

TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, OCTOBER 27, 2021

Please be advised that in keeping with a recent 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, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com.

I. CALL TO ORDER

Mr. Small called the meeting to order at 8:59 a.m.

II. ROLL CALL

Michael B. Small, Chairman	PRESENT
John David Corey, Vice Chairman	ABSENT (Excused)
Alexander C. Ives, Member	PRESENT
Maisie Grace, Member	PRESENT
Betsy Shiverick, Member	PRESENT (virtually)
Jeffrey Smith, Member	PRESENT
Thomas Kirchhoff, Member	PRESENT
Katherine Catlin, Alternate Member	PRESENT (virtually)
Dan Floersheimer, Alternate Member	PRESENT
Richard F. Sammons, Alternate Member	PRESENT

Staff Members present were:

Wayne Bergman, Director of Planning, Zoning and Building
James G. Murphy, Assistant Director of Planning, Zoning and Building
Sarah Pardue, Historic Preservation Planner
Jordan Hodges, Planner II
Kelly Churney, Secretary to the Architectural Review Commission
John Randolph, Town Attorney

III. PLEDGE OF ALLEGIANCE

Chairman Small led the Pledge of Allegiance.

IV. **RULES OF ORDER AND PROCEDURE**

Mr. Small acknowledged the Town Council's decision to return to in-person meeting. He discussed the required masks while in the meeting. Mr. Small continued with procedural information and comments regarding the upcoming meeting.

V. **APPROVAL OF THE MINUTES FROM THE SEPTEMBER 29, 2021 MEETING**

Motion made by Mr. Floersheimer and seconded by Ms. Grace to approve the minutes from the September 29, 2021 meeting. Motion carried unanimously.

VI. **APPROVAL OF THE AGENDA**

Mr. Small announced the following changes to the agenda:

Deferral of B-034-2021, 905 N. Ocean Blvd. to the November 19, 2021 meeting

Deferral of B-072-2021, 224 La Puerta Way to the November 19, 2021 meeting

Motion made by Mr. Smith and seconded by Mr. Floersheimer to approve the agenda as amended. Motion carried unanimously, 7-0.

VII. **PROJECT REVIEW**

A. **CONSENT AGENDA OF MINOR PROJECTS**

B. **DEMOLITIONS AND TIME EXTENSIONS**

1. ARC-21-021, 315 CLARKE AVE. The applicant, J.F. Benoist d'Etiveaud, has filed an application requesting Architectural Commission approval for the demolition of an existing two-story residence.

Please refer to staff memo for additional information on this project.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Janssen agreed to the easement.

Roger Janssen, Dailey Janssen Architect, presented the architectural plans proposed for the demolition of the existing residence.

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

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Mr. Murphy stated that staff did not have any comments at this time.

Ms. Shiverick thought it would be nice to have an outline of the past alterations to the existing home. She inquired if the owner had discussed the option of the Historically Significant Building designation with the owner. Mr. Janssen responded and confirmed it had been discussed. Ms. Shiverick inquired if the coquina would be saved. Mr. Meyer confirmed that they would attempt to save the coquina. Ms. Shiverick stated she was disappointed to see the home demolished as it was a nice home in good condition. She added that she hoped the new home would resemble the historic home due to the existing home's style and elegance on the street.

Mr. Sammons agreed with Ms. Shiverick and was sad to see the home demolished. He noted that the mature landscape would be hard to replicate and added it was sad to see it removed.

Ms. Catlin agreed with Ms. Shiverick and Mr. Sammons. She stated she was heartbroken to see this unique home demolished. She reiterated that once the home was removed, it could not be replaced. She believed that by demolishing these older homes, Palm Beach was losing its uniqueness and charm.

Mr. Kirchhoff agreed with the other commissioners. He believed the home was wonderful on a very large lot. He thought it should be studied in a way to save the home.

Ms. Grace agreed and believed a classical Mediterranean style home would be a good design style for the future home.

Mr. Floersheimer was in agreement with the other Commissioners.

Mr. Small wished the Commission had the ability to pause and study these types of homes prior to being demolished. He felt the home was architecturally significant.

Ms. Shiverick noted that the Town had agreed to increase the number of homes to be studied and landmarked in the future. She believed this was a good path forward.

Motion made by Mr. Floersheimer and seconded by Mr. Smith that the proposed demolition of 315 Clarke Avenue has met the conditions listed in Sec. 18-206 of the Town's code of ordinances, and to approve the demolition as presented. Motion carried 6-1, with Ms. Grace opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

2. ARC-21-060 143 REEF RD. The applicant, John K. Criddle, has filed an application requesting Architectural Commission approval for the demolition of an existing one-story residence.

Please refer to staff memo for additional information on this project.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Janssen agreed to the easement.

Roger Janssen, Dailey Janssen Architect, presented the architectural plans proposed for the demolition of the existing residence.

Dustin Mizell, Environmental Design Group, presented the hardscape and landscape plans proposed for the demolition of the site.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Mr. Murphy addressed a question posed by Mr. Ives on the staff memorandum.

Ms. Shiverick inquired as to why the demolition report was not included in the mini-sets. Mr. Murphy confirmed the applicant submitted the report but stated that he was unsure of the reason it did not make it into the mini-sets. Ms. Shiverick stated she found the history of the home helpful and requested that they be included in the future.

Motion made by Mr. Kirchhoff and seconded by Mr. Smith that the proposed demolition of 143 Reef Road has met the conditions listed in Sec. 18-206 of the Town's code of ordinances, and to approve the demolition as presented. Motion carried unanimously, 7-0. The application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

3. ARC-21-066 206 CARIBBEAN RD. The applicant, 206 Caribbean LLC, has filed an application requesting Architectural Commission approval for the demolition of an existing one-story residence.

Please refer to staff memo for additional information on this project.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Janssen agreed to the easement.

Roger Janssen, Dailey Janssen Architect, presented the architectural plans proposed for the demolition of the existing residence.

Dustin Mizell, Environmental Design Group, presented the hardscape and landscape plans proposed for the demolition of the site.

Ms. Grace asked for confirmation in response to a neighbor's concern that the only existing landscaping to be removed were the foundation plantings, while all other materials would remain. Mr. Mizell provided confirmation. She also stated that the neighbor did not feel that an eight-foot Clusia hedge would be sufficient. Mr. Mizell confirmed the Clusia hedge was for screening only and a new landscape plan would be brought back in the future.

Mr. Floersheimer stated that the demolition report was not included in the mini-sets. He thanked the professional for the proposed trucks logistics route.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. There were no staff comments heard at this time.

