



TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, OCTOBER 25, 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

Commission Member Corey called the meeting to order at 9:00 a.m.

II. ROLL CALL

Jeffrey W. Smith, Chairman	ABSENT (Excused)
Richard F. Sammons, Vice Chairman	ABSENT (Excused)
John David Corey, Member	PRESENT
Betsy Shiverick, Member	PRESENT
Thomas Kirchhoff, Member	PRESENT
Kenn Karakul, Member	ABSENT (Unexcused)
Elizabeth Connaughton, Member	ABSENT (Unexcused)
Dan Floersheimer, Alternate Member	PRESENT
Joshua L. Martin, Alternate Member	PRESENT (Arrived at 9:03 a.m.)
Katherine "KT" Catlin, Alternate Member	PRESENT

Staff Members present were:

Friederike Mittner, Design and Preservation Manager
Sarah Pardue, Design & Preservation Planner
Jordan Hodges, Design & Preservation Planner
Pat Gayle-Gordon, Deputy Town Clerk

III. PLEDGE OF ALLEGIANCE

Commission Member Corey led the Pledge of Allegiance.

IV. APPROVAL OF MINUTES

A motion was made by Ms. Shiverick and was seconded by Ms. Catlin to approve the minutes of the September 27, 2023, meeting as presented. The motion was carried unanimously, 5-0.

V. APPROVAL OF THE AGENDA

A motion was made by Mr. Floersheimer and was seconded by Ms. Shiverick to approve the agenda as presented. The motion was carried unanimously, 5-0.

- VI. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY**
Ms. Gayle-Gordon administered the oath and continued to do so throughout the meeting as necessary.

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

Ms. Catlin requested an update on the construction screening at 210 Fairview Road. She also asked the staff to ensure the trucks' logistics plan reflected that the trucks would use North County Road rather than North Lake Way. Finally, she requested that the staff memorandums be assembled in the order of the projects listed on the agenda.

Ms. Pardue responded that the staff would follow up on the items mentioned by Ms. Catlin.

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

There were no comments heard at this time.

IX. **PROJECT REVIEW**

A. **CONSENT AGENDA**

1. **ARC-22-201 132 N COUNTY RD - EXTENSION OF TIME**. The applicant, Palm Beach Orthodox Synagogue INC (Rabbi Moshe Scheiner), has filed an application requesting an Extension of Time for a previously issued Architectural Commission approval for the demolition of an existing two-story commercial building, parking lot and related site improvements. (ORIGINALLY APPROVED AT THE SEPTEMBER 27, 2022 MEETING)
2. **ARC-23-103 308 ARABIAN RD**. The applicants, Conan and Brooke Laughlin, have filed an application requesting Architectural Commission review and approval for landscape and site modifications, including replacement of the existing driveway and the construction of a new spa and covered loggia with an outdoor fireplace in the rear yard.

A motion was made by Mr. Kirchhoff and was seconded by Ms. Shiverick to approve the consent agenda as presented. The motion was carried unanimously, 5-0.

B. **MAJOR PROJECTS-OLD BUSINESS**

1. **ARC-23-088 (ZON-23-086) 292 ORANGE GROVE RD** Stephen and Kerri Meyers, have 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, requiring (1) variance for Cubic Content Ratio (CCR). The Town Council shall review the application as it pertains to the zoning relief/approval.

Mr. Hodges provided staff comments on the project.

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

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

Dustin Mizell, Environment Design Group, was present to address any landscaping questions.

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

Mr. Kirchhoff supported the project.

Ms. Shiverick noted that there had been some comments about the house size but did not think the size had changed. She asked how much the mid-section of the home had been reduced. Mr. Janssen responded the whole wing was shifted 5 feet, and the connector wing had been pinched in. The amount of volume was equal but stretched out. Ms. Shiverick affirmed that the width of the house did not change.

