



MINUTES
ARCHITECTURAL COMMISSION
IN THE TOWN COUNCIL CHAMBERS
TOWN HALL, 2ND FL
360 S COUNTY ROAD
PALM BEACH, FL

FRIDAY, NOVEMBER 19, 2010, 9:00 a.m.

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 or may obtain an audio recording of the meeting by contacting Cindy Delp, Secretary to the Architectural Commission at (561) 227-6408. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I. CALL TO ORDER:

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

II. ROLL CALL:

The following members were present: Jeffery W. Smith, Chairman, William J. Strawbridge, Jr., Vice Chairman, Members Leslie C. Diver, Kenn Karakul, and Nikita Zukov; and alternate members: Ann L. Vanneck, Martin D. Gruss and Peter I. C. Knowles II. Members Samuel M. Boykin (excused), and Robert Vila (unexcused) were absent.

Staff members present were John Randolph, Town Attorney, John Page, Director of Planning, Zoning & Building, John Lindgren, Planning Administrator, and Cynthia Delp, Secretary to the Architectural Commission.

III. PLEDGE OF ALLEGIANCE (9:00:59 a.m.)

IV. APPROVAL OF THE MINUTES FROM THE OCTOBER 27, 2010 MEETING (9:01:21 a.m.)

MOTION BY MRS. VANNECK FOR APPROVAL OF THE MINUTES.

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

V. APPROVAL OF THE AGENDA : (9:01:40 a.m.)

MOTION BY MRS. VANNECK TO MOVE THE 207 VIA TORTUGA PROJECT TO THE END OF THE AGENDA. (accommodating architect’s flight schedule)

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

VI. [ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY](#) (9:02:21 a.m.) Mrs. Delp administered the oath at this time and throughout the meeting as needed.

VII. [OTHER BUSINESS:](#)

VIII. [PROJECT REVIEW](#) (9:02:26 a.m.)

A. [MAJOR PROJECTS - OLD BUSINESS](#) (9:02:29 a.m.)

B - 049 - 2010 Facade

Address: 225 Worth Avenue

Applicant: Retail Brand Alliance Inc.

Architect: Mark Dillenberg, NCARB

Project Description: Interior remodeling with Worth Avenue facade modifications

This project was heard at the October meeting and was deferred to the November meeting. Please be advised that the applicant has requested deferral to the December meeting.

**MOTION BY MS. DIVER TO DEFER TO THE DECEMBER MEETING.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.**

[B - 035 - 2010 New Commercial Building](#)

Address: 2880 South Ocean Boulevard

Applicant: HOJO Partners, LLC

Architect: The Lawrence Group Architects

Project Description: A one-story office building with a combination of flat and pitched roofs and the demolition of the existing one-story building

At the September meeting, there was a motion for approval of the demolition with the typical provisions for sodding and irrigating. There was a second motion for deferral of the project to the October meeting for re-study. (It was clarified, for the applicant, that the commission would like to see a hint of Phase II and Phase III.) At the October meeting, the project was deferred for re-study (and the architect is to return with materials). Please be advised that the architect has requested a deferral to the December meeting.

**MOTION BY MS. DIVER TO DEFER TO THE DECEMBER MEETING.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.**

[B - 053 - 2010 New Single Family Residence](#)

Address: 108 El Mirasol, Lot 7 & 8, El Mirasol

Applicant: Neeta and Anand Khubani

Architect: Roger Hansrote

Project Description: New two-story single family residence with 3 garages, 8 bedrooms, 9 baths, 2 half baths, breezeway, porte cochere and pool (13,869 square ft. air conditioned) Roof Material: Terra Cotta Barrel tile; CBS construction; Color-beige; Trim-cast stone; Shutters-beige (Rolladen)

After hearing the project at the October meeting, the project was deferred to the November meeting. Please be advised that the attorney for the applicant has requested a deferral to the December meeting.

