

TOWN OF PALM BEACH

Planning, Zoning & Building Department

MINUTES OF THE ARCHITECTURAL REVIEW COMMISSION WEDNESDAY SEPTEMBER 22, 2004

TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH

I. CALL TO ORDER

The meeting was called to order at 9:00 a.m.

II. ROLL CALL

PRESENT:

Floyd L. Wideman, Jr., Chairman
Morgan Dix Wheelock, Vice-Chairman
Eric Adams, Member
Marvin Rosenberg, Member
Leslie A. Shaw, Member
Nikita Zukov, Member
William P. Feldkamp, Member
Leslie C. Diver, Alternate Member
Thomas M. Youchak, Alternate Member
John C. Randolph, Town Attorney
Robert L. Moore, Director Planning, Zoning & Building
Timothy M. Frank, Planning Administrator
Gretchen Dayton, Recording Secretary

ABSENT:

William J. Strawbridge Jr., Alternate Member (absence pending classification)

III PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Chairman Wideman.

IV. APPROVAL OF THE MINUTES FROM THE AUGUST 25, 2004 MEETING.

MOTION BY MR. ADAMS TO APPROVE THE MINUTES.

MOTION SECONDED BY MR. WHEELLOCK.

MOTION CARRIED UNANIMOUSLY.

V. SWEARING IN PERSONS TESTIFYING.

Persons testifying were sworn in at this time and periodically throughout the meeting.

VI PROJECT DEFERRALS/REMOVALS

B70-04 New Residence

Applicant: Taja Realty Trust
Address: 125 Seminole Avenue
Architect: Smith and Moore Architects
Project Description: New two-story residence with pool.

The architect requests deferral to the October meeting.

B25-04 New Residence V20-04

Applicant: 171 Royal Poinciana, LLC
Address: 171 Main Street
Architect: Shibao International Corporation
Project Description: Construction of a new single family residence

Note: This project was deferred from the April meeting at the architect's request, deferred from the May and June meetings at the staff's recommendation and deferred from the July meeting for further review. Demolition was approved at the August meeting. The architect requested deferral to the October meeting.

B45-04 Renovation

Applicant: Ms. Betty Marcus
Address: 217 Tradewind Drive
Architect: SKA Architects + Planner
Project Description: Renovation of existing single story residence and addition of a second story.

This project was deferred from the June meeting at the architect's request and deferred from the July and August meetings for restudy. The architect requests deferral to the October meeting.

MOTION BY MR. WHELOCK TO DEFER PROJECT NUMBERS B70-04, B25-04, B45-04 TO THE OCTOBER MEETING.

MOTION SECONDED BY DR. ROSENBERG.

MOTION CARRIED UNANIMOUSLY.

VII TOWN COUNCIL PROJECTS - VARIANCE REQUESTS

Formal action may or may not be taken relative to these projects

B66-04 New Residence V24-04

Applicant: Slope Trail LLC
Address: 756 Slope Trail
Architect: Smith and Moore Architects
Project Description: Construction of a new two-story residence.

Demolition was approved and the new residence was deferred for restudy at the August meeting.

Mr. Feldkamp, Mr. Adams, Mr. Wheelock and Mr. Zukov said that they met with the architect and visited the site.

Responding to the Commission's comments from last month, Architect Harold Smith indicated that the variance request for the point of measurement was reduced by one-foot at the main house. The elevation of the garage was lowered two-feet which reduced the slope of the driveway. Also, the roof was reconfigured making it more symmetrical at both wings.

It was mentioned that the one shuttered window gave the front facade an unbalanced appearance. It was also commented that the shutters did not make a difference to the style of the architecture.

MOTION BY MR. WHELOCK TO RECOMMEND TO THE TOWN COUNCIL THAT THE PROJECT ARCHITECTURALLY MERITS THE VARIANCE APPLICATION.

MOTION SECONDED BY DR. ROSENBERG.

