TOWN OF PALM BEACH
PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, NOVEMBER 20, 2023

Please be advised that in keeping with a directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting once it has concluded may access the audio of that item via the Town's website at www.townofpalmbeach.com.

I. **CALL TO ORDER**

Mr. Smith called the meeting to order at 9:00 a.m.

II. **ROLL CALL**

Jeffrey W. Smith, Chairman	PRESENT
Richard F. Sammons, Vice Chairman	PRESENT
John David Corey, Member	PRESENT
Betsy Shiverick, Member	PRESENT
Thomas Kirchhoff, Member	PRESENT
Kenn Karakul, Member	PRESENT (Arrived at 9:08 a.m.)
Elizabeth Connaughton, Member	PRESENT
Dan Floersheimer, Alternate Member	PRESENT
Joshua L. Martin, Alternate Member	PRESENT
Katherine "KT" Catlin, Alternate Member	PRESENT

Staff Members present were:
Friederike Mittner, Design and Preservation Manager
Sarah Pardue, Design & Preservation Planner
Bradley Falco, Planner II
Kelly Churney, Acting Town Clerk

III. **PLEDGE OF ALLEGIANCE**

Chairman Smith led the Pledge of Allegiance.

Town Attorney Randolph spoke about the Commissioners role in a quasi-judicial hearing. He cautioned them about forming opinions before evidence was presented to them. If the Commissioners felt that they could not hear a project without preconceived opinions, Mr. Randolph told them to recuse themselves from the discussion.

IV. **APPROVAL OF MINUTES**

A motion was made by Mr. Corey and seconded by Mr. Sammons to approve the minutes of the October 25, 2023, meeting as presented. The motion was carried unanimously, 7-0.

V. **APPROVAL OF THE AGENDA**

A motion was made by Ms. Shiverick and seconded by Mr. Corey to approve the agenda as presented. The motion was carried unanimously, 7-0.

VI. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY**

Ms. Churney administered the oath and continued to do so throughout the meeting as necessary.

VII. **COMMENTS FROM THE ARCHITECTURAL REVIEW COMMISSION MEMBERS**

Ms. Catlin wondered if the Town could notify and remind residents to ask if they need a permit for any future work they are considering to be completed at their home.

Ms. Shiverick expressed concern with the number of letters received so close to the meeting and indicated that it was difficult to digest letters in such a short time.

VIII. **COMMUNICATIONS FROM CITIZENS REGARDING NON-AGENDA ITEMS (3-MINUTE LIMIT, PLEASE)**

No comments were heard at this time.

IX. **PROJECT REVIEW**

A. **MAJOR PROJECTS-OLD BUSINESS**

1. **ARC-23-109 (ZON-23-084) 600 TARPON WAY (COMBO)**. The applicants, Frank and Annie Falk, have filed an application requesting Architectural Commission review and approval for the construction of a new two-story single-family residence over 10,000 SF with sitewide landscape and hardscape improvements, requiring variances for mechanical equipment placement, building height plane, and site wall height, and a Special Exception for vehicular gate placement. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

   Ms. Pardue provided staff comments on the project.

   Call for disclosure of ex parte communication: Disclosure by several members. *Clerk's note: Mr. Kirchhoff declared a conflict of interest and left the dais during the discussion.*

   Alejandra Ackerman, Kirchhoff & Associates Architects, presented the architectural modifications proposed for the new two-story residence.

   Maura Ziska, attorney for the applicant, provided an overview of the project and advocated for a positive recommendation to the Town Council.

   Mr. Sammons thought the home was too pedestrian for the lot. He expressed concerns about the amount of glass on the rear of the home, the cornice and facia, the column design, the size of the windows, and the rear arches. He thought the design was overcomplicated.

Mr. Corey agreed with Mr. Sammons that the home looked like a house designed on speculation. He suggested using the shape of the lot to design a special home. He thought the design needed restraint. He questioned the height of the gate and the mass of the home.

Ms. Ackerman advocated for the shape and design of the home.

Mr. Karakul thought the home was much better than the existing home. He thought that with a few minor changes, the home would be good.

Mr. Floersheimer was disappointed that the height plane variance was not eliminated. Ms. Ackerman showed an elevation of the design if the height plane variance was eliminated. Mr. Floersheimer did not believe the shape of the lot was a hardship; he thought it was a challenge and an opportunity.

Ms. Connaughton agreed with Mr. Sammons on the details; she suggested a restudy of those elements. She also thought the home needed to reflect a tropical climate. She supported the variances as requested. She questioned the arches and loggia on the rear of the home.