Motion made by Mr. Floersheimer and seconded by Mr. Kirchhoff that the proposed demolition of 206 Caribbean Road has met the conditions listed in Sec. 18-206 of the Town's code of ordinances, and to approve the demolition as presented. Motion carried unanimously, 7-0. The application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

C. MAJOR PROJECTS – OLD BUSINESS

1. B-019-2021 Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 101 Nightingale Trail

Applicant: 04TST101 Nightingale LLC (Brian Libman, Manager)

Professional: Brooks & Falotico Associates, LLP

Project Description: Exterior alterations and interior renovations to two-story single family residence; revised fenestration on all elevations; reframe portions of existing roof to accommodate new fenestration height and replace existing roof tiles; renovate entry portico, frame for second floor roof deck, and face

with coquina; new Dutch gables at courtyard elevations; renovate pool terrace and incorporate new retaining walls; remove existing driveway and install new hardscape and landscape.

ZONING INFORMATION: Section 134-893(13): The applicant is proposing to construct a 70 square foot one story bathroom addition and two Dutch gables that will be added to the courtyard elevations of the pool cabana and kitchen which will increase the cubic content ratio ("CCR") to 5.24 in lieu of the 5.01 existing CCR and the 3.9 maximum CCR allowed in the R-B Zoning District.

A motion carried at the March meeting to defer the project to the April 28, 2021 meeting to address the comments of the Commissioners, which included the identity and character of the home, the front entry, the fenestration, the shutters, the balconies and glass railings. A motion carried at the April meeting to defer the project for one month, to the May 26, 2021 meeting, to restudy the gables, fenestration and in accordance with the comments of the Commission. A motion carried at the May meeting to defer the project to the June 23, 2021 meeting at the request of the professionals. A motion carried at the June meeting to defer the project to the July 28, 2021 meeting at the request of the professionals. A motion carried at the July meeting to defer the project to the August 25, 2021 meeting at the request of the professionals. At the August 25, 2021 meeting, a motion carried to defer the project to the September 29, 2021 meeting. A motion carried at the September meeting to defer the project to the October 27, 2021 meeting.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Willette agreed to the easement.

Chuck Willette, Brooks & Falotico Associates, LLP, presented the architectural plans proposed for the modifications to the existing home.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Mr. Murphy provided staff comments.

Mr. Ives inquired about the fenestration proposed for the first floor, west elevation. Mr. Willette responded. Mr. Ives stated that he understood the intent of the design and the adaption of an existing structure. However, he questioned the design of the gables and wondered if they worked for the home. He also thought the existing home had some character and wondered if the proposed design was forcing the character into a different direction.

Mr. Floersheimer inquired about the expansion of the accessory structure. Mr. Willette responded and stated the expansion was to accommodate the Bermudian detail. Mr. Floersheimer liked the fenestration over the garage. However, he questioned the style of the windows and wondered if the windows clashed with the style of the home.

Ms. Grace thought the renovation was more attractive than the existing home. She believed the changes were moving in the right direction. She liked the front of the home. She inquired if there were any lanterns proposed. Mr. Willette responded and pointed out the proposed lanterns. Ms. Grace thought the fenestration needed to be reduced in size. She recommended reducing the gables and windows on the east elevation to allow for more stucco.

Mr. Kirchhoff stated he agreed with Ms. Grace's comments. He applauded the professional for remodeling rather than demolishing the home. He suggested lowering all of the doors on the east side, as well as provided suggestions for the details of the porch. He also recommended using double hung windows rather than casements. Mr. Kirchhoff thought the gables on the pool deck had shallow pitches and thought those should be studied.

Ms. Shiverick thought the changes were going in the right direction, but thought the style should be more of a beachy, Bermudian home. She thought the fenestration, particularly the east elevation, were too modern and should be changed. She recommended adding beachy touches, particularly with the gates, railings and garage door. She recommended using cypress rather than aluminum for these items. Ms. Shiverick was in favor of the front door design. However, she questioned the silver-gray color proposed and did not believe it was in concert with the other floral colors proposed.

Mr. Smith thought the changes had made progress since the last presentation. He was in favor of the loggia on the ocean façade. However, he questioned the fenestration on the two flanking wings. He added his biggest concern were the shallow gables in the pool courtyard.

Ms. Catlin liked the home overall. She agreed with Ms. Shiverick's suggestion for cypress and thought the material would enhance the home. She was in favor of the front door and believed some refinement on the fenestration was warranted. She questioned the gables and wondered if the previously proposed gables were better. She recommended a restudy of the gables.

Mr. Sammons thought the project should be restudied, particularly the proportions of mass to openings. He thought the scale of the fenestration needed to be reworked.

Mr. Floersheimer did not believe the east side was successful.

Mr. Small requested Ms. Pardue to review the list of items that were requested by the Commissioners as clarification for the professional.

Motion made by Ms. Grace and seconded by Mr. Ives to defer the project for one month, to the November 19, 2021 meeting, to address the comments made by the Commissioners. Motion carried unanimously, 7-0.

2. B-034-2021 Additions/Modifications

Address: 905 N. Ocean Blvd.

Applicant: 905 N. Ocean LLC (Maura Ziska)

Professional: LaBerge and Menard

Project Description: Guest house addition and new landscape/hardscape.

A motion carried at the April meeting to defer the project to the May 26, 2021 meeting for restudy, particularly how the home fits onto the lot. A motion carried at the May meeting to defer the project to the June 23, 2021 meeting at the request of the professional. A motion carried at the June meeting to defer the project to the July 28, 2021 meeting at the request of the professional. A motion carried at the July meeting to defer the project to the August 25, 2021 meeting at the request of the professionals. A motion carried at the August 25, 2021 meeting to defer the project to the October 27, 2021 meeting.

Please note: This project was deferred to the November 19, 2021 meeting at the Approval of the Agenda, Item VI.

3. B-072-2021 Additions/Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 224 La Puerta Way

Applicant: Mr. & Mrs. Gray

Professional: David J. Gengler/Gengler Architects, Inc.

Project Description: A major renovation of an existing single-story single family home which includes a two-story addition on the front of the home, a second floor addition over a portion of the existing first floor, and a two-story loggia addition on the rear of the home.

ZONING INFORMATION: The applicant is requesting four variances in order to build a two-story addition which includes a 315 square foot one-story addition to the garage, a 184 square foot addition for a covered terrace on the first floor, and a 930 square foot second floor addition for two bedrooms, including a 130 square foot covered balcony, and two bathrooms. The requested variances are as follows: Section 134-893(b)(7)a: Request for an east side yard setback of 11 feet in lieu of the 12.5 foot minimum side yard setback required for the garage addition in the R-B Zoning District. Section 134-893(b)(7)a: Request for an east side yard setback of 11 feet in lieu of the 15 foot minimum side yard setback for a second story addition and covered balcony in the R-8 Zoning District. Section 134-895(1): Request for an east side yard setback of

9.8 feet in lieu of the 10.5 foot minimum side yard setback required for a bay window on the first floor in the R-B Zoning District. Section 134-895(1): Request for an east side yard setback of 9.8 feet in lieu of the 13 foot minimum side yard setback required for a bay window on the second floor in the R-B Zoning District.

At the August 25, 2021 meeting a motion carried to defer the project to the September 29, 2021 meeting with a clear direction for a restudy of the entire project. A motion carried at the September meeting to defer the project to the October 27, 2021 meeting.