MR. ZUKOV OPPOSED.

MOTION CARRIED 6-1.

MOTION BY MR. WHELOCK TO APPROVE THE PROJECT AS PRESENTED.

MOTION SECONDED BY DR. ROSENBERG.

MR. ZUKOV OPPOSED.

MOTION CARRIED 6-1.

B71-04 New Residence V28-04

Applicant: 159 Sunset Avenue, LLC
Address: 159 Sunset Avenue
Architect: SKA Architect + Planner
Project Description: Construction of new two-story Mediterranean style home to be approximately 4,500 square feet.

Mr. Wheelock and Mr. Zukov said they met with the architect and visited the site.

Architect Pat Seagraves explained that this proposal will be located between the Sun and Surf Condominium building and a two-story town house building. The project will require a point of measurement variance in order to have a twelve-foot finished floor elevation versus the required nine-foot finished floor elevation. He noted that the lot is undersized as well.

Attorney Maura Ziska addressed the variance requests.

Several of the Commissioners commented that the house was too big for the lot. The architect was asked to remove three-feet from the east side of the building to allow room for vegetative screening. It was also believed, that the detached two-story garage could be redesigned to conform to the town codes.

**MOTION BY DR. ROSENBERG TO RECOMMEND TO THE TOWN COUNCIL THAT ARCOM HAS NO OBJECTION TO THE REQUESTED VARIANCES.
MOTION SECONDED BY MR. SHAW.**

ROLL CALL:

DR. ROSENBERG	YES
MR. SHAW	YES
MR. WHEELOCK	NO
MR. ADAMS	NO
MR. ZUKOV	NO
MR. FELDKAMP	NO
MR. WIDEMAN	NO

MOTION FAILED 5-2.

Under discussion, it was indicated that the rear set back variance could be avoided by relocating the garage and/or reconfiguring the house.

MOTION BY MR. WHEELOCK TO RELAY TO THE TOWN COUNCIL THAT THIS COMMISSION FINDS NO ARCHITECTURAL JUSTIFICATION FOR GRANTING THE VARIANCE AND SUGGESTS THAT THE ARCHITECT BE DIRECTED TO REDESIGN THE PROJECT IN CONFORMANCE TO THE EXISTING CODE.

Ms. Ziska commented that the variance was necessary for the non-conforming lot.

MOTION SECONDED BY MR. SHAW.

After further discussion, Mr. Shaw recommended modification of the motion as he felt that the only issue was the five-foot rear setback.

Mr. Moore summarized what he thought the commission's concerns were; the garage could be redesigned, and the house could be narrower allowing room for a sufficient landscape buffer.

**MR. WHEELOCK WITHDREW HIS MOTION.
MR. SHAW WITHDREW HIS SECOND.**

**MOTION BY MR. WHEELOCK TO RECOMMEND TWO OF THE THREE VARIANCES; THE SQUARE FOOTAGE AND THE POINT OF MEASUREMENT, BUT NOT TO RECOMMEND THE GARAGE VARIANCE.
MOTION SECONDED BY MR. SHAW.
MR. ZUKOV OPPOSED.**

MOTION CARRIED 6-1.

Ms. Ziska asked for project deferral to address the Commission's requests.

B78-04 New Residence SPR13-04

Applicant: 1075 NOB, LLC - Paul Wittman, Managing Partner
Address: 1075 North Ocean Boulevard
Architect: Thomas M. Kirchhoff
Project Description: New two-story residence in the style of an Italian Villa. New pool, hardscape and preliminary landscape.

Mr. Shaw, Mr. Zukov and Mr. Wheelock said they met with the architect and reviewed the plans.

Architect Thomas Kirchhoff presented the two-story Italian style project to the Commission.

Attorney Maura Ziska, representing the applicant, clarified that the project requires a site plan review for a non conforming lot.

