

TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, APRIL 26, 2023

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

II. ROLL CALL

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

Staff Members present were:
Sarah Pardue, Design & Preservation Planner
Jordan Hodges, Design & Preservation Planner
Kelly Churney, Acting Town Clerk
John C. Randolph, Town Attorney

III. PLEDGE OF ALLEGIANCE

Chairman Smith led the Pledge of Allegiance.

IV. APPROVAL OF MINUTES

Motion made by Mr. Corey and seconded by Mr. Karakul to approve the minutes from the March 29, 2023, meeting as presented. Motion carried unanimously, 7-0.

V. APPROVAL OF THE AGENDA

Ms. Pardue asked to modify the agenda with the following changes:

ARC-23-041, 232 Colonial Lane was pulled from consent by staff.
ARC-23-051, 310 Polmer Park Road was pulled from consent by staff.

ARC-23-024 (ZON-23-033), 1540 S. Ocean Blvd. and 114 Ocean View Road will be moved from D. Minor Projects – Old Business to B. Major Projects - Old Business, Number 11.

Motion made by Ms. Shiverick and seconded by Mr. Karakul to approve the agenda as amended. Motion carried unanimously, 7-0.

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

Ms. Churney administered the oath at this time and throughout the meeting as necessary.

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

Ms. Catlin thought there should be conditions placed on demolitions and time extensions to require the requestor to create a more aesthetic appeal on the perimeters of the properties. She showed photographs of some existing conditions on a few sites in Town. She was concerned about the impact on neighborhood appeal associated with sites as shown in the photographs.

Wayne Bergman, Director of Planning, Zoning, and Building, said work extensions would go to Town Council. If a project had been ongoing for years, it was most likely approved before the town had any construction screening requirements. He said the staff would look at the property mentioned by Ms. Catlin and speak with the contractor.

Mr. Corey asked that staff also investigate the property at 223 Monterey Road.

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

There were no comments heard at this time.

IX. **PROJECT REVIEW**

A. **CONSENT AGENDA (PRESENTATIONS)**

1. **ARC-22-216 (ZON-22-140) 248 COLONIAL LN (COMBO)** The applicant, 306 Livingston Street Holdings I, LLC (Matthew Mirones), has filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence including variances (1) to not provide required garage enclosure for two vehicles, (2 and 3) and locate a generator in a setback which is higher than allowed and not adequately screened, in the R-B zoning district. This is a combination project that shall also be reviewed by the Town Council regarding the Special Exception w Site Plan Review and Variance relief for approval.

Please note: This item was pulled from consent and was not approved in the consent agenda.

2. **ARC-23-049 210 FAIRVIEW RD.** The applicant, Aaron Ford, has filed an application requesting Architectural Commission review and approval for the construction of a new site wall, landscape, and the relocation of a generator into the west side yard.
3. **ARC-23-029 (ZON-23-038) 3400 S OCEAN BLVD (COMBO)** The applicant, ATRIUMS OF PALM BEACH, has filed an application requesting Architectural Commission review and approval for the renovation of the pool deck amenity level within the courtyard of the buildings located above the bermed parking structure that includes a new pavilion, landscape, hardscape, and structural engineering work. This is a combination project that

shall also be reviewed by the Town Council regarding zoning relief/approval.

4. **ARC-23-041 232 COLONIAL LN.** The applicant, George and Zvenka Kleinfeld, has filed an application requesting Architectural Commission review and approval for a pergola and modifications to a perimeter wall.

Please note: This item was pulled from consent and was not approved in the consent agenda.

5. **ARC-23-046 250 PENDLETON AVE.** The applicant, Bailey Point Holdings, LLC, has filed an application requesting Architectural Commission review and approval to revise the pedestrian entry walkway, a new pool deck, and associated landscape improvements.
6. **ARC-23-048 (ZON-23-048) 755 N COUNTY RD (COMBO)** The applicant, Beach Club, Inc., has filed an application requesting Architectural Commission review and approval for the expansion of an existing outdoor pavilion including a variance to exceed lot coverage. This is a combination project that shall be reviewed by Town Council as it relates to zoning relief/approvals.
7. **ARC-23-051 310 POLMER PARK RD.** The applicant, Jennifer O'Scannlain, has filed an application requesting Architectural Commission review and approval for window, door, and garage door replacement to impact resistant, the redesign of a rear garden to include a new spa, paving, breakfast terrace, outdoor bar area, generator rotation, and new landscaping.

Please note: This item was pulled from consent and was not approved in the consent agenda.

Motion made by Mr. Corey and seconded by Mr. Sammons to approve the consent agenda as amended, which did not include ARC-22-216 (ZON-22-140), 248 Colonial Lane, ARC-23-041, 232 Colonial Lane, and ARC-23-051, 310 Polmer Park Road. Motion carried unanimously, 7-0.

The following projects were pulled from consent and were not included in the approval of the consent agenda.

1. **ARC-22-216 (ZON-22-140) 248 COLONIAL LN (COMBO)** The applicant, 306 Livingston Street Holdings I, LLC (Matthew Mirones), has filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence including variances (1) to not provide required garage enclosure for two vehicles, (2 and 3) and locate a generator in a setback which is higher than allowed and not adequately screened, in the R-B zoning district. This is a combination project that shall also be reviewed by the Town Council as it pertains to the Special Exception with Site Plan Review and Variance relief for approval.

Chair Smith asked Ms. Shiverick to relay her concerns and reasons she pulled the project from consent.

Ms. Shiverick asked about the proposed location of the generator. She also asked about the changes to the proposed landscaping.

Grace Walton, Environmental Design Group, explained the proposed location of the generator and addressed changes to the landscape plan.

Ms. Shiverick asked about the proposed landscaping around the site wall. She asked about the size of the generator.

Ms. Nievera was unsure of the size of the generator since it was being selected by the architect.

Ms. Shiverick thought the proposed landscape plan was less appropriate than the previous plan. Ms. Walton responded, explained the design, and thought it was much more in keeping with the style of the home.

Mr. Corey thought the newly proposed plan loosened the design and worked well. He suggested adding a shade tree.

Mr. Floersheimer agreed with Mr. Corey. He was in favor of the additional shade tree.

Mr. Sammons thought a mix of the two landscape styles would be most appropriate.

Mr. Kirchhoff agreed with Mr. Sammons. He thought the newly proposed landscaping was more in keeping with a beachy-styled home.

Ms. Shiverick agreed that somewhere between the two styles would be nice. She was glad to see the scalloped hedges were removed from the plan.