Mr. Floersheimer asked why the finished floor elevation had been reduced. Mr. Janssen responded that it had to do with the measurement points on the road. He thought a few inches could be added without exceeding the cubic content. Mr. Floersheimer did not want to make the house taller, but he thought raising the finished floor and lowering the roof would be a positive change. He also said when looking at the structure from the side with orange groves, it appeared to be long and presented a significant presence on the street compared to the other homes in the area.

Ms. Catlin thought the reason for pushing the garage back was to mitigate the width of the house. She asked for confirmation on the current lot coverage. Mr. Janssen responded that there was approximately 29% lot coverage. Ms. Catlin thought the fit was okay and that pushing the garage did help mitigate the visual impact on the street. She did not think the house was too large for the corner lot.

Mr. Martin agreed with Ms. Catlin on the proposed design. He said that if the floor were being raised for FEMA purposes, the overall height of the building should not be increased.

Mr. Floersheimer noticed overhead wires that he thought would be removed with the undergrounding project. He asked if this would impact the easement, allowing for a greater setback to the property line. Mr. Janssen said his understanding was that the easement may go away, but it would not impact the size of the property.

Mr. Corey thought there was an advantage to having the corner lot. He found the house slightly wide. He also asked why the roof pitch had increased. Mr. Janssen said the increase was because Mr. Sammons wanted the pitch of the garage wing and the main house to match. Mr. Corey asked about the pitch on the one-story addition. He felt that the original pitch of the roof was better. Mr. Corey wondered if the trellis on the front of the house was helping; he was not sure it was needed in the center. He said perhaps if the two one-story volumes were truly separate, the home might not look so massive from the street.

Mr. Kirchhoff said if he were designing this house, his preference would have been to put a 7 and 12 pitch on the roof. He thought it was too mundane as presented.

A motion was made by Mr. Martin and was seconded by Ms. Catlin to approve the project as presented. The motion was carried unanimously, 6-0.

2. **ARC-23-064 (ZON-23-054) 1473 N OCEAN BLVD** William C. Powers & Marianne Elaine Elmasri, have filed an application requesting Architectural Commission review and approval for renovations and additions to an existing one-story residence, requiring setback variances. This is a combination project that shall be reviewed by the Town Council as it pertains to zoning relief/approval.

Mr. Hodges provided staff comments on the project.

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

Pat Segraves, SKA Architect + Planner, asked the staff to provide a refresher on the difference between R-A and R-B zoning. Mr. Hodges responded.

Mr. Kirchhoff asked for an explanation of the variances requested. Mr. Hodges provided an explanation. Mr. Kirchhoff asked why the Florida Department of Environmental Protection (FDEP) was not looking at this project. Bradley Falco, Planner II, stated that an FDEP permit request did not happen until after approvals by the Architectural Review Commission (ARCOM) and the Town Council.

Mr. Segraves introduced C.F. Turley, Design Architect, and Keith Williams, Landscape Architect. He stated that the owners were also present.

Mr. Turley, CF3 Design Group, presented the architectural plans proposed for the new residence.

Keith Williams, Nievera Williams Design, presented the landscape plan.

Mr. Corey asked the applicant to provide elevations of the existing and the proposed site elements from all four sides. Discussion ensued about the elevations from all angles.

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

Ron Kolins, an attorney representing Maureen Wilkens, the abutting neighbor to the north, strongly objected to the project. Mr. Kolins did not believe the application was ready for consideration by ARCOM. He stated the proposed plan was an enormous home expansion, and his client's primary concern was the extension of the north side of the house into the coastal construction control area.

Gene Pandula, an architect, on behalf of Ms. Wilkens, discussed three areas of concern, which had to do with the variances, the coastal construction line, and the aesthetics of the design.

James Murphy, Assistant Director of Planning, Zoning and Building, stated the project had been continued four times for redesign by the applicant's team. He said the staff had reviewed the project numerous times to ensure compliance with zoning regulations. Based on the size of the site, Mr. Murphy agreed there was no reason why any of the new construction should not comply with the underlying zoning regulations of the setback.