**MOTION BY MS. DIVER TO DEFER TO THE DECEMBER MEETING.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.**

[B - 046 - 2010 New Single Family Home](#)
[Address: 207 Via Tortuga](#)

Applicant: Addison Construction Corp.

Architect: Alfred A. Cilcius

Project Description: New two-story (CBS) residence. Colors: Building-Off White; Roof-Natural Clay (barrel tile); Trim-Natural Stone

Please note that at the September meeting, without hearing a presentation, there was a motion for deferral to the October meeting, as recommended by staff. Please note that after hearing the project at the October meeting, it was deferred for further study.

Call for disclosure of ex parte communication: There were no ex parte declarations between last month and this month.

It should be noted that when the item was called, the architect was not yet present. Chairman Smith asked the landscape architect to proceed. Carol Perez with A. Grant Thornbrough and Associates presented the revised landscape plan. Mrs. Vanneck commented that the landscape plan was improved since last month, providing more height and fullness.

**MOTION BY MRS. VANNECK TO MOVE THE PROJECT TO THE END OF THE AGENDA.
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED UNANIMOUSLY.**

Architects Alfred Cilcius and Lynn McCall had arrived and presented the revised design for this home. Ms. McCall listed the changes made since last month: removed the quoins at the garage; changed size of quoins at front; removed emblem at top of French door; various fenestration changes for simplification; removed princess balcony and recess and replaced with a simpler square window; simpler muntin pattern; simpler railings; and other associated changes.

Commission comments: the quoins should go all the way up to the tie beam; at the front door, the columns go higher than the spring line of the arch; the lights on the garage façade are odd; it's improved a lot since last time; and, center the first floor window on the front façade.

**MOTION BY MR. STRAWBRIDGE FOR APPROVAL BASED UPON THE SUGGESTIONS MADE FOR CORRECTIONS.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED 6-1, WITH MRS. VANNECK OPPOSED.**

B. [MAJOR PROJECTS - NEW BUSINESS \(9:03:54 a.m.\)](#)

[B - 059 - 2010 Demolition of Single Family Residence and Pool](#)

Address: 233 Tangier Avenue

Applicant: Patricia Dean

Architect: Fleck-Woerner, Inc.

Project Description: Demolition of single family residence. Includes pool.

Call for disclosure of ex parte communication: Mr. Knowles made an ex parte declaration.

Bob Fleck of Fleck-Woerner, Inc., Landscape Architect, gave the presentation. He read a letter, dated October 20, 2010, from Ms. Dean, the property owner, wherein she stated that her home, built in 1957, has severe structural damage. As such, she requested approval of demolition of the structure and pool together with re-sodding and irrigating the property. Mr. Fleck indicated that the existing hedge material on all sides of the property will be retained, along with a Royal Palm and an Areca Palm.

MOTION BY MR. KARAKUL FOR APPROVAL WITH THE USUAL CONDITIONS RELATED TO SODDING AND IRRIGATING.

MOTION SECONDED BY MS. DIVER.

MOTION CARRIED UNANIMOUSLY.

[B - 060 - 2010 Aviary](#)

ARCOM TO MAKE RECOMMENDATION REGARDING VARIANCE

Address: 309 Worth Avenue

Applicant: Trillion Inc., Tatiana Van Zandt

Architect: The Lawrence Group

Project Description: Addition of 65.72 sq. ft. aviary to existing Trillion store

Variance: Variance for rear setback 0 ft. instead of 4.75 ft. existing and 10 ft. required and variance for lot coverage of 76.67% instead of 76.07% existing and 75% permitted

Call for disclosure of ex parte communication: Mrs. Vanneck and Mr. Knowles made ex parte declarations

Robert Moore, (former Director of Planning, Zoning and Building for the Town of Palm Beach) 420 Santa Fe Road, West Palm Beach, testified on behalf of the applicant. He provided the background related to the aviary: That the structure was built and replaced as a structure which had been in this location for 25 years; that while he was the Director of Planning, Zoning & Building, and the Building Official, a determination had been made that the structure did not need a building permit; that subsequent to a recent noise complaint relative to the aviary, Mr. Walton, Code Enforcement Officer, found that the structure had been replaced, and was not the original structure which had been approved 25 years ago; after meeting with Town staff, no agreement was reached relative to the grandfather status of the aviary; the Town Attorney's position is that the grandfathering was lost when the structure was replaced; and, that the applicant is seeking approval of the variances necessary to keep the structure in place.

