

TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, JUNE 23, 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 9:02 a.m.

II. ROLL CALL

Michael B. Small, Chairman	PRESENT
John David Corey, Vice Chairman	PRESENT
Alexander C. Ives, Member	PRESENT
Maisie Grace, Member	PRESENT
Betsy Shiverick, Member	PRESENT
Jeffrey Smith, Member	ABSENT (unexcused)
Thomas Kirchhoff, Member	PRESENT (absent 6/24)
Katherine Catlin, Alternate Member	PRESENT
Dan Floersheimer, Alternate Member	PRESENT (via Zoom)
Richard F. Sammons, Alternate Member	ABSENT (present on Zoom 6/24)

Staff Members present were:

Wayne Bergman, Director of Planning, Zoning and Building
James G. Murphy, Assistant Director of Planning, Zoning and Building
Paul Castro, Zoning Manager
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 thanked the Town Council for allowing the Commission to hold a hybrid meeting, while allowing some of the Commissioners and professionals to participate virtually. Mr. Small thanked the staff for their assistance in setting up the meeting. Mr.

Small continued with procedural information and comments regarding the upcoming meeting.

- V. **APPROVAL OF THE MINUTES FROM THE MAY 26, 2021 MEETING**
Motion made by Ms. Catlin and seconded by Ms. Grace to approve the minutes from the May 26, 2021 meeting as amended. Motion carried unanimously.

- VI. **APPROVAL OF THE AGENDA**
Mr. Small announced the following changes to the agenda:

Deferral of B-074-2019, 125 Worth Avenue to the January 26, 2022 meeting
Deferral of B-019-2021, 101 Nightingale Trail to the July 28, 2021 meeting
Deferral of B-024-2021, 240 Mockingbird Trail to the July 28, 2021 meeting
Deferral of B-034-2021, 905 N. Ocean Blvd to the July 28, 2021 meeting
Deferral of B-043-2021, 160 Chilean Avenue to the July 28, 2021 meeting
Deferral of A-020-2021, 150 Worth Avenue to the July 28, 2021 meeting
Withdrawal of A-035-2021, 190 N. County Rd.

Motion made by Mr. Corey and seconded by Ms. Shiverick to approve the agenda as amended. Motion carried unanimously.

- VII. **PROJECT REVIEW**
A. **CONSENT AGENDA OF MINOR PROJECTS**

1. **A-050-2021 Landscape/Hardscape**
Address: 215 Brazilian Ave.
Applicant: Kimberly Fleming
Professional: Dustin Mizell/Environmental Design Group
Project Description: Revisions to existing landscape buffer in North-East corner of property.
2. **A-062-2021 Modifications**
Address: 114 Seaspray Ave.
Applicant: Basil and Jan Vasiliou
Professional: Jeff Smith/Smith Architectural Group
Project Description: Remove balcony, awning and French doors. New impact rated windows. Some new window sizes and locations due to plan changes.
Replace existing hinged garage doors with overhead cypress garage doors.
3. **A-067-2021 Modifications**
Address: 237 Ridgeview Dr.
Applicant: Paul and Rita Rampell
Professional: Jeff Smith/Smith Architectural Group
Project Description: Replace existing flat slab white garage door with a new frosted glass and anodized aluminum frame garage door. No change to the existing size.

This item was pulled from the consent agenda and is not included in the approval of the consent agenda.

4. A-068-2021 Modifications

Address: 1744 S. Ocean Blvd.

Applicant: Jane Goldman

Professional: MP Design & Architecture, Inc.

Project Description: New entry gate door at existing opening.

5. A-069-2021 Modifications

Address: 2285 Ibis Isle Rd. E.

Applicant: 2285 Ibis LLC (Eric Yeghian, Managing Member)

Professional: James Philip Drago

Project Description: Remodel front street side elevation, other elevations cannot be seen from street. Add doors and windows to other elevations.

This item was pulled from the consent agenda and is not included in the approval of the consent agenda.

6. A-071-2021 Modifications

Address: 307 Chilean Ave.

Applicant: Justin Besikof

Professional: SKA Architect + Planner

Project Description: Balcony & front wall revisions

7. A-072-2021 Demolition/Addition

Address: 233 W. Indies Dr.

Applicant: Neale and Louis Attenborough

Professional: Quantum Engineering Associates

Project Description: Request for the approval of the demolition and addition of a residential rear covered patio

8. A-073-2021 Modifications

Address: 1575 N. Lake Way

Applicant: Ian and Christine MacTaggart

Professional: Harold Smith/Smith and Moore Architects, Inc.

Project Description: Add loggia fireplace. Add railing at loggia second floor.

Replace pair of second floor windows with pair of French doors.

9. A-074-2021 Modifications

Address: 145 Seaspray Ave.

Applicant: David Williams (Jaime Torres-Cruz)

Professional: Richard Sammons/Fairfax and Sammons

Project Description: Replacement of existing non-impact wood windows and doors at main house with new impact rated wood windows and doors within the same

openings. Some proposed window and door units to have different lite arrangement than existing units.

10. A-075-2021 Modifications

Address: 230 Sunrise Ave.

Applicant: Palm Beach Hotel L.P. (Frederick Grace)

Professional: James Fullwood/Coastal Windows

Project Description: Remove two complete door units. Exterior and interior final finished by others. Installation of bucking per code with in-progress inspection water proofing and structural fastening of door structure per NOA.

11. A-076-2021 Modifications

Address: 152 Chilean Ave.

Applicant: Molly McKenna (Caleb R.W. Laux)

Professional: Fransisco Sanchez/FGS Design LLC

Project Description: New windows in existing openings and new shutters on North (front) elevation. Remove Chimney from second story roof. New windows on west elevation. New exterior doors on east elevation.

12. A-077-2021 Modifications

Address: 238 Nightingale Tr.

Applicant: Taffy Hopkins

Professional: John M. Soler/At Your Service Garage Doors

Project Description: Replacing twenty old windows for new impact windows and two entry doors.

This item was pulled from the consent agenda and is not included in the approval of the consent agenda.

13. A-079-2021 Modifications

Address: 280 El Pueblo Way

Applicant: Courchene Development Corp. (Dustin Mizell)

Professional: Dustin Mizell/Environment Design Group

Project Description: Change in driveway material from previously approved. Also includes changes to exterior paint color.

This item was pulled from the consent agenda and is not included in the approval of the consent agenda.

Motion made by Mr. Ives and seconded by Mr. Corey to approve the consent agenda as amended, with the removal of the following projects: A-067-2021, 237 Ridgeview Drive, A-069-2021, 2285 Ibis Isle Road E., A-077-2021, 238 Nightingale Trail and A-079-2021, 280 El Pueblo Way. Motion carried unanimously, 7-0.

B. ITEMS PULLED FROM CONSENT AGENDA

1. A-067-2021 Modifications

Address: 237 Ridgeview Dr.

Applicant: Paul and Rita Rampell

Professional: Jeff Smith/Smith Architectural Group

Project Description: Replace existing flat slab white garage door with a new frosted glass and anodized aluminum frame garage door. No change to the existing size.

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

Leslie Pearce, Smith Architectural Group, presented the architectural modifications proposed for the residence.

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

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

Ms. Grace did not believe the proposed glass door was appropriate for the neighborhood.

Mr. Corey suggested using glass on the top two panels of the garage door, with solid panels below as a compromise. Ms. Pearce did not feel the compromise was appropriate.

Ms. Catlin thought the door was appropriate for the contemporary home. She questioned if the door would be lighted and if so, how much of the time. Ms. Pearce stated the glass is opaque.

Mr. Ives agreed with Ms. Catlin and thought the request was minor and befitting of the home.

Mr. Kirchhoff stated he thought the door was appropriate and would support the request.

Ms. Grace further stated her objections to the door.

Ms. Shiverick thought the door was an improvement and stated she would support the request.

Mr. Small also supported the request, as did Mr. Floersheimer.

Motion made by Mr. Ives and seconded by Ms. Shiverick to approve the project as presented. Motion carried 5-2, with Mr. Corey and Ms. Grace opposed.

2. A-069-2021 Modifications

Address: 2285 Ibis Isle Rd. E.

Applicant: 2285 Ibis LLC (Eric Yeghian, Managing Member)

Professional: James Philip Drago

Project Description: Remodel front street side elevation, other elevations cannot be seen from street. Add doors and windows to other elevations.

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

Motion made by Mr. Corey and seconded by Ms. Shiverick to move the project to the end of the minor projects to allow the professional to prepare to present the project via zoom. Motion carried unanimously, 7-0.

3. A-077-2021 Modifications

Address: 238 Nightingale Tr.

Applicant: Taffy Hopkins

Professional: John M. Soler/At Your Service Garage Doors

Project Description: Replacing twenty old windows for new impact windows and two entry doors.

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

Rothman Zavala, At Your Service Garage Doors, presented the architectural modifications to the existing residence.

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

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

Mr. Ives inquired if the windows were being replaced in kind. Mr. Zavala confirmed that this was the case.

Ms. Grace inquired if the windows would have the same number of divided lights on the front of the home. Mr. Zavala stated the owner did not want any of the grids on the windows.

Mr. Murphy stated that the application initially was submitted as a staff approval.

Ms. Grace stated she could not support the request.

Mr. Corey thought the one over one windows, as requested, was appropriate.

Ms. Catlin stated the request was a definite aesthetic change. However, she did believe the change was appropriate.

Ms. Shiverick thought the one over one windows detracted from the design and did not believe the change was appropriate.

Motion made by Mr. Corey and seconded by Mr. Ives to approve the project as presented. Motion carried 5-2, with Mses. Grace and Shiverick opposed.

4. A-079-2021 Modifications

Address: 280 El Pueblo Way

Applicant: Courchene Development Corp. (Dustin Mizell)

Professional: Dustin Mizell/Environment Design Group

Project Description: Change in driveway material from previously approved. Also includes changes to exterior paint color.

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

Roger Janssen, Dailey Janssen Architects, presented the proposed color change for the new residence.

Mr. Mizell presented the proposed landscape and hardscape changes for the new residence.