Please note: This project was deferred to the November 19, 2021 meeting at the Approval of the Agenda, Item VI.

4. ARC-21-005 New Construction

Address: 210 Palmo Way

Applicant: Bruce Percelay

Professional: Roger Janssen / Dailey Janssen

Project Description: Construction of a new 2 story residence. New landscape, hardscape and pool.

At the August 25, 2021 meeting, a motion carried to defer the project to the September 29, 2021 meeting. A motion carried at the September meeting to approve the project with the following conditions: to flatten the front entrance on the first floor, to adjust the rafters under the columns on the second floor, remove the side lights on the front door and to defer the landscape and hardscape plans to the October 27, 2021 meeting for a restudy. This project was approved also with a condition related to the utility easement.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. West agreed to the easement.

Steve West, Parker Yannette Design Group, presented the landscape and hardscape plans proposed for the new residence.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Pardue stated that staff had no comments at this time.

Mr. Floersheimer thanked the professional for making the changes and stated he was in favor of the landscape plan proposed.

Ms. Grace inquired about the gap on the east elevation toward the rear of the property. Mr. West responded and explained the design of the palm trees proposed around the pool. Ms. Grace inquired about the height of the proposed Pigeon Plum trees. Mr. West responded.

Ms. Catlin was in favor of the changes and thought the plan was well done.

Mr. Kirchhoff was in favor of the changes. Mr. Small agreed.

Motion made by Mr. Floersheimer and seconded by Mr. Kirchhoff to approve the project as presented. Motion carried unanimously, 7-0. The application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

5. ARC-21-016, 1214 N. OCEAN BLVD. The applicant, Mr. & Mrs. John Scully, has filed an application requesting Architectural Commission review and approval for the construction of a second floor terrace enclosure visible from the r-o-w to an existing two-story residence.

Please refer to staff memo for additional information on this project.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Perry agreed to the easement.

Michael Perry, MP Design & Architecture, Inc., presented the architectural plans for the modifications proposed to the existing residence.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Pardue stated that staff had no comments at this time.

Ms. Grace thought the changes made were in response to the comments by the Commission so she stated she was prepared to make a motion to approve the project.

Mr. Sammons thought the large doors were too large and were in conflict with the other sliding doors. He also questioned the new window and why did not match the existing window. Mr. Sammons also questioned the sizes of the three-slider doors. Mr. Perry responded and explained the design.

Mr. Floersheimer asked for confirmation that no variances were requested. Mr. Perry provided confirmation.

Ms. Catlin thought the changes were nice and thanked the professional for making the changes.

Motion made by Ms. Grace and seconded by Mr. Kirchhoff that the proposed project at 1214 N. Ocean Blvd. has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and to approve the project as presented. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

6. ARC-21-022 New Construction

Address: 870 S. Ocean Blvd.

Applicant: 870 S. Ocean, LLC (Todd Glaser, Manager)

Professional: MP Design & Architecture

Project Description: Section 134-840: Request for a special exception with site plan review to allow construction of a 210 square foot beach pergola and 83 square foot cabana bathroom/storage in the R-A/B-A Zoning District. Section 134-1474(a): Request for a variance to construct a 210 square foot beach pergola and 83 square foot cabana bathroom/storage that is on a lot with frontage of 101.53 feet in lieu of the 125 feet required for lot width in the B-A Zoning District for beach area property adjacent to R-A Zoning District. As part of the proposed project, this proposal meets the Town of Palm Beach ocean vista requirements.

At the August 25, 2021 meeting, a motion carried to defer the project to the September 29, 2021 meeting. A motion carried at the September meeting to defer the project to the October 27, 2021 meeting for a restudy in accordance with the comments from the Commissioners and with a request that the images of the main house are included in the mini-sets.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Ms. Ziska agreed to the easement.

Maura Ziska, attorney for the owner, explained the variance requested for the project and advocated for a positive recommendation to the Town Council.

Michael Perry, MP Design & Architecture, Inc., presented the architectural plans proposed for the new beach cabana.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Pardue stated that staff had no comments at this time.

Ms. Grace stated she preferred the alternate cabana proposed on the north and west elevations. She preferred the original south elevation that showed a single door and outdoor shower. Ms. Grace inquired about the proposed lanterns. Mr. Perry responded. Ms. Grace stated that she was not in favor of the lanterns.

Mr. Floersheimer inquired about the height of the proposed cabana. Mr. Perry responded. Mr. Floersheimer inquired if there would be fill brought in to raise the property. Mr. Perry explained the proposed site preparation and added that steps would be added. Mr. Floersheimer inquired about the location of the proposed steps. Mr. Perry showed the location of the proposed steps.

Ms. Shiverick inquired about the decoration on the north elevation of the cabana. Mr. Perry stated that he passed around the alternate cabana design that addressed this issue; however, since Ms. Shiverick was virtual she could not see the proposed changes. Ms. Shiverick stated that if the Commissioners thought the changes were acceptable, she would support the changes.

Ms. Catlin thought the changes were acceptable.

Motion made by Mr. Floersheimer and seconded by Mr. Kirchhoff that implementation of the proposed variance will not cause negative architectural impact to the subject property. Motion carried unanimously, 7-0.

A second motion made by Mr. Floersheimer and seconded by Mr. Kirchhoff that the proposed project at 870 S. Ocean Blvd. has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and to approve the project as presented with the alternate cabana design proposed. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

Please note: A short break was taken at 10:43 a.m. The meeting resumed at 10:57 a.m.

7. ARC-21-017 Demolition/New Construction
*ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL
EXCEPTION AND SITE PLAN REVIEW*
Address: 223 Monterey Road

Applicant: 239 Monterey Road, LLC (Louis Capano, Jr., Manager)

Professional: Roger Janssen/Dailey Janssen Architects

Project Description: The lot is non-conforming in area: 9,000 square feet in lieu of the 10,000 square feet required in the R-B Zoning District; and in width: 90 feet in width in lieu of the 100 foot minimum required in the R-B Zoning District. 1. Request to demo the existing one-story residence, accessory structure, pool, driveway and miscellaneous site walls, piers and fences. 2. Request to construct a new single-family residence on a non-conforming lot (overall size and width) meeting all applicable Town codes. 3. Request to construct a new two-story single family residence consisting of 3,902 gross square feet on a non-conforming lot, driveway, pool/spa, hardscape and landscape, including an emergency generator and civil, storm water and grading

At the August 25, 2021 meeting, a motion carried to defer the project to the September 9, 2021 meeting. A motion carried at the September meeting to defer the project to the October 27, 2021 meeting for a restudy of the front door, the three windows next to the front door as well as the overall height of the home.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Janssen agreed to the easement.

Roger Janssen, Dailey Janssen Architects, presented the architectural modifications proposed for the new residence.

Mr. Small called for public comments.

Peter Broberg, 220 Monterey Road, stated that the proposed home was surrounded by three Fatio homes, two of which are landmarked. He expressed his concerns for the proposed home, which were related to the height, mass, and lot coverage.