Ms. Catlin agreed with Mr. Karakul; she understood the client wanted to recreate a home they loved. She appreciated her fellow commissioners' comments; however, she also thought the commission should not dictate the design, especially with the owners' wishes.

Ms. Shiverick thought the home was heavy and a lighter design would be more appropriate. She thought the proposed home was the wrong home for the lot.

Mr. Corey thought a deferral would be most appropriate. He thought the existing home had some romance, while the proposed one did not.

Mr. Smith called for public comment. No one indicated a desire to speak.

A motion was made by Mr. Corey and seconded by Ms. Connaughton to defer the project to the meeting on December 15, 2023. The motion was carried 4-3, with Messrs. Sammons, Floersheimer, and Ms. Shiverick dissenting.

2. **ARC-23-090 (ZON-23-068) 206 CARIBBEAN RD** Walter Wick, has filed an application requesting Architectural Commission review and approval for construction of a new two-story residence with landscape, hardscape, and pool on a nonconforming parcel. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Ms. Pardue stated that the applicant would be requesting a one-month deferral.

Lauren Urquhart, Dailey Jannsen Architects, requested a project deferral to the meeting on December 15, 2023.

Mr. Floersheimer asked for a further explanation of the deferral request.

Ms. Urquhart further explained the reasons for the deferral request.

A motion was made by Mr. Corey and seconded by Mr. Sammons to defer the project to the meeting on December 15, 2023. The motion was carried unanimously, 7-0.

3. **ARC-23-120 (ZON-23-088) 1600 S OCEAN BLVD (COMBO).** The applicant, PB Pavilion Trust (Michael Vineberg, Robert G. Simses and Peter Flanagan, Trustees), has filed an application requesting Architectural Commission review and approval for one-story additions to an previously approved two-story residence, including an addition in the required side (north) yard setback, raising the roof parapet height in the required side (north) yard setback, and an addition in the required side (south) yard setback. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Mr. Falco provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by several members.

Maura Ziska, attorney for the applicant, provided an overview of the project and advocated for a positive recommendation to the Town Council.

Harold Smith, Smith and Moore Architects, presented the architectural modifications proposed for the new two-story residence.

Cory Meyer, Nievera Williams Design, presented the landscape and hardscape plans for the site.

JP Molyneux, Molyneux Interiors & Decoration, explained the cooling tower's location.

Mr. Floersheimer asked for clarification on the existing pediment, to which Mr. Harold Smith responded.

Mr. Corey asked for clarification on both the approved and proposed items. Mr. Smith reviewed the plans and discussed these items. Mr. Corey thought the details in the service area were better.

Mr. Sammons thought all the modifications were an improvement. Mr. Sammons expressed concern about the number of windows on the western elevation. He recommended adding shade to the terrace.

Mr. Smith questioned the color of the residence. Mr. Molyneux explained the choice of color.

Mr. Smith called for public comment. No one indicated a desire to speak.

A motion was made by Ms. Shiverick and was seconded by Mr. Karakul to approve the project as presented. The motion was carried unanimously, 7-0.

A motion was made by Ms. Shiverick and was seconded by Mr. Karakul that the implementation of the proposed variances will not cause negative architectural impact to the subject property. The motion was carried unanimously, 7-0.

4. **ARC-23-092 (ZON-23-070) 217 BAHAMA LN** James and Sarah McCann, have filed an application requesting Architectural Commission review and approval for construction of a new two-story single-family residence and associated landscape and hardscape on a lot substandard in lot depth in the R-B zoning district. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

   Clerk's note: This item was deferred to the December 15, 2023, meeting at Item V., Approval of the Agenda.

5. **ARC-23-107 (ZON-23-077) 162 E INLET DR** David and Jill Shulman, have filed an application requesting Architectural Commission review and approval for the construction of enclosed additions and a rear awning requiring a variance to exceed maximum allowed Cubic Content Ratio (CCR), fenestration modifications, and rear yard landscape and hardscape modifications, including the construction of a new pool. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

   Ms. Mittner provided staff comments on the project.

   Call for disclosure of ex parte communication: Disclosure by Messrs. Floersheimer, Karakul, and Ms. Catlin.

   M. Timothy Hanlon, the applicant's attorney, provided an overview of the project and advocated for a positive recommendation to the Town Council.

   Pat Segraves, SKA Architect + Planner, presented the architectural modifications proposed for the existing residence.

   Don Skowron, BGS Landscape Architecture & Engineering, presented the landscape and hardscape plans for the site.

   Ms. Connaughton questioned the roof proposed for the sleeping porch; she suggested restudying that portion of the design. She suggested lowering that portion of the roof.

   Mr. Sammons thought the façade had improved with the proposed roof. He suggested raising the roof with a different style of roof. He requested to see details of the design of the pergola.

