



TOWN OF PALM BEACH

Building and Zoning Department

MINUTES

LANDMARKS PRESERVATION COMMISSION

9:00 a.m., FRIDAY, AUGUST 17, 1990

AT TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH

- I. Call to Order: The meeting was called to order at 9:04 a.m. by Donald W. Curl, Acting Chairman.

II. Roll Call:

PRESENT: Donald W. Curl, Vice Chairman and Acting Chairman
Elise P. Mackintosh, Secretary
Jane Volk, Member
Anne G. Metzger, Member
Jacqueline Albarran de Mendoza, Alternate Member
John C. Randolph, Town Attorney
Robert L. Moore, Director of Planning, Zoning & Building
Timothy M. Frank, Planner/Projects Coordinator

ABSENT: James V. Sullivan, Chairman (Leave of Absence)
Sally Gingras, Member
William S. Gubelmann, Member
Arthur Silverman, Alternate Member
Wilmer J. Thomas Jr., Alternate Member

RECORDING SECRETARY: Cynthia M. Delp

Let the record show that Mrs. Metzger arrived at 9:11 a.m.

III. Approval of the Minutes of the July 20, 1990 Meeting

MOTION BY MRS. MACKINTOSH TO APPROVE THE MINUTES AS MAILED.

MOTION SECONDED BY MRS. VOLK.

MOTION CARRIED UNANIMOUSLY.

IV. Public Hearings:

A. Application for Certificate of Appropriateness No. 22-90, Miscellaneous Changes

Applicant: Mr. and Mrs. Louis D. Root
c/o Robert T. Eigelberger

Owner: Mr. and Mrs. Louis D. Root
c/o Robert T. Eigelberger

Address: 61 Middle Road

Designer: S.D.A. Management, M.J. Ackerman

Project Description: Request approval to remove hot tub in southeast corner of property along with shed roof overhang across entire east elevation for re-opening

① existing circleheads; change railing and flooring on balcony located on the northeast corner of residence on second floor; re-open second floor interior loggia to open into courtyard; create a circular drive in front of residence; add french doors to study to create access to driveway; demolish rear addition to garage and create open loggia and outside stairs using space from existing garage apartment; locate a tea house/loggia and pool in the northeast corner of the property and add courtyards to provide access; convert storage building to bath and dressing room on south side of pool; change north entrance to residence to french doors with lights; and add caps to all chimneys.

(Please note that portions of this item were deferred from the May 18th, June 15th, and July 20th Meetings.)

Please note that the following portions of this application remain for action by the Commission.

1. Approval to remove hot tub in southeast corner of property
2. Flooring on balcony located on the northeast corner of residence, second floor.
3. Add courtyards.
4. Convert storage building to bath and dressing room on south side of pool

① B. Application for Certificate of Appropriateness No. 35-90, "Tea house/casino"

Applicant: Mr. and Mrs. Louis D. Root
c/o Mr. Robert T. Eigelberger

Owner: Mr. and Mrs. Louis D. Root
c/o Mr. Robert T. Eigelberger

Address: 61 Middle Road

Architect: S.D.A. Management

Project Description: Request approval to construct a new one story "Tea house/casino" to be located between the existing gardens and the new pool area.

AT THE REQUEST OF THE APPLICANT, MOTION BY MRS. VOLK TO DEFER CERTIFICATE OF APPROPRIATENESS #22-90 AND #35-90, BOTH FOR 61 MIDDLE ROAD, TO THE SEPTEMBER MEETING.

MOTION SECONDED BY MRS. ALBARRAN DE MENDOZA.

MOTION CARRIED UNANIMOUSLY.

① (Let the record show that discussion of items C. and D. was deferred to the end of the agenda, as neither applicant was present.)

E. Application for Certificate of Appropriateness No. 38-90,
Subdivision of property

Applicant: Mrs. Wynne S. Ballinger
Daniel J. Mahoney Jr.

Owner: Mrs. Wynne S. Ballinger

Address: 1200 South Ocean Boulevard

Representative: Gustave T. Broberg

Project Description: Request approval to divide the property into two separate and distinct building lots, second of said lot to contain no less than 60,000 square feet, as required in the R-AA Zoning.