Steven Wolf, 225 Monterey Road, agreed with all of Mr. Broberg's concerns. He also discussed a concern for the proposed design of a site wall next to his property.

Mr. Small called for staff comment. Ms. Pardue stated that staff had no comments at this time.

Ms. Grace liked the changes to the two single windows. She still believed the house was too tall and wondered if the height could be reduced.

Mr. Sammons thought the proposed home would never fit into the neighborhood because the older homes had a lower floor-to-floor height than

the proposed. Mr. Sammons recommended lowering the clapboard to run down below the joists and to line up with the new pediment. He recommended lowering the head height of the windows, below 8 feet. He also thought the 12 foot floor to floor height was too tall, particularly on the second floor. Mr. Janssen responded.

Mr. Floersheimer agreed with Mr. Sammons' comments on the scale of the home. He thought there was room to reduce the height of the home and to be aware of the neighbors' concerns.

Ms. Shiverick agreed with Mr. Sammons and heard the neighbors' concerns. She thought the home could be reduced in height to address the neighbors' comments. She also acknowledged a comment made by Mr. Floersheimer regarding the CCR relating to the size of the home.

Ms. Catlin thought the style of the home was appropriate for the neighborhood. She thought if the home could be reduced, and she respectfully asked the professional to study this aspect.

Ms. Grace stated that the Commission had asked the professional to address the overall height in the previous meeting.

Mr. Kirchhoff agreed with Mr. Sammons that the siding should come down to the floor joists. He also believed the windows and doors were out of scale for the home. He also had an issue with the front door design.

Mr. Floersheimer thought the home lost a bit of the charm during the changes.

Mr. Smith agreed that the windows and doors were out of scale for the home. He also believed a six-inch reduction in height would be a nice concession and more pleasing to the neighbors. Mr. Smith inquired about the renderings. Mr. Murphy responded.

Mr. Janssen asked for clarification on the amount of reduction in height the Commissioners requested for the home as well as the reduction in height for the doors and windows. Mr. Smith responded. Mr. Janssen also asked for clarification on the front door surround and which option the Commission preferred.

Ms. Ziska requested a motion to approve with conditions based on the comments from the Commissioners.

Mr. Randolph recommended taking a poll on the comments from the Commissioners.

A short discussion ensued about how much room could be removed from the height of the home.

Motion made by Ms. Grace and seconded by Mr. Kirchhoff to defer the project for one month, to the November 19, 2021 meeting, to address the comments made by the Commissioners. Motion carried 6-1, with Mr. Ives opposed.

D. MAJOR PROJECTS – NEW BUSINESS

1. ARC-21-030 1260 NORTH LAKE WAY The applicant, Carlos Esteban (Project Manager), has filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence designed in the Art Deco Style of nearly 10,000 SF in size, to replace an existing two-story residence to be demolished.

Please refer to staff memo for additional information on this project.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Portuondo agreed to the easement.

Rafael Portuondo, Portuondo Perotti Architects, discussed the proposed demolition of the existing residence.

Mr. Small asked for confirmation that the existing home was not on any list for the home to be landmarked. Mr. Portuondo provided confirmation that the home was not on any such list.

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

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Pardue stated that staff did not have any comments on the demolition.

Mr. Sammons stated that he did not have any issues with the demolition application when the Commission could see the proposed replacement home. He added that he wished all demolition applications were submitted as such.

Motion made by Mr. Kirchhoff and seconded by Mr. Ives that the proposed demolition of 1260 N Lake Way has met the conditions listed in Sec. 18-206 of the Town's code of ordinances, and to approve the demolition as presented. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of

a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

Mr. Portuondo presented the architectural plans proposed for the new residence.

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

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Ms. Pardue stated that staff did not have any comments.

Mr. Sammons complimented the L design in the front façade and the column screen in front of the garage. He thought it was a good example of a Mediterranean home. He thought the scale was appropriate and thanked the owners for allowing the architect to design the home in the correct size. He suggested reducing the front door opening a bit in height and width. He made a suggestion to change the center window on the rear façade. He also suggested changing the columns a bit by adding more detail.

Ms. Grace was excited to see the Art Deco home proposed. She stated she wished it had more Art Deco elements. She preferred a lighter window to the bronze proposed. Mr. Portuondo stated that more Art Deco details could be added through the gardens.

Mr. Ives agreed with Mr. Sammons comments and praised the project. He also believed the landscaping design was incredible. He was also happy to see a home with individualist character and identity.

Mr. Smith thought it was a very nice project. He asked for clarification on the gate and front door. Mr. Portuondo responded.

Ms. Catlin liked the design. She thought there was a bit of height in the first floor, especially looking at the scale figures in the drawings. She expressed concern that the home would loom over the lake trail. She recommended moving it forward a bit on the lot.

Ms. Shiverick agreed with the other Commissioners and thought this was a great home.

Mr. Kirchhoff agreed with the other Commissioners. He complimented the professional on the package and thought it was very easy to read. He commented that the windows and glass on the home was appropriate.

Mr. Small agreed with many of the Commissioners. He thought the design exuded beauty and uniqueness. He agreed the front entry could be slightly reduced.

Motion made by Ms. Grace and seconded by Mr. Smith that the proposed project at 1260 N. Lake Way has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and to approve the project as presented with the conditions that the front entrance is slightly reduced and with the original roof tile material as proposed. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

Please note: Ms. Grace left the meeting at 12:17 p.m.

2. ARC-21-032 346 SEABREEZE AVE. The applicant, Richard and Margot Stephenson, has filed an application requesting Architectural Commission review and approval for the installation of a new driveway, pool and other site modifications including raising the rear and side yards, on a site containing an existing two-story residence.

Please refer to staff memo for additional information on this project.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Mizell agreed to the easement.

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

Mr. Small called for public comments.

Anne Pepper, 333 Seaspray Avenue, asked the Commission to address the proposal to raise the lot and questioned how the water run off would be addressed. She discussed the water issues that some of the lower homes have experienced with heavy rain and runoff.

Mr. Mizell stated that the Town was requiring them to bring the site up to the current Code and discussed the plan to address water runoff and retention.

Mr. Small called for staff comment. Ms. Pardue stated that staff did not have any comments.

Mr. Floersheimer inquired about a section detail that showed the property from east to west. He also wondered how raising the lot by over two feet would affect the home architecturally. He stated he would like to see what the home would look like with the lot raised two feet.

Mr. Mizell showed the cross section of the lot. Mr. Mizell also explained how the existing home sits very high, comparatively, to the existing lot. He believed the home would look more appropriate with the site raised.

Mr. Sammons thought that the runoff could be contained. He did not believe the front of the home would be affected.

Mr. Kirchhoff thought that raising the grade in the rear of the home was the correct thing to do. He thought it was a good project. He questioned the egress of automobiles into the street. Mr. Mizell responded.