Mr. Corey recommended a change to the plan. Ms. Walton agreed and stated she could remove the proposed Fakahatchee grasses and replace them with a Ficus, which would be more formal. Ms. Shiverick thought the change would be a good compromise. Mr. Corey added that the generator had been proposed in the same location throughout the project.

Motion made by Mr. Corey and seconded by Mr. Karakul to approve the project with the condition that the Fakahatchee grasses in the front of the property shall be removed and replaced with Green Island Ficus. Motion carried unanimously, 7-0.

4. **ARC-23-041 232 COLONIAL LN.** The applicant, George and Zvenka Kleinfeld, has filed an application requesting Architectural Commission review and approval for a pergola and modifications to a perimeter wall.

Mr. Hodges provided staff comments on the project.

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

Dustin Mizell, Environment Design Group, presented the modifications to the existing home.

Mr. Smith asked about the white plastic fence on the property line. Mr. Mizell stated that was the fence that would be replaced.

Mr. Smith called for public comment.

Steven Wolf, 225 Monterey Road, expressed objections to the project, which included how the view from his home would be impacted. He was also concerned about the noise that would project to their home.

Heather Wolf, 225 Monterey Road, expressed objections to the project.

A zoning consultant representing Mr. and Mrs. Wolf, urged the Commission to deny the request until a new landscape plan was submitted.

Mr. Mizell stated that he had spoken to a neighbor about the landscaping and

thought it was Mr. Wolf. Mr. Mizell reviewed the survey and stated that no work would be done in the utility easement. He stated he would replace the fence with an aluminum fence. He also stated that a Clusia hedge would be added, which would help the transmission of sound.

Mr. Corey asked about a cross-section of the south property line plan. Mr. Mizell stated he did not have a cross-section. Mr. Corey asked about the wall on the west and south sides. Mr. Corey asked about the height of the wall on the south side. Mr. Mizell stated that the wall would be six feet in height. Mr. Corey asked if the generator and pool equipment needed an enclosure if it was being moved south.

Zvenka Kleinfeld, owner, stated she was asking for a fence and a hedge around the property for privacy. She addressed the lack of a wall around the generator.

Mr. Mizell stated that if the generator was a zoning issue, he would keep the wall closed on all three sides.

Mr. Corey did not believe the pergola was consistent with the design of the home and thought it was too close to the property line.

Ms. Shiverick agreed with Mr. Corey's assessment of the pergola. She thought the style was inconsistent with the style of the home and neighborhood.

Mr. Floersheimer agreed with the assessment of the pergola. He recommended keeping the neighbor's plantings and the CBS wall.

Motion made by Mr. Corey and seconded by Ms. Shiverick to defer the project to the May 24, 2023, meeting to allow the applicant to work with the neighbor to address their concerns. Motion carried unanimously, 7-0.

7. **ARC-23-051 310 POLMER PARK RD.** The applicant, Jennifer O'Scannlain, has filed an application requesting Architectural Commission review and approval for window, door, and garage door replacement to impact resistant, the redesign of a rear garden to include a new spa, paving, breakfast terrace, outdoor bar area, generator rotation, and new landscaping.

Mr. Hodges provided staff comments on the project.

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

Adam Mills, Environment Design Group, presented the landscape and hardscape modifications to the existing home.

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

Mr. Floersheimer asked about the difference in grades between the two properties. Mr. Mills responded and explained the design.

Mr. Corey asked about the Royal palm trees and whether they would remain. Mr. Mills responded. Mr. Corey asked about the fenestration replacements.

Kyle Fant, Bartholemew + Partners, responded and described the replacement on the east elevation. Mr. Corey asked about the existing windows on the east

elevation. Mr. Fant said he would match the muntin and mullion patterns. A short discussion ensued about the replacement. Mr. Corey expressed concerns about the application.

Mr. Karakul discussed the existing fenestration and stated he had no problem with the proposed replacement.

Mr. Kirchhoff agreed with Mr. Karakul but thought the muntin and mullion patterns should be consistent.

Ms. Shiverick thought the muntins should be added to the windows. She asked about the hardscape around the pool and spa and what would be used as a replacement. Mr. Mills responded and described the proposed change.

Ms. Connaughton thought the muntins should be included to bring the scale of the home down.

Motion made by Mr. Corey and seconded by Mr. Kirchhoff to approve the project as presented, with the condition that the new windows shall match the muntin configuration of the existing windows. Motion carried unanimously, 7-0.

B. MAJOR PROJECTS-OLD BUSINESS

1. **ARC-22-022 (ZON-22-021) 160 SEAVIEW AVE (COMBO)** The applicant, Coral Beach Corporation (Angela Feldman, President) (160 Seaview Ave) and Seaview Holdings, Inc. (David Feldman, Director) (170 Seaview Ave), has filed an application requesting Architectural Commission review and approval of the construction of a new two-story guest house including variances from setback and point of measurement requirements on a unified site of 160 and 170 Seaview Avenue. Town Council will review the variance portion of the application.

Please note: This item was deferred to the June 28, 2023, meeting at Item V., Approval of the Agenda.

2. **ARC-22-243 (ZON-23-014) 302 SEABREEZE AVE (COMBO)** The applicant, Sean Rooney, has filed an application requesting Architectural Commission review and approval for the construction of a new two-story single-family residence with related landscape and hardscape improvements, requiring Site Plan Review due to deficient lot width and area, and variances to provide one garage parking space in lieu of the two required and to install air conditioning condensing units and a generator in the rear yard setback without being completely screened from the adjacent property. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Please note: This item was deferred to the May 24, 2023, meeting at Item V., Approval of the Agenda.

3. **ARC-22-240 1198 N OCEAN WAY** The applicant, Douglas L Williams & Gabrielle J Sirchio, has filed an application requesting Architectural

Commission review and approval for construction of a new two-story single-family residence with related landscape and hardscape improvements.

Please note: This item was deferred to the May 24, 2023, meeting at Item V., Approval of the Agenda.

4. **ARC-23-013 (ZON-23-028) 177 CLARKE AVE (COMBO)** The applicants, James Coleman Baker and Veronica Chen Baker, have filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence, alterations to an existing garage structure, and landscape and hardscape improvements, including (1) Cubic Content Ratio, (2-4) to vest existing rear and side setback encroachments due to the demolition of more than 50% of the building, and (5) to allow a two-story accessory structure. This is a combination project that shall also be reviewed by the Town Council as it relates to the zoning relief/approval.

Mr. Hodges provided staff comments on the project.

