeting Date: October 11, 2023

Property Owner/Applicant: Brooks Bishop

Address: 401 North Lakeside Drive

PCN: 38-43-44-21-15-102-0160

Lot Size: 0.15 acre / 6750 sf

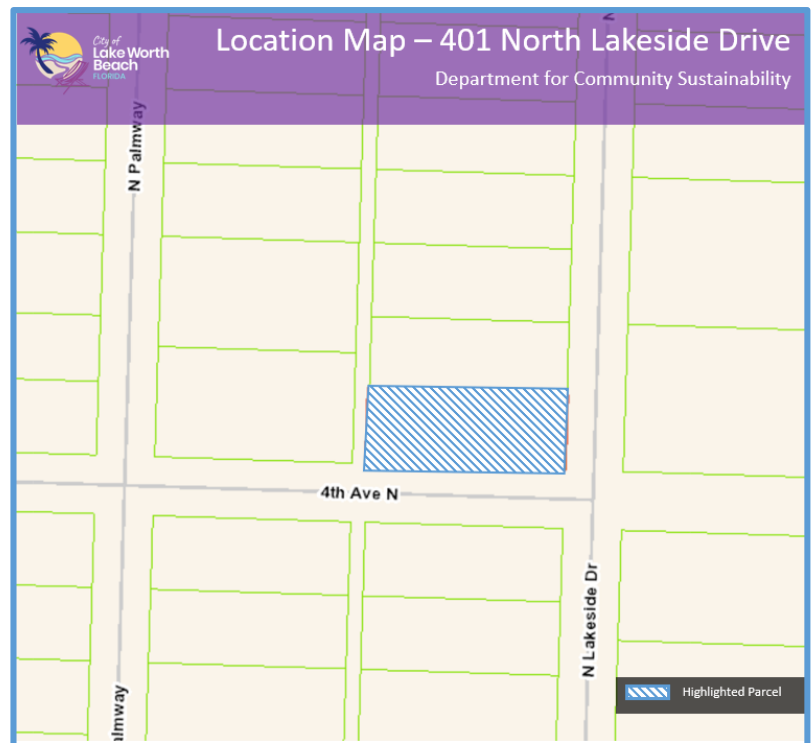
General Location: West side of North Lakeside Drive between 4th Avenue North and 5th Avenue North

Existing Land Use: Single Family Residential

Current Future Land Use Designation: Single Family Residential (SFR)

Zoning District: Single Family Residential (SFR)

Location Map



RECOMMENDATION

The documentation and materials provided with the application request were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) and for consistency with the Comprehensive Plan. Staff recommends approval with conditions, listed on page 4, for the historic waivers for the minimum required front setback and pool location.

PROJECT DESCRIPTION

The property owner, Brooks Bishop, is requesting two historic waivers for a swimming pool in front yard and in the required minimum front setback for the property located at 401 North Lakeside Drive. There is an accessory structure (garage) in the rear limiting space for a swimming pool.

The swimming pool, as proposed, does not comply with the current LDRs due to the location between the front building line and North Lakeside Drive and because the proposed location encroaches the minimum required front setback. The waivers, if approved, would allow the pool to be in the front yard with a front setback of 13 feet.

PUBLIC COMMENT

Staff has not received any letters of support or opposition for this application.

PROPERTY DEVELOPMENT HISTORY

The single-family house and accessory garage structure were constructed c. 1925 in the Mediterranean Revival architectural style. Both structures have undergone alterations over time, including window, door, and roof replacement.

Staff met with the applicant on August 17, 2023, to discuss zoning issues regarding the potential swimming pool location. Based on staff recommendations, the applicant adjusted the proposed pool location to minimize the pool's encroachment into the front setback, and prepared documentation for the required historic waiver applications.

A survey of the property is included as **Attachment A** and current photos of the property are included as **Attachment B**.