Architect Eugene Lawrence presented the site plan and photos of the existing structure indicating the location of the aviary, behind Trillion in the Via Bice. The aviary is 14 ft. long x 4 ft. wide and is generally without ornamentation. Mr. Moore noted that the aviary was not only replaced within the last two years, but was enlarged at that time by approximately 8 ft. to the west, and this was also done without permit. After being cited for work without a permit, Mr. Moore stated that the existing Building Official, Mr. Taylor, had authorized the work, without permit, because the value of the work was only \$ 1,500.00. Due to the zoning issues involved, however, now a permit is required, as well as site plan and variance approval.

Chairman Smith was concerned because the original aviary was a stand alone attractive structure, but this aviary is attached to the building and is not attractive. The aviary should be whimsical according to the Chairman.

Mr. Lindgren reported that a neighboring property owner has contacted staff to state that he objects to the aviary on the basis of appearance, noise, and the fact that tenants are complaining about the aviary. No other objections or complaints were received by staff.

MOTION BY MR. ZUKOV THAT IMPLEMENTATION OF THE PROPOSED VARIANCE WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS TO THE SUBJECT PROPERTY.

MOTION SECONDED BY MS. DIVER.

MOTION CARRIED 4-3, WITH MR. STRAWBRIDGE, MR. GRUSS, AND MR. SMITH VOTING OPPOSING.

Regarding the architecture, some members asked that the aviary be made more attractive.

MOTION BY MR. ZUKOV FOR DEFERRAL OF THE ARCHITECTURE TO DECEMBER.

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

[B - 061 - 2010 Addition](#)

Address: 1170 North Ocean Boulevard

Applicant: Jan and Tom Moloney

Architect: SKA Architects/Patrick W. Segraves

Project Description: Addition of sunroom at existing west terrace, new pool, new site walls, new roof over existing east terrace

Call for disclosure of ex parte communication: Mrs. Vanneck made an ex parte declaration.

Architect Pat Segraves presented this project as listed in the project description above. It should be noted that demolition of an existing pool is part of the project. The new pool will be a 75 ft. lap pool. The new sunroom, with its stacking glass doors, will be stepped up from the pool level. The new roof over the east terrace will replace a former awning. Mr. Segraves reviewed the landscaping to be retained as well as new landscaping. He also indicated that there are future plans

to remove the existing beach cabana and construct a new one, but that is not part of this project.

Commission comments: Prefer an awning instead of the new roof over existing east terrace; the sunroom addition is so overpowering and the overhang is a problem; looks like a huge addition to a little house; too much glass on the west side, especially when we are trying to save energy; the landscape is too minimal; the landscape needs to go back to the drawing board; add more trees, especially at the sunroom addition; if too much greenery is added, the property may become too dissimilar; a glass wall facing west will be a constant sun problem; address the use of windows in the addition to bring the height down.

**MOTION BY MR. ZUKOV TO DEFER TO THE DECEMEBER MEETING.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.**

C. MINOR PROJECTS - OLD BUSINESS (9:45:31 a.m.)

A - 009 - 2010 Balustrade & site wall

Address: 300 Dunbar Road

Applicant: Dean O'Hare c/o M. Timothy Hanlon

Architect: T & L Architecture Inc.

Project Description: Addition of ornamental balustrade on top of existing parapet. Also, addition of new site wall at entry points of driveway, replace existing site wall at pool and related landscaping

Please note that at the July meeting, there was a motion for approval of the project, with the proviso that the two piers be added as recommended, that there is a solid wall by the swimming pool area, and, that the applicant returns with details of the design of the front door. Please note that at the August meeting, the architect requested deferral of the front door design to the September meeting, and a motion was made to that effect. At the September meeting, there was a motion for deferral to the October meeting at the request of the applicant. At the October meeting, after hearing the project, the project was deferred to the November meeting. At the November meeting, the project was deferred to December at the request of the architect.