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

Kristin Kellogg, Smith Kellogg Architecture, Inc., presented the architectural modifications proposed for the new residence.

Claudia Visconti, SMI Landscape Architecture, stated she would be happy to move or remove the pergola to address staff's comments. She presented the landscape and hardscape plans proposed for the site.

Mr. Sammons thought the landscape plan seemed fine. He asked about the height of the front door and thought it could be reduced. He also expressed concern about the glass size between the windows and the French doors. He thought the home was too large and thought the section in the rear could be reduced.

Mr. Corey thought the home worked well on the corner. He thought the home would set the tone for the street. He recommended removing the pergola and adding palms to buffer the neighbor to the north. He also recommended adding some nice landscaping in front of the garage so it would have a nice view from the breakfast room. He suggested a lighter-colored roof.

Mr. Karakul thought the changes were successful and tasteful. He agreed that the roof color was too dark for the climate. He did not favor the large light fixtures on the front of the home. He recommended a step light. Ms. Kellogg agreed to the change.

Mr. Kirchhoff agreed with Mr. Karakul. He agreed that a lighter-colored roof would be better.

Ms. Shiverick liked the changes as well. She liked the lighter railings. She wondered if relocating the pergola to the south side of the pool would provide a solution rather than removing the item. She suggested the possibility of a breezeway off the breakfast nook to the garage. She thought it could look nice.

Mr. Smith thought the home was handsome.

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

Motion made by Mr. Corey and seconded by Mr. Kirchhoff to approve the project with the following conditions: the pergola shall either be removed or moved to the south end of the pool, the color of the roof shall be changed to a light gray, the lanterns at the front entrance shall be removed and replaced with step lights, a transom will be added over the front door and the French doors shall be narrowed on the south elevation. Motion carried unanimously, 7-0.

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

Please note: A short break was taken at 10:19 a.m. The meeting resumed at 10:33 a.m. Mr. Sammons returned at 10:36 a.m.

5. **ARC-23-020 576 ISLAND DR.** The applicant, 576 Florida Land Trust Towl Anne Marie Tr, has filed an application requesting Architectural Commission review and approval for exterior modifications to the entry porch and replacement of the entry door and second-floor window to an existing two-story residence.

Ms. Pardue provided staff comments on the project.

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

Hillary McClain, Roy & Posey Architecture, presented the architectural modifications to the existing home.

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

Motion made by Mr. Corey and seconded by Ms. Shiverick to approve the project as presented.

Ms. Connaughton expressed concern about the muntin pattern on the fenestration and the doors on the rear balcony.

Motion carried 5-2, with Mr. Sammons and Ms. Connaughton opposed.

6. **ARC-23-022 (ZON-23-032) 125 WORTH AVE (COMBO)** The applicant, 125 Worth Partners LLC, has filed an application requesting Architectural Commission review and approval for the substantial demolition, renovation and expansion of the existing four-story nonconforming commercial building with underground parking, including multi-story additions and façade alterations proposing in accordance with the Worth Avenue Design Guidelines, involving multiple variances including from the parking requirements, setback, lot coverage, height and open space regulations and other nonconforming aspects of the existing building. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval.

Please note: This item was withdrawn at Item V., Approval of the Agenda.

7. **ARC-23-025 274 MONTEREY RD.** The applicant, Morton Pierce, has filed an application requesting Architectural Commission review and approval for the construction of a new two-story single-family residence with related landscape and hardscape improvements.

Mr. Hodges provided staff comments on the project.

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

Michael Perry, MP Design & Architecture, presented all architectural modifications proposed for the new residence.

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

Mr. Smith called for public comment.

Pam Dunston, 282 Monterey Road, objected to the proposed plans for a new home.

Ms. Connaughton thought the façade was an improvement but felt the home was large and rambling. She questioned whether the home was in the Monterey style. She recommended tightening up the design.

Ms. Shiverick thought the home was too large and formal. She did not think the home contributed to the street. Ms. Shiverick also did not think the design was appropriate for the location. She thought there was inspiration that could be gained from the street. She recommended a denial of the project.

Mr. Sammons was critical of the home and questioned the design. He thought the home looked like a spec home. He thought the height needed to be lowered and he was critical of the floor-to-ceiling space. One of his concerns was subjecting the neighborhood to such a tall structure. He thought denial of this request was appropriate.

Mr. Floersheimer asked about the variance in the angle of vision for the home. Mr. Perry indicated there were no variances required and explained the reason. Mr. Floersheimer agreed with the other Commissioners that the request should be denied.

Mr. Kirchhoff thought there was no relationship in the plan. The garage wing should have been detached but was stuck on, causing the roofline to look messy. In addition, the drawings presented did not match the submittal. The commission never received renderings that differed from the elevation.

Mr. Karakul was glad that the bulk over the garage had been reduced. He stated the commission did not receive colored project renderings with the landscaping. He indicated that they were not included in the package.

Mr. Smith added there were no cubic content calculations in the information submitted. Mr. Smith stated that the Commission asked for a reduction at the last

presentation, and it looked like it had been increased in size. Mr. Smith did not see this home fitting in on Monterey Road.

Mr. Corey agreed with the other Commissioners. He also had issues with the landscaping plans. He provided some detailed reasons he did not care for the landscaping.

Motion made by Mr. Corey and seconded by Ms. Shiverick to deny the project based on Section 18-205(a) 1, 6e, and 6f. Motion carried unanimously, 7-0.

8. **ARC-22-126 (ZON-22-088) 240 OLEANDER AVE (COMBO)** The applicant, PTMJM Florida Investment Properties, LLC (Patricia Lambrecht), has filed an application requesting Architectural Commission review and approval for the demolition of an existing two-story apartment building and the construction of a new two-story single-family residence with final hardscape, landscape, and pool, requiring variances due to deficient lot area and depth in the R-C zoning district and not provide required garage enclosure for two vehicles. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval.

Ms. Pardue provided staff comments on the project.

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

Gregory Bonner, B1 Architect, presented the architectural modifications to the existing home.

Mr. Sammons thought the plans had been improved. He suggested a string course be added under the windows. He recommended offsetting the front door, inflected toward the two-story element. He recommended removing the small windows next to the door over the front balcony. He also thought the roof could be pulled down slightly since there was more than enough freeboard above the windows. He thought the street was too small for this large house.

Ms. Connaughton agreed with Mr. Sammons on the addition of the string course. She thought the home appeared unbalanced and she provided some recommendations for remediation.

Mr. Kirchhoff agreed with the lowering of the roof and removing the small windows. He recommended a pair of French doors on the front balcony and stated he liked the elevation.