**MOTION BY DR. ROSENBERG TO RECOMMEND APPROVAL OF THE VARIANCE REQUEST TO THE TOWN COUNCIL.
MOTION SECONDED BY MR. ADAMS.
MOTION CARRIED UNANIMOUSLY.**

Mr. Kirchhoff explained that the tower element will be lowered and the windows will be removed at the request of the neighbor to the north. He noted that the plans presented today have not been revised reflecting this change.

Landscape Architect Bert Krebs reviewed the preliminary landscape plan. The hardscape plan proposed two driveway curb cuts on North Ocean Boulevard. Mr. Moore pointed out that the Public Works Department would have to approve more than one curb cut. Having one driveway entry was favored by the Commission as it would enclose the court yard and hide the garage from the street.

Attorney Ziska indicated, that after negotiating with the neighbors to the north, they will record a deed restriction to have continuous landscaping along the north property line.

Attorney Paul Rampell, representing Mr. and Mrs. Castle who live at 1095 North Ocean Boulevard, conveyed their concerns that the proposed tower would cast shadows on the lawns that they have restored to the original condition when John F. Kennedy lived in the house. Also, with the preservation of the perpetual landscaping that would be visually impenetrable, they have no objection to the project.

MOTION BY MR. WHELOCK TO APPROVE THE PROJECT SUBJECT TO CLOSING OFF THE GARAGE (NORTH) DRIVEWAY WITH A TWELVE FOOT HIGH HEDGE.

MOTION SECONDED BY DR. ROSENBERG.

ROLL CALL:

MR. WHELOCK YES

DR. ROSENBERG YES

MR. ADAMS YES

MR. SHAW NO

MR. ZUKOV YES

MR. FELDKAMP YES

MR. WIDEMAN NO

MOTION CARRIED 5-2.

B72-04 Demolition

Applicant: Mr. And Mrs. Jeffry Giangrande
Address: 115 Gulfstream Road
Architect: SKA Architect + Planner
Project Description: Demolition of existing two-story residence.

There were no ex parte communications regarding this project.

Mr. Wheelock met with the architect and visited the site.

Architect Pat Seagraves reported the history and condition of the existing two-story residence. It was built in 1955 for Arthur Carlson and designed by Architect Belford Shoumate. The structure is in poor condition. Mr. Seagraves did not have a vegetation plan for his proposal. Therefore, he agreed to keep all of the existing vegetation on the site.

MOTION BY DR. ROSENBERG TO APPROVE THE DEMOLITION WITH THE PRESERVATION OF THE EXISTING LANDSCAPING AND TO SOD OR SEED AND IRRIGATE THE LOT WITHIN 15 DAYS.

MOTION SECONDED BY MR. ZUKOV.

MOTION CARRIED UNANIMOUSLY.

B73-04 Demolition

Applicant: David Freeman
Address: 216 Colonial Lane
Contractor: Thomas B. Cushing Demolition
Project Description: Demolition of existing single family residence, hardscape and landscaping.

Attorney Maura Ziska reported the 2,000 s.f. one-story house was built and designed by Paul Kohler in 1946. The house is in very poor condition and has been sited by the Code Enforcement Department. Attorney Ziska stated the lot size is 75' x 82' making it a non-conforming lot and that the replacement house will meet all of the town's zoning requirements.

**MOTION BY DR. ROSENBERG TO APPROVE THE DEMOLITION WITH THE PROVISION TO SOD OR SEED AND IRRIGATE THE LOT WITHIN 15 DAYS.
MOTION SECONDED BY MR. SHAW.
MOTION CARRIED UNANIMOUSLY.**

Ms. Ziska was asked if a replacement building could be built on the non-conforming lot. She replied, that it would have to go through site plan approval and assured the Commission that the new building will meet all of the set back requirements.

B74-04 Demolition and New Residence

Applicant: West Group Residential, LLC
Address: 1451 North Lake Way
Architect: Robert L. Bell
Project Description: 1. Demolition of existing residence. 2. Construction of new two-story Mediterranean style residence.