Mr. Corey raised some questions about the landscape plan. He restated the two variances requested. Mr. Murphy agreed with Mr. Corey's assessment and added that the property could not retain the nonconforming setbacks automatically. He said due to the demolition, both setbacks, north and south, needed to be established for the main part of the house. Furthermore, the applicant had proposed linear extensions with new construction attached and detached. Mr. Corey said the letter of intent referred to a third variance requesting a rezoning of a portion of the property from R-B to R-A; He thought that decision was to be made by the staff. Mr. Murphy said the code did not require a dual-zoned property to be rezoned.

Ms. Shiverick did not favor the design. She thought the house style was overblown. She said the Bermudian architecture had not been respected in the design. She pointed out various elements of the plan that she did not find appealing.

Ms. Catlin pointed out inconsistencies in some of the renderings. She had an issue with new construction requesting variances. She felt that for new construction, architects should be capable of designing within the property boundaries to meet their client's needs. Ms. Catlin said overall, the second floor was too heavy for the first floor, and there were just too many design elements that did not work together. She was not in favor of a newly proposed construction project requesting to reach the coastal line, especially in a town where protecting the environment was paramount.

Mr. Kirchhoff agreed with his fellow commissioners. He did not feel this project had a Bermudian feel. He said the scale, proportion, and massing were inappropriate for Palm Beach.

Mr. Floersheimer said the property was large, and he did not feel that much of it would ever be seen from the right of way. He agreed that this project disrespected the town code and architectural viability. He noticed a new retaining wall on the west side of the property around the driveway. He asked about the amount of fill that would be required. Mr. Williams responded.

Mr. Martin thought the project was inappropriate for the site and would create negative architectural impacts on the subject property.

A motion was made by Mr. Martin and was seconded by Ms. Catlin to deny the project based on Section 18-205 (a)(4). The motion carried 4-1, with Mr. Floersheimer dissenting.

3. **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 the Town Council as it pertains to zoning relief/approval.

Mr. Hodges 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 for the project and left the dais during the presentation.

Alejandra Ackerman, Kirchhoff & Associates Architects, presented the architectural plans proposed for the new residence.

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

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

Ms. Catlin liked the project. She thought the equipment was in a good location and hidden. She said the variances related to this project made sense; she liked the style and thought it had been well executed.

Mr. Floersheimer expressed concern about the height plane variances. He wondered if the floor heights could be reduced. Ms. Ackerman said the house had to be reduced to reach code. She said the home was currently 6 inches below the height requirements. Mr Floersheimer asked for an explanation of hardship.

Ms. Shiverick thought the property was beautiful. She asked if the building height plane variance could be reduced. Ms. Ackerman said the client felt strongly about retaining the size of their garage. Ms. Shiverick questioned the heaviness of the balcony on the front entry over the arches and the wrought iron railings together with the stone railings. She questioned what it would look like without the balustrades and the lower arches. Ms. Shiverick questioned the piers on the second floor at the rear of the home; She thought the top of the balcony appeared too heavy. She asked if consideration had been given to making the whole area a porch rather than semi-enclosed spaces with concrete piers on the corners. Ms. Ackerman said there would be hurricane shutters, and the design had been done, keeping the hurricane shutters in mind.

Mr. Corey thought the lot size was sufficient to accommodate a large home. He was supportive of the mechanical equipment area and the related variances. The home's design was well executed. Mr. Corey thought the height plane variances could have been eliminated. To some extent, he thought the house could have been a little shorter, moving the project forward without the height variances. He commented on the landscape plan.

Mr. Corey asked if the architect could show the commission what the project would look like without a height plane variance. Ms. Ackerman said she had something for the garage wing, bringing the roof down and creating dormers for the windows. This plan would eliminate that variance.

Mr. Floersheimer could support the plan if the variance over the garage wing were eliminated.