Mr. Corey thought the home was handsome and well-executed. He mentioned the garage could be studied and changed to a garage and a half. Looking at the streetscape, he did not feel he could support the house on the street as proposed. He thought the home would loom over the street. Mr. Bonner responded and explained his design. Mr. Corey stated he liked the house but not on the street as proposed.

Ms. Catlin agreed that the street was a challenging location. She thought the homes on the street were quirky but did not believe the proposed home had any character. She also thought the home was too large for the street.

Mr. Karakul thought the home had come a long way. He thought the street had other bulky homes. He thought the two-car garage was a mistake and liked the separate one-car garages. Mr. Karakul did not think that once the home was completed with landscaping, it would be as intrusive as everyone thought.

Mr. Floersheimer agreed with the other Commissioners. He thought the home would appear massive and wondered if the height could be reduced. He liked the separate garages from the original design.

Maura Ziska, attorney for the owner, stated that the process had been frustrating for the owner. She stated that the feedback had been conflicting. Ms. Ziska advised the commission that her clients were entitled to build a single-family residence. She said the height and setbacks do meet the code. She urged the commission to provide some clear direction.

Mr. Kirchhoff asked staff for the requirement for a garage in this location. Mr. Hodges responded.

Mr. Floersheimer asked about a tandem garage. Mr. Hodges responded.

Mr. Corey thought the two-car garage was the largest portion of the home and needed to be adjusted. Mr. Corey also recommended reducing the height of the ceilings on the floors.

Mr. Floersheimer thought the garage appeared so large due to adding a powder room and a mud room pantry. He provided a suggestion to improve the roofline.

Ms. Shiverick liked the south elevation more than the north elevation. She thought the south elevation would resemble a multi-family and would look better from the street. She suggested flipping the front of the house to resemble the south elevation.

Mr. Smith thought the design had many successful changes. He said one of the problems was that the house would be on a street without houses. He agreed with the reduction in height and staggering of the garages.

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

There was a short discussion about the alignment of the one- and two-story portions in the front of the home.

Motion made by Mr. Sammons and seconded by Mr. Corey to approve the project with the following changes to return for approval by staff and the Chairman: the floor-to-floor height will be reduced to ten feet, with the framed height to be 9 feet on the first floor and 8 ½ feet on the second floor, lowering the eave by 1 foot, changing the windows in the dining room to a proper window, removing the small windows at the balcony on the front of

the home and the option to only have a one-car garage. Motion carried unanimously, 7-0.

Motion amended by Mr. Sammons and seconded by Mr. Corey to change the previous motion to change the garage from a two-car to a one- or one-and-a-half-car garage with a lean-to roof over the smaller garage portion. Motion carried unanimously, 7-0.

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

9. **ARC-23-014 (ZON-23-029) 325 VIA LINDA (COMBO)** The applicant, Three Palm Trees, LLC, has filed an application requesting Architectural Commission review and approval of the construction of a new two-story residence with garage and basement, a two-story detached accessory structure with garage and basement, a pool pergola structure with awning, pool(s)/water feature(s), and associated landscape and hardscape including entry gate assemblies, site walls and an emergency generator. This combo project will require Town Council review and approval for a Special Exception and Site Plan Approval to permit a reduction in the required setback for the proposed gate and gateposts. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval.

Mr. Hodges provided staff comments on the project.

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

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

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

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

Mr. Corey stated he could not support the project because it was too large. He thought the home would dominate the street. He had also requested relief and additional shade on the Lake Trail, which was not provided. He agreed that the home was overbuilt in plan, in massing, and in height. Mr. Janssen advocated for the design of the home and argued that there were other similar homes in the area.

Mr. Karakul thought the concerns of the Commissioners had been addressed. He thought some of the issues were mitigated with the landscaping. He thought the landscaping was nice and the house had importance.

Mr. Sammons thought the home was in context with the lake. He thought the house was still too deep and could be reduced. He thought the scale was appropriate but would like to see more greenspace.

Ms. Catlin agreed with Mr. Sammons. She thought that the lot was almost maximized. She thought the house would be very nice on a smaller scale.

Mr. Kirchhoff thought the home was nice. He thought it would look appropriate from the water. He recommended removing the grand staircases on each end. He was supportive of the project.

Mr. Floersheimer thought the changes were a move in the right direction. He argued that the rear façade was more visible and important. He wondered about the amount of glazing proposed on the rear façade and asked Mr. Janssen to review the fenestration. He asked for more plantings to be added to the Lake Trail on the west side of the property.

Ms. Shiverick asked Mr. Janssen if he had studied a reduction in the arches on the rear elevation, being reduced from three to two. Mr. Janssen stated he had studied the suggestion, but it did not feel appropriate. Ms. Shiverick thought the home was appropriate but would still like to see a reduction in the fenestration at the rear of the home. She also thought the entablature in the front still looked a bit heavy.

Mr. Sammons recommended changing the shape of the bays at the rear of the home, he thought a shield shape would work better. He also recommended reducing the massing from the front to the rear of the home.

Motion made by Mr. Sammons and seconded by Mr. Karakul to approve the project as presented, on the condition that the home is reduced in width from east to west, and the configuration of the bays will be changed as recommended by Mr. Sammons. Motion carried 5-2, with Messrs. Corey and Kirchhoff dissenting.

10. **ARC-23-032 (ZON-23-041) 176 SEMINOLE AVE (COMBO)** The applicant, William Paca Beatson, Jr. Trustee of the William Paca Beatson Revocable Trust dated January 8, 2021, has filed an application requesting Architectural Commission review and approval for the conversion of a rear vehicular garage into storage space, for the construction of a second-floor addition over the existing single-story garage, and landscape and hardscape alterations requiring four variances to eliminate required garage parking, to construct a second floor addition with a reduced rear setback, to exceed the maximum allowable Cubic Content Ratio (CCR), and to reduce landscape open space below code requirements. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Please note: This item was deferred to the May 24, 2023, meeting at Item V., Approval of the Agenda.

11. **ARC-23-024 (ZON-23-033) 1540 S. OCEAN BLVD AND 114 OCEAN VIEW RD (COMBO)** The applicant, 1540 S Ocean LLC (Steven Kirsch, Managing Director) has filed an application requesting Architectural Commission review and approval to construct a new plunge pool, deck, and landscaping for an existing 136 square foot one (1) story cabana structure including variances at 1540 S Ocean Blvd and 114 Ocean View Road. This is a combination project that shall also be reviewed by Town Council as it

pertains to zoning relief/approval.