   Mr. Corey disagreed with Mr. Sammons; he did not believe the roof should be raised. He recommended removing the railing on the sleeping porch. Mr. Corey wondered if a gutter was needed with the large, existing eaves. He supported the landscape and hardscape design. He agreed with Mr. Sammons on the pergola design and asked for the details.

Ms. Shiverick expressed concern for the pergola; she requested more detail as she thought the current design was problematic. She also questioned the columns and railings proposed on the sleeping porch design; she thought the items looked like the area was too adorned. Ms. Shiverick asked about the front door.

Ms. Catlin agreed that the sleeping porch looked awkward. She provided suggestions to make it feel cohesive; she thought the current design looked like it was trying too hard to fit in.

Mr. Kirchhoff thought the pergola needed details. He also recommended keeping the gutters on the home. He recommended a hip roof over the sleeping porch, suggesting slightly pushing it back.

Mr. Floersheimer was in favor of the sleeping porch. He thought the project was small and most of the variances were being eliminated. Mr. Floersheimer asked about the hardscape in the rear yard. Mr. Skowron responded.

Mr. Smith confirmed that without the variance request, the items proposed would require staff approval rather than Commission approval. Ms. Pardue confirmed that the request would most likely be approved by staff except for the variance.

Mr. Smith called for public comment. No one indicated a desire to speak.

A motion was made by Mr. Sammons and was seconded by Ms. Connaughton to approve the project with an increase of the roof over the infill addition. The motion was carried 5-2, with Ms. Shiverick and Mr. Corey dissenting.

A motion was made by Mr. Corey and was seconded by Ms. Shiverick that the implementation of the proposed variances will not cause negative architectural impact to the subject property. The motion was carried unanimously, 7-0.

Clerk's note: A short break was taken at 10:40 a.m. The meeting resumed at 10:55 p.m.

6. **ARC-22-241(ZON-23-002)624ISLANDDR(COMBO)**. The applicant, Holly Ann Bartlett, as Trustee of the 1220 South Ocean Boulevard Trust dated May 23, 2013, has filed an application requesting Architectural Commission review and approval for the construction of a new rooftop clerestory projection enclosing an existing open-air interior courtyard to an existing two-story residence including variances from building height, lot coverage and Cubic Content Ratio (CCR). This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

   Clerk's note: This item was deferred to the December 15, 2023, meeting at Item V., Approval of the Agenda.

B. MAJOR PROJECTS-NEWBUSINESS

1. **ARC-23-094 (ZON-23-072) 247-251 WORTH AVE** The applicant, Holbrook Real Estate LLC, has filed an application requesting Architectural Commission review and approval for a two-story addition to an existing one- story commercial building under the Special Allowances in accordance with the Worth Avenue Design Guidelines, including several variances from lot coverage, floor area square footage, commercial and residential use locations, parking requirements, landscape open space, and loading space requirements. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

   Clerk's note: This item was deferred to the December 15, 2023, meeting at Item V., Approval of the Agenda.

2. **ARC-23-123 (ZON-23-105) 1186 N OCEAN WAY (COMBO)**. The applicant, Martha Lee Johnson 2012 Exempt Trust (Stan Johnson), has filed an application requesting Architectural Commission review and approval for the design of a new two-story residence with sitewide landscape and hardscape improvements, requiring setback and separation distance variances for the location of the pool equipment and a variance to exceed allowable chimney height. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

   Mr. Falco provided staff comments on the project.

   Call for disclosure of ex parte communication: Disclosure by several members.

   Greg Tankersley, McAlpine, presented the architectural plans proposed for the new residence.

   Mario Nievera, Nievera Williams Design, presented the landscape and hardscape plans proposed for the site.

   Mr. Floersheimer was in favor of the landscape plan. Mr. Floersheimer liked the quirky home design but did not favor the excessive use of the gables, modern quoins, and shutters. He thought the variance for the chimney could be eliminated by removing the chimney.

   Ms. Catlin expressed concern about the hardscape in the front of the home and the egress onto North Ocean Blvd. She was not in favor of the chimney. She thought the home was busy. She thought there was a disconnect between the first and second floors.

   Mr. Sammons wondered if the home was appropriate for the tropical climate; he suggested adding more shade. He thought the home had too much mass in the center; he suggested thinning the home with a courtyard.

   Mr. Kirchhoff thought a neighborhood site plan was needed to see how the home and mechanical equipment would affect the neighbors. Mr. Kirchhoff thought if the house were closer to the street, it would eliminate a variance request. He thought the detailing in the plans needed to be resolved. He also thought there

was a disconnect between the design of the first and second floors. He liked the overall concept of the design.