Mr. Falk, the homeowner, pointed out that the house was being elevated due to FEMA requirements.

A motion was made by Ms. Shiverick and was seconded by Mr. Floersheimer to defer the project to the November 20, 2023, meeting to allow for a restudy of eliminating the northern building height plane variance, a restudy of the front door and columns on the rear second-floor balconies. A motion was carried 3-2, with Mr. Martin and Ms. Catlin dissenting.

Clerk's note: A short break was taken at 10:48 a.m. The meeting resumed at 11:00 a.m.

Town Attorney Randolph stated that the motion passed since there was a quorum present and the majority of the quorum voted in favor of the motion.

4. **ARC-23-074 (ZON-23-061) 100 WORTH AVE (COMBO)** The applicant, The Winthrop House, has filed an application requesting Architectural Commission review and approval for an exterior renovation to an existing seven-story residential building, including the installation of new storefronts at the ground level, new stucco, repairs, and paint finishes to all elevations, the removal of exterior brick finish materials along all façades, the installation of new metal balconies guardrails along all balconies, removal, and replacement of balustrade parapet at the rooftop, sitework including new surface material, removal of existing drive aisle and parking lanes, new landscaping, modifications to the existing porte-cochere, and new pedestrian gates and a new vehicular gate; and including a variance for the removal of on-site parking. This is a combination project that shall be reviewed by the 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.

David Miller, David Miller and Associates, P.A., presented the architectural modifications proposed for the existing building.

Dustin Mizell, Environmental Design Group, presented the landscaping plan.

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

Ms. Shiverick discussed the paint colors and asked about the color of the pavers. She thought a cream color would work better than gray, and if the owners agreed to go with a cream, she thought the pavers might need to be a bit lighter in color.

Mr. Floersheimer was pleased with the project. He asked to see the trees being added to the east façade of the building. Mr. Mizell said a few Coconut palms would be added on the east with some lower vegetation. Mr. Floersheimer thought adding a few trees would break up the bulk of the building.

Mr. Corey asked if there would be additional Coconut palms on the east side, to which Mr. Mizell provided affirmation.

Ms. Catlin liked the contrast and texture of the columns where striation was suggested. Her concern was that she did not feel the gray had enough depth of color.

Mr. Kirchhoff liked the gray color as presented. He asked about the railing. Mr. Miller provided a description. Mr. Kirchhoff asked about the size of the striation; he was concerned about the scale. Mr. Miller said they were 8 inches wide and alternately recessed 2 inches.

Mr. Corey thought the project had come a long way and the design had been significantly enhanced. He asked if there was a cross-section to show the size of the rustications. Mr. Miller explained the details of the rustications. If given a choice, Mr. Corey said he would choose the cream color for the structure. He thought the granite material would be too dark with cream. He thought the landscape plan was lush and low and worked well with the architecture.

Mr. Martin asked if any negative feedback had been received from the surrounding neighbors. Mr. Corey noted a letter of support had been received from The Kirkland House.

A motion was made by Mr. Martin and was seconded by Ms. Catlin to approve the project, with the condition that the paint color shall be a cream color, the color of the granite shall be lightened and that the design team shall study the railing shape and dimensions. The motion was carried unanimously, 6-0.

5. **ARC-23-033 1440 S OCEAN BLVD.** The applicant, 1440 South Ocean Trust (Ronald Kochman, Trustee), has filed an application requesting Architectural Commission review and approval for a new 2-story residence over 10,000 square feet and accompanying hardscape, landscape, pool, site walls and gates.

Clerk's note: This item was withdrawn at Item V., Approval of the Agenda.

6. **ARC-22-241 (ZON-23-002) 624 ISLAND DR (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 the Town Council as it pertains to zoning relief/approval.

Clerk's note: This item was deferred to the November 20, 2023, meeting at Item V., Approval of the Agenda.