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

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

Ms. Shiverick inquired about the proposed trim color. Mr. Janssen responded. Ms. Shiverick thought the pink was a bit overpowering. She recommended a softer or more diluted pink. Mr. Janssen responded. Ms. Shiverick inquired about the door and railing change. Mr. Janssen stated that some of the changes had been staff approved.

Mr. Corey thought the color was charming. He questioned the changes in the portico and garage shown on the plans. Mr. Janssen discussed the items that were previously approved as well as those items that had been staff approved.

Ms. Grace supported the change in the paint color for the home. She inquired about the color for the garage door. Mr. Janssen responded. Ms. Grace supported and preferred the white garage door.

Ms. Catlin agreed with Ms. Shiverick. She thought the pink was too bright for the home and should be softened.

Molly Mitchell, Dailey Janssen Architects, discussed the approvals for the entry door and garage doors.

Motion made by Mr. Corey and seconded by Ms. Catlin to approve the project as presented with the pink house color to be determined between the professional, the homeowner and in consultation with Ms. Shiverick. Motion carried 6-1, with Ms. Grace opposed.

C. DEMOLITIONS AND TIME EXTENSIONS

None

D. MAJOR PROJECTS – OLD BUSINESS

1. B-074-2019 Additions & Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

Address: 125 Worth Avenue

Applicant: 125 Worth Partners LLC

Professional: Jose Luis Gonzalez Perotti/Portuondo Perotti Architects

Project Description: The project consists of the façade renovation and addition to an existing four-story 1970's building. The fourth-floor structure will be removed and replaced with four new luxury residential apartments, and trellis gardens. The façade will be renovated with new architectural screens, white brick veneer and exposed concrete accents that will enhance the aesthetic of the building for its users and pedestrians alike. The addition component consists of a new one-story commercial structure with a roof top trellised courtyard and a two-story elevator tower.

ZONING INFORMATION: A request for Site Plan Review modification approval for revitalization, renovation and expansion of the 45-year-old nonconforming commercial building located at 125 Worth Avenue in the C-WA zoning district. The building will be completely renovated architecturally using design themes found in the Worth Avenue Design Guidelines. In addition, a two-story addition is being proposed on the east end of the property. To make this project financially feasible, the owners are requesting to demolish and rebuild the existing fourth story and expand its footprint to add four residential units. In addition to the Site Plan Review proposed modifications, the applicant is requesting the following Special Exceptions and Variances required to complete the project: 1. Per Section 134-1163(8)b., a special exception for a two-story and fourth-story addition. The existing building is four stories but it is being expanded. 2. Per Section 134-2182(b), a special exception for on-site shared parking, subject to a professional shared parking analysis. 3. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the height from 53 feet in lieu of the 49 feet 2 inches existing and the 25-foot maximum allowed by code. 4. Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the overall building height to 63 feet 4 inches in lieu of the 53 feet 8 inches existing and the 35-foot maximum allowed by current code. 5. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the existing air-conditioned floor area of the fourth story to 13,212.9 square-feet from 3,448.75 square-feet existing. An open fourth story trellis of 5,433 square-feet is also proposed in this application and included in the calculation of lot coverage, below. There is an existing exterior fourth floor covered area of approximately 3,290 square-feet in addition to the existing air-conditioned floor area on the fourth story of the building. 6. Per Section 134-1163(5), variance to allow a minimum front yard setback of 1-foot 1 inch for portions of the building in lieu of the 5 feet existing and the 5 feet minimum required on the private property. The sidewalk is required to be a minimum of 10 feet wide and this proposal is a minimum of 8 feet 2 inches in the area where the sidewalk is only 1 foot 1 inch wide on private property. 7. Per Section 134-1163(9)b., variance for lot coverage of 71% on the first floor in lieu of the 57% existing and the

35% maximum allowable. 8. Per Section 134-1163(9)b., variance for lot coverage of 66% on the second floor in lieu of the 57% existing and the 35% maximum allowed for second story. 9. Per Section 134-1163(9)b., variance for lot coverage of 54% on the fourth floor in lieu of the 20% existing and the 35% maximum allowable by code.

Project history:

December 2020 – Deferred to February 26, 2020 at request of applicant.
February 2020 – Deferred to March 25, 2020 at request of attorney & (neighbors).
March 2020 – Deferred to April 29, 2020 due to COVID-19
April 2020 – Deferred to May 27, 2020 due to COVID-19
May 2020 – Deferred to June 24, 2020 at request of attorney (neighbors request).
June 2020 – Deferred to July 29, 2020 at request of attorney (neighbors request).
July 2020 – Deferred to November 20, 2020 at request of attorney.
November 2020 – Deferred to December 18, 2020 at recommendation of staff.
December 2020 – Deferred to the February 24, 2021 meeting by Commission.
February 2021 – Deferred to March 24, 2021 at the request of the attorney
April 2021 – Deferred to June 23, 2021 meeting at request of staff

Please note: This project was deferred to the January 26, 2022 meeting at the Approval of the Agenda, Item VI.

2. **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.

Please note: This project was deferred to the July 28, 2021 meeting at the Approval of the Agenda, Item VI.

3. B-024-2021 Demolition/New Construction

Address: 240 Mockingbird Trail

Applicant: Lee Fensterstock

Professional: Patrick Segraves/SKA Architect + Planner

Project Description: Demolition of existing one story structure. New construction of two story single family house in island style, approximately 5400 s.f. Final landscape and hardscape included.

A motion carried at the March meeting to approve the demolition. A second 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 adding some identity to the home, the fenestration, a restudy of the landscaping and pedestrian gate, and to return with a north, east, west and south cross section of the landscaping. A motion carried at the April meeting to defer the project to the May 26, 2021 meeting to restudy the size of the bay windows on the front elevation, to change the roof pitch to 5/12, to remove 12 inches in the second floor, to change the laundry room to a single window, and the French doors over the front entrance will be changed as previously proposed. A motion carried at the May meeting to defer the project to the June 23, 2021 meeting for a restudy of the home design.

Please note: This project was deferred to the July 28, 2021 meeting at the Approval of the Agenda, Item VI.

4. B-031-2021 Demolition/New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW WITH VARIANCE(S)

Address: 130 Algoma Rd.

Applicant: 130 Algoma, LLC (Lee Fensterstock)

Professional: SKA Architect + Planner

Project Description: Demolition of existing one story house while preserving existing garage and finish floor. New construction of two story classical house, approx. 6,448 sq. ft. Final landscape and hardscape.

A motion carried at the April meeting to defer the demolition for one month, to the May 26, 2021 meeting, to allow the Commissioners to receive a proper demolition report and landscape demolition plan. A second motion carried at the April meeting to defer the entire project, including the new construction, to the May 26, 2021 meeting. A motion carried at the May meeting to approve the demolition request as presented. A second motion carried at the May meeting to defer the project to the June 23, 2021 meeting for a restudy in accordance with the comments from Mr. Castro and the Commissioners, to include style, floor height and garage orientation.

ZONING INFORMATION: Section 134-229: Section 134-329 and Section 134-843(b): Special Exception with Site Plan Review to allow the construction of a new two story 6,448.55 square foot residence while preserving the existing one story nonconforming garage on a lot with an area of 15,708 square feet in lieu of the 20,000 square foot minimum required; a lot depth of 142.33 feet in lieu of the 150 foot minimum required; and a lot width of 111.89 in lieu of the 125 foot minimum required; all in the R-A Zoning District. The following variances are being requested: 1) Section 134-843(8): to allow the existing east side yard setback to remain at 8.75 feet in lieu of the 15 foot minimum required to keep the existing non-conforming garage. 2) Section 134-843(7): to allow a building height plane setback to be 46.1 feet in lieu of the 48.33 foot minimum setback required.

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. Segraves agreed to the easement.

Patrick Segraves, SKA Architect + Planner, presented the architectural plans proposed for the new residence. Mr. Segraves showed alternate designs on the overhead projector.

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

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

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

Ms. Shiverick still felt the house had a box approach. She thought there was a way to use the lot and topography in a better manner, possibly with a step up/down approach.

Mr. Corey agreed with Ms. Shiverick. He thought the professional had made some changes to address some of the comments. However, he thought the home had an identity problem. He questioned the increase in the roof height. Mr. Segraves responded and explained the conditions of the topography. Mr. Corey liked the previously proposed roof rather than the current design. He added he could not support the current plan. He thought the landscape and hardscape design was very well done.

Mr. Segraves stated that the home was not meant to be a Mediterranean style home.

Ms. Grace agreed with the other Commissioners, especially with the style of the home. She questioned if the home looked too similar to the home to the east. She also thought some charm should be added. She suggested that the home should be designed to use of the topography of the land.

Ms. Catlin did believe the home was boxy but did not think the design was bad. She added she would applaud the design of the home if it used the topography of the lot.

Mr. Kirchhoff stated that the windows went up into the cornice and thought they needed to be lowered. In addition, he believed that the garage doors needed to be lowered as well.

Mr. Floersheimer questioned the fenestration on the south side, the location of the mechanical equipment, and the chimney design. Mr. Segraves stated the fireplace was vent-less. Mr. Floersheimer inquired about the roof design and height. Mr. Segraves responded.

Mr. Small agreed with the other Commissioners.

Motion made by Ms. Shiverick and seconded by Mr. Corey to defer the project for one month, to the July 28, 2021 meeting, for a complete redesign based on the comments from the Commissioners. Motion carried unanimously.

5. 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.

Please note: This project was deferred to the July 28, 2021 meeting at the Approval of the Agenda, Item VI.

6. B-036-2021 Modifications

Address: 201 Ocean Terrace

Applicant: Scott Goodwin

Professional: John Melhorn/Thomas Melhorn Architects

Project Description: Alterations to façade and roof color; replacement of entry door; relocation of two screened openings on east façade; one window relocation on west façade; alteration to glazing on north façade; alteration to landscape and hardscape; removal of pergola; replacement of sconces; replacement of in kind railing.

A motion carried at the May meeting to defer the project to the June 23, 2021 meeting to restudy in accordance with the comments of the Commissioners, including changes to fenestration, railings and roof material.

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. Melhorn agreed to the easement.

Mr. Melhorn presented the architectural modifications proposed for the existing residence.

