



# **TOWN OF PALM BEACH**

## **PLANNING, ZONING AND BUILDING DEPARTMENT**

### **MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, SEPTEMBER 29, 2021**

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at [www.townofpalmbeach.com](http://www.townofpalmbeach.com).

#### **I. CALL TO ORDER**

Mr. Small called the meeting to order at 8:59 a.m. All members participated via Zoom Webinar due to the COVID-19 situation.

#### **II. ROLL CALL**

Michael B. Small, Chairman	PRESENT
John David Corey, Vice Chairman	PRESENT
Alexander C. Ives, Member	PRESENT (arrived at 9:18 a.m.)
Maisie Grace, Member	PRESENT
Betsy Shiverick, Member	PRESENT
Jeffrey Smith, Member	PRESENT
Thomas Kirchhoff, Member	PRESENT
Katherine Catlin, Alternate Member	PRESENT
Dan Floersheimer, Alternate Member	PRESENT
Richard F. Sammons, Alternate Member	ABSENT (Unexcused)

Staff Members present were:

Wayne Bergman, Director of Planning, Zoning and Building  
James G. Murphy, Assistant Director of Planning, Zoning and Building  
Paul Castro, Zoning Manager  
Sarah Pardue, Planner II  
Kelly Churney, Secretary to the Architectural Review Commission  
John Randolph, Town Attorney

#### **III. PLEDGE OF ALLEGIANCE**

Chairman Small led the Pledge of Allegiance.

**IV. RULES OF ORDER AND PROCEDURE**

Mr. Small thanked the Town Council for allowing the Commission to meet virtually. He thanked staff for their participation in setting up the virtual meeting. Mr. Small continued with procedural information and comments regarding the upcoming meeting.

Mr. Bergman welcomed Jordan Hodges as the new Planner II in the Planning, Zoning and Building Department.

**V. APPROVAL OF THE MINUTES FROM THE AUGUST 25, 2021 MEETING**

**Motion made by Mr. Corey and seconded by Mr. Kirchhoff to approve the minutes from the August 25, 2021 meeting. Motion carried unanimously.**

**VI. APPROVAL OF THE AGENDA**

Mr. Small announced the following changes to the agenda:

*Deferral of B-019-2021, 101 Nightingale Trail to the October 27, 2021 meeting*

*Deferral of B-072-2021, 224 La Puerta Way to the October 27, 2021 meeting*

*Deferral of ARC-21-026, 305 Clarke Avenue to the October 27, 2021 meeting*

*Withdrawal of B-062-2021, 215 Via Tortuga*

*Mr. Bergman also announced that B-065-2021, 7 Ocean Lane would be time certain at 4 p.m. He also announced that the demolition at 223 Monterey Road was approved on 8/25/21.*

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

**VII. PROJECT REVIEW**

**A. CONSENT AGENDA OF MINOR PROJECTS**

None

**B. DEMOLITIONS AND TIME EXTENSIONS**

1. ARC-21-006, 164 SEASPRAY AVE. The applicant, Hayati Banastey, has filed an application requesting Architectural Commission review and approval for the demolition of an existing two-story residence.

This item was deferred from the August 25, 2021 meeting to the September 29, 2021 meeting to improve the proposed landscape plan.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Patrick Segraves, SKA Architect + Planner, agreed to the easement.

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

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

Mr. Small called for staff comment. Ms. Pardue provided staff comments.

Mr. Corey thanked Mr. Mizell for the landscape plans that showed the site post demolition. He thought the plan was very clear and showed the screening for the neighbors.

Mr. Floersheimer stated he thought this was a good opportunity to move the Ficus on the site.

Ms. Grace restated that the existing house was in a historic neighborhood and acknowledged the lot's building constraints. She hoped that the new project would be very attractive and took all of those items into consideration.

Ms. Shiverick agreed with Ms. Grace's comments. She thought the new project should take into account the narrowness of the lot and the historic nature of the surrounding properties.

**Motion made by Mr. Corey and seconded by Ms. Catlin that the proposed demolition of 164 Seaspray Avenue has met the conditions listed in Sec. 18-206 of the Town's code of ordinances, and to approve the demolition as presented. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.**

2. B-075-2021, 225 WELLS RD. The applicant, M2B Properties LLC (Mary Frances Garrett), has filed an application requesting Architectural Commission review and approval for the demolition of an existing one-story residence.

