



MEMORANDUM DATE: September 8, 2021

AGENDA DATE: September 15, 2021

TO: Chair and Members of the Historic Resources Preservation Board

RE: **1001 North Lakeside Drive**

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

TITLE: HRPB Project Number(s) 21-00100214, 21-01500007, and 21-01500008: A Certificate of Appropriateness (COA) for the installation of an inground pool in the front yard and variances from the front setback requirement and accessory structure location requirement for the property located at 1001 North Lakeside Drive; PCN #38-43-44-21-15-296-0160. 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: Melissa Larsen
1001 North Lakeside Drive
Lake Worth Beach, FL 33460

PROPERTY DEVELOPMENT HISTORY:

The single-family structure at 1001 North Lakeside Drive was constructed in 1952 in a Masonry Vernacular architectural style with a Ranch style floor plan. The structure was designed by locally renowned architect Edgar S. Wortman at a cost of \$16,500. The original architectural drawings are included as **Attachment A**. The architectural drawings for the structure illustrate a single-story residence of masonry construction with a smooth stucco exterior finish, exposed concrete block cast columns, flat white concrete tile hip roof, aluminum awning windows with stucco sills, and jalousie doors. Character-defining features include raised planters, a rear carport fronting 10th Avenue North, wood shutters, and slump brick exterior detailing. City permit records indicate the primary structure has had alterations over time including door replacement, roof replacement, and fence installation. Photos of the existing property are included as **Attachment B**.

PROJECT DESCRIPTION:

The property owner, Melissa Larsen, is requesting approval for the installation of a new pool in the front yard of the property and variances from the front setback requirement, accessory structure location requirement, and front yard impermeable surface limitation. The subject property is a 50'x135' (6,750 square foot) platted lot of record located on the northwest corner of North Lakeside Drive and 10nd 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:

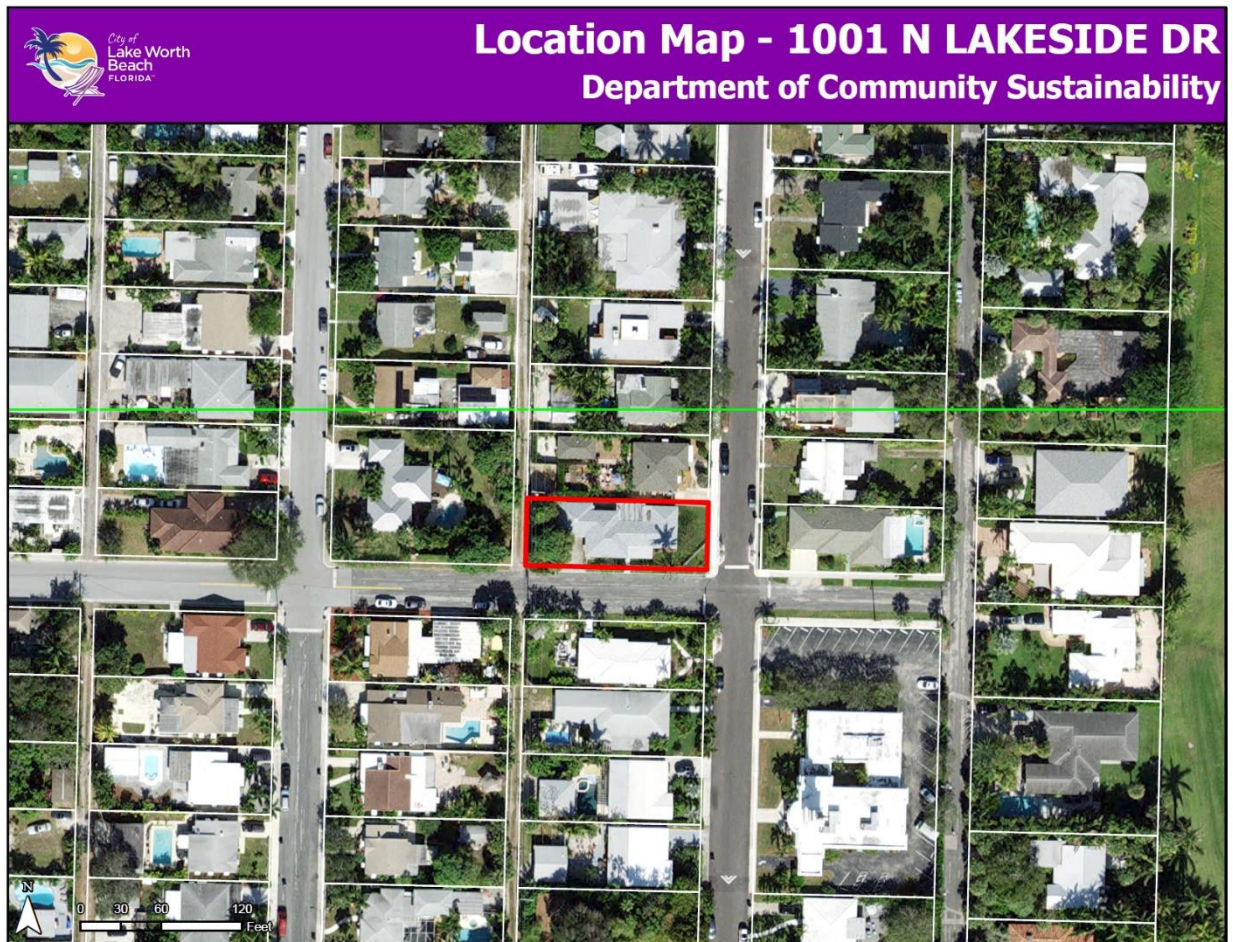
1. **COA** for installation of a pool in the front yard
2. **Variance** from front setback requirement
3. **Variance** from accessory structure location requirement