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

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

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

Ms. Grace inquired about an alternate front door design. Mr. Melhorn responded and stated he did have an alternate wood front door design. Ms. Grace was in favor of the wood door. She inquired about the roof material proposed. Mr. Melhorn responded. Ms. Grace questioned the number of lanterns proposed on the rear of the home. Mr. Melhorn responded.

Ms. Shiverick thought the steel glass doors added some interest to the home, however she thought the doors should be high quality. She thought the front door was too wide and suggested an arch over the front door. She was in favor of the simplification of the landscape and hardscape changes.

Mr. Corey thought the change in the roof color was nice. He was not supportive of the glass material on the first floor, rear of the home. He also was not supportive of the front door width and design, especially with the door above. He thought the alternate front door design was too narrow.

Mr. Kirchhoff agreed with the comments on the front door. He requested that future drawings be enlarged for easier viewing.

Mr. Small agreed with the other Commissioners.

Mr. Floersheimer was in favor of the landscape and hardscape changes. He agreed with the glass, steel door was too wide and the wood door was too narrow.

Motion made by Mr. Corey and seconded by Ms. Grace to approve the project as presented with the original front door. 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 10:33 a.m. The meeting resumed at 10:47 a.m.

Mr. Small read comments from Maggie Zeidman, President of the Town Council, welcoming the Commission back in person and who indicated that she would continue to assess the pandemic.

Mr. Small indicated that at the approval of the agenda, project B-043-2021, 160 Chilean Avenue was deferred to the July 28, 2021 meeting. He requested a motion to reconsider hearing the project as the applicant was prepared to proceed.

Motion made by Ms. Catlin and seconded by Mr. Ives to hear project B-043-2021, 160 Chilean Avenue at the meeting in its original position in the June agenda. Motion carried unanimously, 7-0.

7. B-040-2021 Demolition/New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)
- DONE 5/26/21

Address: 212 Nightingale Trail and 217 La Puerta Way

Applicant: Mr. & Mrs. William Ingram

Professional: MP Design and Architecture, Inc.

Project Description: Demolition of existing one-story residence at 217 La Puerta Way. A new, one-story guest house with new pool, landscape and hardscape. Existing two-story residence at 212 Nightingale Trail to remain undisturbed.

A motion carried at the May meeting to approve the demolition as requested. A second motion carried that implementation of the proposed variance will not cause negative architectural impact to the subject property. A third motion carried to approve the project as presented with the caveat that the professional restudy the proportions of the front portico, rear portico and front door and to return to the June 23, 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. Perry agreed to the easement.

Michael Perry, MP Design and Architecture, Inc., presented the architectural modifications to the columns on the porticos and the change in the front door.

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

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

Mr. Kirchhoff was in favor of the new gable design but thought it needed to be pulled down to a shorter height. Mr. Perry agreed with the change.

Motion made by Mr. Corey and seconded by Ms. Shiverick to approve the project as presented with the change to the gable design as indicated by Mr. Kirchhoff. 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.

8. B-042-2021 New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SITE PLAN REVIEW WITH VARIANCE(S)

Address: 1080 S. Ocean Blvd.

Applicant: Todd Glaser

Professional: LaBerge & Menard Inc.

Project Description: New two story home with pool cabana. House will have clay barrel tile roof, smooth stucco painted Manchester tan.

ZONING INFORMATION: Section 134-843(b): Request for Site Plan Review to allow the construction of a 9,485 square foot two-story, single family residence on a non-conforming platted lot that is 17,567 square feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning District.

A motion carried at the May meeting to defer the project to the June 23, 2021 meeting to restudy in accordance with the comments of the Commissioners, including the fenestration, balconies, chimneys, corner entry, rear loggia and orientation of garage doors.

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

Daniel Menard, LaBerge and Menard, presented the architectural modifications proposed for the new residence. Mr. Menard also showed a video of the proposed, new home.

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

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

Ms. Shiverick questioned the reduction of the fenestration on the west elevation. She inquired about the colors proposed for the home. She also inquired about the window colors. Mr. Menard responded. She thought the proposed colors may be

too much and requested it be simplified to three colors. She also thought there should be more trees added to the east elevation.

Christopher Cawley, Landscape Architect, explained his design for the east elevation.

Mr. Corey thought the two sea grapes would anchor the home nicely. He also thought the Coconut palms worked well for the east elevation. Mr. Corey was in favor of the garage design and the break in the roofline. He suggested making the cornice bolder on the tower element. Mr. Corey thought the column spacing was better. He questioned the balance of the fenestration on the tower element.

Ms. Grace thought the changes were positive; however, she questioned the fenestration on the east elevation as well as the long balcony. She questioned the number of lanterns proposed for the east elevation and expressed concern for light pollution. Mr. Menard responded.

Mr. Kirchhoff acknowledged many of the improvements that had been made. However, he thought some wall space should be added on the second floor before eaves. He was in favor of removing the balcony on the tower but questioned the French doors and shutters that remained on the second floor. He thought the tower element should be more pronounced. He suggested restudying the spacing of the columns in interior courtyard. He suggested changing the pool shape to an oval as well as looking at the door shape on the garage.

Ms. Catlin agreed with many of her Commissioners. She agreed with Ms. Shiverick in using fewer colors for the home. She agreed with Ms. Shiverick in adding another window on the second floor, west side. She supported the balcony on the east elevation. Ms. Catlin preferred the subtlety of the current tower design.

Mr. Floersheimer liked the idea moving the garage back six feet and the removal of the balconies. He agreed with Mr. Kirchhoff that the second floor, French doors in the tower element should revert back to a window without the balcony. He was not in favor of the 11 foot loggia and thought it should be reduced to 9 feet.

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. Menard agreed to the easement.

Ms. Grace was in favor of the one window of the west elevation. She added that she is not in favor of the proposed garage doors.

Mr. Small thought the design had evolved and thought it would enhance the beauty of the area. He also thought one or two windows should be added to the west elevation.

Motion made by Mr. Corey and seconded by Ms. Grace to defer the project for one month, to the July 28, 2021 meeting, specifically to consider the comments of the Commissioners on the following items: the tower corner, the second floor doors on the tower, the colors, reinstate the small window on the west side, the pool, the terrace steps and garage doors. Motion carried unanimously, 7-0.

9. B-043-2021 Additions/Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION WITH SITE PLAN REVIEW WITH VARIANCE(S)

Address: 160 Chilean Ave.

Applicant: Lisa Paolozzi

Professional: M. Mark Marsh/Bridges, Marsh & Associates, Inc.

Project Description: Addition to and remodel of existing one story residence with new pool, landscape and hardscape.

A motion carried at the May meeting to defer the project to the June 23, 2021 meeting for restudy based on the comments from the neighbors and the Commissioners, specifically addressing the power line situation, the lighting, and the dormer window design.

ZONING INFORMATION: Section 134-229, Section 134-329 and Section 134-893(b): Special Exception with Site Plan Review to allow the renovation of an existing one story residence by demolishing more than 50% cubic footage on a lot with a width of 50 feet in lieu of the 100 foot minimum required and an area of 8,000 square feet in lieu of the 10,000 square foot minimum required in the R-B Zoning District. Additionally, the applicant is proposing to construct one story additions totaling 950 square foot that will require the following variances to be requested: Section 134-893(7): to allow a 4.7 foot east side yard setback in lieu of the 12.5 foot minimum required in the R-B Zoning District. Section 134-893(7): to allow a 5.2 foot west side yard setback in lieu of the 12.5 foot minimum required in the R-B Zoning District.

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. Marsh agreed to the easement.

Ms. Paolozzi, owner, discussed her intentions with the renovations of her home.

Mr. Marsh presented the architectural modifications proposed for the existing residence. Mr. Marsh indicated that the ridge lights/dormer windows had been removed from consideration.

Keith Williams, Nievera Williams Design, presented the landscape and hardscape modifications proposed for the existing residence.

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

Mr. Castro provided staff comments.

Mr. Small called for public comment.

John C. Dotterrer, attorney for the owner at 162 Peruvian Avenue, stated his clients had no objection to the project. He commended Mr. Marsh and his firm for working with him.

Ben Mullaly, 155 Peruvian Avenue, inquired about an accurate depiction of the existing site condition as well as the proposed site condition. His concerns were the green wall between property lines as well as the location of the mechanical equipment.

Mr. Small called for staff comment. Mr. Castro provided further staff comments.

Ms. Shiverick was in favor of the changes. She was sorry that the ridge windows did not work. She also was satisfied that the landscaping screening was sufficient.

Ms. Grace was in favor of the renovation. She also lamented that the skylights did not work.

Mr. Ives supported the project.

Ms. Catlin acknowledged and supported the approach of the design. Ms. Catlin thought the bathrooms in the rear of the home could be pulled in.

Mr. Floersheimer thought the project was lovely and would maintain the cottage feel. He applauded the professional and the homeowner. He told the professional that the fence could be moved to the south on the property line so that more vegetation could be added.

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

Motion made by Ms. Grace and seconded by Mr. Corey that the proposed project at 160 Chilean Avenue has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances and to approve the project. 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.

10. B-046-2021 Demolition/New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SITE PLAN REVIEW WITH VARIANCE(S)

Address: 1540 S. Ocean Blvd.

Applicant: 1540SOcean LLC (Maura Ziska)

Professional: Roger Janssen/Dailey Janssen Architects

Project Description: Demolition of an existing two story residence, pool, landscape and hardscape. Construction of a new two story residence, pool, hardscape and landscape.

A motion carried at the May meeting to approve the requested demolition as presented. A second motion carried at the May meeting to defer the project to the June 23, 2021 meeting in accordance with the comments from the Commissioners, particularly relating to size, fenestration, curb cuts, style and the requested variance.

ZONING INFORMATION: Section 134-843(b): Request for a Special Exception with Site Plan Review to allow the construction of a 10,284 square foot two-story, single family residence on a non-conforming platted lot that is 16,151 square feet in area in lieu of the 20,000 square foot minimum required; 145.53 feet in depth in lieu of the 150 foot minimum depth required; and 112.53 feet in width in lieu of the 125 foot minimum depth required in the R-A Zoning District. Section 134-2: a variance to allow a point of measurement of 21.42 ft NAVD in lieu of the 18.87 ft NAVD maximum allowed for the building height plane calculation.

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.