**MOTION BY MS. DIVER FOR DEFERRAL TO DECEMBER.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.**

D. MINOR PROJECTS - NEW BUSINESS

IX. COMMUNICATIONS FROM CITIZENS (3 MINUTE LIMIT PLEASE) (9:46:06 a.m.) None

X. **COMMENTS OF THE ARCHITECTURAL COMMISSION AND DIRECTOR OF PLANNING, ZONING AND BUILDING DEPARTMENT: (9:51:47 a.m.)**

Staff comments regarding:

A. **Dish Antennas (9:51:53 a.m.)**

Mr. Page noted that at a previous meeting, Ms. Diver had stated that she has noticed many more dish antennas being quite visible, especially on Town landmarks. Bill Bucklew, Town Plans Examiner, distributed a copy of the Town's ordinances regarding dish antennas, and also a copy of the FCC ruling, the Telecommunications Act of 1996. That act prohibits restrictions that impair the installation, maintenance, or use of antennas used to receive video programming. Mr. Bucklew felt that the Town could be more restrictive with regard to landmarked properties, but the ability to receive a signal must be permitted. Mrs. Vanneck cited an example of a property where the dish was hidden from North County Road by landscaping, but that landscaping has been removed. Mr. Bucklew responded that the Town could require that the landscape screening be replaced.

B. **Site visits/inspections by ARCOM members (10:00:54 a.m.)**

Mr. Page stated that this subject had been raised at a previous meeting as well. He stated that there is nothing in the code that gives a commissioner the right to visit a site while it is under construction. Such a visit could create potential liability. Mr. Page asked members to contact staff if they wish to visit a site under construction. Staff will work with the contractor to make the appropriate arrangements.

C. **Shutters/impact windows (10:02:34 a.m.)**

Mr. Page stated that the subject of how long storm shutters can remain in place had been reviewed by ARCOM and the Town Council about two years ago. ARCOM had recommended that new regulations should not apply to residential property owners, but rather to commercial properties only, limiting the number of days that a commercial building can be shuttered to 14 days maximum in preparation for and during a storm event.

Mr. Zukov expressed his concern that ARCOM works toward a goal of beautiful new buildings for the Town, only then to see some of them shuttered with a variety of unsightly hurricane shutters. He wondered if applicants should be required to demonstrate their hurricane protection at the time a new house is reviewed. Chairman Smith responded that this was once the practice of ARCOM, but with the advent of impact windows, those issues have disappeared to some degree. Members countered that owners still apply shutters to impact windows. Chairman Smith stated his opinion that plywood shutters should only ever be allowed in storm emergency events, but never for extended periods of time.

Ms. Diver felt that shutters should be regulated for landmarked properties since many of them do not have impact windows, and have the old plywood shutters, some of which bear writing or numbers.

Bill Bucklew stated that since Palm Beach is in a 140 mph wind zone, the Town does not allow plywood shutters, except in an emergency situation. In past years, however, when code requirements were less stringent, plywood had been

acceptable. As those properties are renovated, they will be required to upgrade their windows and hurricane protection.

Mr. Smith reported that the Town Council has asked him to appoint three ARCOM members to a Worth Avenue Improvement Committee which will be convened at some point in the future. Mr. Smith recommended Mr. Strawbridge and Mrs. Vanneck to serve with him on that committee. Both members were happy to serve.

XI. ADJOURNMENT: (10:24:15 a.m.)

MOTION BY MS. DIVER TO ADJOURN THE MEETING AT 10:25 A.M.

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

The next meeting of the Architectural Commission will be held on Friday, December 17, 2010 at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach.

Respectfully submitted,

Jeffery W. Smith, Chairman
ARCHITECTURAL COMMISSION

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