Mr. Wheelock said he visited the site.

Architect Robert Bell proposed demolition of a 2,342 s.f. single story home that was designed by Byron Simonson in 1950.

Ms. Cynthia Wild, the neighbor behind this property, was concerned that the proposed two-story residence would invade her privacy.

**MOTION BY DR. ROSENBERG TO APPROVE THE DEMOLITION WITH THE PROVISION KEEP ALL OF THE EXISTING VEGETATION AND TO SOD OR SEED AND IRRIGATE THE VACANT PORTION WITHIN 15 DAYS.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.**

Architect Robert Bell presented the Mediterranean style replacement house to the Commission. The building materials include, cypress wood front door and outlookers, ivory colored stucco building walls, and cast stone around the front door and columns at the windows. The plans included an exterior staircase leading to the staff quarters.

The east facade was thought to be intrusive on the neighbors with two balconies and an open staircase. The architect was asked for detailed drawings and color renderings for a better understanding of the overall project. He was also asked to consider a one-story element on the east elevation.

**MOTION BY MR. ADAMS TO DEFER THE PROJECT TO THE OCTOBER MEETING FOR RESTUDY AND TO CONSIDER A ONE-STORY ELEMENT.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.**

B75-04 Renovation

Applicant: Cheryl and Michael Minikes
Address: 583 North Lake Way
Architect/Designer: Michael J. Johnson and Dennis LaBerge
Project Description: Exterior and interior renovation. Removal of existing rear yard trellis, new roof tiles, new shutters, paint and exterior architectural detailing.

Architect Mike Johnson introduced Project Designer Daniel Benard. Mr. Benard stated that the renovation project will simplify the architectural design of the existing house.

**MOTION BY MR. ADAMS TO APPROVE THE PROJECT WITH THE PROVISION TO ELIMINATE BALUSTRADE AT THE ENTRY.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.**

B76-04 Storefront

Applicant: Thomas Capaniello Real Estate
Address: 304, 306, 308 South County Road
Architect: Michael Allen Mosher
Project Description: Existing recessed and alcove storefronts to be removed and replaced with impact approved full height glass parallel to the street line. The existing roof overhangs to be removed and new awnings to be installed over all storefronts.

There were no ex parte communications disclosed regarding this project.

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Architect Michael Mosher presented revisions to the glass storefronts on South County Road. He indicated that impact resistant glass will be used and that the roof overhang will be replaced with an awning.

**MOTION BY MR. ADAMS TO APPROVE THE PROJECT AS PRESENTED.
MOTION SECONDED BY MR. ZUKOV.
MOTION CARRIED UNANIMOUSLY.**

B77-04 Demolition

Applicant: Estate of Carmen S. Chilton
Address: 2299 Ibis Isle Road
Architect: Dailey Janssen Architects
Project Description: Demolition request.

Mr. Wheelock said he visited the site.

Architect Roger Janssen stated that the existing house was designed by Howard Chilton in 1961 and that it is not historically significant.

Landscape Architect Ray Wall presented the preliminary vegetation plan. He noted that a substantial amount of foliage was damaged by the hurricane, but most of the healthy vegetation will be maintained on the east side of the property.

**MOTION BY MR. WHEELLOCK TO APPROVE THE DEMOLITION WITH THE
PROVISION TO SOD OR SEED AND IRRIGATE THE LOT WITHIN 15 DAYS.
MOTION SECONDED BY MR. ADAMS.
MOTION CARRIED UNANIMOUSLY.**

C. DEFERRALS AND CONTINUATIONS MINOR PROJECTS

A22-04 Landscape & Lighting

Applicant: Luxwood Enterprise Limited
Address: 4 La Costa Way
Contractor: Bob Palmer
Project Description: Landscape & Security lighting

This project was deferred from the July and August meetings for restudy.