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

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

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

Ms. Shiverick inquired about the height of the roof. Mr. Janssen responded. Ms. Shiverick inquired if the design would look better with a higher roof. Mr. Janssen responded. She thought the keystones over the windows appeared busy.

Ms. Catlin thought the design was good and was appreciative that there were no variances requested. She added she would support the keystones.

Mr. Corey suggested removing the shutters on some of the doors to simplify the design. Mr. Corey inquired if adding a flat section on the ridge would work better. Mr. Janssen discussed the suggestion.

Ms. Grace wished the design were in the Mediterranean style. She questioned the fenestration. She also was intrigued by Mr. Corey's suggestion to remove the shutters.

Motion made by Mr. Kirchhoff and seconded by Ms. Catlin that the proposed project at 1540 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. 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.

Please note: The meeting broke for lunch at 12:15 p.m. The meeting resumed at 1:05 p.m. Mr. Corey returned at 1:07 p.m. Ms. Grace returned from lunch at 2:28 p.m.

11. B-048-2021 New Construction

Address: 224 S. Ocean Blvd.

Applicant: Armen Manoogian

Professional: Jose A. Gonzalez/Gonzalez Architects

Project Description: Proposed work includes the construction of a new 836 square foot, one story detached, four car garage and driveway. Also, the siding and all trim of the existing adjacent guest house will be repainted to match the main house.

A motion carried at the May meeting to defer the project to the June 23, 2021 meeting in accordance with the comments from the Commissioners, with a specific request to bring a view of the colonnade from the south.

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. Gonzalez agreed to the easement.

Mr. Gonzalez presented the architectural modifications proposed for the new garage structure.

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

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

Mr. Ives thought the project was fine.

Mr. Corey thought the properties were true gems. Mr. Corey inquired if the owner would consider changing the front door and the portico of the guest home. Mr. Gonzalez responded. He thought the four-car garage was too aggressive for the site. Mr. Corey had a problem with the placement of the garage on the site. He suggested reducing the garage and indicated the design was too dissimilar to the other structures.

Ms. Shiverick agreed with Mr. Corey and thought the garage structure was taking up much of the site. She questioned the pattern of the windows on the garage doors. She questioned the number of lights proposed for the colonnade. Mr. Gonzalez responded. Ms. Shiverick provided suggestions on designing a 2 ½-car garage.

Mr. Manoogian, owner, discussed his reasons for his request of a four-car garage.

Mr. Kirchhoff thought the garage doors should be wider than 8 feet. He suggested a reduction to three garage doors. He also made a suggestion for the garage doors to look like a carriage house. He thought there should be breathing room between the structures with landscaping. Mr. Gonzalez responded. Mr. Kirchhoff stated he could not support the request.

Ms. Catlin supported the colonnade design. She did not favor the hedge that hid the garage. She suggested adding loose landscaping. She recommended using grass strips and different garage doors reminiscent of carriage doors. She also suggested adding planters between the garage doors.

Mr. Small shared the view of the Commissioners and thought the proposed was unsightly and distracted the beauty of the main home. He stated he could not support the request.

Mr. Corey suggested turning the garage to the west with the motor court entering in front of the guesthouse.

Mr. Floersheimer agreed with Mr. Small's comments.

Mr. Gonzalez discussed the owner's limited ability to design a four car garage while keeping the guesthouse, rather than demolishing the structure.

Mr. Manoogian inquired if the Commission would agree to allow the garage on the first floor of the guesthouse.

Mr. Corey thought the owner had valid thoughts and suggestions. Ms. Shiverick agreed and suggested a beautiful hedge along the colonnade.

Ms. Catlin thought the idea was intriguing.

Motion made by Mr. Corey and seconded by Ms. Catlin to defer the project for one month, to the July 28, 2021 meeting. Motion carried unanimously, 6-0.

E. MAJOR PROJECTS – NEW BUSINESS

1. B-049-2021 Modifications

Address: 452 Brazilian Ave.

Applicant: Trulaske (John C. Lubischer, Partner)

Professional: SMI Landscape Architecture

Project Description: Removal of existing pool and terraces, installation of new pool, terraces, and new driveway, gate and entry piers. Landscaping and lighting included.

Mr. Castro discussed several staff concerns and thought there may be zoning concerns.

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. Castro and Mr. Sanchez responded to comments on whether the plans proposed were compliant with the zoning code.

Motion made by Mr. Corey and seconded by Ms. Catlin to approve the project as presented with the following conditions: to change the gates to sliding gates, to change the pool so that it meets the required 15 foot setback, and to remove the BBQ grill.

Mr. Ives was supportive of the project as presented.

Mr. Kirchhoff agreed with Mr. Corey's motion.

Mr. Floersheimer also agreed with Mr. Corey's motion. He added that he had trouble understanding the project from the mini-sets.

Motion carried 5-1, with Mr. Ives opposed.

2. B-050-2021 New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 334 Chilean Ave.

Applicant: GW Purucker JV Contract Purchaser (Maura Ziska)

Professional: MP Design & Architecture, Inc.

Project Description: A new two-story house, two-car garage with new pool, landscape, hardscape on a vacant lot.

ZONING INFORMATION: Section 134-948: A request for a variance to construct a new 5,270 square foot, two story residence, on a non-conforming lot with a lot area of 9,384 sq. ft. in lieu of the 10,000 sq. ft. minimum required in the R-C Zoning District.

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 proposed for the new residence.

Daniel Sugg, Sugg Design Studio, presented the landscape and hardscape plans proposed for the new residence.

Mr. Castro discussed the variance and the action needed from the Commission.

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

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

Mr. Corey inquired about the Bridal tree in the rendering. Mr. Corey thought the cross section was very helpful. Mr. Corey inquired about the window above the front door. Mr. Perry passed out an alternative design to the Commission of the gable. Mr. Corey suggested the design style be changed to a Mediterranean style home. Mr. Corey also suggested to use more native plantings in the design.

Ms. Shiverick thought the style was fine in its location. She inquired about the entrance next to the proposed bar. Mr. Perry responded. Ms. Shiverick inquired about the amount the width to which the gable was widened. Mr. Perry responded.

Ms. Catlin made a suggestion for the windows next to the left of the front door. Mr. Perry agreed to make this change. Ms. Catlin was in favor of the proposed home.

Mr. Kirchhoff inquired about the home's orientation facing west, next to the condominium. He inquired if it should be flipped to the east, especially to catch the breeze. Mr. Perry responded. Mr. Kirchhoff thought the windows to the left on the bottom floor were a bit wide. He also thought that the Juliette balconies were too narrow.

Mr. Small liked the house but questioned the home in its location.

Motion made by Mr. Corey and seconded by Mr. Small to defer the project, for one month, to the July 28, 2021 meeting, to consider the comments of the

Commissioners which included the study of changing the orientation of the house, adding more native landscaping, the fenestration and possibly changing the design style to Mediterranean Revival. Motion carried 4-2, with Mses. Shiverick and Catlin opposed.

Please note: Ms. Grace returned to the meeting at 2:28 p.m. at the start of the next project.

3. B-051-2021 Additions/Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 936 N. Lake Way

Applicant: Mr. & Mrs. Michael Cline

Professional: MP Design & Architecture, Inc.

Project Description: Second floor addition (985 sf) for 2 new bedrooms and bathrooms, 2 new pool cabanas (303 sf each). Renovations of entry door and relocation of existing garage doors. New pool, landscape and hardscape.

ZONING INFORMATION: Section 134-893(7): The applicant is requesting a variance for a north side yard setback of 5.5 feet in lieu of 12.5 foot minimum required for a one-story structure in the R-B Zoning District for a new pool cabana.

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 modifications proposed for the existing residence.

Mario Nievera, Nievera Williams Design, presented the landscape and hardscape modifications proposed for the existing residence.

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

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

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

Ms. Shiverick thought the plan was well done. She was also in favor of the landscape and hardscape changes.

Ms. Catlin thought the changes were good however, she stated she could not support the variance.

Mr. Kirchhoff liked the site plan changes and added that he supported the variance. However, he thought that the changes caused the home to lose its character.

Mr. Corey agreed with Mr. Kirchhoff and thought the addition of the fenestration should be restudied. He questioned the forcing of the symmetry of the cabanas. He suggested removing the cabana on the north. He requested that more shade be added to the Lake Trail.

Ms. Grace agreed with Mr. Kirchhoff. She inquired about the pedestrian gate material. Mr. Perry responded.

Mr. Floersheimer stated he could support the front loaded garage in this instance. He applauded the professional for adding two bedrooms to the existing home. He stated he was not thrilled about the variance but added he could support it as long as the neighbor was also supportive.

Mr. Small supported the architecture but was not in favor of the variance.

Ms. Shiverick confirmed that the windows on the west elevation were original. Mr. Perry stated he was changing them to an impact material, however confirmed the windows were original.

Mr. Corey sought further clarification on the windows. Mr. Perry further explained the additional fenestration.

Motion made by Mr. Corey and seconded by Ms. Catlin that the proposed project can be designed in an architecturally suitable manner, which conforms to the Town of Palm Beach Code of Ordinances without the need for a variance. Motion failed 3-4, with Messrs. Ives, Kirchhoff and Ms. Grace and Shiverick opposed.

Motion made by Ms. Shiverick and seconded by Mr. Ives that the implementation of the proposed variance will not cause negative architectural impact to the subject property. Motion carried 4-3, with Ms. Catlin and Messrs. Small and Corey opposed.

Motion made by Ms. Grace and seconded by Mr. Corey to defer the project for one month, to the July 28, 2021 meeting, for a restudy in accordance with the comments of the Commissioners. Motion failed 3-4, with Messrs. Small, Ives and Ms. Shiverick and Catlin opposed.

Motion made by Ms. Catlin and seconded by Ms. Shiverick to approve the project as presented with the condition that more shade would be added to the Lake Trail. Motion carried 5-2, with Mr. Kirchhoff and 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.

Please note: The Commission took a short break at 2:53 p.m. The meeting resumed at 3:10 p.m.

4. B-052-2021 New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 147 Dunbar Rd.

Applicant: Susan G. Pappas Trust (Tom Kirchhoff)

Professional: Tom Kirchhoff/Kirchhoff & Associates Architects

Project Description: New one and two story Mediterranean house with pool, hardscape and landscaping. To consider 2 variances: 1) to allow for a point of measurement for the finished floor of 11.85' NAVD required by code. 2) to allow for the point of measurement of 11.85 NAVD in lieu of 11.05' NAVD for the finished floor for the computation of the CCR.

