



HISTORIC RESOURCES PRESERVATION BOARD REPORT

HRPB Project Number 23-00100221: Consideration of a Certificate of Appropriateness (COA) for roof replacement and an Unreasonable Economic Hardship application at 415 North Ocean Breeze. The subject property is a contributing resource to the Old Lucerne National Historic District and is located in the Single Family Residential (SFR) Zoning District.

Meeting Date: October 11, 2023

Property Owner/Applicant: Thomas Newkirk

Address: 415 North Ocean Breeze

PCN: 38-43-44-21-15-106-0130

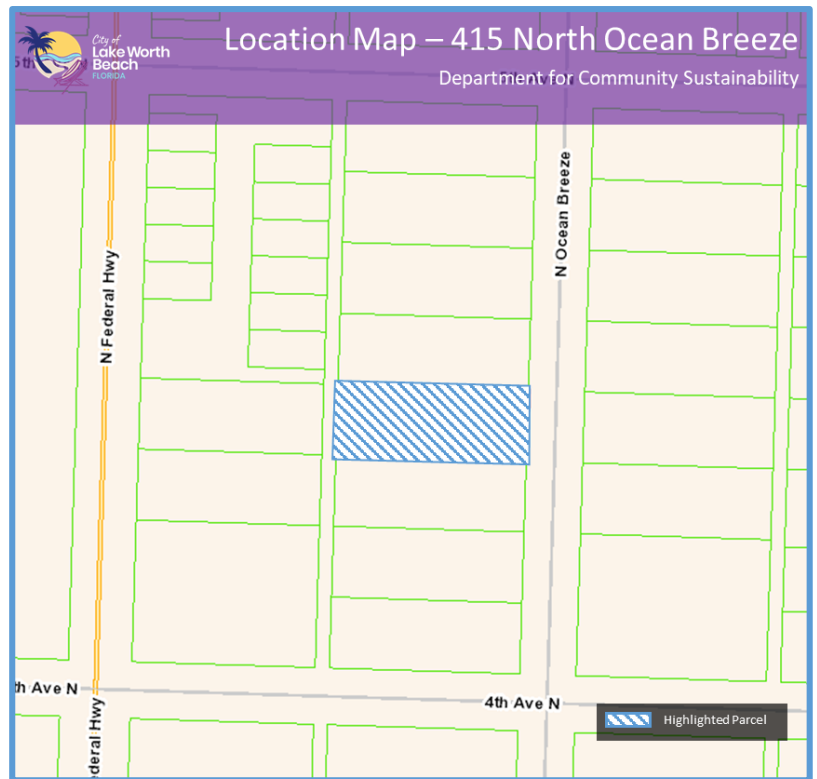
Lot Size: 0.15 acre /6750 sf

General Location: East side of North Ocean Breeze between 6th Avenue North and 7th Avenue North

Existing Land Use: Single Family Residential

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

Zoning District: Single Family Residential (SFR)



RECOMMENDATION

The documentation and materials provided with the application were reviewed for compliance with the applicable guidelines and standards found in the City of Lake Worth Beach Land Development Regulations (LDRs) and Historic Preservation Design Guidelines, and for consistency with the Comprehensive Plan.

Many original Frame Vernacular and Frame Minimal Traditional buildings originally utilized metal shingle roofs. However, few examples of these original metal shingle roofs remain on our historic structures. It is important to the character of Lake Worth Beach's historic districts to maintain the few remaining examples or replace them with in-kind products. Staff recommends that the Board review the criteria and documentation supplied by the applicant to determine if replacing the roof with a new metal shingle roof would pose an unreasonable economic hardship for the property owner.

PROJECT DESCRIPTION

The property owner, Thomas Newkirk, is requesting a Certificate of Appropriateness to replace the original metal shingle roof with a light gray dimensional asphalt shingle roof at 415 North Ocean Breeze. The request is accompanied by an Unreasonable Economic Hardship application (LDR Section 23.5-4(I)).

PUBLIC COMMENT

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

PROPERTY DEVELOPMENT HISTORY

The existing structure at 415 North Ocean Breeze was constructed in c. 1938 in the Wood Frame Minimal Traditional style. The house was designed with wood siding, metal shingle roofing, a front-gabled entry porch, and 3-over-1 double hung windows. Based on information in the property file, a detached garage was constructed at the rear of the property in 1939. In 1966, two awnings were added to the house and a carport was added to the detached garage.