Motion made by Mr. Kirchhoff and seconded by Mr. Smith that the proposed project at 346 Seabreeze Avenue has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and to approve the project as presented. Motion carried unanimously, 6-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

Please note: A lunch break was taken at 12:31 p.m. The meeting resumed at 1:20 p.m. Upon roll call, Ms. Catlin, Grace and Mr. Corey were found to be absent.

3. ARC-21-033 240 EL DORADO LN. The applicant, Charlotte Ross, has filed an application requesting Architectural Commission review and approval for the reconfiguration of a new driveway, addition of new pergola structure, and other site modifications including landscape and hardscape improvements site wide, on a site containing an existing two-story residence.

Please refer to staff memo for additional information on this project.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Mizell agreed to the easement.

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

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Mr. Murphy provided staff comments.

Motion made by Mr. Floersheimer and seconded by Mr. Smith that the proposed project at 240 El Dorado Lane has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and to approve the project as presented. Motion carried unanimously, 6-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

4. ARC-21-040 (ZON-21-006) 164 SEASPRAY AVE. (COMBO) The applicant, Hayati Banastey, has filed an application requesting Architectural Commission review and approval for the construction of a new two-story home designed in the Classical Style and related site improvements, including variances for side yard setbacks as they pertain to the new residence on a nonconforming lot. The variance portion of the application shall be reviewed by Town Council. The application will require special exception and site plan reviewed by Town Council.

Please refer to staff memo for additional information on this project.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Ms. Ziska agreed to the easement.

Maura Ziska, attorney for the owner, explained the zoning requests for the project and advocated for a positive recommendation to the Town Council.

Patrick Segraves, SKA Architect + Planner, introduced the project and discussed the setbacks for the new residence.

Daniel Clavijo, SKA Architect + Planner, presented the architectural plans proposed for the new residence.

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

Mr. Small called for public comments.

Mario Mercurio, 168 Seaspray Avenue, expressed his concerns for the proposed home. In particular, he was concerned about protecting the charm of the Sea

Streets and thought that granting variances should be limited. He also expressed concern that the proposed home would be closer to his home and would affect his light and air.

Anne Pepper, 333 Seaspray Avenue, stated the protection of the historic neighborhoods was essential, therefore protecting scale, charm and setbacks were imperative.

Please note: Ms. Grace returned to the meeting at 1:47 p.m.

Mr. Small called for staff comment. Mr. Murphy provided staff comments.

Mr. Ives thought the front door design could be better. He also thought small changes to the fenestration could be made. He did not believe the design was bad, however, he thought the home could have more character. He believed a significant restudy was needed.

Ms. Grace thought the existing home had much more charm than the proposed home. She stated she requested a home as charming as the existing home during the approval of the demolition. She believed the home could be designed without a variance.

Ms. Shiverick agreed with Ms. Grace and Mr. Ives. She did not believe the home was in the classical style. She thought the home near the ocean should appear lighter. She recommended double hung windows, a change in railings and different windows. She thought that new construction should abide by the code and the setbacks. She did not see a hardship for the variances.

Mr. Kirchhoff thought that two feet could be removed from Mr. Mercurio's side of the home. He also suggested a restudy of the front façade. He recommended using double hung windows to help the home look more residential, rather than like a condominium.

Mr. Small did not believe the size of the home was an issue. However, he agreed that the home could be designed without a variance.

Mr. Clavijo thought there was a significant improvement to the setback on the east side of the home. He added that the two-story garage structure in the rear would be eliminated. Mr. Clavijo confirmed that the loggia would not be enclosed. Mr. Clavijo inquired where more charm could be added to the home.

Ms. Grace thought the home looked like so many other homes in Palm Beach, while the other homes on the street were so uniquely different.

Mr. Segraves thought the proportions of the proposed home fit into the neighborhood.

Motion made by Mr. Smith and seconded by Mr. Kirchhoff to defer the project for one month, to the November 19, 2021 meeting, to address the comments made by the Commissioners. Motion carried 6-1, with Ms. Grace opposed.

5. ARC-21-041 (ZON-21-008) 1520 S. OCEAN BLVD. (COMBO) The applicant, Chris Shumway, has filed an application requesting Architectural Commission review and approval for the construction of a new 400SF beach cabana and water feature within the vacant oceanside parcel, including a setback variance from the bulkhead line. The application will require special exception and site plan reviewed by Town Council.

Please refer to staff memo for additional information on this project.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Ms. Ziska agreed to the easement.

Maura Ziska, attorney for the owner, explained the zoning requests for the project and advocated for a positive recommendation to the Town Council.

Guillermo Vazquez, Bridges, Marsh & Associates, Inc., presented the architectural plans for the proposed beach cabana.

Mr. Small inquired if the variance was triggered because of the structure or pool. Mr. Vazquez stated it was due to the structure.

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

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Mr. Murphy provided staff comments.

At this time, the moderator indicated that a member of the public wished to make comments on the application.

Lindsay DuGan, representing Edith Cary at 114 Ocean View, expressed objections to the proposed project. She also expressed objection to construction vehicles using the street for their upcoming construction.

Ms. Ziska stated that she received a complaint about landscape vehicles on the street. She said she spoke to the construction manager about the issue. She has been told that this had not been an issue within the last two weeks.

Ms. DuGan stated the construction vehicles were still an issue.

Ms. Grace inquired if the cabana could be built without the variance. Ms. Ziska responded and further explained the request. Ms. Grace inquired about the pool and water feature. Mr. Meyer responded. Ms. Grace thought the cabana should have the same proportions as the main house.

Mr. Floersheimer inquired about grass and whether it was planted over the revetment. Mr. Vazquez responded.

Mr. Sammons thought the cornice was too heavy for a cabana and questioned the scale of the rafter tails and soffits. He suggested reducing the sides with the four and five panel doors. He did not believe the design was spectacular.

Mr. Smith asked about the setback if there were an existing seawall. Ms. Ziska responded.

Ms. Shiverick asked if there was a photograph of the existing home. Mr. Small stated the professional handed one out at the meeting. Ms. Shiverick agreed with Mr. Sammons and thought the cabana was very plain. She thought the cabana could have some more interest, such as a cupola or arches. She questioned the proposed doors on the cabana.

Motion made by Ms. Grace and seconded by Mr. Kirchhoff to defer the project for one month, to the November 19, 2021 meeting, to address the comments made by the Commissioners. Motion carried unanimously, 7-0.

6. ARC-21-043 (ZON-21-009) 1230 S. OCEAN BLVD. (COMBO) The applicant, 1230 LLC (Staci Rutman, manager) has filed an application requesting Architectural Commission review and approval for the construction of a new one-story covered loggia addition including a variances relating to setback requirements, and exterior modifications to a previously approved design including alterations to the windows, shutters and other features. The variance portion of the application shall be reviewed by Town Council.

Please refer to staff memo for additional information on this project.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Ms. Ziska agreed to the easement.

Maura Ziska, attorney for the owner, explained the variances requested for the project and advocated for a positive recommendation to the Town Council.