ZONING INFORMATION: Section 134-2(b) -A request to build a 7,610 square foot (under air) two (2) story single family home with a variance to allow the point of measurement for calculating the maximum cubic content ratio (CCR) to be at Eleven and 85/100th feet (11.85') NAVD (North American Vertical Datum) in lieu of Eleven and 05/100th feet (11.05') NAVD required by code.

Call for disclosure of ex parte communication: Disclosure by several members.
Mr. Kirchhoff declared a conflict of interest for this project and left the meeting.

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. Rossin agreed to the easement.

Betsy Rossin, Kirchhoff & Associates Architects, presented the architectural plans proposed for the new residence.

Brian Vertesch, SMI Landscape Architecture, presented the landscape and hardscape plans proposed for the new residence.

Frank Lynch, attorney for the owner, explained and discussed the variance requests and advocated for a positive recommendation to the Town Council.

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

Mr. Small called for staff comment. Mr. Castro provided staff comments, which included requiring a 6 foot tall hedge to screen the supplemental parking area in the front of the home.

Mr. Vertesch agreed to Mr. Castro's condition.

Mr. Corey was supportive of the variance. Mr. Corey thought the house design was excellent. He also added that the landscape and hardscape plans were special. He suggested changing the palms at the front door to something more asymmetrical.

Ms. Shiverick agreed with Mr. Corey. She suggested using Cypress trees or another tree in place of the palms at the front door. She requested to see a sample of the tile material. Ms. Rossin stated that they have not yet chosen a tile but would be happy to bring the sample back. Ms. Shiverick inquired about the garage door material. Ms. Rossin confirmed that the doors were Cypress.

Ms. Grace was in favor of the Mediterranean style. She agreed with the suggestion to replace the palms with Cypress trees. She also inquired about the tile material and color proposed. She suggested a possible different configuration for the tile.

Ms. Catlin requested to see a sample of the tile. She was in favor of the simplicity of the tile design. She supported the variance request. She liked the whimsy and color of the design. She added that the building envelope was at the maximum and would like to see the home reduced.

Mr. Small thought the design exuded beauty and charm. He supported the project and variance request.

Motion made by Mr. Corey and seconded by Mr. Ives that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried unanimously, 6-0.

Motion made by Mr. Corey and seconded by Ms. Grace to approve the project as presented with the condition that the tile and the colors for the windows will return to the Commission for approval at the appropriate time. 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.

5. B-053-2021 Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 8 Windsor Ct.

Applicant: Mr. & Mrs. Jonathan Sack (Maura Ziska)

Professional: MP Design & Architecture, Inc.

Project Description: Existing breezeway modifications to replace existing awning with new cooper roof. Existing pool cabana modifications to replace existing roof and awning with new copper roof. Existing open porch modifications to replace exiting trellis with new copper roof.

ZONING INFORMATION: A request for a variance to replace the pool cabana roof with a new copper roof, replace the trellis porch with a new copper roof, and replace the existing canopy at the breezeway with a new slate tile roof to match the existing which will result in the following variance requests: Section 134-893(11): A request for a variance of lot coverage of 27.6 percent in lieu of 24.7 existing and 25 percent maximum allowed in the R-B Zoning District. Section 134-893(13). A request for a variance for cubic content ratio ("CCR") of 3.89 in lieu of 3.61 existing CCR and the 3.80 maximum CCR allowed in the R-B Zoning District.

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 modifications for the existing residence. He stated that Ms. Shiverick inquired if the owners would be willing to remove the trellis structure on the north elevation. Mr. Perry passed out additional elevations to the Commission.

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

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

Ms. Grace inquired about the evolution for the structures. Mr. Perry responded.

Mr. Castro discussed what was allowed in the Code.

Mr. Kirchhoff agreed with Ms. Shiverick's suggestion to remove the trellis. He also made an alternative suggestion for a roof over the doors on the north elevation.

Mr. Corey confirmed that there were no new structures. Mr. Perry confirmed the statement. Mr. Corey stated he could support the project.

Ms. Shiverick supported Mr. Kirchhoff's idea of placing a small roof over the doors. She suggested adding some Bougainvillea or some plantings on the side of the garage rather than the trellis.

Mr. Floersheimer clarified that the professional was requesting to remove the trellis on the north side. Mr. Perry explained his request.

Mr. Small liked Ms. Shiverick and Mr. Kirchhoff's suggestions and stated he could support the project.

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

Motion made by Mr. Corey and seconded by Ms. Shiverick to approve the project as presented with the removal of the rear trellis and to return to the July 28, 2021 meeting with an alternate design of a roof over the two doors on the north elevation. 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. B-055-2021 Additions/Modifications

Address: 251 Tangier Ave.

Applicant: The Tangier 251 Trust (Francis & Zoe L'Esperance, Trustees)

Professional: Tod Elliot Sikkenga/Wadia Associates

Project Description: Renovations and small addition to existing residence. 158 SF second floor addition. Small addition to 1st and second floor totaling 307 SF. All new impacted-rated French doors and windows. All new terracotta barrel tile roofing. New swimming pool, landscape, and hardscape. New generator and outdoor mechanical units. Miscellaneous aesthetic improvements to exterior elevations.

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. Pilla agreed to the easement.

Robert Pilla, Wadia Associates, presented the architectural modifications proposed for the existing residence.

Che Wei Kuo, Fernando Wong Outdoor Living Design, presented the landscape and hardscape designs proposed for the existing residence. Mr. Kuo brought material samples to show the Commissioners.

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

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

Ms. Grace thought it was nice that the home was being renovated, rather than torn down. She was appreciative that the fenestration was being reduced. She was in favor of the addition of the greenery and new pool.

Ms. Shiverick agreed with Ms. Grace. She inquired if there was a green material proposed for the front of the home.

Ms. Catlin thought the changes were well done.

Mr. Kirchhoff was in favor of the changes but questioned the gates proposed. Mr. Pilla stated they could ask the client remove the gates.

Mr. Floersheimer expressed concern with the street facing garage design. He also expressed concern with the location of the mechanical equipment.

Motion made by Mr. Corey and seconded by Ms. Grace to approve the architectural portion of the project as presented with the landscape portion of the project to return to the July 28, 2021 meeting for a restudy of the screening of the garage and the gates. 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.

7. B-056-2021 Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)

Address: 300 Cherry Lane

Applicant: Peter Garvy (Kevin Asbacher)

Professional: Kevin Asbacher/Asbacher Architecture

Project Description: Applicant is requesting to raise an existing 6 foot tall retaining wall by 2 feet that would allow the wall to be 8 feet tall in lieu of the 6 foot maximum allowed.

ZONING INFORMATION: A request to raise an existing 6 foot high retaining wall on the east side of the property along North Lake way by 2 feet that would allow the wall to be 8 foot high in lieu of the 6 foot maximum allowed.

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. Asbacher agreed to the easement.

Mr. Asbacher presented the architectural modification proposed for the existing residence.

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

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

Ms. Churney confirmed that four letters of support were received for the project.

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

Motion made by Ms. Grace and second by Ms. Shiverick that the proposed project at 300 Cherry 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 with the condition that the hedge is replaced with a new Podocarpus hedge. 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.

8. B-057-2021 New Construction

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SITE PLAN REVIEW WITH VARIANCE(S)

Address: 369 S. Lake Dr.

Applicant: Park Place Inc. (Frank P. Slattery)

Professional: Ralph Cantin Architect, Inc.

Project Description: New generator building in parking area to replace existing storage shed.

ZONING INFORMATION: Section 134-1052 (4): The Park Place Co-op is requesting a site plan modification to allow the construction of a new 467 square foot building to enclosure a 400 KW generator with a 3,000 gallon fuel tank. The generator building is proposed to be adjacent to the pool deck in the middle of the property and will replace an existing storage shed that will be demolished to make room for the new building. The following variance is being requested in order to construct the new generator building: Section 134-1060(9)d: request for lot coverage of 41.8 percent in lieu of the 41.3 percent existing and 40 percent maximum allowed in the R-D(2) Zoning District.

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. Cantin agreed to the easement.

Mr. Cantin presented the architectural plans proposed for the addition of the generator building.

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

Scott Brown, Landscape Architectural Design, presented the landscape and hardscape plans proposed for the existing building.

Mr. Castro expressed concern that the applicant proposed to eliminate a parking space. He stated that this request would require a variance.

Mr. Cantin responded to Mr. Castro's comments.

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

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

Mr. Corey thanked the applicant as they were taking one of the FPL boxes on their property. Mr. Corey inquired about the existing trees and their species. Mr. Cantin responded. He stated he would support a large tree or a hedge that could screen the FPL box. Mr. Corey questioned if the screening from Australian was sufficient. Mr. Cantin responded.

Mr. Floersheimer requested that more greenery be added to screen the proposed building.

Ms. Shiverick inquired if vines could be planted to grow up along the building. Mr. Cantin explained why the suggestion could be problematic with the building design. Ms. Shiverick stated it would be nice to plant vines along the building where possible.

Motion made by Mr. Corey 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.

Motion made by Mr. Corey and seconded by Ms. Grace to approve the architectural portion of the project but to defer the site plan and the landscape plans to the July 28, 2021 meeting. 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.

At this time, the Commission decided to hear the following project to accommodate the professional's travel schedule.

9. B-065-2021 New Construction

Address: 7 Ocean Lane

Applicant: 7 Ocean Lane, LLC (Nedim Soylemez, Manager)

Professional: Harold Smith/Smith and Moore Architects, Inc.

Project Description: New two-story residence with pool. Final hardscape and landscape.

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, introduced the project and discussed the area of the proposed project.

Andrew Kotchen, Workshop APD, presented the architectural plans proposed for the new residence.

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

Mr. Small called for public comment.

Elizabeth Ailes, 6 Ocean Lane, expressed her objections to the proposed project.

Stephen Roy, Roy & Posey and architect for Ms. Ailes, discussed the location of the proposed home on the lot, and why he believed the proposed home was problematic.