The applicant submitted a COA application and building permit application on September 1, 2023 to replace the metal shingles with asphalt shingles. The application was disapproved by staff on September 5, 2023; after discussions with the contractor and property owner, an economic hardship application was submitted and the project was subsequently placed on the October 11th HRPB agenda.

Photographs of the site are included as **Attachment A**, the proposed asphalt shingle roofing is included as **Attachment B**, and the applicant's justification statement is included as **Attachment C**.

ANALYSIS

Consistency with the Comprehensive Plan

The subject site has a Future Land Use (FLU) designation of Single-Family Residential (SFR). Per policy 1.1.1.2, the Single-Family Residential category is *"intended primarily to permit development of single-family structures at a maximum of 7 dwelling units per acre. Single-family structures are designed for occupancy by one family or household. Single family homes do not include accessory apartments or other facilities that permit occupancy by more than one family or household. Residential units may be site-built (conventional) dwellings, mobile homes, or modular units."*

Analysis: The existing principal structure is a single-family house that is consistent with the intent of the Single-Family Residential designation. However, the proposed asphalt shingle roof is not consistent with Objectives 1.4.2 and 3.4.1, which seek to provide for the protection, preservation, or sensitive reuse of historic resources.

Consistency with the Land Development Regulations – Historic Preservation

All 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. The Minimal Traditional section of the Historic Preservation Design Guidelines, as well as the roofing section, are included as **Attachment D**.

At the Historic Resources Preservation Board workshop on May 11, 2022, the Board gave direction that staff can administratively approve replacement of historic metal shingle roofs with new metal shingles that meet the Florida Building Code and the Florida Wind Code; staff has identified at least four metal shingle options that meet these requirements: the Oxford Shingle by Classic Metal Roofing Systems, the MetalWorks StoneCrest Tile Steel Shingles by TAMKO Building Products, the Arrowline Permanent Metal Slate and Steel Shake by EDCO Products, and the Victorian Shingles by Berridge Manufacturing. The Board also gave direction that they would consider applications to replace metal shingles with light gray asphalt shingles on a case-by-case basis, preferably with an economic hardship claim to justify the alternative material.

Section 23.5-4(k)1 – General guidelines for granting certificates of appropriateness: *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?*

Analysis: The proposed work will replace the original metal shingle roof with an asphalt shingle roof. Based on the City's Historic Preservation Design Guidelines, the proposed asphalt shingle roof is considered a "less successful" replacement for metal shingles, and requires HRPB approval.

- B. *What is the relationship between such work and other structures on the landmark site or other property in the historic district?*

Analysis: The proposed roof replacement would detract from the overall historic character of Old Lucerne National Historic District the by reducing an already limited number of original metal shingle roofs in this district. However, per previous direction from the HRPB and the Florida Division of Historical Resources, replacement with a compatible substitute material may be appropriate when an in-kind replacement of a historic roof is not economically feasible. If an economic hardship is established, replacement with light gray asphalt shingles would be considered a compatible substitute roofing as they retain the color and pattern that the historic roof provided.

- 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?*

Analysis: Per the regulations set forth in the City's Historic Preservation Design Guidelines, replacement roofs shall replicate the appearance of the original roofing material. The asphalt roof will impact the overall historic integrity of this property by removing a character-defining feature.

- D. *Would denial of a certificate of appropriateness deprive the property owner of reasonable beneficial use of his property?*

Analysis: No, denial of the COA would not result in a loss of reasonable use of the property.

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

Analysis: Yes, the applicant's plans can be completed 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?*

Analysis: The proposal is not in compliance with the City's Historic Preservation Design Guidelines, the Secretary of the Interior's Standards for Rehabilitation, or the City's Historic Preservation Ordinance (LDR Sec. 23.5-4).

- 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?*

Analysis: The structure is designated as a contributing resource within a National Register historic district. The resource is a Wood Frame Minimal Traditional building, which has a distinct set of architectural characteristics. The proposed roof is not a successful replacement for the original metal shingle roofing system.

Section 23.5-4(k)(2) – Additional guidelines for alterations and additions, Landmark and contributing structures: *In approving or denying applications for certificates of appropriateness for alterations and additions, the city shall also consider the following additional guidelines:*

- 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?*

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.*

Analysis: Yes; some of the original qualities and character of the building would be destroyed by the removal and replacement of the original metal shingles with an asphalt shingle roof.

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

Analysis: Asphalt shingle roofing is common roofing material among properties in the Northeast Lucerne Historic District. Many wood-frame structures in the City have lost their original metal shingle roofs over time. They have largely been replaced with asphalt shingles. A change from metal shingles to asphalt shingles would not be visually incompatible with neighboring properties.