STAFF RECOMMENDATION:

Staff recommends approval with conditions, listed on pages 8 and 9, for the COA for a new pool and the associated variances to allow its installation in the front yard.

PROPERTY DESCRIPTION:

Owner	Melissa Larsen
General Location	Northwest corner of North Lakeside Drive and 10nd Avenue North
PCN	38-43-44-21-15-296-0160
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 similar 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: Immediately north of the subject site is a single-family structure. This area contains a FLU designation of SFR and a zoning designation of SF-R.

SOUTH: Immediately south of the subject site across 10th Avenue North is a single-family structure. This area contains a FLU designation of SFR and a zoning designation of SF-R.

EAST: East of the subject site across North Lakeside Drive is a single-family residence. This area contains a FLU designation of SFR and a zoning designation of SF-R.

WEST: West of the subject site across the alley is a single-family structure. This area contains a FLU designation of SFR and a zoning designation of SF-R.



Consistency with the Comprehensive Plan and Strategic Plan

The subject site has a Future Land Use (FLU) designation of Single Family Residential (SFR). Per Policy 1.1.1.2, the SFR future land use area 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. The COA and variances being sought do not change the use of the property as the scope of work involves the installation of a new pool in the front yard. As such, a formal consistency review of the strategic plan and comprehensive plan is not applicable to an improvement of this scale. However, it is important to note that the proposed improvement would visually impact the district, particularly the intersection of North Lakeside Drive and 10th Avenue North, where it is atypical for a pool to be located.

LAND DEVELOPMENT CODE REQUIREMENTS:

Land Development Code Requirements		
Code References	23.3-7 (SF-R); 23.1-12 (Definitions)	
	Required	Existing/Proposed
Lot Area	5,000 square feet	6,750 square feet
Lot Width	50'-0"	50'-0"
Setback - Front	20'-0"	12'-6"
Setback - Side	North: 5'-0" (10% of lot width) South: 5'-0" (10% of lot width)	North: 7'-9" South: 17'-5"
Accessory Structure Location	May not be constructed between any principal structure and a public street right-of-way	Pool to be constructed between the principal structure and a public street right-of-way
Front Yard Impermeable Surface Total	900 sf. or 75% pervious and landscaped	763 sf. (76%)
Impermeable Surface Total ⁽¹⁾	55.0% (3,712.5 sf.)	45.75% (3,088 sf.)