Gary Marder, 1 Ocean Lane, expressed his objections to the proposed project.

Caren Marder, 1 Ocean Lane, expressed her objections to the proposed project.

George Palladino, 710 N. County Road, expressed his objections to the proposed project.

John Eubanks, attorney for Elizabeth Ailes, expressed objections to the project, especially the home's location on the lot.

Rick Gonzalez, REG Architects, architect speaking on behalf of Elizabeth Ailes, showed renderings of how the home would appear today if built as proposed.

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

Ms. Shiverick thought the house had a lightness, rather than a heaviness. She was in favor of the Ipe material but expressed concern for the granite. She questioned the design style and if it was too similar. She also expressed concern for the fenestration on the east side.

Mr. Ives agreed with Ms. Shiverick's comments. He did not believe the scale was too massive for the proposed home. Mr. Ives thought this was a good example of a contemporary home. He thought the material choices could be different but added he would support the choices. He added he believed the design was quite good.

Mr. Corey thought the house was pushed forward toward the ocean and thought the home could be moved back. He was not in favor of the pergola and thought the pool could be worked more into the greenery. He suggested moving the home

back and placing part of the motor court under the second story. He thought the greatest challenging of the design was the fenestration proposed on the east elevation. He thought the west façade was successful.

Ms. Grace expressed concern for the fenestration on the east façade, the choice of granite material, the privacy design element on the west façade, the mass of the home on the lot, the location of the home on the lot and how the house fit into the neighborhood.

Ms. Catlin stated that the presentation did not match the mini-sets provided. She believed there was too much glass on the east side and thought the home was too east on the lot. She thought the pergola should be removed.

Mr. Kirchhoff questioned the front entrance and added it was a bit commercial in its look. He also thought there was too much glass on the east side.

Mr. Floersheimer thought the design was very exciting. He expressed concern for the finished floor and thought it was a bit high. He questioned if the home could be lowered. He added that the planters were excessively high. He agreed that the fenestration on the east side needed some adjustment. He also agreed that the house could be moved west on the lot.

Mr. Small shared concerns with respect to fenestration and massing. He was impressed with the architectural design. Mr. Small did not believe the water vistas were being protected or enhanced in the current proposal. He suggested moving the home west on the lot as well as opening up the vistas to the water.

Motion made by Ms. Catlin and seconded by Ms. Shiverick to defer the project for one month, to the July 28, 2021 meeting, for a restudy in accordance with the comments of the Commissioners.

Mr. Smith addressed some of the comments made by the Commissioners as well as the public. Mr. Kotchen also provided comments regarding the images that were shown using google earth.

Motion carried unanimously, 7-0.

Please note: The meeting stopped at 6:07 p.m. on June 23, 2021. The meeting resumed at 9:01 a.m. on June 24, 2021. Upon Roll Call, Messrs. Smith and Kirchhoff were found to be absent. Ms. Grace arrived at 9:03 a.m. Messrs. Floersheimer and Sammons were present via Zoom.

10. B-058-2021 Demolition/New Construction

Address: 1020 N. Lake Way

Applicant: Mr. & Mrs. Kanders, Contract Purchaser (Maura Ziska)

Professional: MP Design & Architecture, Inc.

Project Description: Demolition of existing residence, including hardscape, landscape. Existing pool to remain. New two-story residence, new hardscape, new landscape, existing pool to be modified.

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 proposed for the demolition of the existing residence.

Mr. Corey inquired about the age of the home. Mr. Perry responded.

Mario Nievera, Nievera Williams Design, 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. Mr. Castro provided staff comments.

Mr. Corey inquired about the landscape buffer during the demolition. Mr. Perry responded. Mr. Corey inquired about the existing sea grapes at the front of the site. Mr. Perry stated that the sea grapes could remain during the demolition.

Ms. Shiverick thought the existing house was charming and even though it was not significant, she thought it was worth studying. Mr. Perry stated he did study keeping the house and explained the reasons the plan did not work.

Ms. Catlin agreed and thought the existing home was charming.

Ms. Grace thought the existing residence fit into the site very well. She asked the professional to make sure that the new house was as complimentary to the site.

Mr. Corey inquired about the existing pool and if it was compliant to the Code. Mr. Castro responded and confirmed the pool was compliant.

Ms. Catlin recommended that the Town work with the owners on homes with this situation, particularly removing the roof, so that renovations were possible. Mr. Castro responded.

Mr. Small thought it was a shame that the home needed to be demolished.

Motion made by Mr. Corey and seconded by Mr. Ives that the proposed demolition of 1020 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 with the condition to sod and irrigate the property within 30 days and that all perimeter landscaping, including the sea grapes, to remain in place during and after the demolition. 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.

A second motion made by Mr. Corey and seconded by Mr. Ives to defer the new construction for one month, to the July 28, 2021 meeting. Motion carried unanimously, 6-0.

11. B-061-2021 Demolition/New Construction

Address: 584 Island Dr.

Applicant: 584 Island, LLC (Carl M. Sabatello, Manager)

Professional: Roger Janssen/Dailey Janssen Architects

Project Description: Demolition of existing residence, hardscape, landscape and pool. Construction of a new two-story residence, landscape, hardscape and pool.

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 plans proposed for the demolition of the existing residence.

Steve West, Parker Yannette 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. There were no comments heard at this time.

Motion made by Ms. Shiverick and seconded by Ms. Grace that the proposed demolition of 584 Island Drive has met the conditions listed in Sec. 18-206 of the Town's code of ordinances, and to approve the demolition as presented with the condition to sod and irrigate the property within 30 days. 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.

Mr. Janssen presented the architectural plans proposed for the construction of the new residence.

Mr. West 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. Mr. Castro provided staff comments.

Mr. Corey thought the site plan worked well. Mr. Corey thought the double gables on the front competed with each other. He thought the gable on the south needed to be restudied. He questioned the fenestration on the rear elevation and thought it needed some variety. He thought the loggia on the rear of the home appeared heavy, as well as the chimney. He thought the landscaping plan was good. He thought the vehicular gate was onerous and dark.

Ms. Grace questioned the design style proposed for the home for the area. She thought the design style was more befitting for a smaller home. She agreed with Mr. Corey that the gables on the front needed to be studied. She questioned the need for the vehicular gate. She thought the columns on the eastern side appeared heavy. She thought the loggia on the south east appeared heavy as well. She did not believe the gables were integrated with the home. She questioned the amount of lanterns proposed for the home. Ms. Grace thought there was too much glass on the east elevation.

Ms. Shiverick agreed with Ms. Grace with the style of the home. She did not believe it was special or unique that the island deserved. She thought the gables and fenestration on the east side needed to be studied. She also agreed that the vehicular gate fit in the area.

Ms. Catlin liked the home and thought many elements worked with the home. She thought it was quirky. She also favored the landscaping plans.

Mr. Ives agreed with Ms. Catlin. However, he cautioned the professional that too many homes with this design style would not be allowed on the island. Mr. Ives suggested varying the widths of the section of the home between the gables so they did not appear so symmetrical. He added that he could support the project.

Mr. Floorsheimer inquired about the fill that would need to be used to achieve the floor height. He also inquired about the neighboring finished floors. Mr. Janssen responded.

Mr. Sammons thought there was too much glass on the east elevation. He also questioned the design style for the area. He questioned the scale of the home.

Mr. Small expressed concern for the fenestration on the east elevation. He also thought that more landscaping should be added to the east elevation. He was not in favor of the vehicular gate.

Motion made by Mr. Corey and seconded by Ms. Catlin to the defer the project for one month, to the July 28, 2021 meeting to address the comments of the commissioners. Motion carried unanimously, 6-0.

12. B-062-2021 Additions/Modifications

Address: 215 Via Tortuga

Applicant: 215 Via Tortuga, LLC (Whitney Crane)

Professional: Tod E. Sikkenga/Wadia Associates

Project Description: Renovations and small addition to existing house (141 sf).

New enclosed pool pavilion (409 sf) Three new skylights. Maintain and paint existing roof tile. Modify existing swimming pool, landscape, and hardscape.

New generator and outdoor mechanical and pool equipment. Replace existing windows and doors, and new openings with impact resistant units. Miscellaneous improvements to exterior elevations.

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. Wadia agreed to the easement.

Dinyar Wadia, Wadia Associates, presented the architectural modifications proposed for the renovation of the existing residence.

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

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

Ms. Shiverick was glad that the owner was renovating the home but added she did not believe the changes were positive. She questioned the addition of the quoins and whether they were appropriate. She thought the pool cabana needed simplification. She did not believe the windows were appropriate for the tower. She thought the pattern on the garage doors appeared too busy.

Ms. Catlin agreed with Ms. Shiverick. She questioned the windows on the tower. She thought the pool cabana was large and heavy.

Ms. Grace was in favor of the entry change. She recommended a rectangular window for the tower. She thought the garage door was too ornate. She thought a rectangular window would be better for the garage door. She recommended a simplification for the pool cabana.

Mr. Corey suggested restudying the fenestration and ornamentation on the existing home.

Mr. Floersheimer agreed with the comments of the fenestration. Mr. Floersheimer questioned the size of the pavilion for the area. Mr. Wadia provided clarification on the design.

Mr. Small agreed with Ms. Catlin and Mr. Corey's comments. He thought an enhancement of the current home would be appropriate. Mr. Small inquired if the design had been approved by the Phipps Estates HOA. Mr. Wadia provided confirmation.

Motion made by Ms. Catlin and seconded by Ms. Shiverick to defer the project for one month, to the July 28, 2021 meeting, to address the comments of the Commissioners. Motion carried unanimously, 6-0.

Please note: A short break was taken at 10:22 a.m. The meeting resumed at 10:36 a.m.

13. B-063-2021 Demolition/New Construction

Address: 280 Via Marila

Applicant: CJN P Holdings LLC (Daniel Pergola, Managing Member)

Professional: MP Design & Architecture, Inc.

Project Description: Demolition of an existing two-story structure. Proposal of a new two-story residence with rear facing two-car garage, new pool, hardscape and landscape.

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 proposed for the demolition of the existing residence.

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. There were no comments heard at this time.