Mr. Hodges provided staff comments on the project.

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

Roger Janssen, Dailey Janssen Architects, presented the architectural modifications to the proposed beach cabana.

Mr. Corey questioned whether there was enough land for the proposed structure. He accepted the improvements but did not favor the lawn and the pool.

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

Mr. Floersheimer asked if the cabana was air-conditioned. Mr. Janssen responded and showed the location of the mechanical equipment. Mr. Floersheimer asked about the construction vehicle parking for the project. Mr. Janssen responded. Mr. Floersheimer asked about the amount of demolition proposed. Mr. Janssen responded. Mr. Floersheimer asked why the orientation of the stairs had been changed. Mr. Janssen said that change was recommended by the coastal engineer.

Mr. Corey said he had brought up the pool at the last meeting and still thought it was inappropriate. He thought approval of this proposed project would set a bad precedent.

Mr. Sammons was in favor of the architecture.

Mr. Karakul was not against the proposed pool.

Motion made by Mr. Corey and seconded by Ms. Shiverick to approve the cabana without the pool and the lawn. Motion failed 3-4, with Messrs. Sammons, Kirchhoff, Karakul and Ms. Connaughton dissenting.

Motion made by Mr. Karakul and seconded by Mr. Kirchhoff to approve the project with the proposed pool, and with a condition that the Seagrape material adjacent to the proposed pool shall remain. Motion carried 6-1, with Mr. Corey dissenting.

Motion made by Mr. Karakul and seconded by Mr. Kirchhoff that implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried 6-1, with Mr. Corey dissenting.

C. MAJOR PROJECTS-NEW BUSINESS

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

be reviewed by the Town Council as it pertains to zoning relief/approval.

Ms. Pardue provided staff comments on the project.

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

M. Timothy Hanlon, attorney for the owner, presented the overall project and discussed the zoning requests for the project. He advocated for a positive recommendation to the Town Council.

Harold Smith, Smith and Moore Architects, presented the architectural modifications proposed to the existing home.

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

Mr. Floersheimer did not favor the proposal, especially the view from the street. He preferred the skylight since it would not be seen.

Mr. Karakul asked to hear the history of why the Commission did not prefer the skylight. Mr. Sammons thought the previously proposed was not beneficial for the environment. Mr. Sammons did not believe the architecture being seen from the street was a negative change.

A discussion ensued about whether seeing the structure from the street would be acceptable.

Mr. Corey argued that the proposed building would still be a heat box. He did not favor the project unless the hot air was released. He was concerned about there not being a natural airflow due to heat and having to cool the structure.

Mr. Kirchhoff asked about the dimensions of the courtyard. Mr. Smith responded. He thought the house was designed as a courtyard home. He suggested adding plantings and a pergola rather than a skylight or tower element. He was not in favor of variances to remove the courtyard.

Ms. Catlin agreed with Mr. Kirchhoff and thought the area should be changed to lush landscaping with a pergola.

Ms. Shiverick thought the homeowner would like to use the space, but right now, the space is not usable. She thought the pergola should be placed across the top of the courtyard with greenery and add a water feature.

Mr. Sammons also preferred a courtyard but assisted the owner in a solution.

Motion made by Mr. Corey and seconded by Mr. Kirchhoff to deny the project based on Section 18-205(a) 1.

Mr. Hanlon asked for a deferral to see if the plans could be revised to add a pergola.

Motion amended by Mr. Corey and seconded by Mr. Kirchhoff to defer the project to May 24, 2023, meeting to allow the applicant time to revise the plans. Motion carried unanimously, 7-0.

2. **ARC-23-018 260 NIGHTINGALE TRL.** The applicant, Nightingale 260 LLC, has filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence with associated landscape and hardscape.

Ms. Pardue provided staff comments on the project.

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

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

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

Mr. Smith called for public comment.

Lore Smith, 250 Nightingale Trail, expressed objections to the project, mainly because of how it will impact the privacy of her home. She provided suggestions for removing certain windows to protect their privacy. Ms. Smith pointed out that she had spoken with Mr. Janssen, and he had been sensitive to her concerns.

Mr. Corey supported the Monterey-styled balcony on the front façade. He thought the house worked but was concerned about the landscaping in front of the home. He wondered why the garage view was not mitigated from the street in front of the home. Mr. Meyer stated he could study that suggestion. He asked about the small Clusia tree in front of the home. Mr. Meyer responded it would be an eighteen-foot tree. Mr. Corey thought the tree should be changed to a native option. Mr. Corey asked about the windows adjacent to Ms. Smith's home and the distance to her home. Mr. Janssen responded.

Mr. Smith thought the windows were not needed.

Mr. Kirchhoff liked the Monterey-styled balcony. He thought the railings were a bit fussy. He asked about the different fenestrations proposed, and he thought the awning in the rear looked too tall.

Ms. Catlin was in favor of the new rendering. She thought the truck logistics plan should include N. County Road rather than N. Lake Way.

Mr. Sammons thought the home was too tall, and the massing from the front to back was reduced. He thought an eight-foot ground-floor ceiling height would be more than adequate. He recommended removing the smaller windows in the bedroom. Mr. Sammons also recommended reducing the height of the eave.

Mr. Karakul liked the new design much better. He thought the roof tiles seemed dark and heavy. Mr. Janssen showed a material sample for the roof material.

Mr. Floersheimer agreed with Mr. Sammons that the home was too tall. He recommended reducing the height.

Mr. Kirchhoff asked about the bathroom on the second floor; he did not see it in the plans. Mr. Janssen responded.

Ms. Connaughton recommended removing the protruding bathroom. She also agreed with Mr. Sammons about reducing the width of the home.

Ms. Shiverick thought the awning should be changed into a folly feature. She recommended a restudy of this feature. She agreed with Mr. Sammons to extend a narrower balcony across the rear of the home.

Motion made by Mr. Corey and seconded by Mr. Kirchhoff to defer the project to the May 24, 2023, meeting. Motion carried unanimously, 7-0.

Please note: A lunch break was taken at 1:17 p.m. The meeting resumed at 2:23 p.m. Mr. Sammons did not return after lunch. Mr. Karakul returned at 2:26 p.m.

3. **ARC-23-034 170 NOCEAN BLVD.** The applicant, Ocean Towers North, has filed an application requesting Architectural Commission review and approval for the installation of new metal balcony railings for all balconies on floors 2 through 6 of the existing seven-story condominium.

Ms. Pardue provided staff comments on the project.