No one was present to represent the project.

**MOTION BY MR. SHAW TO DEFER THE PROJECT TO THE OCTOBER MEETING.
MOTION SECONDED BY MR. WHEELOCK.
MOTION CARRIED UNANIMOUSLY.**

A27-04 Landscape, Hardscape & Site Lighting

Applicant: Ms. Dana Hammond
Address: 395 North Lake Way
Landscape Designer: Mario Nievera Design
Project Description: Landscape, Hardscape & Landscape Lighting

This project was deferred from the August meeting at the Designer's request.

No one was present to represent the project.

**MOTION BY MR. ADAMS TO DEFER THE PROJECT TO THE OCTOBER MEETING.
MOTION SECONDED BY MR. WHEELOCK.
MOTION CARRIED UNANIMOUSLY.**

D. NEW BUSINESS - MINOR PROJECTS

A28-04 Landscape Revisions

Applicant: James and Anita Zisson
Address: 1600 North Ocean Boulevard
Landscape Architect: George Brittain
Project Description: Ficus tree removal inside a property site wall on the south side of the property.

Ms. Diver and Mr. Youchak said they met with Mrs. Marix, the neighbor to the subject property, and discussed the landscape screening between the two properties. Mr. Shaw, said he met with Mrs. Marix and the applicant's attorney, Ron Kolins, and discussed the landscape screening between the two properties. Mr. Feldkamp said he discussed the issues with Attorney Kolins and visited the site. Mr. Adams said he spoke with Mrs. Marix and Mr. Kolins on the telephone to discuss the matter, and he visited the site. Mr. Wideman said he discussed the situation with Mrs. Marix on the telephone, he spoke with Attorney Kolins, and Council member Brooks. He also visited the site. Mr. Wheelock said he discussed the situation with Attorney Kolins at the site, and Mrs. Marix at her house. Mr. Zukov said he visited the site and discussed the project with Mrs. Marix and Attorney Kolins. Dr. Rosenberg said he had telephone conversations regarding the project with Attorney Kolins and Mrs. Marix.

Attorney Ron Kolins introduced his clients, Mr. and Mrs. Zisson who were in the audience. He indicated that the four trees were removed because they interfered with the site drainage and shaded the lawn which had to be replaced. He believed that removal of trees was not ARCOM's jurisdiction because tree removal does not require a building permit. Additionally, his clients did not realize they needed permission to remove trees. He mentioned that the neighbor across the street called the code enforcement because there was a twelve-year-old landscape plan that required retention of the four trees. He hoped to resolve this issue today so that the code enforcement case will be resolved as well.

Town Attorney Randolph, responding to questions regarding the code enforcement issue, stated ARCOM does have jurisdiction because the Commission granted the permit initially with a condition relating to vegetative screening. He remarked, that if modifications to the original approval and the original permit are requested, they need to come to ARCOM and ask for modification of that condition.

Attorney Kolins disagreed that the retention of the four trees was a special condition of this project approval because no deed restriction was required.

Mrs. Yvelyne de M. Marix, 1570 North Ocean Boulevard, read a statement opposing to the removal of the trees that was a condition of the issuance of the Certificate of Occupancy when the house was completed. Mrs. Marix gave the recording secretary her written statement and the minutes from the May 1993 Architectural Review Commission meeting. (These papers are attached to and made part of these minutes).

Property Owner Jim Zisson apologized for not knowing that removal of four trees would require ARCOM approval. He also stated that he felt that each and every element of the landscape plan should not be binding in perpetuity on them.

Landscape Architect Ray Wall presented a section elevation drawing showing the existing hedge at the street level.

Attorney Randolph clarified that the issue before the Commission was a request to modify a condition that was previously imposed by them.

**MOTION BY MR. ZUKOV TO ALLOW THE REMOVAL OF THE TREES
CONDITIONED UPON THE EXISTING HEDGE GROWING AN ADDITIONAL TWO
FEET.**

MOTION SECONDED BY DR. ROSENBERG.