Motion made by Ms. Grace and seconded by Ms. Shiverick that the proposed demolition of 280 Via Marila has met the conditions listed in Sec. 18-206 of the Town's code of ordinances, and to approve the demolition as presented with the condition to sod and irrigate the property within 30 days. 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.

Mr. Perry presented the architectural plans proposed for the new construction.

Mr. Mizell presented the landscape and hardscape plans proposed for the site. Mr. Mizell presented a material sample as well.

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

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

Mr. Perry responded to Mr. Castro's comments.

Ms. Grace thought the existing home did not fit into the current street. She wondered if an island style home would look better. She suggested making the home appear more casual on the front façade and questioned if the front fenestration was properly aligned. She also thought the home was a bit massive.

Ms. Catlin liked the home and thought the style worked in the area. She thought the building envelope was almost maximized. She recommended removing some of the hardscape in the front of the home to provide some relief.

Ms. Shiverick thought the pediment and entry feature was too formal for the area. However, she thought the home was nice. She recommended Bahama shutters for the home. She also recommended arches on the rear of the home as well as reducing the mass of the home. Ms. Shiverick agreed with Ms. Catlin's suggestion to remove some of the hardscape from the front of the design.

Mr. Corey did not believe the home was fitting for the street and the north end of the island. He thought this home felt too formal for the area. He thought the gable and the pediment were oversized for the home. Mr. Corey thought the appearance of mass with the pediment was overpowering. He thought the palms were too flashy for the front of the home.

Mr. Ives thought the house fit into the north end. He thought the house was a bit heavy and needed to be thinned.

Mr. Floersheimer agreed with Mr. Corey. He thought the house was too large for the lot.

Mr. Sammons also thought the house was too large for the lot. He did not believe the home added much to the area. He expressed concern for the parapet design. He recommended reducing the mass of the home.

Ms. Shiverick stated she did not want to discourage the owners. She thought there was a way to redesign the home.

Mr. Small thought the home would fit into the area but thought the mass should be reduced.

Motion made by Mr. Corey and seconded by Ms. Catlin to defer the project for one month, to the July 28, 2021 meeting, to address the comments of the Commissioners. Motion carried unanimously, 6-0.

14. B-064-2021 Modifications

Address: 402 Primavera Ave.

Applicant: Thomas and Lillian O'Malley (Manuel Angles)

Professional: Manuel Angles/Angles Design Architecture

Project Description: To increase green areas and provide additional privacy, we are proposing the following: removal all existing parking paving in front of the residence and replace with sod, new plantings, and stepping-stones (to match existing). Provide a new continuous hedge along Primavera Avenue. Add a vehicular and a pedestrian gate at existing motor court to conceal garage doors and one pedestrian gate in front of main residence entry. All finishes to match existing.

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. Angles agreed to the easement.

Mr. Angles presented the architectural, landscape and hardscape modifications 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. Castro provided staff comments.

Ms. Grace confirmed that the vehicular entrance and the descending steps would be removed from the front of the house. Mr. Angles responded. Ms. Grace inquired about the view to the house after the renovation. Mr. Angles responded. Ms. Grace stated that she was not in favor of completely screening the home from the front street.

Ms. Catlin understood the concept but questioned if there was enough information for the Commission to make a decision. She was in favor of the elimination of the hardscape and thought increasing the greenspace was a good idea. She thought a formal landscape plan needed to be presented.

Mr. Floersheimer also liked the idea of eliminating hardscape and increasing greenspace. He questioned where the landscaping trucks would park and where they would stack the debris, since the street was so narrow. Mr. Angles responded.

Mr. Corey suggested looking at native landscaping for inspiration in the landscaping plan. He also indicated that Ficus Nitida was no longer allowed to be planted in the Town.

Motion made by Mr. Corey and seconded by Mr. Ives to defer the project for one month, to the July 28, 2021 meeting. Motion carried unanimously, 6-0.

F. MINOR PROJECTS – OLD BUSINESS

1. A-020-2021 Modifications

Address: 150 Worth Ave.

Applicant: Wilson 150 Worth LLC (Yvonne Jones)

Professional: Michael Dumala

Project Description: Add 14 new impact windows on south side of building at second floor level. *****Please note: Requires Special Exception with Site Plan Review*****

A motion carried at the February meeting to defer the project to the March 24, 2021 meeting to allow the applicant to provide notice to the surrounding properties. A motion carried at the March meeting to defer the project to the April 28, 2021 meeting to provide notice to the neighbors. A motion carried at the April meeting to defer the project to the June 23, 2021 meeting to file a zoning application.

Please note: This project was deferred to the July 28, 2021 meeting at the Approval of the Agenda, Item VI.

2. A-024-2021 Modifications

Address: 226 Oleander Ave.

Applicant: J & J Realty

Professional: Dustin Mizell/Environment Design Group

Project Description: Previously approved driveway design to be modified. Associated hardscape and landscape improvements. Also includes modifications to existing balcony on front (north) elevation.

A motion carried at the April meeting to approve the project as presented with the professional to return at the May 26, 2021 meeting with a sample of the cast stone and the gravel material. A motion carried at the May meeting to defer the project to the June 23, 2021 meeting for a restudy of the materials.

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

Mr. Mizell presented the proposed balcony to replace the existing balcony. He also presented material samples for the driveway.

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

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

Motion made by Ms. Shiverick and seconded by Mr. Corey to approve the project as presented. Motion carried unanimously, 6-0.

3. A-035-2021 Landscape/Hardscape

Address: 190 N. County Rd.

Applicant: Temple Emanuel of Palm Beach, Inc. (Steven Horowitz, President)

Professional: Chuck Yannette/Parker Yannette Design Group, Inc.

Project Description: Landscape enhancements along north side of building to include replacing 6 Black Olive trees with 6 native Royal Palms and 2 Medjool Date Palms as well as shrub replacements.

A motion carried at the April meeting to defer the project to the May 26, 2021 meeting for a restudy of the project in accordance with the comments of the Commissioners, in particular the material choice. A motion carried at the May meeting to defer the project to the June 23, 2021 meeting at the request of the professional.

Please note: This project was withdrawn at the Approval of the Agenda, Item VI.

4. A-049-2021 Modifications

Address: 249 Seabreeze Ave.

Applicant: Elizabeth and Joseph Berger

Professional: Mario Nievera/Nievera Williams Design

Project Description: Proposed west PPL and rear north PPL site walls. Proposed pedestrian gate along rear north PPL. Proposed landscape changes along north and west PPL. Proposed hardscape changes around pool and for rear terraces.

A motion carried at the May meeting to approve the project as presented with a new gate design and details of the dog shower and fountain to return to the June 23, 2021 meeting.

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

Mr. Nievera presented the proposed new gate design. He also presented the details for the dog shower.

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

Mr. Small called for staff comment. Mr. Castro provided staff comments, particularly related to the front wall and how it cannot exceed 6 feet in height.

Mr. Nievera confirmed he would address Mr. Castro's comments.

Motion made by Ms. Shiverick and seconded by Mr. Ives to approve the project as presented with the front wall not to exceed 6 feet in height, as indicated by Mr. Castro. Motion carried unanimously, 6-0.

G. MINOR PROJECTS – NEW BUSINESS

1. A-051-2021 Modifications

Address: 2 S. County Rd.

Applicant: The Breakers Palm Beach (Alex Gilmurray, Exec. VP & CEO)

Professional: John Schmidt/Schmidt/Nichols

Project Description: Extension and recover of existing driving range awning for an additional 64' in length.

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

Mr. Schmidt presented plans to add an awning.

Ms. Grace thought a more attractive structure would be better rather than the proposed.

Ms. Shiverick agreed with Ms. Grace and thought the applicant should consider a building more in keeping with the area and less industrial.

Messrs. Ives and Corey agreed.

Mr. Small inquired if the applicant would consider putting something different in the area.

Mr. Schmidt stated that he believed a different building would not be appropriate. He thought the proposed was in keeping with the area.

Motion made by Ms. Grace and seconded by Mr. Corey to defer the project for one month, to the July 28, 2021 meeting, in accordance with the comments from the Commissioners. Motion carried 4-2, with Mses. Shiverick and Catlin opposed.

2. A-052-2021 Landscape/Hardscape

Address: 615 N. County Rd.

Applicant: Alice and Lewis Sanders

Professional: Mario Nievera/Nievera Williams Design

Project Description: Landscape design clarifications and lighting design review.

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

Mr. Nievera presented the landscape and hardscape modifications proposed for the existing site. Mr. Nievera presented examples of the landscape lighting proposed.

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

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

Motion made by Ms. Shiverick and seconded by Mr. Ives to approve the project as presented. Motion carried unanimously, 5-0. (Ms. Grace was not in the room during the vote)

3. A-053-2021 Landscape/Hardscape

Address: 1053 N. Lake Way

Applicant: JM Diebold

Professional: Todd MacLean/Todd MacLean Outdoors

Project Description: Remove front driveway and replace with pedestrian entry with gate and fountain. Relocate existing landscaping and update landscape lighting.

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

Mr. MacLean presented the landscape and hardscape modifications proposed for the existing home.

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

Mr. Small called for staff comment. Mr. Castro provided staff comments, particularly regarding the possible location for the fountain pump and the required setbacks for the proposed arbor.

Mr. MacLean stated he would remove the arbor and would meet the requirements for the fountain pump.

Ms. Grace was in favor of the new fountain as well as the other changes proposed.

Ms. Catlin thought the changes were nice and stated she would support the project.

Ms. Shiverick inquired about the gate proposed with the rounded arch. Mr. MacLean showed the location of the other gates on the property.

Motion made by Mr. Corey and seconded by Ms. Catlin to approve the project without the front gate on Via Marila and the conditions specified by Mr. Castro relating to the fountain pump and the arbor. Motion approved unanimously, 6-0.

4. A-054-2021 Landscape/Hardscape

Address: 323 Eden Rd.

Applicant: Jeff and Cameron Preston

Professional: Todd MacLean/Todd MacLean Outdoors

Project Description: Removal of existing asphalt driveway, new auto court, pedestrian gate and front yard garden.

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

Mr. MacLean presented the landscape and hardscape modifications proposed for the existing home.

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

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

Mr. Corey inquired about the amount of native landscaping proposed. Mr. MacLean responded.