Michael Perry, MP Design & Architecture, presented the architectural plans proposed for the modifications to the existing home.

Mr. Small called for public comments.

M. Timothy Hanlon, on behalf of the Thorntons at 1236 S. Ocean Blvd., requested an agreement between the neighbors to be placed in the record that stated the following: the roof of the loggia would never be a continuation of the height or materials to the existing roof, it would be a lower roof and it will never exceed the maximum of 21.5 NAVD, the loggia would never be enclosed in any manner and would remain open in perpetuity. Further, the Thorntons agreed to build a seven-foot tall concrete wall along the shared east/west boundary between the two lots.

Mr. Perry provided confirmation of Mr. Hanlon's statement.

Mr. Small called for staff comment. Mr. Murphy provided staff comments.

Mr. Randolph inquired about the binding of the agreement. Ms. Ziska discussed the agreement between the neighbors.

Mr. Kirchhoff inquired if there was a landscape architect for the project. Mr. Perry responded. Mr. Kirchhoff stated he supported the changes.

Motion made by Ms. Grace and seconded by Mr. Floersheimer to approve the project as presented with the acknowledgement of the agreement between the neighbors regarding the loggia and site wall. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.

A second motion made by Mr. Floersheimer and seconded by Ms. Grace that implementation of the proposed variance will not cause negative architectural impact to the subject property. Motion carried unanimously, 7-0.

7. ARC-21-048 216 TRADEWIND DR. The applicant, 216 Tradewind Trust (Michael S. Kehoe, Trustee) has filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence designed in a Bermuda Vernacular style with associated site improvements, hardscape, pool and spa.

Please refer to staff memo for additional information on this project.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Janssen agreed to the easement.

Roger Janssen, Dailey Janssen Architects, presented to the architectural plans proposed for the new residence.

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

Mr. Small called for public comments.

Anthony Beyer, 200 Tradewind Drive, expressed his frustrations of not being able to speak to the owner about his concerns with the project. He discussed his objections to the proposed home, particularly with the size of the garage.

Mr. Small called for staff comment. Mr. Murphy stated that staff had no comments at this time.

Ms. Grace thought the proposed home was much larger on the lot, comparatively, to the surrounding homes. She did not believe the proposed home had any charm or fit into the neighborhood. She stated that the dark windows did not add to the home.

Mr. Janssen stated that his proposed home had to be built several feet higher than the adjacent home.

Mr. Smith thought the home was extremely massive. He thought the gable ends did not help the look of the home. He questioned the space between the garage and main home.

Mr. Kirchhoff agreed with the other commissioners. He thought the garage needed to be moved back several feet; he also thought it should be one story. He thought the mass behind the garage should be stepped down. He was not in favor of the triple windows on the front of the home. Mr. Kirchhoff agreed with Mr. Smith that the gable ends added to the mass of the home.

Ms. Shiverick agreed and thought the home was too massive. She thought the second story bedroom behind the garage loomed and made the home feel ungraceful. She thought the glass was too dark as well as the trim color; she thought the trim color should be lighter. She thought the blue paint color was too bright. She thought the additions of trees in the front would help the look of the home.

Mr. Small asked for clarification on the garage design; Mr. Janssen responded. Mr. Small acknowledged that the lot size was very large; however, he also believed the home was too large, especially for an interior lot.

Ms. Grace thought the home was too large and leaned towards a denial to send a clear message that the home size was not acceptable.

Mr. Janssen responded and requested a deferral rather than a denial. He argued that that the proposed home was less than what was allowable.

Mr. Small stated he understood the statement but added that the home was not in harmony with the neighborhood.

Motion made by Ms. Grace and seconded by Mr. Sammons to defer the project for one month, to the November 19, 2021 meeting, to address the comments made by the Commissioners. Motion carried unanimously, 7-0.

8. ARC-21-050 (ZON-21-011) 1090 S. OCEAN BLVD. (COMBO) The applicant, 1090SOCEAN LLC (Brad McPherson), has filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence designed in the traditional Georgian style. The application will require special exception and site plan reviewed by Town Council. The application will require special exception and site plan reviewed by Town Council.

Please refer to staff memo for additional information on this project.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Smith agreed to the easement.

Harold Smith, Smith and Moore Architects, Inc., presented the architectural plans proposed for the new residence.

Cory Meyer, Nievera Williams Design, presented the landscape and hardscape plans proposed for the site of the new residence.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Mr. Murphy provided staff comments.

Mr. Sammons thought this was the type of project that would return several times but wondered if it would get better. Mr. Sammons thought there were many problems with the design. He did not feel it fit the standards of a Palm Beach house. He thought the garage was too big, and should be subservient to the main home. He questioned the three bays on the east elevation and thought they were monotonous. He questioned the detailing, particularly the stone

architrave on the family room section of the home. He wondered if the design should be given a second chance.

Mr. Ives shared the concerns of Mr. Sammons. He also thought the size of the garage was concerning and was dominating the project. He recommended refining the design by pulling inspiration from some of the landmarked Georgian homes in Town.

Mr. Kirchhoff liked the way the home responded to the property. He was not in favor of the loggia on the east elevation as well as the center portion that was stepped forward on the east facade.

Mr. Smith said the south façade was problematic for him. He did not believe the home was a Palm Beach home and thought it looked commercial. He thought the front door looked as though it was stuck onto the façade and expressed concern for the garage. He recommended removing one of the garage bays.

Ms. Shiverick agreed with Mr. Sammons. She thought the home should be denied, particularly for the design style in its location near the ocean. She found problems with the grayness, the pillars, the heavy stone and the double windows near the front door. She thought the home needed a complete restudy.

Mr. Small agreed with the other Commissioners and thought the garage element was very problematic. He added that he would be inclined to deny the home at this time as well.

Ms. Grace agreed with many of the comments of the Commissioners. However, she believed the home had better proportions than many of the other homes she had seen.

Motion made by Mr. Ives and seconded by Ms. Grace to defer the project for one month, to the November 19, 2021 meeting, to address the comments made by the Commissioners. Motion carried unanimously, 7-0.

9. ARC-21-051 (ZON-20-00299) 1015 S. OCEAN BLVD. (COMBO) The applicant, 1015 South Ocean LLC (Maura Ziska, manager), has filed an application requesting Architectural Commission review and approval for the construction of a two-story residence designed in the traditional Bermuda style greater than 10,000 SF in size on a vacant lot, including Special Exception Request with Site Plan Review and variances for front yard setback and building height plane. The variance portion of the application shall be reviewed by Town Council. The application will require Special Exception Request with Site Plan reviewed by Town Council.

Please refer to staff memo for additional information on this project.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Ms. Ziska agreed to the easement.

Maura Ziska, attorney for the owner, explained the variances requested and advocated for a positive recommendation to the Town Council.

Harold Smith, Smith and Moore Architects, Inc., presented the architectural plans proposed for the new residence.