C. MAJOR PROJECTS-NEW BUSINESS

1. **ARC-23-094 (ZON-23-072) 247-251 WORTH AVE (COMBO).** 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 November 20, 2023, meeting at Item V., Approval of the Agenda.

D. MINOR PROJECTS - OLD BUSINESS

1. **ARC-23-129 220 ONONDAGA AVE.** The applicant, Peter E Sayer, has filed an application requesting Architectural Commission review and approval for sitewide landscape and hardscape modifications.

Ms. Pardue provided staff comments on the project.

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

Andres Paradelo, Paradelo and Burgess Design Studio, presented the landscape and hardscape modifications proposed for the site. He also presented samples of the proposed driveway materials.

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

Mr. Sayer, the owner, explained that he did not understand the code at the time of fence installation.

Minnie Pulitzer, 253 Esplanade Way, stated she was the neighbor most impacted by the fence installation. She said the lack of privacy was an issue, although the fence looked nice. She had no issues with the fence staying in place, although she would like some landscaping to restore privacy.

Prescott Miller, 1451 N Lake Way, spoke in support of the request.

Susan Gary, 229 Onondaga Ave., spoke in support of the request.

Bill and Ann Metzger, 277 Esplanade Way, endorsed the removal of the Traveler's palm in the corner of the property. They felt the most effective way to move forward would be to preserve the code standards for their neighborhood and the town.

Mr. Corey asked to see an elevation of the landscape plan to the south of the property.

Ms. Catlin thought there was an honest mistake made regarding the process and added nothing stated that PVC could not be used in the town. She said the key factor was working with the neighbors to ensure adequate landscaping was installed to restore privacy in the neighborhood. She was supportive of the request.

Ms. Shiverick asked staff to clarify the code requirement for PVC. Mr. Hodges said PVC was not prohibited. Ms. Pardue stated the fence was installed without a permit, and the item was being presented to ARCOM because it was a PVC fence. Ms. Shiverick confirmed the intent to plant a Clusia hedge inside the property to mask the fence all the way around. She also confirmed the gates to be installed would be wood, painted white. Ms. Shiverick did not support the approval of PVC due to the quality of the material. She suggested allowing the applicant a time within which to replace the fence.

Mr. Kirchhoff agreed with Ms. Shiverick. He thought the PVC would break down and look horrible after some time, but with it already having been installed, he was willing to accept it.

Mr. Floersheimer agreed with his fellow commissioners. He said that, given the situation, he would allow the PVC on three sides but not along the front elevation. He was most concerned about setting a precedent and wanted to clarify that PVC was not preferable. Mr. Floersheimer suggested moving the fence to the inside of their property with the Clusia hedge on the outside of the fence. Mr. Paradelo disagreed since there were no objections from the neighbors.

Ms. Shiverick noted the rear yard was astroturf and was supposed to be temporary. She said it had been there for eight months and needed to be removed. Mr. Paradelo said the astroturf would be removed.

Mr. Corey said this was an unfortunate situation. He did not support PVC fences. However, the fence was there, and since there was testimony that the neighborhood supported it, he would support it this time. He did appreciate the wooden fence facing the street. He also mentioned that he liked the pavers and the angular driveway.

A motion was made by Mr. Martin and was seconded by Ms. Catlin to approve the project as presented, with a request to the Code Enforcement Board that they dismiss any charges against the owners. The motion was carried by 5-1, Ms. Shiverick dissenting.

2. **ARC-23-114 354 CHILEAN AVE, VILLA A.** The applicants, Samuel and Leslie Dashiell, have filed an application requesting Architectural Commission review and approval for the installation of a new pedestrian gate visible from a right-of-way.

Mr. Hodges provided staff comments on the project.

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

Leslie Dashiell, the owner, presented the installation of a new pedestrian gate visible from a right-of-way.

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

Lynn Splawn, 354 Chilean Ave, was not supportive of the project.

A motion was made by Mr. Martin and was seconded by Mr. Floersheimer to approve the project as presented. The motion was carried unanimously, 6-0.