Mr. Corey agreed with his fellow Commissioners. He also requested a neighborhood plan and a streetscape in the next presentation. He thought the variances would not be necessary if the home were smaller. He thought a softer design could work. He was in favor of the landscape plan.

Ms. Connaughton thought the façade was inventive and whimsical. She worried the home would be dark since the home was too wide; she suggested a courtyard in the middle. She liked the quoins and supported the variances.

Mr. Karakul liked the design but thought a few details needed to be studied. He commented on the number of support letters received for the home. He recommended additional landscaping in the front of the home.

Ms. Shiverick thought the home was unique and refreshing; however, she thought the home needed to be studied in the context of the street. She argued that there were not many homes that resembled the proposed home. She wondered if the details could be relaxed.

Mr. Smith thought the home was different and interesting. He agreed that there was a lack of landscaping in the front of the home.

Mr. Sammons requested scale figures in any future submittals. He asked about the functionality of the doors and shutters. Mr. Tankersley responded. Mr. Sammons asked about the height of the windows. Mr. Tankersley responded. Mr. Sammons expressed concern about the lack of shade around the home.

A motion was made by Mr. Sammons and seconded by Mr. Karakul to defer the project.

Mr. Smith called for public comment.

Lore Smith, 256 Nightingale Trail, expressed her concern for the mass and height of the proposed home. She also thought the home was textually incongruent with the neighborhood.

Mr. Smith asked about the railings and the color of the roof.

Mr. Corey requested photographs, a neighborhood plan, and scale figures in future submittals.

The motion was amended to defer the project to the meeting on December 15, 2023. The motion was carried unanimously, 7-0.

3. **ARC-23-135 225 WELLS RD**. The applicant, LLPB Trust (Andrea Lenczner, Trustee), has filed an application requesting Architectural Commission review and approval for the construction of a new two-story single-family residence with final hardscape, landscape, and swimming pool.

Mr. Falco provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by several members.

Daniel Menard, LaBerge & Menard, presented the architectural plans proposed for the new two-story residence.

Todd MacLean, Todd MacLean Outdoors, presented the landscape and hardscape plans proposed for the site.

Mr. Sammons was in favor of splitting the garage bays. He questioned the large terrace on the second floor; he thought it was oversized. He suggested a larger expression of masonry in the design of the windows and staggering the garage bays. He recommended removing the recess on the front façade. He was in favor of the design.

Mr. Corey thought the landscape plan was successful. Mr. Corey wondered if the home could become a courtyard home. He recommended paring down the different materials proposed for the home.

Ms. Shiverick was in favor of the design. She expressed concern about the screening between the home and the adjacent homes. She also recommended a rear staircase from the terrace. Mr. Menard discussed a concern received from the neighbor about the rear staircase.

Mr. Kirchhoff thought the home was massive. He questioned the furniture placement on top of the garage elements; he recommended adding a hip roof on both garage elements. He also thought the rear loggia was too big. He liked the suggestion of a courtyard home because he thought the home would be too dark. He agreed a flat façade would be nicer for the design. He expressed concern about the placement of the oak trees next to the adjacent neighbor's pool.

Mr. Smith questioned the distance between the two garage bays; he agreed with Mr. Kirchhoff that the garage bays should have a hip roof. He also thought the rear loggia was massive. He questioned the arches and thought they should all match.

Mr. Smith called for public comment. No one indicated a desire to speak.

A motion was made by Mr. Corey and seconded by Mr. Kirchhoff to defer the project to the meeting on December 15, 2023. The motion was carried unanimously, 7-0.

4. **ARC-23-137 (ZON-23-104) 310 CLARKE AVE (COMBO)**. The applicant, Mark & Patricia Davies, has filed an application requesting Architectural Commission review and approval for changes to an approved new two-story residence, including changes to architectural details, hardscape/landscape, and arrangement of equipment yards, requiring variances for equipment location and screening wall heights. This is a combination project that shall be reviewed by Town Council as it pertains to zoning relief/approval.

Mr. Falco provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by several members.

Mr. Corey asked the staff to explain why the project was in front of the Commission.

Mr. Falco discussed a new procedure that had staff reviewing as-built conditions compared to the approved plans. When the staff was on-site, Mr. Falco noted the items that differed from the approved plans. He stated that the owners were issued a temporary certificate of occupancy but were told that they needed to rectify the problem. Mr. Falco stated that no code violations were assessed since there was an active building permit. Mr. Falco explained the equipment yards and how the items differed from the approved plans. Both Mr. Falco and Ms. Mittner answered questions from the Commissioners.

Michael Perry, MP Design and Architecture, presented the architectural modifications proposed for the new residence. He explained the variance requests for the project.