Steve West, Parker Yannette Design Group, presented the landscape and hardscape plans proposed for the site of the new residence.

Mr. Small called for public comments.

Frank Lynch, representing the owners for 1020 S. Ocean Blvd., stated his client's objections to the height of the home as well as the location of the home's proximity to S. Ocean Blvd.

Mr. Small called for staff comment. Mr. Murphy provided staff comments.

Ms. Ziska stated when she referenced to the six variances, she was referring to the previous home. She reminded the Commission that the hardship for the variance was a discussion for the Town Council, not ARCOM. She added that the variances requested related to portions of the home, not the entire home.

Mr. Smith did not believe the style of the home was the issue during the previous design. He expressed concern for the loggia on the seawall. He thought if the loggia was removed, the home could be moved more eastward.

Mr. Sammons thought the home was nice from an architectural standpoint. He thought the home was fine in its proposed location. He pointed out some details on the loggias that could be refined. Mr. Sammons thought the front door should be given more importance, with the family front door diminished in importance. He did not believe the home was too tall but made a recommendation for the proportions on the two-story portion.

Ms. Catlin thought the siting of the house on lot was fine. She also thought the home's proximity to the road was fine. Ms. Catlin liked the change of design style and thought it was a nice home.

Ms. Shiverick thought the home's proximity to the road was acceptable, especially due to the lot's uniqueness. She thought Mr. Sammons' suggestion for the loggia was interesting and wanted to see that in plan. She thought she would be able to support the loggia if changed. She liked the change in style

and appreciated the change. She wondered if the home was a bit too long but added it looked very nice.

Mr. Kirchhoff agreed with the comments from other commissioners. He thought the home was nice. He recommended changing the two arched top windows on the front of the home, to the left of the door. Otherwise, he supported the project.

Ms. Grace thought the new style was appropriate and was in favor of the ocean views from the street. She agreed with Ms. Shiverick and wondered if the length of the house was too long.

Mr. Floersheimer thought the family entrance to the home needed to be changed. He thought the loggia on the back was superfluous. He thought the home could be pushed to the east if the loggia was removed.

Mr. Small agreed with the other Commissioners. He thought if the loggia could be removed and the home moved east, he thought it could be more successful. He also thought the home was a bit too long and wide on the lot. He was opposed to the front yard setback.

Mr. Lynch provided rebuttal to a statement by Ms. Ziska.

Motion made by Mr. Floersheimer and seconded by Mr. Smith to defer the project for one month, to the November 19, 2021 meeting, to address the comments made by the Commissioners. Motion carried 6-1, with Mr. Kirchhoff opposed.

E. **MINOR PROJECTS – OLD BUSINESS**

None.

F. **MINOR PROJECTS – NEW BUSINESS**

1. ARC-21-026, 305 CLARKE AVE. (minor project) The applicant, Lawrence Herbert, has filed an application requesting Architectural Commission review and approval for the installation of new entry piers and lighting fixtures at the front of the property.

Please refer to staff memo for additional information on this project.

Call for disclosure of ex parte communication: Disclosure by several members.
Please note: Mr. Smith declared a conflict of interest and left the dais.

William Nolan, Smith Architectural Group, presented the architectural plans proposed for the existing residence.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Mr. Murphy stated there were no comments at this time.

Ms. Grace thought the lantern on top of the pier was too large. Mr. Nolan stated he could lower the base of the lantern.

Mr. Ives thought the project was very nice.

Mr. Kirchhoff thought there should be a base. Mr. Kirchhoff asked about the odd sconce to the left of the front door. Mr. Nolan responded.

Mr. Floersheimer inquired about staff's comments in the cast stone details. Mr. Nolan responded that the elevation was correct but the dimensions of the cast stone was incorrect.

Motion by Mr. Sammons and seconded by Mr. Floersheimer to approve the project as presented with the following conditions: raise the bottom rail providing an end post, add a post in place of the bullnose and add a plinth to raise the lantern. Motion carried unanimously, 6-0.

2. ARC-21-037 3100 S. OCEAN BLVD. (minor project) The applicant, Don Skowron, has filed an application requesting Architectural Commission review and approval for the resurfacing of an existing driveway and changes to the lighting plans on a site containing an existing multistory residential building.

Please refer to staff memo for additional information on this project.

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

Don Skowron, Don Skowron Incorporated, presented the landscape and hardscape modifications to the existing commercial building.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Mr. Murphy stated there were no comments at this time.

Motion by Mr. Sammons and seconded by Mr. Floersheimer to approve the project as presented. Motion carried unanimously, 7-0.

3. ARC-21-042 249 SEABREEZE AVE. (minor project) The applicant, Elizabeth and Joseph Berger, has filed an application requesting Architectural Commission review and approval for exterior modifications to the front of the

residence's entry door and second floor balcony and railing, and landscape changes.

Please refer to staff memo for additional information on this project.

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

Cory Meyer, Nievera Williams Design, presented the landscape and hardscape plans proposed for the existing residence.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Mr. Murphy provided staff comments.

Mr. Sammons inquired about the railing on the balcony and questioned if the railing was sitting on anything. Mr. Meyer explained the design.

Mr. Floersheimer inquired about the material for the roof above the railing. Mr. Meyer stated the roof was existing.

Mr. Kirchhoff did not believe the railing and the front door were in keeping with the house and did not reinforce the Mediterranean style of the home.

Ms. Grace liked the idea of the glass entryway with the wrought iron.

Motion made by Mr. Sammons and seconded by Mr. Floersheimer to approve the project as presented. Motion carried 6-1, with Mr. Kirchhoff opposed.

4. ARC-21-045 258 COUNTRY CLUB RD. (minor project) The applicant, Big Bear Developers, has filed an application requesting Architectural Commission review and approval for modifications to previously approved landscaping plan.

Please refer to staff memo for additional information on this project.

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

Marco Gallo, Big Bear Developers, presented the landscape and hardscape changes proposed for the existing residence.

Mr. Small called for public comments. There were no comments heard at this time.

Ms. Catlin expressed a concern for the thin landscape proposed for the west side of the property and thought it should be beefed up. She also questioned

the proposed Ficus. Mr. Gallo wondered if Ms. Catlin had seen the new plan proposed and confirmed that the Ficus had been removed from the plans.

Mr. Kirchhoff inquired if there was a change in landscape architect. Mr. Gallo responded. Mr. Kirchhoff inquired about the requested change in landscape material. Mr. Gallo explained the reason for the requested change.

Ms. Grace stated that she did not believe the new plan addressed the east and west sides of the property. Mr. Gallo responded. Ms. Grace inquired if the lanterns were added. Mr. Gallo stated that the lanterns had been previously approved.

Mr. Kirchhoff stated he did not believe there was enough landscaping in the front of the home. Mr. Gallo responded. Mr. Kirchhoff stated he did not believe there was sufficient landscaping proposed.

Ms. Catlin thought the landscaping plan on the east and west elevation could be enhanced. She did not believe it was fair for the applicant to rely on the neighbor's landscaping.