Lengthy discussion took place regarding other options for vegetative screening. Mrs. Marix asked for a guarantee that the hedge will be allowed to grow to a certain height. Attorney Kolins offered to maintain the hedge at thirteen feet in height.

**AMENDED MOTION BY MR. ZUKOV TO ALLOW THE REMOVAL OF THE TREES
CONDITIONED UPON THE EXISTING HEDGE MAINTAINED AT THIRTEEN FEET
IN HEIGHT.**

MOTION SECONDED BY DR. ROSENBERG.

ROLL CALL:

MR. ZUKOV YES

DR. ROSENBERG YES

MR. WHELOCK NO

MR. ADAMS YES

MR. SHAW NO

MR. FELDKAMP YES

MR. WIDEMAN YES

MOTION CARRIED 5-2.

Attorney Randolph recommended requiring a recorded deed restriction to avoid the same problem in the future.

**MOTION BY MR. ZUKOV TO HAVE A DEED RESTRICTION RECORDED TO
MAINTAIN THE HEDGE AT THIRTEEN FEET IN HEIGHT.**

MOTION SECONDED BY DR. ROSENBERG.

MOTION CARRIED UNANIMOUSLY.

Mr. Kolins asked that a copy of Mr. Zisson's letter, dated June 1, 2004, to Code Compliance Officer Rob Walton, be made part of the record. (The letter is attached to and made part of the minutes)

A29-04 Roof Material Change

Applicant: Mr. Chris Kaufman

Address: 439 Seaview Avenue

Architect: Pandula Architects

Project Description: Replace an existing composition shingle roof with three color blend clay barrel tile to match main residence structure at 434 Seaspray Avenue. The following project description was added 9/21/04: Replace existing garage doors with French door units to match adjacent existing units.

Architect Eugene Pandula, representing Mr. and Mrs. Kaufman who reside at 437 Seaspray Avenue, purchased the house behind them at 439 Seaview Avenue. This proposal will architecturally integrate the two homes with a Mediterranean style.

**MOTION BY MR. WHELOCK TO APPROVE THE PROJECT AS PRESENTED.
MOTION SECONDED BY MR. FELDKAMP.
MOTION CARRIED UNANIMOUSLY.**

A30-04 Awning Recover

Applicant: Lendan, Inc.
Address: 205 Worth Avenue
Contractor: Arpin & Sons
Project Description: Re-cover existing awning frames using a different color canvas fabric.

Dan Robinson, representing individual tenants in the 205 Worth Avenue Building, presented photographs and awning color samples proposed for each storefront.

The Commissioners agreed that the all of the awnings should remain the same color.

**MOTION BY MR. ZUKOV TO KEEP THE APPROVED COLOR FOR THE AWNINGS
THROUGHOUT THE BUILDING.**

MOTION SECONDED BY MR. WHELOCK.

ROLL CALL:

MR. ZUKOV	YES
MR. WHELOCK	YES
MR. ADAMS	NO
DR. ROSENBERG	YES
MR. SHAW	YES
MR. FELDKAMP	NO
MR. WIDEMAN	YES

MOTION CARRIED 5-2.

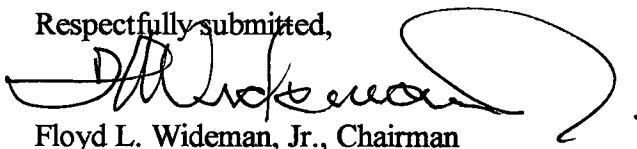
IX OTHER BUSINESS

X ADJOURNMENT

The meeting was adjourned at 3:30 p.m.

The next meeting of the Architectural Review Commission will be held at 9:00 a.m. on Wednesday October 27, 2004.

Respectfully submitted,


Floyd L. Wideman, Jr., Chairman