Ms. Grace inquired about the synthetic turf proposed. Mr. MacLean responded. Ms. Grace stated she could not support synthetic turf and requested the owners to use real turf.

Ms. Catlin believed there was synthetic turf on the site. She stated she could not support synthetic turf.

Motion made by Mr. Corey and seconded by Ms. Grace to approve the project as presented with confirmation that the native plantings meet the code requirements and that all synthetic turf is removed. Motion carried unanimously, 6-0.

5. A-056-2021 Additions/Modifications

ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION

Address: 3 Via Flagler

Applicant: Flagler Holdings North Carolina Inc. (Alex Gilmurray)

Professional: Roger Janssen/Dailey Janssen Architects

Project Description: Addition of a new pergola over the south balcony (fronting Royal Poinciana Way)

ZONING INFORMATION: Section 134-1113: Request to modify the previously approved Special Exception to allow a second story in the C-TS Zoning District by adding a 297 square foot pergola over the south balcony of building Three (3 Via Flagler) fronting Royal Poinciana Way.

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

Mr. Janssen presented the plans for the new pergola on the existing balcony.

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

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

Ms. Grace asked for confirmation that one pergola was proposed. Mr. Janssen responded. She preferred the building without the pergola and thought it was too large.

Mr. Ives expressed concern for the drift of the project from the original approval and added his disappointment. He thought the pergola was a bit odd.

Mr. Corey fully supported the addition of the pergola. He thought it appeared as if it changed over time. He thought it fit into the area.

Mr. Floersheimer supported Messrs. Ives and Corey.

Mr. Sammons thought the area needed a pergola.

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

6. A-059-2021 Additions/Modifications

Address: 232 Tradewind Dr.

Applicant: 232 Tradewind Revocable Trust (Paul Krasker, Trustee)
Professional: Dustin Mizell/Environmental Design Group
Project Description: Revisions to existing driveway. Removal of existing pool.
Addition of new pool. Associated landscape and hardscape improvements.

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

Mr. Mizell presented the landscape and hardscape modifications proposed for the existing residence. Mr. Mizell 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. There were no comments heard at this time.

Ms. Catlin understood the needs of the owner but wished there was a way to pull in the large amount of hardscape in the front of the home. Mr. Mizell responded.

Ms. Grace suggested using grass strips to break up the hardscape. Mr. Mizell responded.

Ms. Shiverick suggested seeing a photograph of the home to assist the Commission in making the decision.

Motion made by Mr. Corey and seconded by Ms. Grace to approve the project as presented. Motion carried unanimously, 6-0.

7. A-063-2021 Landscape/Hardscape

Address: 142 Via Palma

Applicant: Jacqueline Michel and David Weisman

Professional: Mario Nievera/Nievera Williams Design

Project Description: Revised driveway and pattern; associated landscape/hardscape.

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

Mr. Nievera presented the landscape and hardscape modifications 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. Castro provided staff comments.

Mr. Nievera provided confirmation that there were no gates proposed for the site.

Mr. Corey inquired about the area of the synthetic turf. Mr. Nievera responded. Mr. Corey stated he could not support the synthetic turf.

Ms. Grace also stated that she could not support the synthetic turf. She inquired if grass strips could be added to the motor court. Mr. Nievera responded.

Motion made by Mr. Corey and seconded by Ms. Shiverick to approve the project as presented with the elimination of the gates as well as the elimination of any synthetic turf. Motion carried unanimously, 6-0.

8. A-064-2021 Additions/Modifications

Address: 3140 S. Ocean Blvd.

Applicant: Carlton Place Condominium (Sharon Moye, Property Manager)

Professional: Don Skowron

Project Description: Proposed addition of a +/- 900 sq. ft. tensioned sun sail over the west upper terrace previously approved. Reconsideration of synthetic turf cut outs in terrace paving.

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

Mr. Murphy provided an overview of the previously similar request of synthetic turf and the action that was taken by the Commission.

Mr. Skowron presented the modifications to the terrace area in the condominium.

Ellyn Bogdanoff, attorney for the applicant, discussed the environmental impact and visibility for the synthetic turf.

Mr. Small inquired about the location and amount of synthetic turf proposed. Mr. Skowron responded.

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

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

Ms. Grace stated she found synthetic turf unattractive. She inquired if a different native planting could be used in place of the synthetic turf. She disagreed with Ms. Bogdanoff's comment and stated that any growing plant was beneficial to the environment.

Ms. Shiverick did not believe the shade sails were appropriate for a building in Palm Beach. She recommended using awnings. Mr. Skowron responded. She did not believe there was a hardship for the synthetic turf.

Mr. Ives agreed with Ms. Shiverick on the shade sails and did not believe they were appropriate. Mr. Ives discussed the proposal of the synthetic turf and understood the request. He supported the request.

Ms. Catlin thought the proposed was a large amount of synthetic turf. She wondered if the professional considered working with different materials to add some relief to the area. She thought samples should be provided for synthetic turf. She was not opposed to the sails but thought there was a more appropriate solution.

Mr. Corey did not believe the synthetic turf belonged in Palm Beach. He thought there were many other alternatives. He also stated he could not support the shade sails and suggested that the professional find inspiration in the two buildings for a shade structure to make it feel as if it were part of a composition.

Ms. Grace discussed her view on synthetic turf and thought there were native ground covering that did not require the same maintenance as real turf.

Mr. Sammons thought a different solution should be considered for the area. He also did not believe synthetic turf should be approved by the Commission.

Mr. Small agreed with the Commissioners' assessment of synthetic turf.

Motion made by Ms. Catlin and seconded by Mr. Corey to defer the project for one month, to the July 28, 2021 meeting, to allow the applicant to find an alternative to the synthetic turf and shade sails. Motion carries 4-2, with Ms. Shiverick and Mr. Small opposed.

9. A-065-2021 Additions/Modifications

Address: 231 Osceola Way

Applicant: Catherine Miller

Professional: Dustin Mizell/Environmental Design Group

Project Description: Replace existing driveway with new paving material.

Addition of spa within existing pool. Associated landscape and hardscape improvements.

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

Ms. Miller, owner, discussed her intentions for the changes to her home.

Mr. Mizell presented the landscape and hardscape modifications proposed for the existing residence. Mr. Mizell 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. Castro provided staff comments.

Ms. Shiverick stated that she knew the owner and stated she believed the garden would be beautiful.

Ms. Grace inquired about the material choice for turf. Mr. Mizell responded.

Motion made by Mr. Corey and seconded by Ms. Grace to approve the project as presented with the conditions that there is all grass in the front of the lawn next to the street and that Frog Fruit is used for the native turf. Motion carried unanimously, 6-0.

10. A-066-2021 Modifications

Address: 6 Sloans Curve

Applicant: Rebecca Owen

Professional: Campany Roofing

Project Description: Remove existing “S” roof tile and replace with new “S” concrete roof tile in multi-family building.

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

Jenny Wood, Campany Roofing, presented the modifications proposed to the roof.

Mr. Small inquired about the building and the ownership. Ms. Wood replied.

There was a discussion about the change in the roof material.

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 thought a barrel tile roof would look appropriate for the change in the material.

Ms. Wood indicated that the replacement was only for the main structure and did not include the garage.

Ms. Catlin inquired about the use of s-tiles.

Mr. Sammons thought there was many different qualities of s-tile. He thought a barrel tile would be appropriate for this structure.

Ms. Grace did not believe the s-tile was attractive.

Ms. Shiverick inquired if there was a HOA for this community. Ms. Wood responded. Ms. Shiverick inquired if the HOA would consider changing all of the roofs. Ms. Wood responded.

A discussion ensued.

Motion made by Mr. Corey and seconded by Mr. Ives to defer the project for one month, to the July 28, 2021 meeting, to allow the applicant to explore a different roofing material. Motion carried unanimously, 6-0.

11. A-069-2021 Modifications

Address: 2285 Ibis Isle Rd. E.

Applicant: 2285 Ibis LLC (Eric Yeghian, Managing Member)

Professional: James Philip Drago

Project Description: Remodel front street side elevation, other elevations cannot be seen from street. Add doors and windows to other elevations.

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

Albert Jackman, James Philip Drago Architects, presented the architectural modifications proposed for the existing residence.

Mr. Small inquired about the roof material proposed. Mr. Jackman responded.

Mr. Small inquired about the changes to the patio. Mr. Jackman responded. Mr. Small inquired if there were any changes to the swimming pool. Mr. Jackman stated that the pool was existing.

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

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

Ms. Grace inquired why staff could not approve the project administratively. Mr. Murphy responded. Ms. Grace sought clarification for the change in the windows. She also indicated that she did not believe there was enough information to make a determination on the project.

Mr. Corey agreed and thought the Commission should have existing and proposed elevations.

Motion made by Mr. Corey to defer the project for one month, to the July 28, 2021 meeting, to allow the professional to give a full presentation.

Mr. Jackman responded.

Ms. Catlin seconded the motion. The motion carried unanimously, 6-0.

VIII. UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)

1. Public

None.

2. Staff

None.

3. Commission

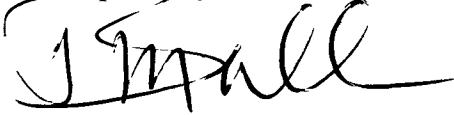
Ms. Grace stated that the last project had been placed on the consent agenda and she requested that to pull the project. She asked that if an application was not ready to move forward, that it should be pulled from the agenda.

IX. ADJOURNMENT

Motion made by Mr. Corey and seconded by Mr. Ives to adjourn the meeting at 1:27 p.m. on Thursday, June 24, 2021. Motion carried unanimously.

The next meeting will be held on Wednesday, July 28, 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 "M. Small", written over the printed name.

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 Kirchhoff, Thomas M.		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Architectural Review Commission	
MAILING ADDRESS 1907 Commerce Ln #106		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Jupiter	COUNTY Palm Beach	☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED June 23, 2021		NAME OF POLITICAL SUBDIVISION: Town of Palm Beach	
		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, Thomas Kirchhoff, hereby disclose that on June 23, 20 21:

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

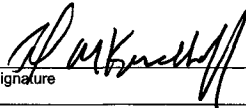
- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____,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

B-052-2021 New Construction
147 Dunbar Rd.

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

Date Filed 6/23/21

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.