Mr. Sammons inquired if there was a requirement for the shade trees. Mr. Murphy responded.

Motion made by Ms. Grace and seconded by Mr. Floersheimer to defer the project for one month, to the November 19, 2021 meeting, to address the comments made by the Commissioners. Motion carried unanimously, 7-0.

5. ARC-21-053 320 RIDGEVIEW DR. (minor project) The applicant, SMI Landscape Architecture, has filed an application requesting Architectural Commission review and approval for the construction of a new detached wood trellis and installation of new fountains and landscaping, on a site containing an existing two-story residence.

Please refer to staff memo for additional information on this project.

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

Jorge Sanchez, SMI Landscape Architecture, presented the landscape and hardscape plans proposed for the existing residence.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Mr. Murphy stated he had no comments at this time.

Ms. Grace liked the architecture of the home but thought the folly seemed very busy in comparison. She recommended a simpler folly.

Mr. Ives believed that no one would see the folly in its proposed location. He did not find the folly particularly busy. He was in support of the project.

Mr. Floersheimer thought the house was very graceful but failed to see the relationship of the folly to the house. He did acknowledge that no one would see the folly in its proposed location.

Ms. Shiverick thought the folly was superb and complimented the house beautifully.

Mr. Small stated he supported the request.

Motion made by Mr. Ives and seconded by Mr. Small to approve the project as presented. Motion carried 4-2, with Ms. Grace and Mr. Floersheimer opposed.

Please note: Mr. Sammons was not in the room for the vote.

6. ARC-21-054 160 REEF RD. (minor project) The applicant, Joshua and Victoria Harlan, has filed an application requesting Architectural Commission review and approval for exterior modifications to an existing one-story residence, including the installation of vinyl fencing, a new garage door and other changes.

Please refer to staff memo for additional information on this project.

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

Jacqueline Albarran, presented the architectural modifications proposed for the existing residence. Ms. Albarran presented material samples to the Commission.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Mr. Murphy stated there were staff no comments at this time.

Mr. Sammons thought it was a slippery slope to approve vinyl for a fence material in the Town.

Ms. Grace preferred a color other than black for the shutters.

Mr. Floersheimer was not a fan of plastic and thought a painted wood would look better for the fence. He was fine with the remainder of the project.

Mr. Kirchhoff agreed and did not prefer the vinyl for the fence and did not feel it was appropriate for Palm Beach. He also was not in favor of the driveway material. He supported the white garage door.

Ms. Albarran stated she spoke to the owners who agreed to use wood for the fence.

Ms. Shiverick inquired about the type of wood material that would be used for the fence.

Ms. Albarran did not have a preference but added she would be happy to meet with Ms. Shiverick to choose a material.

Mr. Small made a recommendation to include a material choice in the motion.

Mr. Kirchhoff stated that pressure treated wood did not take paint very well. He recommended using a cedar or cypress wood.

Motion made by Mr. Floersheimer and seconded by Mr. Ives to approve the project as presented with the condition that the fence material is either cypress or cedar wood, painted white. Motion carried unanimously, 7-0.

Please note: Ms. Catlin left the meeting at 5:15 p.m.

7. ARC-21-055 9 SLOANS CURVE (minor project) The applicant, Sean Hannity, has filed an application requesting Architectural Commission review and approval for the installation of an in kind S-tile roof replacement and alterations to the window and balcony along the front facade.

Please refer to staff memo for additional information on this project.

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

Jacqueline Albarran presented the architectural modifications proposed for the existing residence. Ms. Albarran presented material samples to the Commission.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Mr. Murphy stated there were staff no comments at this time.

Motion made by Ms. Grace and seconded by Mr. Smith to approve the project as presented. Motion carried unanimously, 7-0.

8. ARC-21-061 258 WELLS RD. (minor project) The applicant, Bear 258 LLC, has filed an application requesting Architectural Commission review and approval for the construction of a new one-story addition to an existing cabana and installation of a new generator in the side yard, on a site containing an existing two-story residence.

Please refer to staff memo for additional information on this project.

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

Jeffrey Brasseur, Brasseur & Drobot, presented the architectural plans proposed for the existing cabana.

Mr. Small called for public comments. There were no comments heard at this time.

Mr. Small called for staff comment. Mr. Murphy provided staff comments.

Mr. Kirchhoff commented on the generator's proximity to the bedroom window. Mr. Kirchhoff thought the generator needed to be moved. Mr. Brasseur responded and stated he would relocate the generator to meet the required distance.

Motion made by Mr. Smith and seconded by Mr. Floersheimer to approve the project as presented. Motion carried unanimously, 7-0.

VIII. UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)

1. Public

There were no comments heard at this time.

2. Staff

Ms. Churney reminded the Commission that the meeting in November is on a Friday.

3. Commission

Mr. Ives discussed an anonymous 10-page letter of criticism than was received by the Town that spoke about the ARCOM Commission and process. Mr. Ives stated he hoped that people felt as though they could approach the Commissioners with concerns, as he felt one could do in a small community. Mr. Smith inquired if the letter could be sent to the entire Commission.

Mr. Floersheimer inquired about the number of handouts received at the meeting and whether they should be accepted. Mr. Murphy responded and provided staff's view on the issue. A short discussion ensued on this issue.

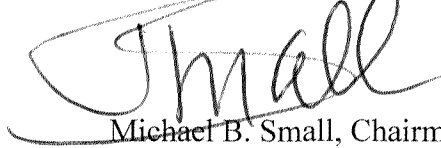
IX. NEXT MEETING DATE: Friday, November 19, 2021

X. **ADJOURNMENT**

Motion made by Mr. Ives and seconded by Mr. Floersheimer to adjourn the meeting at 5:43 p.m. on Wednesday, October 27, 2021. Motion carried unanimously, 7-0.

The next meeting will be held on Friday, November 19, 2021 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Small", written over a horizontal line.

Michael B. Small, Chairman
ARCHITECTURAL COMMISSION

kmc

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Smith, Jeffrey W.</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Architectural Review Commission</i>
MAILING ADDRESS <i>241 Sanford Avenue</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY
CITY <i>Palm Beach</i>	NAME OF POLITICAL SUBDIVISION: <i>Town of Palm Beach</i>
DATE ON WHICH VOTE OCCURRED <i>October 27, 2021</i>	MY POSITION IS: ☐ ELECTIVE ☒ APPOINTEE

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 W. Smith, hereby disclose that on October 27, 20 21:

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

- ☐ insured to my special private gain or loss;
- ☐ insured to the special gain or loss of my business associate, _____;
- ☐ insured to the special gain or loss of my relative, _____;
- ☒ insured to the special gain or loss of MR. L. HERBERT, by whom I am retained; or
- ☐ insured 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:

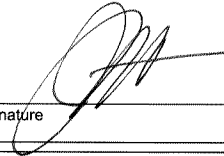
ARC-21-026
305 Clarke Avenue

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.

Date Filed

10/27/21

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.