Attorney Gustave T. Broberg addressed the Commission on behalf of the contract purchaser of 1200 South Ocean Boulevard, Mr. Daniel J. Mahoney Jr. This contract is conditioned upon Mr. Mahoney receiving both Landmark Preservation Commission and Town Council approval to "carve out" a second lot from the property, to actually subdivide the property into two lots. This subdivision necessitated the creation of a roadway to service both the existing house on Lot 1 and the new proposed house on Lot 2. Lot 2 contains 60,055 square feet which meets the Town's requirement for R-AA Zoning, and it shall be noted that the square footage of the proposed road is not included in the area of Lot 2. Mr. Broberg noted that the site plan has already been approved by Mr. David C. Zimmerman, Assistant Building Official, and Town Council approval will be sought in the upcoming months so that the contract for purchase can be finalized.

Mrs. Mackintosh asked about screening between the properties. Mr. Broberg responded that the properties will be heavily screened with plant material to seclude each from the other.

Mr. Moore commented that this presentation is accurate as stated by Mr. Broberg, and it would most likely be heard in October at the Town Council level. Normally, such a division of property would not be classified as a "subdivision". The Ordinance provides for a property owner to split his/her property "providing that the split does not create any non-conformities in the Town's Zoning Ordinance. If, in the case of this application, because of the deficient lot width on the long rectangle, a road is necessary to be built with its accompanying utilities, then it requires a subdivision, or a two lot subdivision. Whenever a road has to be built, or utilities placed, and/or utilities placed on a property to accommodate another building lot, that does trigger a subdivision."

Mr. Moore provided the Staff's comments and concerns regarding this matter. He referred to "the possible loss" factor. Originally, the applicant wanted to create three lots, but this was reduced to two because of insufficient

square footage to support three lots. The Staff is concerned whether the original landmarked structure on Lot 1 will remain visible after a house is built on Lot 2, and would therefore request that a vista be retained through to South Ocean Boulevard, and that the LPC include this as a condition of any approval given today. Mr. Moore added that the Town, in its Comprehensive Plan, contemplates the ability of the property owner of a large property to sell off at least one portion of the property to help maintain the larger property. After the one sale, we have new provisions in place that would preclude another lot split, if this was large enough, without coming for a full subdivision to the Council. The reason this has to come for a full subdivision, is the creation of the road in order to create the frontage required for the split.

MOTION BY MRS. VOLK TO APPROVE THIS CERTIFICATE OF APPROPRIATENESS WITH PERHAPS THE UNDERSTANDING THAT THE LANDMARK COMMISSION WOULD REVIEW THE SITE PLAN OF THE FUTURE HOUSE TO BE BUILT.

Mr. Broberg assured the Commission that they would have jurisdiction over the new house. Mr. Moore agreed, and stated that the land is still landmarked, and that which is built upon the land is subject to LPC review.

Dr. Curl commented that he keeps thinking of 1500 South Ocean Boulevard, and the mess with all of the other houses around this important landmarked structure. The subdivision of this property "bothers me". "This is a big property, and you're taking out, literally, the front end of it. I think this is the wrong thing to do."

Mrs. Volk agreed with this viewpoint, but added that "each situation is a new experience, and we must learn from the past, and I'm sure with the people involved, it will be nothing like that. And as we have said, the subdivision, the Town understands that."

MOTION AGAIN STATED BY MRS. VOLK TO APPROVE THE CERTIFICATE OF APPROPRIATENESS WITH A CAREFUL REVIEW OF THE FUTURE PLANS FOR THAT PROPERTY.

Mrs. Metzger questioned whether the new owner definitely intends to put a new house there. Mr. Broberg responded that at the present time, this is just an option for the future, but at that time, it would come back to the Landmark Preservation Commission for review. Mrs. Metzger questioned further whether he would possibly sell of this new lot and allow construction of a "spec" house. Mr. Broberg stated that Mr. Mahoney intends to handle any construction on the new lot.

Mr. Moore commented that whether the property owner intends to build a house on the property or not, there is no differentiation between a "spec house" and an owner-

occupied house, as far as the Town's Ordinances are concerned.

MOTION SECONDED BY MRS. MACKINTOSH.

Mr. Moore stated a possible concern regarding the placement of the driveway and the road at the property line. He felt that Public Works, as well as perhaps the Police Department might take some objection to the site planning. Mr. Broberg stated that this had been anticipated, and said that in that particular area, there is ample view to both sides of the road. Mr. Moore noted that in past subdivisions, it has been required that the road be offset by a goodly portion from the property line. Mr. Broberg noted that this sort of consideration is within the realm of the Town Council, not the Landmarks Preservation Commission. Mr. Moore responded that he wanted to provide this information to the Commission at the outset.

