



**MINUTES  
CITY OF LAKE WORTH BEACH  
HISTORIC RESOURCES PRESERVATION BOARD MEETING  
CITY HALL COMMISSION CHAMBER  
WEDNESDAY, FEBRUARY 14, 2024 -- 6:03 PM**

**ROLL CALL and RECORDING OF ABSENCES:** Present were- R. D'Arinzo, Chair; Elaine DeRiso, Ed Deveaux, Ed LeBlanc, Laura Devlin; Absent: Nadine Heitz. Also present were: Yeneneh Terefe, Preservation Planner; Anne Greening, Senior Preservation Planner; Scott Rodriguez, Asst. Director for Planning & Preservation; Elizabeth Lenihan, Board Attorney; Sherie Coale, Board Secretary

**PLEDGE OF ALLEGIANCE**

**ADDITIONS / DELETIONS / REORDERING AND APPROVAL OF THE AGENDA** None

**APPROVAL OF MINUTES:** None

**CASES**

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

**PROOF OF PUBLICATION** None required

**WITHDRAWALS / POSTPONEMENTS** None

**PUBLIC HEARINGS:**

**BOARD DISCLOSURE:** Laura Devlin and Robert D'Arinzo both visited staff offices to review the financials for the Economic Hardship application. R. D'Arinzo will recuse himself from New Business Item A as the applicant is a friend and client.

**UNFINISHED BUSINESS:**

- A. HRPB Project Number 23-00100140:** Consideration of a Certificate of Appropriateness (COA) for roof replacement at 611 7th Avenue North. The subject property is a non-contributing resource to the Northeast Lucerne Historic District and is located in the Single-Family and Two-Family Residential (SF-TF-14) Zoning District. This project was continued from the January 10, 2024 HRPB meeting.

**Board:** How long has this been going on? **Response:** Since last year.

**Staff:** Y. Terefe contacted the applicant after the January 10, 2024 HRPB meeting letting him know the Board wanted to hear the perspective of the applicant. The applicant was apprised of the meeting date and time and stated he would be here. Staff has not heard from him since.

**Staff:** The applicant was advised that standing seam metal roof was not an appropriate replacement for asphalt shingles according to the Design Guidelines.

**Board:** E. Deveaux states the applicant has to do what is necessary to obtain insurance. We don't have the Guidelines so that he can have that roof.

**Board members:** No, we have Guidelines passed down from the State and Federal level; Dept of Interior Historic Resource Preservation.

E. Deveaux -Historical Preservation to maintain the structural integrity of the architectural structure. How does that interfere with the structural integrity of the Historical Preservation? We, the City don't have it, is it somewhere else in the State that has it? Is the State saying we can't have it or is the City saying we can't have it?

**Response:** Several years ago the City asked the State for leniency on several items while at the same time maintaining the Certified Local Government status. All Board minutes and agendas are sent to the State for review, if it is seen that the Board is deviating from our custom made Guidelines, we risk losing Certified Local Government status and the state benefits derived from that designation. Consultants were hired; in conjunction with the public input and Historic Resources Preservation Board input the Guidelines that were created and are the result of that effort.

**Board:** L. Devlin states that as a novice, when beginning service on the Board, she had to do a lot of research. The Guidelines are not capricious, they come from the Dept. of the Interior through the State to the City. Her role is to follow and apply the Guidelines as fairly as possible. E. DeRiso – We are not asking the applicant to have a less structurally sound home. Although replacement may occur more frequently, asphalt shingles are not a less structurally sound replacement. E. LeBlanc – We need to be firm; consistency is important while reviewing each case on its own merits. The Board shouldn't be handing out passes without some extenuating circumstances. R. D'Arinzo – Some roofs, windows and doors were installed prior to the establishment of Historic Board.

**Staff:** The Historic Board was once combined with Planning & Zoning Board. Designation of the districts began circa 2000; COA's were not implemented until much later and more frequently used since 2015.

**Board Attorney:** Until about 2 years ago, a request for asphalt shingles was required to be heard by Board; approval methods on the approval matrix changed to allow for staff approval whereas the metal standing seam roof has always been contrary to guidelines and continues to be required to be heard by Board.

L. Devlin – Doesn't see any information provided by the applicant that it is an economic hardship, costs are extreme, or the applicant is unable to obtain insurance. The applicant should make an effort to attend this meeting and has had several opportunities to attend, no further discussion is needed.

**Public Comment:** None

**Motion:** E. DeRiso moves to deny HRPB 23-00100140 because the applicant has not established by competent substantial evidence that the application complies with the City of Lake Worth Beach Land Development Regulations and Historic Preservation requirements; L. Devlin 2<sup>nd</sup>.

**Vote:** Ayes all 5/0, unanimous.

**B. HRPB Project Number 23-00100138:** Consideration of a Certificate of Appropriateness (COA) for roof replacement and an Unreasonable Economic Hardship application at 623 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.