ANALYSIS

Consistency with the Land Development Regulations - Zoning

Section 23.5-4(r)2. Waiver or Modification of Certain Land Development Regulations

Pursuant to City of Lake Worth Beach LDR Sec. 23.5-4(r) *Incentives for improvements to designated landmark and contributing properties:*

*2. In addition, the HRPB may waive or modify certain land development regulation requirements. Waiver or modification may occur concurrently with issuance of a certificate of appropriateness or upon initial designation of a landmark or of a historic district. **Waivers may include setbacks, lot width, area requirements, height limitations, open space requirements, vehicular parking and circulation requirements, design compatibility requirements and similar development regulations. No waiver shall be permitted for permitted land uses, density or environmental and health standards.***

Waiver Requests		
LDR Citation	Required	Proposed
Minimum Front Setback (LDR Section 23.3-7(c)(3)(A))	Minimum front setback is 20 feet.	Proposed swimming pool setback of 13 feet.
Accessory Structure Location (LDR Section 23.1-12)	Accessory structures must maintain the same setback or greater from public streets as the principal structure and may not be constructed between any principal structure and a public street right-of-way.	Installation of pool between the front of the principal structure and North Lakeside Drive.

Due to the building's contributing status to the Old Lucerne National and Local Historic District, the application is eligible for relief from the land development requirements of Section 23.3-7, should the Board determine that the waiver criteria are sufficiently met. The applicant has provided a Justification Statement for the requests and has provided responses for each criterion. The applicant's justification statement is included in **Attachment C**.

(A) The waiver or modification is in harmony with the general appearance and character of the neighborhood or district.

Analysis: While the existing rear setback of the principal structure is approximately 42 feet, the garage structure, which is also contributing to the Old Lucerne Historic District, is located in the rear yard, leaving little room for the construction of a pool. Although swimming pools in the front yard are not common within the City's historic districts, the applicant has proposed fencing and landscaping to screen the pool from view. **Meets Criterion.**

(B) The project is designed and arranged in a manner that minimizes aural and visual impact on adjacent properties while affording the owner reasonable use of the land.

Analysis: Hedging and fencing will screen the proposed pool from North Lakeside Drive and 4th Avenue North. The mechanical equipment will be installed outside the setbacks and will comply with the City's noise regulations. **Meets Criterion.**

(C) The waiver or modification will not injure the area or otherwise be detrimental to the public health, safety or welfare.

Analysis: Installing the swimming pool in the front yard will not be detrimental to public health, safety, or welfare. **Meets Criterion.**

(D) The waiver or modification is the minimum necessary to allow reasonable use of the property while preserving its historical attributes.

Analysis: Although a swimming pool is not required for reasonable use of a single-family residence, a swimming pool is a reasonable expectation for a single-family home in South Florida due to the context and climate. Because of the historic development of the parcel, the front yard is the only available area for a pool. Typically, the most appropriate location for a new pool is the rear and/or side yard of the property; however, installation in the rear yard at 401 North Lakeside Drive would require demolition of the historic garage structure. The requested historic waivers would allow for the installation of a swimming pool and the continued preservation of the garage structure. **Meets Criterion.**

CONCLUSION AND CONDITIONS

The proposed swimming pool in the front yard at 401 North Lakeside Drive will help preserve the rear historic accessory structure (garage). Staff recommends approval of the historic waivers as the contributing structure meets the eligibility requirements for these requests and the proposed swimming pool would not preclude the continuation of the structure's contributing designation.

Conditions of Approval:

1. The historic waiver to allow pool in the front yard at 401 North Lakeside Drive shall only apply to the scope of work approved under this application. Should any structures on the parcel be destroyed, relocated, or demolished, any future development for the parcel shall adhere to the current City of Lake Worth Beach Land Development Regulations.
2. The historic waiver to allow the proposed swimming pool with a front setback of 13 feet at 401 North Lakeside Drive shall only apply to the scope of work approved under this application. Should any structures on the parcel be destroyed, moved, or demolished, any future development for the parcel shall adhere to the current City of Lake Worth Beach Land Development Regulations.

BOARD POTENTIAL MOTION:

I MOVE TO **APPROVE** HRPB Project Number 23-00100216 with staff recommended conditions for two historic waivers to allow to proposed swimming pool in the front yard, and to encroach the minimum required front setback for property located at 401 North Lakeside Drive, 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 **DISAPPROVE** HRPB Project Number 23-00100216 for a Certificate of Appropriateness for two historic waivers to allow to proposed swimming pool in the front yard, and to encroach the minimum required front setback for property located at 401 North Lakeside Drive, because [Board member please state reasons].

Consequent Action: *The Historic Resources Preservation Board's decision will be final decision for the waivers. The Applicant may appeal the Board's decision to the City Commission.*

ATTACHMENTS

- A. Property Survey
- B. Photos
- C. Justification Statement