Mr. Corey asked about the change in the equipment. Mr. Perry discussed the approved plans and how additional units were placed. When Mr. Corey asked about the reason for the number of variances requested, Mr. Perry stated that FEMA was driving many of the variances and that the A/C units were very quiet. Discussion ensued.

Mr. Kirchhoff was sympathetic as he understood and had experienced the situation. Mr. Kirchhoff asked if any landscaping would be added to mitigate the noise. Mr. Perry said he spoke to the landscape architect, who confirmed that more landscaping could be added.

Ms. Shiverick asked how some units were installed so close to the setback. Mr. Perry responded. Ms. Shiverick discussed the west neighbor's concern about the look of the wall once it was extended. Mr. Perry showed the Commission a photograph of the existing wall. He discussed his solution to raise the additional portion of the wall. Ms. Shiverick inquired if an additional hedge could be added along the west side of the property.

Mr. Floersheimer asked about an alternate plan for the equipment. Mr. Perry identified an area where one unit could be moved. A discussion ensued about the raised wall and alternative locations for the mechanical equipment.

A motion was made by Mr. Corey and seconded by Ms. Shiverick to defer the project to the meeting on December 15, 2023. The motion was carried unanimously, 7-0.

Mr. Smith called for public comment.

Patricia Davies, homeowner at 310 Clarke Avenue, apologized to the Commission for the issues at her home. She discussed her desire to correct the issues while making her neighbors happy.

Clerk's note: The Commission took a lunch break at 12:47 p.m. The meeting resumed at 1:59 p.m. Mr. Karakul did not return after lunch.

5. **ARC-23-140(ZON-23-118) 2278 IBIS ISLE RD (COMBO)** The applicant, Angel Arroyo, has filed an application requesting Architectural Commission review and approval for exterior modifications to an existing one-story residence, including the demolition of an existing screen porch, a new roof, façade and window alterations, and a variance to not provide the required garage enclosure for two vehicles. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Ms. Mittner provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by several members. *Clerk's note: Mr. Smith declared a conflict of interest and left the dais during the discussion.*

Kyle Fant, Bartholemew + Partners, presented the architectural modifications proposed for the existing residence.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape plans proposed for the site.

Mr. Corey thought the proposed design was charming. He thought having a one-car garage was important. He inquired about the hedge height as proposed. Mr. Mizell responded. Mr. Corey did not believe a tall hedge was necessary but favored the Gumbo Limbo trees.

Mr. Kirchhoff thought the home had site circulation issues. He also thought the garage should be returned to the design.

Ms. Catlin agreed with Mr. Corey; she thought the home was charming. She thought there was too much hardscape in the front of the site. She was torn by the lack of garage space.

Ms. Shiverick asked about the letter the neighbors wrote, who expressed concern about the lack of workmanship for the renovations. Mr. Fant responded. Ms. Shiverick asked about the number of cars that could be parked on-site, to which Mr. Fant responded.

Mr. Floersheimer thought the existing home needed a renovation. He commented on the attention needed for the hedge on the west side of the home. Mr. Mizell stated he would work to restore the hedge's condition. He questioned the lack of a garage but was thankful the owner was not demolishing the existing home. Mr. Floersheimer asked about the proposed roof tile color; Mr. Fant responded.

Mr. Corey thought the architecture was improved by not having a garage but understood the concerns. Mr. Corey also agreed with Mr. Kirchhoff's comment

on the circulation issues. Mr. Corey also wondered if the design of the front bay window should be reconsidered.

Mr. Kirchhoff suggested a garage on the east side of the home. He also thought the bay window should be restudied or a garden should be placed in front of the window.

Mr. Sammons asked about the brick wall proposed. Mr. Fant responded. Mr. Sammons thought the proposal was nicer than the existing home. He did not understand the concern about the cars being seen from the street. Mr. Sammons thought there was too much hardscape on the site; he thought there was a more creative solution.

Mr. Sammons called for public comment. No one indicated a desire to speak.

A motion was made by Mr. Floersheimer and seconded by Mr. Kirchhoff to defer the project to the meeting on December 15, 2023. The motion was carried unanimously, 7-0.

6. **ARC-23-142 318 SEASPRAY AVE.** The applicants, Robert and Elizabeth Russell, have filed an application requesting Architectural Commission review and approval for the design of a new two-story single-family residence with sitewide landscape and hardscape improvements.

Ms. Pardue provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by several members.

Dinyar Wadia, Wadia Associates, presented the architectural plans proposed for the new two-story residence.

Cory Meyer, Nievera Williams Design, presented the landscape and hardscape plans for the site.