Mrs. Albarran de Mendoza had some additional questions regarding the placement of the road. Mr. Moore responded that if Public Works requires the road to be moved away from the property line, the road will have to be moved to the north. This, then, would require that the eastern boundary of Lot 2 would have to be pushed further east to accommodate the Code's square footage requirement for the new lot. He expected that Public Works would not require them to move the road any more than ten feet north of the property line, but informed the Commission that if more than ten feet was required, the Commission would most likely have to review the site plan again. He explained that an approval given today must be with the understanding or realization that the road will probably have to be moved ten feet to the north.

Dr. Curl still maintained his position that the beauty of the house with respect to its entrance and its view from and to South Ocean Boulevard would be hampered by this plan.

Mr. Broberg asked the Commission to please bear in mind that the matters put forward by Mr. Moore will all be handled at the Town Council level after all of the engineer's work is completed, and that the request put forth today is merely to permit "that the lot be segregated from the main property in some fashion so there is 60,000 square feet. The site plan you are looking at is as close to it as we can get at this point."

Mr. Moore commented, "For the record, and the future subdivision applications for other estates that may be larger than this, I would like to...there is no differentiation between the procedures for a small two lot subdivision versus a seven, eight, or nine lot subdivision that you have jurisdiction over. So for the benefit, and

I understand the judge's concerns, actually, you do have the ability to review the matter as far as the subdivision and the layout of the lots is concerned, as it relates to the landmarked property, and the Town has taken that position in the past, and I do not believe that they are going to deviate from that position, that you review before the Council reviews as to the appropriateness of the lot split. The Council will take into consideration your actions as far as this is concerned. We had another one that was somewhat controversial five or six years ago, where it was a landmark property. I do not believe anyone sitting here today was sitting on the Commission at that time, and the procedure was that you reviewed it after the Town Council. In fact, you found so many problems with it, you voted 4-3 to approve it after the Council had voted unanimously to approve it. At that time, the Council changed the review procedure, subsequently to that problem, and what they have now said is you will review first, give your approval, and then they will look at it based upon the technical aspect that the Judge refers to. But keep in mind what we don't want to have happen is you say to us later on...why didn't you tell us that the road had to possibly be moved to the north. This is the purpose of the rest of the Town Staff, Police, Fire, Engineering, Public Works, looking at the subdivision and offering its comments. The Council will take all of those comments into consideration. In fact, the applicant would have the ability to ask for waivers from the subdivision ordinance, and yes, that is a Council decision as to whether a waiver is granted. They may say...we want to leave that road right where it is...and then ask the Council to leave it, regardless of what Public Works says. That is a final Council decision. So, he is correct. It is a final Council decision, but for the record, you do have the authority on the front end to say yes or no to the possible configuration of these lots the way they are presented to you today." Mr. Moore also encouraged the Commission to reach a decision regarding this matter, as the applicant had come before the Commission in good faith, and the Landmark Preservation Commission will retain the right of review for any structure to be built on Lot 2 in the future. Also, the size of Lot 2 allows more than enough room for a designer or architect to be creative in the use of the available space. Mr. Moore stated that in light of the available space, approximately 1.5 acres, it is entirely possible that a new house could be positioned on Lot 2 without effecting the vista of the house on Lot 1.

SUBSTITUTE OR AMENDED MOTION OFFERED BY MRS. METZGER FOR APPROVAL OF CERTIFICATE OF APPROPRIATENESS #38-90 IN CONCEPT, WITH THE STIPULATION THAT THE DESIGN FOR THE NEW HOUSE ON LOT 2 IS DESIGNED IN SUCH A WAY TO MAXIMIZE PROTECTION OF THE VISTA OF THE HOUSE ON LOT 1.

MOTION SECONDED BY MRS. VOLK.

(LET THE RECORD SHOW THAT MRS. METZGER DELETED THE WORDS, "IN CONCEPT" FROM THE ABOVE MOTION.)

THE ROLL WAS CALLED: MRS. METZGER: YES
MRS. VOLK: YES
MRS. MACKINTOSH: YES
MRS. ALBARRAN DE MENDOZA: YES
DR. CURL: NO

MOTION CARRIED 4-1.