- 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:*

- a. *The work to be performed will conform to the original door and window openings of the structure; and*
- b. *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*

- c. *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.*
- d. *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.*

Analysis: This section is not applicable to this COA request for roofing replacement.

Consistency with the Land Development Regulations – Unreasonable Economic Hardship

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.

The applicant's Unreasonable Economic Hardship Affidavit and supporting materials are included as **Attachment E**; for confidentiality reasons, Attachment E will be provided to the members of the HRPB but will not be published.

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.*

Analysis: Per the applicant's affidavit, he did know at the time of acquisition that the property was located within a historic district.

- 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.*

Analysis: The property's ownership was transferred in February 2005 from the current owner's parents through a quit deed and there was no payment or financing.

- 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.*

Analysis: The property owner resides at the property, and is homesteaded at this location.

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

Analysis: Per the applicant's affidavit, the property owner and his daughter contacted 7 roofing companies for estimates of metal shingle roofing replacement, and the consensus of the various companies was that metal shingle roofing would cost between \$8,000 - \$15,000 more than replacement with asphalt shingle roofing. The applicant also provided their cost estimate for asphalt shingle roofing.

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

Analysis: Per Palm Beach County Property Appraiser, in 2022 the property had an assessed land value of \$189,000 and an improvement value of \$92,900 with a total market value of \$281,900. In 2021, the property had an assessed land value of \$121,750 and an improvement value of \$77,396 with a total market value of \$199,146.

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

Analysis: Per the applicant's affidavit, here, the real estate taxes totaled \$1,284.51 in 2022 and \$1,235.95 in 2021.

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

Analysis: 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.*

Analysis: Not applicable, item E indicates the most recent assessments of the property's value.

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.*

Analysis: Not applicable; the applicant does not intend on selling the property.

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

Analysis: 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.*

Analysis: Not provided by the applicant. The structural soundness of the building is not in question.

- 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.*

Analysis: Staff directs attention to item D and evidence submitted in **Attachment E**.

- 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.*

Analysis: Not provided by the applicant.

- 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.*

Analysis: Not applicable; demolition is not proposed.

- 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.*

Analysis: Not provided by the applicant.

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

Analysis: Not provided by the applicant. However, the estimated Zillow values for 2-bedroom/ 1-bathroom structures in the immediate area on North Ocean Breeze were listed for around \$450,000 on 10/2/2023.

- 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.*

Analysis: The applicant is retired and relies on Social Security for income. The applicant has provided a Social Security Benefit letter, which details the monthly payments provided to the property owner.

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

Analysis: Not applicable; the HRPB has not requested additional information.

Alternative remedies per LDR Section 23.5-4(1)(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.*

Analysis: Based on previous direction from the HRPB, as well as additional direction from the Florida Division of Historical Resources, replacement of metal shingles with light gray dimensional asphalt shingles may be used as an alternative remedy that will not result in unreasonable economic hardship and will have the least adverse effect on the contributing resource.

CONCLUSION AND CONDITIONS

The request is not in compliance with the Lake Worth Beach Historic Preservation Design Guidelines criteria for compatible roof replacement. The City's Historic Preservation Ordinance tasks the Board to review the criteria and documentation supplied by the applicant and determine if replacing the historic metal shingle roof with a new metal shingle roof would pose an unreasonable economic hardship for the property owner. Should the Board determine that replacing the roof with a metal shingle roof would cause an unreasonable economic hardship, staff has included conditions of approval to help mitigate the visual impact of the replacement material.

Conditions of Approval:

1. The replacement roof shall utilize light gray dimensional asphalt shingles.
2. This approval does not include any modification or alteration to the structural elements of the roof system that may alter its configuration and height. This approval does not include any alterations to the decorative trim, fascia, and soffits.

BOARD POTENTIAL MOTION:

I MOVE TO **APPROVE** HRPB Project Number 23-00100221 for a Certificate of Appropriateness (COA) for roof replacement with asphalt shingles due to an unreasonable economic hardship for the property located at **415 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 23-00100221 for a Certificate of Appropriateness (COA) for roof replacement with asphalt shingles for the property located at **415 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 metal shingle roof does not pose an unreasonable economic hardship.

ATTACHMENTS

- A. Current Photos
- B. Proposed Asphalt Shingle Roofing
- C. Applicant's Justification Statement
- D. Design Guidelines – Minimal Traditional Style and Roofing
- E. Economic Hardship Affidavit and Supporting Materials