Mr. Smith called for public comment.

Maisie Grace, 247 Seaspray Avenue, thought the home did not fit onto Seaspray. She thought the home was too formal and heavy for the street.

Anne Pepper, 333 Seaspray Avenue, read a letter for Jeanne Daniel at 322 Seaspray Avenue, who expressed concerns about the home's scale, height, and proposed water feature. Ms. Pepper then expressed her own concerns for the design.

Ms. Grace stated that Ms. Hansen's letter was a letter of objection. Ms. Pardue corrected the record for the two letters received for the project.

Mr. Sammons thought the volume of the proposed home was too much for the street. He favored the Spanish design of the home but thought the design did not have Spanish proportions. He pointed out which of the details fell short. He also

thought the interstitial space could be reduced. He provided suggestions for the design of the windows. He recommended a restudy of the front entrance.

Mr. Kirchhoff agreed with Mr. Sammons. He thought the stone cornice and the band on the second floor was too heavy. He provided suggestions for the design of the windows. He questioned the water table at the front entrance and recommended a hip roof for the front of the home. He thought the detailing needed to be studied and refined.

Mr. Corey agreed with Messrs. Kirchhoff and Sammons. He thought the height of the home needed to be reduced, especially due to the home's location. He favored the gable on the front of the home. He thought the detailing was heavy and needed to be rethought.

Ms. Catlin thought too much was going on in the design and landscaping. She thought the proposed home was too important for the street. She questioned if the design was a good fit for the street, even with the suggested changes.

Ms. Shiverick thought the home would fit onto the street. Ms. Shiverick liked the landscaping proposed in the front of the elevation. She recommended eliminating the fountains in the front of the site. She agreed that the details needed to be simplified.

Mr. Floersheimer reminded the Commission that the proposed home did not require any variances, which he thought was nice for the Town. He favored the fountains but did not like the site wall at the front of the property. He did question the mass of the home. Mr. Pilla, with Wadia Associates, responded. Discussion ensued.

Ms. Connaughton thought the house did appear much taller than the neighboring homes. She also agreed that the details needed some simplification. She liked the design style for the location. She was curious about the placement of the garage in the rear of the home.

Mr. Smith suggested eliminating the fountains in the front of the residence. He questioned the front porch design. He suggested eliminating some of the detailing on the home.

A motion was made by Mr. Corey and seconded by Ms. Shiverick to defer the project to the meeting on January 24, 2024. The motion was carried unanimously, 7-0.

7. **ARC-23-144 216 TRADEWIND DR.** The applicant, 216 Tradewind Trust (Rep. Carl Sabatello), has filed an application requesting Architectural Commission review and approval for the construction of a new two-story single-family residence with sitewide landscape and hardscape improvements.

Ms. Mittner provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by several members.

Rafael Portuondo, Portuondo Perotti Architects, presented the architectural plans proposed for the new residence.

Mr. Corey expressed concern about the size, bulk, and massing. He thought it was too much for the street and could not support the design.

Mr. Sammons thought the home was too tall; he recommended adding scale figures to the drawings. He thought the proposed home lost the charm of the first sketch by Mr. Portuondo.

Ms. Connaughton thought the scale of the two buildings did not relate to each other. She liked the site plan, outdoor spaces, and side entry garage. Ms. Connaughton asked about the alternate sketch shown by Mr. Portuondo; she preferred the design of the alternate sketch.

Mr. Corey agreed with Ms. Connaughton's opinion of the alternate sketch. He thought the scale of the proposed home needed to be reduced, especially the second floor.

Mr. Kirchoff indicated he had suggestions for the proposed home. but liked the concept of the alternate sketch.

Mr. Martin agreed that the alternate sketch was far more elegant and was the appropriate direction for the home.

Mr. Smith understood the style that Mr. Portuondo was seeking; however, Mr. Smith questioned the sleeping porch over the front door.

Mr. Smith called for public comment.

Tom Parker, 215 Jamaica Lane, discussed a previous issue with a noisy generator at the address. Mr. Parker thought the proposed home was an improvement over the existing home.

A motion was made by Ms. Shiverick and seconded by Mr. Corey to defer the project to the meeting on January 24, 2024. The motion was carried unanimously, 7-0.

8. **ARC-23-145 (ZON-23-113) 123 CHILEAN AVE (COMBO)** The applicant, Robert & Perri Bishop, has filed an application requesting Architectural Commission review and approval for construction of a new two-story single-family residence and one-story accessory cabana structure with final hardscape, landscape and swimming pool, requiring Special Exception approval to develop a nonconforming parcel and variances to reduce the required side setbacks and to exceed the maximum cubic content ratio (CCR) permitted. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Clerk's note: This item was deferred to the December 15, 2023, meeting at Item V., Approval of the Agenda.