**Staff:** A. Greening – The applicant has applied several times. In September staff met regarding the Hardship application. The applicant re-applied in 2024. The structure does have metal shingles. Design, quality, texture and materials are important historic characteristics. Visual compatibility criteria in the Design Guidelines does not address cost. Roofing is an important character defining feature. New metal shingles are considered the successful replacement of metal shingles. They continue to be available and do meet code with regard to wind load. In May 2022, the Board gave staff direction that metal shingle roofs could be approved/replaced with new metal shingles without coming to Board; also that light grey asphalt shingles could replace metal shingle provided it is accompanied by an Economic Hardship application. The Board is vested with the authority to determine if the Hardship exists.

**Board Attorney:** Unreasonable Economic Hardship is a high standard to prove. US Supreme Court Penn Central vs New York City is the legal precedent.

**Applicant:** Christopher Pope - The cost for the metal shingles are double the cost of other roofs. The property has been in his family since the late 90's in his family; he purchased the property from his mother's estate for \$100,000.00.

**Motion:** L. Devlin moves to approve HRPB 23-00100138 for a COA for roof replacement with light, grey asphalt shingles due to an unreasonable economic hardship 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; E. Deveaux 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**Robert D'Arinzo passes the gavel to Edmond LeBlanc and departs the dais and premises.**

### **NEW BUSINESS:**

**A. HRPB Project Number 23-00100211:** Consideration of a Certificate of Appropriateness (COA) for construction of a new accessory dwelling unit at 118 South J Street. The subject property is a contributing resource to the Southeast Lucerne Historic District and is located in the Medium Density Multi-Family Residential (MF-30) Zoning District.

**Staff:** Y. Terefe-The structure was built in the 1920's, the garage was demolished in the 60's with the intent to build an ADU which was never constructed. There is an open code case needing to be cleared prior to permitting. The unpermitted work needs to be addressed prior to the commencement of new construction but not prior to Board approval. A full zoning review of the proposed ADU could not be completed due to existing unpermitted work. The proposed square footage is 446 square feet. The style would be Mission or Med Revival with flat parapet roof. The window design for the full light window is conditioned to be similar to other proposed windows. E. DeRiso questions different styles of structures on same parcel. **Response:** A similar situation has occurred at 310 N Federal Hwy.

**Applicant:** Brock Featherstone and Al Churiso

**Board:** What is purpose of the ADU? **Response:** He would like to rent the house and live in the ADU during the winter as he spends half of year in Minnesota.

**Staff:** The ADU cannot be larger than 60% of the total square footage of the primary dwelling.

**Board:** Is the applicant in agreement with the Conditions?

**Applicant Response:** It shouldn't take six (6) months to get through the approval process. States he had to devalue his property in order to be Code compliant. Believes he is being punished for work without permit and suggests the City is flying drones over his property. How else would anyone know that he has pallets of pavers in the backyard.

**Board:** Caution applicant about making unfounded allegations.

**Public Comment:** None

**Motion:** E. DeRiso moves to approve HRPB 23-00100211 with staff recommended Conditions of Approval 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; E. Deveaux 2<sup>nd</sup>.

**Vote:** Ayes all, unanimous.

**PLANNING ISSUES:** There will possibly be a joint workshop in April. May is Historic Preservation Month with the awards ceremony. Please begin thinking of potential nominees. Staff will nominate in some categories, as well as the Board and the nominees can come from the public. All nominated projects will be before staff prior to being voted on by the Board.

The workshop is still being drafted, topics are still being determined.

**PUBLIC COMMENTS:** (3 minute limit) None

**DEPARTMENT REPORTS:** None

**BOARD MEMBER COMMENTS:** E. Deveaux explains the City does not allow the elevating of a historic structure for flood consideration. Wooden structures in Delray and West Palm Beach cannot be demolished but can be raised with a concrete structure surrounding the property. There are 20,30,40 things the City does not do. Refresh the Code and be more flexible, honest with new ideas.

**Staff:** We have not had a request for raising a wooden structure. It is not something that is immediately disallowed.

**Board:** E. DeRiso is there an opportunity or forum for the public to respond to how they are treated in response to code compliance citations.

**Board Attorney:** That is a customer service/staff issue to be directed to the Division or Department where it occurred. Each Ordinance involves a lengthy public engagement period public input to the Guidelines. Public outreach, charrettes were held prior to the 2018 adoption of the Design Guidelines. For Certified Local Government status, there is no State requirement that the Guidelines be updated on a regular basis, only that the State be apprised of any potential changes to those Guidelines.

**Staff:** Staff does not have the authority to initiate a total re-write of the Land Development Regulations. They would be at the direction of City Commission or the Community Sustainability Director. The LDR's are updated periodically, throughout the year, as issues arise through their usage.

**Board:** L. Devlin suggests that is outside the scope of the role of the Board. We should not denigrate the Guidelines and LDR's.

**Board Attorney:** Suggestion that Mr. Deveaux sit down with staff to discuss.

**ADJOURNMENT** 7:10 PM