(1)- Medium lot (lots 5,000 square feet to 7,499 square feet)

The applicant is requesting approval for the installation of a ± 338 square foot pool in the front yard of the property. The proposed plans are provided as **Attachment C**. As indicated in the site data table provided above, the proposal is in conflict with the front setback requirement, accessory structure location provision, and front yard impermeable surface limitation within Sections 23.3-7 and 23.1-12 of the Lake Worth Beach Land Development Regulations (LDRs). The applicant has requested relief from these code limitations by applying for two (2) individual variances. The variance analysis is provided in the next section of this report.

Variance Requests

According to the City of Lake Worth Beach, Land Development Regulations, Section 23.2-26 Variances, the power to grant any such variance shall be limited by and be contingent upon documentation that all

required findings are made by the appropriate Board. As a property located within the Northeast Lucerne Local Historic District, the HRPB is tasked with making the required findings to grant a variance. The table provided below summarizes the variance requests:

Variance Requests		
Code References	23.3-7 (SF-R); 23.1-12 (Definitions)	
	Required	Proposed
Setback - Front	20'-0"	12'-6"
Accessory Structure Location	May not be constructed between any principal structure and a public street right-of-way	Pool to be constructed between the principal structure and a public street right-of-way

The following analysis addresses each of the required findings with respect to the applicant’s requested variances. The applicant has written a justification statement included as **Attachment C**.

Variance criteria per LDR Section 23.2-26(b):

- A. Special circumstances or conditions exist which are peculiar to the land or building for which the variance is sought and do not apply generally to nearby lands and buildings, and that this is not the result of action of the applicant;

Staff Analysis: Based on the siting of the structure, the front setback of the primary structure is 28 feet and the rear setback is 21.9 feet. The property owner contends that the back yard does not have enough space for a new pool. Also, there are two (2) large mango trees, a starfruit tree, and utilities that would impede locating the pool in the back yard. It is staff’s analysis that the primary residence was constructed with a front setback of 28 feet that exceeds the required 20 feet. As a result, the property has a smaller back yard than similar properties that adhere to the typical front setback. Furthermore, the mature vegetation also limits the ability to install a new pool without tree removals.

- B. The strict application of the provision of these LDRs would deprive the applicant of any reasonable use of the land or building for which the variance is sought;

Staff Analysis: The subject property has accommodated a single-family use for over 50 years. Strict application of the LDRs would not deprive the applicant’s continued use of the residence, however a pool is a reasonable expectation for a single-family home in South Florida due to the context and climate. The property owner contends that a pool is necessary for reasonable use of the property.

- C. That the variance proposed is the minimum variance which makes possible the reasonable use of the land or building;

Staff Analysis: The proposed variances from the front setback and accessory structure location is the minimum necessary to accommodate a new pool of this size and configuration in the front yard.

- D. That the granting of the variance will be in accordance with the spirit and purpose of this chapter, and will not be unduly injurious to contiguous property or the surrounding neighborhood nor otherwise detrimental to the public welfare. In deciding appeals from decisions of the development review official or in granting variances, the decision-making board is authorized and required to impose any reasonable conditions and safeguards it deems to be necessary or desirable, and violation of such conditions or safeguards when made a part of the terms under which a variance is granted, shall be deemed to be a violation of these LDRs.

Staff Analysis: Although the character of the neighborhood does not include pools in the front yard, this request would not be unduly injurious or detrimental to the public welfare. The applicant will utilize fencing and hedging that will screen the pool location in the front yard. In addition, the residence was designed to front 10th Avenue North, where the yard will remain without further alterations.

HISTORIC PRESERVATION ANALYSIS:

Certificate of Appropriateness

According to the COA Approval Matrix, ground-level pools required historic preservation review. 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 is to install a new pool in the front yard of the property. No alterations are proposed to the contributing structure.