3. **ARC-23-125 700 S COUNTY RD.** The applicant, Paul Kozloff, has filed an application requesting Architectural Commission review and approval for the installation of a new “S” tile roof.

Clerk’s note: This item was withdrawn at Item V., Approval of the Agenda.

4. **ARC-23-002 (ZON-23-015) 160 ROYAL PALM WAY – THE PALM HOUSE HOTEL (COMBO).** The applicant, LR PALM HOUSE, LLC., has filed an application requesting Architectural Commission review and approval for modifications to previously approved improvements at the site, including the relocation of mechanical equipment to the roof, the construction of new site walls, parapet alterations, and pool deck lighting, requiring a variance for rooftop air conditioning equipment height and requiring Site Plan Review. This is a combination project that shall also be reviewed by Town Council as it relates to the zoning relief/approval.

Clerk’s note: This item was withdrawn at Item V., Approval of the Agenda.

E. MINOR PROJECTS-NEW BUSINESS

1. **ARC-23-130 (ZON-23-098) 380 S COUNTY RD (COMBO).** The applicant, 380 South County, LLC (Philip Norcross, Manager), has filed an application requesting Architectural Commission review and approval for the installation of two vehicular access gates (one swing, one rolling) at the curb cut entrances along Peruvian Ave and South County Road visible from the r-o-w and reduction of the driveway apron at the south curb cuto including a Variance (1) to reduce the required vehicle queue distance to the edge of roadway. 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 withdrawn at Item V., Approval of the Agenda.

2. **ARC-23-133 120 DUNBAR RD.** The applicant, 120 DUNBAR ROAD TRUST (Maura Ziska, Trustee), has filed an application requesting Architectural Commission review and approval for modifications to a previously approved new, two-story single-family residence, including changes to fenestration, site walls and gates, pool shape, and hardscape material.

Ms. Pardue provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by Mr. Floersheimer.

Jaime Torres-Cruz, Fairfax & Sammons, presented the architectural modifications proposed for the new residence.

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

Harvey Kinzelberg, 260 N Ocean Blvd, asked ARCOM to deny the request. He expressed concerns about preserving privacy and views, specifically second-story windows. He thought the request to remove approximately 364 feet of six-foot-

high concrete block was not a minor revision. Among other modifications, Mr. Kinzelberg said eliminating the previously approved structural wall, which provided sound buffering, privacy, and security to neighboring properties, including 120 Dunbar, would be a poor decision and would negatively impact surrounding properties.

Mr. Torres responded to Mr. Kinzelberg's comments.

Mr. Floersheimer asked what the proposed dimensions were for the windows on either side of the front door. Mr. Torres responded. Mr. Floersheimer believed that the wall on the eastern side of the property should remain as a privacy buffer. Mr. Floersheimer asked what the difference was in elevation from the Kinzelberg property to the subject property; Mr. Torres responded that it was six inches.

Mr. Kirchhoff agreed with the architectural changes. Mr. Kirchhoff thought the wall should remain all around rather than being removed on one side.

Mr. Corey supported the architectural changes. He believed the site wall was a feature and should be present for a home of this caliber. He supported the architectural changes and thought the site wall should remain.

Ms. Shiverick agreed with Mr. Corey and thought the wall should remain.

A motion was made by Mr. Floersheimer and was seconded by Mr. Kirchhoff to approve the project as presented, with the condition that the site wall shall remain on all three sides of the property. The motion was carried unanimously, 6-0.

3. **ARC-23-1381340 SOCEANBLVD**. 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: Disclosure by Mr. Floersheimer.

Benjamin Schreier, Affiniti Architects, presented the architectural modifications proposed for the existing boathouse.

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

Mr. Floersheimer asked what material would be used to fence the entire property length. Mr. Floersheimer said there were two fences, and he requested that the fence along the seawall be consistent for the entire property. Mr. Schreier said the proposal was specific to the boathouse. Mr. Floersheimer stated he could not support the boathouse fence unless it included the entire seawall.