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

Motion made by Mr. Corey and seconded by Mr. Kirchhoff to approve the project as presented.

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

Motion carried 6-1, with Ms. Connaughton dissenting.

4. **ARC-23-036 (ZON-23-050) 243 SEASPRAY AVE (COMBO)** The applicant, 243 Seaspray LLC (Larry Meyer, Manager), has filed an application requesting Architectural Commission review and approval for construction of a new two-story single-family residence with final hardscape, landscape and pool, requiring setback variances. This is a combination project that shall be reviewed by the Town Council as it relates to zoning relief/approval.

Ms. Pardue provided staff comments on the project.

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

Kevin Asbacher, Asbacher Architecture, Inc., presented the architectural plans proposed for the new residence.

Dustin Mizell, Environment Design Group, presented the landscape and hardscape plans proposed for the site. He reviewed discussions with the adjacent neighbor and the plan that was agreed upon.

Mr. Smith called for public comment.

Anne Pepper, 333 Seaspray Avenue, thought the proposed home should be scaled back. She objected to the proposed project and stated that no variances should be granted for a home on the Sea Streets.

Allison Wright, 235 Seaspray Avenue, agreed with the comments by Ms. Pepper. She expressed her concerns and objections to the proposed project.

Ms. Connaughton found the proposed plan to be problematic. She questioned whether the proposed home fit into the neighborhood. She thought the home was too tall and questioned the roof plan. She did not feel there was a clear direction guiding the project. She did not support the project.

Ms. Catlin agreed with Ms. Connaughton. She thought the home should fit within the lot. She thought the landscaping was being used to disguise a home that did not fit in on the street.

Mr. Corey wondered if the home could be built at 7 feet above grade, rather than the 8 proposed. Mr. Hodges responded. Mr. Corey thought the home would dominate the street and was overinflated by at least 30%. He thought the most successful portion of the home was the garage, and he thought the landscape plan needed to be loosened up.

Mr. Kirchhoff thought placing the garage in the rear of the home was successful. He thought the home was too big for the street. He did not favor the gable end facing the street and thought the home was too tall. He recommended restudying the plan.

Ms. Shiverick agreed with Mr. Kirchhoff. She recommended a bungalow with dormer windows. She believed the home was too large for the street and could not support the plan and the variances.

Mr. Karakul agreed with the other Commissioners about the size and scale of the home. He agreed with Mr. Kirchhoff and would grant a variance for the garage if the rest of the home was in scale.

Mr. Smith stated he could not support the home.

Mr. Corey further commented about the garage. He thought adding a variance to move the garage further to the west would exacerbate the problem. He suggested the space between the two houses could be used for additional greenspace.

Motion made by Ms. Connaughton and seconded by Mr. Floersheimer to deny the project based on Section 18-205(a) 1, 6, and 7. Motion failed 3-4, with Messrs. Karakul, Kirchhoff, Corey and Shiverick dissenting.

Motion made by Ms. Shiverick and seconded by Mr. Kirchhoff to defer the project to the May 24, 2023, meeting for a restudy of the project. Motion carried 6-1, with Ms. Connaughton dissenting.

5. **ARC-23-043 (ZON-23-042) 259 OLEANDER AVE (COMBO)** The applicant, 259 Oleander LLC (Uriel Rubinov, Manager), has filed an application requesting Architectural Commission review and approval for demolition of an existing multifamily structure and construction of a new single-family residence requiring variances from lot yard and area requirements in the R-C zoning district, including setbacks and lot coverage. This is a combination project that shall be reviewed by the Town Council as it relates to zoning relief/approval.

Ms. Pardue provided staff comments on the project.

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

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

Rafael Saladrigas, Studio SR, presented the architectural plans proposed for the new residence.

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

Mr. Smith called for public comment.

Anne Fairfax, 189 Bradley Place, lamented that the home was changing from a multi-family to a single-family home. She believed the design had charm but asked if the floor-to-floor heights could be reduced.

Ms. Shiverick thought the height of the home could be reduced. She thought the house was charming and could work on the street. She thought a reduction of 1 ½ feet would be nice.

Mr. Smith stated a height of 9 feet on the first floor and 8 feet on the second floor would be appropriate.

Mr. Kirchhoff was supportive of the design and thought it was nice. He agreed that the height could be reduced. He asked for some attention to be added to the rear of the home.

Mr. Corey asked about the 8 variances that were requested. Mr. Saladrigas responded. Mr. Corey thought the home was too tall. He was supportive of the carport. Mr. Corey also thought the landscaping was just a bit too thin.

Ms. Connaughton also lamented that the multi-family home was being eliminated. She also felt the home was too tall but was very charming.

Motion made by Mr. Floersheimer and Mr. Karakul to approve the project as presented with the condition that the first-floor height, slab to slab, shall be at 10 feet, the second-floor height shall be at 8 feet, and the chimney shall be revised so that the roof is removed from the exterior portion of the chimney. Motion carried unanimously, 7-0.

Motion made by Mr. Corey and seconded by Ms. Shiverick 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. Floersheimer and seconded by Mr. Corey to approve the demolition request as presented. Motion carried unanimously, 7-0.

6. **ARC-23-047 269 JAMAICA LN.** The applicant, Marrano Holdings 2022 LLC. (Maura Ziska), has filed an application requesting Architectural Commission review and approval for the construction of a new two-story single-family residence with related landscape and hardscape improvements.

Mr. Hodges provided staff comments on the project.

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

Anne Fairfax, Fairfax and Sammons, presented the architectural plans proposed for the new residence.

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

Mr. Smith called for public comment.

James Wearn, 260 Jamaica Lane, expressed objections to the project.

Cynthia Amling, 277 Jamaica Lane, expressed objections to the project.

Sydney Roberts, 265 Jamaica Lane, expressed objections to the project. He felt the house did not fit into the neighborhood. He also read a letter from the neighbors at 252 Jamaica Lane.

Mr. Corey thought the Bermuda-style design was fine for the street. He thought the house was very pleasing. He wondered if the symmetry in this location was lending to the issues with the home. Mr. Corey thought the landscaping needed to be loosened up in its design. He wondered if there were too many gables in the design. He recommended removing the balconies and possibly adding one-story elements on the east and west of the road.

Ms. Shiverick questioned the seven-foot-tall site wall, and thought it should be reduced. Ms. Shiverick thought the fountain could be eliminated but

acknowledged it would be a significant loss. Ms. Shiverick asked about the height of the home, to which Jaime Torres-Cruz, with Fairfax and Sammons, responded.