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

Staff Analysis: Historically, homes in the City's historic districts were not developed with pools in the front yard. The LDRs codify this as a regulation by not permitting an accessory structure between the principal structure and the street.

- 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 historic arrangement of the lot will be impacted by the installation of the pool in the front yard. The typical pool arrangement in the City’s historic districts takes place in the back yard. As mentioned in the variance analysis, the subject property has a unique configuration where a 28-foot setback is provided from North Lakeside Drive, whereas only 20 feet is required.

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

Staff Analysis: The applicant contends that denial of the COA would deprive the reasonable use of his property. It is staff’s analysis that pool associated with a single-family residence is a reasonably expected use in South Florida.

- 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 Secretary of the Interior’s Standards for Rehabilitation recommend identifying, retaining, and preserving buildings as well as the features of the site. The proposed pool will not alter or change the existing contributing structure.

- 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 proposal will not impact the elements or features of the structure which served as the basis for its classification as a contributing resource. The pool is proposed at ground level with surrounding pavers that will not abut the residence.

Historic Preservation Design Guidelines Analysis

The landscape and site features section of the City’s Historic Preservation Design Guidelines does not address pools and their respective locations. The section primarily focuses on landscaping and driveways.

PUBLIC COMMENT:

At the time of publication of the agenda, staff has received not received written public comment.

CONCLUSION:

Due to the unique siting of the principal structure with a 28-foot front setback, whereas a 20-foot setback is required, and the location of mature vegetation in the back yard, installing a pool that strictly complies with the LDRs is not reasonably feasible. Therefore, staff recommends approval for the COA for a new

pool and the associated variances to allow its installation in the front yard, subject to the conditions provided below:

Conditions of Approval:

Certificate of Appropriateness

HRPB#21-00100214

1. New fences and gates shall comply with the height and placement requirements of LDR Sec. 23.4-4, subject to staff review at permitting.
2. New landscaping shall screen the new pool from view from the public streets right-of-way. A landscape screen of shrub hedging or other continuous decorative landscaping on the side of the fence facing the public right-of-way that is a minimum height of twenty-four (24) inches or one-third ($\frac{1}{3}$) of the height of the fence at installation whichever is greater and shall be maintained at no less than three-fourths ($\frac{3}{4}$) of the total height of the fence in perpetuity, subject to staff review at permitting.

Variance from front setback

HRPB#21-01500007

1. The variance from the front setback shall be project specific, and 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.
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.

Variance from accessory structure location

HRPB#21-01500008

1. The variance from the front setback shall be project specific, and 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.
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 MOTIONS:

Certificate of Appropriateness

I MOVE TO **APPROVE** HRPB Project Number 21-00100214, with staff recommended conditions for a COA for the installation of ± 338 square foot pool in the front yard of the property located at **1001 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 **DENY** HRPB Project Number 21-00100214, with staff recommended conditions for a COA for the installation of ± 338 square foot pool in the front yard of the property located at **1001 North Lakeside Drive**, 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.

Variance from front setback

I MOVE TO **APPROVE** HRPB Project Number 21-01500007, with staff recommended conditions for a variance to allow a 10'-6" front setback for a new pool, whereas a 20'-0" front setback is required for the property located at **1001 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 **DENY** HRPB Project Number 21-01500007, with staff recommended conditions for a variance to allow a 10'-6" front setback for a new pool, whereas a 20'-0" front setback is required for the property located at **1001 North Lakeside Drive**, 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.

Variance from accessory structure location

I MOVE TO **APPROVE** HRPB Project Number 21-01500008, with staff recommended conditions for a variance to allow the installation of pool in the front yard, whereas such accessory structures are not permitted between the principal structure and the street for the property located at **1001 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 **DENY** HRPB Project Number 21-01500008, with staff recommended conditions for a variance to allow the installation of pool in the front yard, whereas such accessory structures are not permitted between the principal structure and the street for the property located at **1001 North Lakeside Drive**, 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. Applicant Variance Justification Statement & Pool Plans