Ms. Shiverick said the pickets on the proposed fence and the raised handrails did not match. Mr. Schreier said they were similar. She thought the pickets should be consistent throughout the property. She thought a neutral color for the awning on the carriage house would be more suitable.

Ms. Catlin requested that the railings match the main house. She also thought the awning should be a neutral color.

Mr. Martin did not think the proposed railing looked nautical, and the detail on the entry gate at the main house was nice. He liked the white, less formal railing.

Mr. Corey was not supportive of the request. He thought the bronze railing across the front of the structure appeared to be more commercial than residential; He requested something more charming.

Mr. Floersheimer asked for clarification on the second-floor piers. Mr. Schreier said the area was one of the owners' favorite views, and they wanted to spend time there.

A motion was made by Mr. Floersheimer and was seconded by Ms. Shiverick to approve the removal of the second-floor piers floor on the guest house, to approve the awning with a neutral color, such as ivory, to match the house, and to defer the fence and railing request until the November 20, 2023, meeting. The motion was carried unanimously, 6-0.

4. **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.

Mr. Hodges provided staff comments on the project.

Call for disclosure of ex parte communication: None.

A representative of Pace Roofing, Inc. presented the materials proposed for the new roof.

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

Mr. Floersheimer asked for an explanation of the difference between a clay barrel tile and a clay "S" tile. He said this ocean property was an estate, and similar homes had clay barrel tile. The representative said the homeowner liked the look, and the labor cost was less to install.

Ms. Catlin found this would be difficult to approve.

Mr. Corey was not in favor of the smooth texture. He thought more texture created a nicer presence.

Mr. Kirchhoff thought a different type of tile should be considered.

A motion was made by Mr. Floersheimer and was seconded by Mr. Martin to defer the request until the November 20, 2023, meeting for a restudy of the material. The motion was carried unanimously, 6-0.

5. **RECONSIDERATION OF 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 the Town Council as it pertains to zoning relief/approval.

Clerk's note: Mr. Kirchhoff declared a conflict of interest for the project and left the dais during the presentation.

James Murphy, Assistant Director of Planning, Zoning, and Building, stated that in looking at Section 18-172, the rules of the ARCOM proceedings indicated that four members were required to be present to constitute a quorum, and four members would also be required for an affirmative, denial, or deferral vote. He further stated that this was brought to the attention of Town Attorney Randolph, to which he agreed. Mr. Murphy indicated that the previous vote of 3-2 for the property at 600 Tarpon Way should have failed.

Town Attorney Randolph affirmed the information provided by Mr. Murphy. He suggested that someone on the prevailing side make a motion to reconsider the item.

A motion was made by Mr. Floersheimer and was seconded by Ms. Shiverick to reconsider project ARC-23-109, 600 Tarpon Way. The motion was carried unanimously, 5-0.

Timo Hoefs, Kirchhoff and Associates, was present to answer questions.

A motion was made by Mr. Floersheimer and was seconded by Mr. Martin to defer this project to the November 20, 2023, meeting. A motion was carried unanimously, 5-0.

X. **Unscheduled Items**

A. **Public**

There were no comments heard at this time.

B. **Staff**

Ms. Pardue reminded the Commissioners that the next meeting was on a Monday, the same week as Thanksgiving.

C. **Commission**

There were no comments heard at this time.

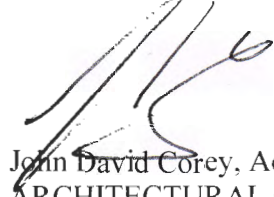
XI. **NEXT MEETING DATE**: Monday, November 20, 2023

XII. **ADJOURNMENT**

A motion was made by Mr. Martin and was seconded by Ms. Catlin to adjourn the meeting at 1:00 p.m. The motion was carried unanimously, 6-0.