Mr. Broberg asked Mrs. Metzger to give a statement of her understanding of the motion she sponsored. The following is that statement: "It is my understanding that the property can be subdivided, and in the event that a house is built on Lot 2, that the new owner and the architect understand that they design a house in such a way that the vista, that Dr. Curl mentioned, of the existing house on Lot 1 is protected."

F. Application for Certificate of Appropriateness No. 39-90, Steps, Awning or Wood Trellis

Applicant: Mr. and Mrs. Alan Curtis
Owner: Mr. and Mrs. Alan Curtis
Address: 720 South Ocean Boulevard
Architect: Curtis Doern & Ginsberg Architects
Project Description: Request approval to increase the width of the existing back garden terrace steps (which lead to the pool) to match the steps leading to the tea house at the opposite end of the pool; and add a retractable awning or wood trellis at the back garden terrace.

Ms. Darby Curtis, Architect, presented this project representing Mr. and Mrs. Curtis, the property owners. Two items are being proposed for the west terrace area.

- 1) Increase the width of the existing coquina back garden terrace steps, which lead to the pool, to match the steps leading to the tea house at the opposite end of the pool.
- 2) Construction of a 12' x 16' trellis on the west terrace as a protection from the afternoon sun. The wood will be painted to match the wood trim of the house, and bougainvillea will climb the trellis to add color.

Mrs. Albarran de Mendoza felt that the trellis protruded too much into the wide access, and suggested it be moved closer to the railing. The owners, however, did not want the trellis to interfere with the balustrade.

MOTION BY MRS. VOLK TO APPROVE CERTIFICATE OF APPROPRIATENESS #39-90 AS PRESENTED.

MOTION SECONDED BY MRS. MACKINTOSH.

MOTION CARRIED UNANIMOUSLY.

G. Application for Certificate of Appropriateness No. 40-90, Storm shutters

Applicant: Mr. Jose Fanjul

Owner: Mr. Jose Fanjul

Address: 105 Jungle Road

Contractor: Folding Shutter

Project Description: Request approval to install non-electric aluminum bahama shutters on 17 openings, and removable storm panels on 12 openings.

Attorney Doyle Rogers represented the Fanjuls on this matter. He stated that the home currently has Colonial shutters on the front side with bahama shutters on the sides of the house. The new shutters will be installed on the rear of the house and in the courtyard over the sliding glass doors, and will be painted the same as the rest of the existing shutters. There are seventeen openings on the rear of the structure to be covered with permanently affixed shutters, while the sliding glass doors will be covered with removable shutters.

As Mrs. Mackintosh had indicated that the shutter company was sending a representative to this meeting, who would have drawings, etc., the Commission elected to postpone further discussion of this matter until the representative arrived.

Mr. Rogers, though he conceded to the delay, stated that these are merely additions to the type of shutters as were already on the house when the house was landmarked.

H. Application for Certificate of Appropriateness No. 41-90, Whirlpool Spa

Applicant: Mr. and Mrs. John Pomerantz

Owner: Mr. and Mrs. John Pomerantz

Address: 780 South Ocean Boulevard

Architect: Smith Architectural Group

Project Description: Request approval to install whirlpool spa in existing pool area.

Mr. Jeff Smith presented the owner's request to add a spa to the pool area, to be on axis with the pool. Mosaic tiles, as are now in the pool, will be duplicated in the spa.

MOTION BY MRS. VOLK TO APPROVE THE PROJECT AS PRESENTED.

MOTION SECONDED BY MRS. MACKINTOSH.

MOTION CARRIED UNANIMOUSLY.

C. Application for Certificate of Appropriateness No. 36-90,
Fenestration Changes

Applicant: Mr. and Mrs. J. Switzer
 c/o Robert T. Eigelberger
Owner: Mr. and Mrs. J. Switzer
 c/o Robert T. Eigelberger
Address: 10 South Lake Trail
Architect: S.D.A. Management
Project Description: Request approval for fenestration
 changes to approved plans

Mrs. Michelle Ackerman presented these revisions to the previously approved plans. The fenestration changes were necessary due to changes occurring in the interior spaces during the interior renovations. On the front elevation, the removal of four windows is proposed, giving both wings a more balanced appearance, as well as accommodating interior changes. Also, the window at the side of the front portico will be reduced in size by approximately one-half.

Dr. Curl commented that this is a definite improvement over the previous plan, as this plan is less "busy".