9. **ARC-23-146 (ZON-23-146) 995 S OCEAN BLVD** The applicant, Mary S. Conrad, has filed an application requesting Architectural Commission review and approval of a second-story addition requiring variances to build within the required setbacks. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Ms. Pardue provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by several members.

Jacqueline Albarran, SKA Architect + Planner, presented the architectural modifications for the proposed addition to the existing residence.

Mr. Smith called for public comment. No one indicated a desire to speak.

Ms. Connaughton asked about the variances.

Maura Ziska, the attorney for the applicant, explained the requested variances.

Ms. Connaughton supported the request for variances. She questioned the new roof over the garage; she wondered if the roof should be lowered. She provided design suggestions for the roof. Ms. Albarran discussed the flat ridges on the existing roof and the owner's desire to get natural light into the studio.

Mr. Floersheimer wondered if the addition could be placed on the east elevation; he thought that would eliminate the request for variances. Ms. Albarran discussed how the proposed addition would provide easier construction. He did not object to the proposed addition.

Mr. Sammons recommended using a different roof style, such as a shed roof, over the addition.

Mr. Corey thought the addition was charming and enhanced the house. He agreed with the other members that a different roof style over the addition would be nice. He supported the project.

Ms. Catlin thought the addition was charming and enhanced the home.

Ms. Connaughton suggested a shed roof or a flat roof with a railing.

Mr. Smith thought the existing home was too big for the site.

A motion was made by Ms. Connaughton and seconded by Mr. Corey to defer the project to the meeting on December 15, 2023. The motion was carried unanimously, 7-0.

C. MINOR PROJECTS - OLD BUSINESS

1. **ARC-23-138 1340 S OCEAN BLVD.** The applicant, Greene Family Trust, has filed an application requesting Architectural Commission review and approval for a new exterior railing to replace an existing railing onto an existing nonconforming over-the-water boathouse and the installation of a

new retractable awning on the second floor of the existing two-story carriage house.

Ms. Pardue provided staff comments on the project.

Call for disclosure of ex parte communication: No disclosures were made.

Benjamin Schreier, Affiniti Architecture, presented the proposed architectural modifications for the boathouse. Mr. Schreier stated his client had young children and wanted the railing to meet the life safety code.

Mr. Smith asked about the previous wooden cutouts and wondered why they had not been replaced. Mr. Schreier stated that his client wanted to have more transparency to the water while meeting the life safety code.

Mr. Smith asked about the material of the railing, to which Mr. Schreier stated the railing would be aluminum, painted with a matte finish.

Mr. Corey wondered if the railings could be added within the arches instead of at the end of the dock. Mr. Schreier stated the suggestion would not be preferred.

Mr. Sammons stated that the old railing had more space between the pickets. He also thought the railing was too tall. A discussion ensued about the space between the pickets. Mr. Sammons liked the slats; he thought the new pickets should resemble older ones. He suggested removing the horizontal railing at the top. Mr. Schreier stated he would remove the top rail, lowering the railing to 36 inches.

Ms. Connaughton agreed with the suggestion to make the slats larger.

A motion was made by Mr. Floersheimer and seconded by Ms. Shiverick to approve the project with the condition that the top height of the railing shall be 36 inches high, without a handrail, and the pickets shall be increased in width. The motion was carried 6-1, with Mr. Smith dissenting.

2. **ARC-23-102 1435 S OCEAN BLVD.** The applicant, Tyerman Barry W Tr. (Agt. Warren Cady), has filed an application requesting Architectural Commission review and approval for the installation of an "S" tile roof on a single-family residence.

   Clerk's note: This item was deferred to the December 15, 2023, meeting at Item V., Approval of the Agenda.

D. **MINOR PROJECTS-NEWBUSINESS**

1. **ARC-23-152 11 VIA VIZCAYA** The applicant, Johnathan Clay, has filed an application requesting Architectural Commission review and approval for modifications to existing landscape and hardscape on a site improved with an existing single-family residence.

Mr. Falco provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by several members.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape modifications proposed for the site.

Mr. Floersheimer wondered if the chain link fence would be added to the south property line at 12 Via Vizcaya, to which Mr. Mizell responded, yes. Mr. Floersheimer asked about the alley that would be created and wondered if Mr. Mizell had a photograph of the view of the alley. Mr. Mizell stated that the fence would disappear with the surrounding vegetation. He spoke about the planting material to be used.

Clerk's note: Mr. Sammons left the meeting at 4:26 p.m.