Mr. Floersheimer thought the details of the home were charming. He asked why the first-floor finished level was being proposed at 9 feet above grade when the FEMA requirement is 7 feet. Ms. Fairfax responded that FEMA requirements were changing this year. He questioned the location of the mass in the home. Ms. Fairfax responded. A short discussion ensued about the height of the home and its overall design.

Ms. Connaughton thought this home was a great house. She thought the home was cleverly designed to appear like a one-story home. She thought the home was nicely scaled for the street.

Mr. Karakul thought the home was intelligently designed. He did not believe the home would be imposing on the street. He thought the home was very sensitive to the neighbors. Mr. Karakul questioned the driveway design and provided two different suggestions.

Mr. Kirchhoff agreed with the other Commissioners. He thought the home was well-designed and nicely detailed. He liked the symmetry in the design. He did think the home was a bit large for the lot.

Ms. Catlin did not believe the proposed home felt like a two-story home. She was also happy that this design was not a giant box. She asked if the window configuration over the balcony, which includes a center door, could be made inoperable. Ms. Fairfax responded.

Mr. Smith was very pleased with the design. He thought it was a nice solution that the home was charming, symmetrical, and respectful. He did not favor the 9-foot finished level.

Mr. Corey thought the design could work well at 7 feet NAVD, especially since the home was mid-block.

Mr. Torres-Cruz stated that the requirement was 8 feet for this area of Town.

Motion made by Ms. Shiverick and seconded by Mr. Corey to approve the project with the following conditions: the finished floor elevation shall be at 8 feet NAVD or whatever the Code required, the height of the site wall shall be decreased to 5 feet, the fountain shall be removed, and the landscape and hardscape/driveway plan shall return to the May 24, 2023, meeting. Motion carried unanimously, 7-0.

D. MINOR PROJECTS - OLD BUSINESS

1. **ARC-23-030 1090 N OCEAN BLVD.** The applicant, Ann DesRuisseaux, has filed an application requesting Architectural Commission review and approval of new entry columns and driveway gate to an existing residence.

Ms. Pardue provided staff comments on the project.

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

Jason Drobot, Brasseur & Drobot Architects, presented the plans proposed for adding new columns and gates for the existing home.

Mr. Floersheimer thought there should be a gate on the north side of the property if there were safety concerns.

Ann DesRuisseaux, owner, stated she would happily add a gate on both sides of the property. She discussed the issues that she had encountered.

Mr. Floersheimer thought the new gate fitted much better with the house and had no issue with the architecture.

Ms. Shiverick thought the backyard should be gated rather than the front of the property. Ms. Shiverick also objected to the lanterns on the top of the columns; she suggested placing the lanterns on the sides of the piers.

Mr. Corey thought the gate design looked nice and was happy to see the smaller columns.

Motion made by Mr. Corey and seconded by Mr. Karakul to approve the project as presented.

Ms. Catlin wondered why the front driveway and curb cut were not eliminated. She recommended only using the entrance on Colonial. Ms. DesRuisseaux responded.

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

Motion carried 5-2, with Mr. Floersheimer and Ms. Shiverick dissenting.

2. **ARC-23-002 (ZON-23-015) 160 ROYAL PALM WAY – THE PALM HOUSE HOTEL (COMBO)** The applicant, LR PALM HOUSE, LLC., has filed an application requesting Architectural Commission review and approval for modifications to previously approved improvements at the site, including the relocation of mechanical equipment to the roof, the construction of new site walls, parapet alterations, and pool deck lighting, requiring a variance for rooftop air conditioning equipment height and requiring Site Plan Review. This is a combination project that shall also be reviewed by Town Council as it relates to the zoning relief/approval.
Please note: This item was deferred to the May 24, 2023, meeting at Item V., Approval of the Agenda.
3. **ARC-22-162 (ZON-22-110) 2773 S OCEAN BLVD (COMBO)** The applicant, Carlyle House Condominium, has filed an application requesting Architectural Commission review and approval for demolition and redesign of the existing pool, pool deck and associated landscape and hardscape, with Town Council review required for site plan approval.

Ms. Pardue provided staff comments on the project.

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

Don Skowron, BGS Landscape Architecture, presented the landscape and hardscape plans proposed for the site. He advocated for a rectangular shaped pool.

Mr. Floersheimer asked if there were steps in the pool. Mr. Skowron pointed out the location of the steps in the pool.

Mr. Skowron read a letter of support from an adjacent neighbor.

Mr. Smith called for public comment.

Cathy Hershcopf, 2773 S. Ocean Blvd., indicated that 84% of the homeowners advocated for the new design. She asked the Commissioners to approve the design of a rectangular pool.

Ms. Catlin thought the round pool was nostalgic but did not believe it was functional. She did not favor forcing the applicant to retain a round swimming pool.

Ms. Shiverick asked about the finish for the pergola. Mr. Skowron stated it would have a bronze finish. Ms. Shiverick recommended a white pergola.

Motion made by Ms. Shiverick and seconded by Mr. Corey to approve the project as presented, with the condition that the color of the pergola shall be changed to white. Motion carried unanimously, 7-0.

E. MINOR PROJECTS-NEW BUSINESS

1. **ARC-23-045 269 QUEENS LN.** The applicant, Mr. and Mrs. Kevin McNamara, have filed an application requesting Architectural Commission review and approval for the construction of a new ground floor entryway addition and sitewide landscape and hardscape improvements.

Ms. Pardue provided staff comments on the project.

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

Caroline Forrest, MHK Architecture, presented the architectural modifications to the existing home.

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

Ms. Shiverick thought the improvements were very nice. She supported the reduction of the hedge height.

Ms. Connaughton was happy to see the changes. She was unsure about the front entrance hip roof, but thought the landscaping changes were appropriate.

Mr. Corey wondered if the Seagrape could be moved toward the front of the site to provide relief to the street. Mr. Mizell responded. Mr. Corey also questioned the hip roof detail. Ms. Forrest responded.

Mr. Kirchhoff agreed about the hip roof but thought it needed to be deeper.

Ms. Catlin asked about the truck logistics plan and confirmed they would use N. County Road, to which Mr. Mizell provided confirmation.

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

2. **ARC-23-053 241 JUNGLE RD.** The applicant, 241 Aurora Trust (Joel Patrick Erb, Trustee), has filed an application requesting Architectural Commission review and approval for the installation of (2) new vehicular gates.

Ms. Pardue provided staff comments on the project.

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

Dan Kahan, Smith and Moore Architects, presented the architectural plans for the vehicular gates proposed for the existing home.