The next meeting will be held on Monday, November 20, 2023, 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 'John David Corey', is written over a light purple rectangular background.

John David Corey, Acting Chair
ARCHITECTURAL COMMISSION

kmc

CERTIFICATION OF ACTION BY THE ARCHITECTURAL REVIEW COMMISSION

The Architectural Review Commission has denied the following request as it is not in accordance with the criteria outlined in Article III. ARCHITECTURAL REVIEW, Section 18-205 (a) criteria for a building permit.

Application Number: ARC-23-064

Address: 1473 N. Ocean Blvd.

Applicant: William C. Powers + Marianne Elaine Elmasri

Architect: Pat Seagraves / CF Turkey III w/ CF3 Design Group

Project Description: Renovations and additions to an existing one-story residence

The Architectural Review Commission has denied the above request for the following reasons:

- ☐ 1. The plan for the proposed building or structure is not in conformity with good taste and design and, in general, does not contribute to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm, and high quality.
- ☐ 2. The plan for the proposed building or structure does not indicate the manner in which the structures are reasonably protected against external and internal noise, vibrations, and other factors that may tend to make the environment less desirable.
- ☐ 3. The proposed building or structure is, in its exterior design and appearance, of inferior quality, such as to cause the nature of the local environment to materially depreciate in appearance and value.
- ☒ 4. The proposed building or structure is not in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town, and with any precise plans adopted pursuant to the comprehensive plan.
- ☐ 5. The proposed building or structure is excessively similar to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features of exterior design and appearance:
 - a. Apparently visibly identical front or side elevations;
 - b. Substantially identical size and arrangement of either doors, windows, porticos, or other openings or breaks in the elevation facing the street, including reverse arrangement; or
 - c. Other significant, identical features of design such as, but not limited to, material, roofline, and height of other design elements.

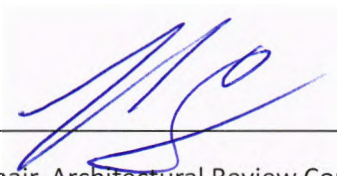
- _____6. The proposed building or structure is excessively dissimilar in relation to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features:
- a. Height of building or height of roof
 - b. Other significant design features including, but not limited to, materials or quality of architectural design.
 - c. Architectural compatibility.
 - d. Arrangement of the components of the structure.
 - e. Appearance of mass from the street or from any perspective visible to the public or adjoining property owners.
 - f. Diversity of design that is complimentary with size and massing of adjacent properties.
 - g. Design features that will avoid the appearance of mass through improper proportions.
 - h. Design elements that protect the privacy of neighboring property.
- _____7. The proposed addition or accessory structure is not subservient in style and massing to the principal or main structure.
- _____8. The proposed building or structure is not appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality or architectural design as viewed from any public or private ways (except alleys).
- _____9. The proposed development is not in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.
- _____10. The project's location and design do not adequately protect unique site characteristics, such as those related to scenic views, rock outcroppings, natural vistas, waterways, and similar features.

The applicant is advised that appeals must be filed with the Town Clerk within ten (10) days in accordance with Article III. Section 18-177 of the Town Code of Ordinances.

CERTIFICATION:

The Architectural Review Commission issued the above denial at their meeting on October 25, 2023

Town of Palm Beach



Acting Chair, Architectural Review Commission

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Thomas M. Kirchhoff</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>ARCOM</i>	
MAILING ADDRESS <i>1907 Commerce Lane</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Jupiter</i>	COUNTY <i>FL</i>	☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>OCT 25, 2023</i>		NAME OF POLITICAL SUBDIVISION: <i>Town of Palm Beach</i>	
		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, Thomas M Kirchhoff, hereby disclose that on Oct 25, 2023:

(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, _____;
- ☐ 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:

I am the Architect for the Project

ARC-23-109
600 Tarpon Way

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.

10-25-23
Date Filed

Thomas M Kirchhoff
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.