Mr. Smith questioned the look of the vegetation where the gate would be located. He did not believe a chain link fence was appropriate in Palm Beach. Mr. Mizell stated that he would be happy to provide wooden gates. Mr. Floersheimer thought the Commission should see the gates. Mr. Floersheimer asked about the vegetation on the south side of 12 Via Vizcaya. Mr. Mizell reviewed the plan for the area in question and discussed the gates to be used.

Mr. Smith questioned the look of the gates in relation to the existing home. Mr. Mizell stated he would return to the Commission for approval of the gates.

Mr. Corey asked about the material proposed for 12 Via Vizcaya. Mr. Mizell responded and presented the proposed plan. Mr. Corey asked about the lawn next to Lake Worth Lagoon. Mr. Mizell discussed the problem of people walking into the applicant's yard and fishing off the owner's seawall. Mr. Corey asked about the ownership of the easement, to which Mr. Mizell responded it was owned by the residents who lived on Via Vizcaya. Mr. Corey wondered why the owner did not install a gate at the easement and provide access to his neighbors.

Mr. Smith called for public comment.

John Clay, owner of the property, discussed the issues of other people using his property. He discussed the need for privacy and the changes to his site.

Motion made by Mr. Corey and seconded by Mr. Floersheimer to approve the project as presented, with the condition that the gates shall be returned to the Commission for approval at the meeting on December 15, 2023.

Ms. Shiverick asked about where the chain link fence would be installed. Mr. Clay responded.

A short discussion ensued about the suggestion to place a gate on Via Vizcaya.

The motion was carried unanimously, 7-0.

2. **ARC-23-153 12 VIA VIZCAYA** The applicant, County Down Trust (Andrew

W. Regan, Trustee), has filed an application requesting Architectural Commission review and approval for modifications to landscape and addition of a fence on a vacant parcel of land.

There was no further discussion on this project, as it was discussed during 11 Via Vizcaya.

Motion made by Mr. Corey and seconded by Mr. Floersheimer to approve the project as presented, with the condition that the gates shall be returned to the Commission for approval at the meeting on December 15, 2023. The motion was carried unanimously, 7-0.

X. Discussion Items

1. Project Designation Manual Matrix – Revision

Ms. Mittner discussed the different types of reviews of the projects received by the Town. She showed the Commission an outline of the items that they would review.

XI. Unscheduled Items

A. Public

No comments were heard at this time.

B. Staff

No comments were heard at this time.

C. Commission

Mr. Martin wondered if the Commission and staff were still considering a preliminary/conceptual review of projects prior to bringing in a full set of plans for review. He thought one of the projects reviewed earlier was a good example of how a preliminary/conceptual review could be beneficial. Ms. Pardue stated that Mr. Murphy presented the idea to the Commission, which decided not to proceed. She stated that the staff would be happy to revisit the issue. Mr. Martin stated that he thought the suggestion was a good opportunity for process improvement. A short discussion ensued on this topic.

Mr. Corey asked the staff to review the health of the trees on Wells Road.

XII. NEXT MEETING DATE: Friday, December 15, 2023

XIII. ADJOURNMENT

A motion was made by Mr. Martin and seconded by Mr. Corey to adjourn the meeting at 4:53 p.m. The motion was carried unanimously, 6-0.

The next meeting will be held on Friday, December 15, 2023, at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road.

Respectfully Submitted,

Jeffrey W. Smith, Chairman
ARCHITECTURAL COMMISSION

kmc

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Smith Jeffrey	Architectural Commission
MAILING ADDRESS 241 Sanford Avenue	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY
CITY: Palm Beach COUNTY: Palm Beach	NAME OF POLITICAL SUBDIVISION: Town of Palm Beach
DATE ON WHICH VOTE OCCURRED November 20, 2023	MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Jeffrey Smith, hereby disclose that on November 20, 20 23:

(a) A measure came or will come before my agency which (check one or more)

___ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, (DAUGHTER) NATALIE SMITH;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

ARC-23-140 / ZON-23-118 (combo)
2278 Ibis Isle Rd

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

November 20, 2023
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Kirchhoff Thomas	Architectural Commission
MAILING ADDRESS 1907 Commerce Lane	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY
CITY Jupiter COUNTY Palm Beach	NAME OF POLITICAL SUBDIVISION: Town of Palm Beach
DATE ON WHICH VOTE OCCURRED November 20, 2023	MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

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For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

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APPOINTED OFFICERS (continued)

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DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Thomas Kirchhoff, hereby disclose that on November 20, 2023:

(a) A measure came or will come before my agency which (check one or more)

✓ inured to my special private gain or loss; Project Architect

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

ARC-23-109
600 Tarpon Way
Continuing Conflict

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

November 20, 2023
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.