Mr. Floersheimer appreciated the need for gates; however, he thought the proposed gate was too institutional and not attractive. Mr. Kahan responded and discussed the reasons for the proposed gate.

Mr. Corey asked if there was an opportunity for a wood gate. Mr. Kahan stated the optional gate would be a wood gate that was more transparent.

Mr. Karakul stated when he built the home, he anticipated a gate.

Motion made by Mr. Corey and seconded by Mr. Floersheimer to approve the alternative wood vehicular gate, as presented on a handout.

Mr. Karakul questioned the optional gate design because it was transparent.

Motion carried 6-1, with Ms. Shiverick dissenting.

3. **ARC-23-042 214 DUNBAR RD.** The applicant, 214 Dunbar LLC (William Georgas, Member), has filed an application requesting Architectural Commission review and approval for a new vehicular gate, new entry columns, and a redesigned pedestrian gate for an existing residence.

Ms. Pardue provided staff comments on the project.

Call for disclosure of ex parte communication: Disclosure by Mr. Corey and Ms. Catlin.

Dustin Mizell, Environment Design Group, presented the architectural plans for the vehicular gates proposed for the existing home.

Mr. Corey asked if the pilasters existed. Mr. Mizell responded. Mr. Corey thought the proposed gate was too tall and wide, and indicated he could not support the proposed gate.

Ms. Shiverick also thought the proposed gate was too heavy and had too much metal. She preferred the gate that had been removed.

Mr. Karakul thought the proposed gate was too heavy. He wondered if the gate could be less ornate. He would prefer to see the gate set in the hedges or in the greenery.

Mr. Floersheimer thought the proposed gate was too high and heavy. He thought the proposal needed to be restudied.

Mr. Corey stated that the street felt more open and wondered if a gate was necessary. He preferred no gate at this location, and he did not think the gate added anything to the architecture of the site.

Motion made by Ms. Shiverick and seconded by Ms. Connaughton to approve the projects with the old gate design, with the condition that the gate was straight across on top and that the columns were scaled down in size and height. Motion failed 3-4, with Messrs. Corey, Karakul and Floersheimer dissenting.

Motion made by Mr. Floersheimer and seconded by Mr. Corey to defer the project to the May 24, 2023, meeting with a restudy of the gate design. Motion carried unanimously, 7-0.

X. UNSCHEDULED ITEMS

A. Public

There were no comments heard at this time.

B. Staff

There were no comments heard at this time.

C. Commission

There were no comments heard at this time.

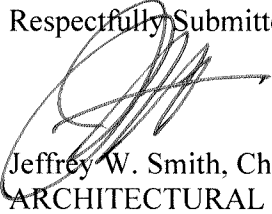
XI. NEXT MEETING DATE: Wednesday, May 24, 2023

XII. ADJOURNMENT

Motion made by Mr. Floersheimer and seconded by Mr. Karakul to adjourn the meeting at 5:12 p.m. The meeting was adjourned without the benefit of a roll call.

The next meeting will be held on Wednesday, May 24, 2023, at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Jeffrey W. Smith', written over the printed name.

Jeffrey W. Smith, Chairman
ARCHITECTURAL COMMISSION

kmc

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Smith, Jeffrey W.</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Architectural Review Commission</i>	
MAILING ADDRESS <i>241 Sanford Avenue</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Palm Beach</i>	COUNTY <i>Palm Beach</i>	☐ CITY ☐ COUNTY ☒ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>April 26, 2023</i>		NAME OF POLITICAL SUBDIVISION: <i>Town of Palm Beach</i>	
		MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE	

WHO MUST FILE FORM 8B

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

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

ELECTED OFFICERS:

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

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

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

APPOINTED OFFICERS:

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

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

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

APPOINTED OFFICERS (continued)

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

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

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

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Jeffrey Smith, hereby disclose that on April 26, 20 23:

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

☐ inured to my special private gain or loss;

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

☒ inured to the special gain or loss of my relative, MY DAUGHTER, NATALIE SMITH, WORKS FOR
THE ARCHITECTURAL FIRM

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

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

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

ARC-23-051
310 Palmer Park 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.

4.26.23
Date Filed

[Signature]
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.

CERTIFICATION OF ACTION BY THE ARCHITECTURAL REVIEW COMMISSION

The Architectural Review Commission has denied the following request as it is not in accordance with the criteria set forth in Article III. ARCHITECTURAL REVIEW AND PROCEDURE, Section 18-205 Criteria.

Application Number and Title: ARC-22-025, 274 Monterey Road

Address: 274 Monterey Road

Applicant: Morton Pierce

Architect: MP Design + Architecture

Project Description: Construction of a new two-story single-family residence w/ related landscape and hardscape improvements.

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

- ☒ (1) The plan for the proposed building or structure is not in conformity with good taste and design and in general does not contribute to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm and high quality.
- ☐ (2) The plan for the proposed building or structure does not indicate the manner in which the structures are reasonably protected against external and internal noise, vibrations, and other factors that may tend to make the environment more desirable.
- ☐ (3) The proposed building or structure is, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.
- ☐ (4) The proposed building or structure is not in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town, and with any precise plans adopted pursuant to the Comprehensive Plan.
- ☐ (5) The proposed building or structure is excessively similar to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following

features of exterior design and appearance:

- a. Apparently visibly identical front or side elevations;
- b. Substantially identical size and arrangement of either doors, windows, porticos or other openings or breaks in the elevation facing the street, including reverse arrangement; or
- c. Other significant identical features of design such as, but not limited to, material, roof line and height of other design elements.

✓
— (6)

The proposed building or structure is excessively dissimilar in relation to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features:

- a. Height of building or height of roof.
- b. Other significant design features including, but not limited to, materials or quality of architectural design.
- c. Architectural compatibility.
- d. Arrangement of the components of the structure.
- e. Appearance of mass from the street or from any perspective visible to the public or adjoining property owners.
- f. Diversity of design that is complimentary with size and massing of adjacent properties.
- g. Design features that will avoid the appearance of mass through improper proportions.
- h. Design elements that protect the privacy of neighboring property.

— (7)

The proposed building or structure is not appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality or architectural design as viewed from any

public or private way (except alleys).

- ___ (8) The proposed development is not in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.
- ___ (9) The project's location and design does not adequately protect unique site characteristics such as those related to scenic views, rock outcroppings, natural vistas, waterways, and similar features.

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

CERTIFICATION:

The above denial was issued by the Architectural Review Commission at their meeting on April 26, 2023

TOWN OF PALM BEACH



Chairman, Architectural Commission