On the rear elevation, the restorative work to the columns is being done, as was approved. Now, all of the rotten wood needs to be replaced. Originally, approval had been given to replace the doors with french doors and transoms to match what was originally there. The client has decided that he no longer wants to see any horizontal or vertical lines within the doors, and therefore, has requested eight foot panes of fixed clear glass. At the sunroom, an existing window will be converted into a door.

MOTION BY MRS. VOLK TO APPROVE CERTIFICATE OF APPROPRIATENESS #36-90 AS REQUESTED FOR FENESTRATION CHANGES TO THE FRONT AND REAR...THE REMOVAL OF WINDOWS IN THE FRONT, AND THE ADDITION OF FIXED PANE, CLEAR GLASS DOORS IN THE REAR.

MOTION SECONDED BY MRS. MACKINTOSH.

MOTION CARRIED UNANIMOUSLY.

D. Application for Certificate of Appropriateness No. 37-90,
Block wall and concrete pad

Applicant: Bath & Tennis Club Inc.
Owner: Bath & Tennis Club Inc.
Address: 1170 South Ocean Boulevard
Architect: Neill & Neill Architects
Project Description: Request approval for changes in the recreation area to replace wood lattice enclosure with block wall (for air conditioning); compactor

pad - concrete pad for compactor -
dumpster.

Mr. Sidney Neill, Architect, presented this project for the Bath and Tennis Club. On the south elevation, the door at the 7 UP Room will be embellished by adding a plaster band around the door and placing some potted plants nearby. Basically, this is an enclosure of the 7 UP Room Recreation area with a concrete block wall instead of wood lattice. This will then become air-conditioned space, which will be of benefit to all who frequent there.

There is also a technical necessity for the installation of a concrete pad at the northwest corner for the compactor/dumpster. The area will be obscured by plants.

MOTION BY MRS. MACKINTOSH TO APPROVE CERTIFICATE OF APPROPRIATENESS #37-90 AS PRESENTED FOR CHANGES IN THE RECREATION AREA AND THE CONCRETE PAD FOR THE DUMPSTER.

MOTION SECONDED BY MRS. METZGER.

MOTION CARRIED UNANIMOUSLY.

G. Application for Certificate of Appropriateness No. 40-90, Storm Shutters for 105 Jungle Road-discussion continued

Attorney Doyle Rogers again came forward representing the Fanjuls in their request for additional shutters, as the representative from the shutter company had not appeared. Mr. Levine, the General Contractor at the site, also came forward. He reiterated that these shutters are not visible from the street. The Commission expressed some concern that no drawings or elevations were presented regarding these shutters.

MOTION BY MRS. MACKINTOSH TO APPROVE CERTIFICATE OF APPROPRIATENESS NO. 40-90 FOR SHUTTERS TO THE REAR FACADE AND THE COURTYARD AS PRESENTED.

MOTION SECONDED BY MRS. VOLK.

Mr. Moore requested that this approval be conditioned on the requirement that the new shutters be identical in design and color to the existing shutters on the building.

THE MOTION WAS AMENDED TO INCLUDE THE AFOREMENTIONED CONDITION.

MOTION CARRIED UNANIMOUSLY.

Mr. Moore stated, for the record, that in no way are we setting a precedent here, in that shutters could routinely be approved without submission of drawings/elevations. Future submissions will have to be complete. He noted that there was some confusion about this particular

application, however, in that it was placed on the ARCOM agenda by mistake, and should have come to the Landmarks Preservation Commission.

V. Other Business

A. 1990/1991 Priority List for Landmark Designations

Mr. James Edward Sved, Staff Consultant, spoke regarding this list of 27 properties which represents all of the properties for which Designation Reports have been already completed by the student interns. He explained that this includes all of the Commission's first choice selections and as many of the second choice selections as could be done.

Mr. Moore added that this list will be refined until the next meeting, at which time the Commission should formally instruct Staff to notify the affected property owners that their home is "under consideration" for designation. No Commission action was requested today. The distributed list is for information purposes only.

Mr. Sved also distributed an article for the Commission's review dealing with the subject of Historic Districts.

VI. Adjournment

The meeting adjourned at 10:24 a.m. without a motion for same.

The next meeting of the Landmarks Preservation Commission will be held on Friday, September 21, 1990 at 9:00 a.m. in the TOWN COUNCIL CHAMBERS, TOWN HALL, 360 SOUTH COUNTY ROAD, PALM BEACH.

Respectfully submitted,

Elise P. Mackintosh

Elise P. Mackintosh
Secretary

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