This item was deferred from the August 25, 2021 meeting to the September 29, 2021 meeting due to an error in the mail notice.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Gregory Palmer, Harrison Design, agreed to the easement.

Mr. Palmer presented the demolition request for the existing one-story residence.

Steve West, Parker Yannette Design Group, presented the landscape and hardscape plans for the proposed demolition.

Mr. Small inquired if the property was on a list of landmarked properties or on a list to be landmarked. Mr. Palmer provided confirmation that it was not was not on any such list.

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

Mr. Small called for staff comment. Ms. Pardue provided staff comments.

Ms. Shiverick thought this was a beautiful, older street. She requested that the new home be commensurate with the existing architecture on the street.

Mr. Kirchhoff thought that a construction screening fence should be added on the east side during the demolition. Mr. Small requested that this be added to the motion.

**Motion made by Mr. Corey and seconded by Mr. Smith that the proposed demolition of 225 Wells Road has met the conditions listed in Sec. 18-206 of the Town's code of ordinances, and to approve the demolition as presented with a condition to add a construction screening fence on the east side. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.**

3. ARC-21-014, 281 MONTEREY RD. The applicant, Adam Demark, has filed an application requesting Architectural Commission review and approval for the demolition of an existing two-story residence.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Caroline Forrest, MHK Architecture & Planning, agreed to the easement.

Ms. Forrest presented the demolition request for the existing residence.

Mr. Small inquired if the property was on a list of landmarked properties or on a list to be landmarked. Ms. Forrest provided confirmation that it was not on any such list.

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

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

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

Ms. Shiverick inquired if the owner had considered the historically significant building program for this home. Ms. Forrest responded and explained how the home had been studied. Ms. Shiverick thought the next home should be as attractive as the existing home.

Mr. Smith requested that photographs and plans be submitted to the Preservation Foundation to document the historic home to be demolished.

Ms. Catlin asked for confirmation that the construction trucks would not use Lake Way as they traversed the island. Ms. Catlin also stated her expectation that the new house should have the charm of the existing home. Ms. Forrest discussed the trucks route to be used.

Ms. Grace thought the existing home had nice features and proportions. She looked forward to seeing the new home with similarly attractive features and proportions.

Ms. Shiverick requested that the professional use the Preservation Foundation if she needed any images in her inspiration for the new home.

**Motion made by Mr. Corey and seconded by Ms. Grace that the proposed demolition of 281 Monterey Road has met the conditions listed in Sec. 18-206 of the Town's code of ordinances, and to approve the demolition as presented. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.**

4. ARC-21-021, 315 CLARKE AVE. The applicant, J.F. Benoist d'Etiveaud, has filed an application requesting Architectural Commission approval for the demolition of an existing two-story residence.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Janssen agreed to the easement.

Roger Janssen, Dailey Janssen Architects, presented the demolition request for the existing residence.

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

Mr. Small inquired if the property was on a list of landmarked properties or on a list to be landmarked. Mr. Janssen provided confirmation that it was not was not on any such list.

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

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

Ms. Shiverick stated there was no historical background for the home in the mini-sets. She thought the lot was large and beautiful. She worried about the temptation to build a large home on the lot. She wondered if the additions could be removed and the professional could modernize the main portion of the home. Mr. Janssen responded and stated there were many aspects in the home that made it unable to be saved.

Mr. Kirchhoff agreed with Ms. Shiverick and stated he did not receive the historical backup. He also agreed it was a shame that the home was to be demolished.

Ms. Catlin thought the new home should have the same charm and appeal as the historic home. She questioned whether the home could be saved with the historical significant building program.

Mr. Floersheimer agreed with the other Commissioners. He inquired about the size of the new home.

Mr. Small shared the views of all of the Commissioners that had commented on this home. He thought it was a shame to lose an architecturally significant home.

**Motion made by Ms. Shiverick and seconded by Mr. Corey to defer the project to the October 27, 2021 meeting with the direction that the**

**professional provide a historical background and interior photos of the existing home to the Commissioners in their mini-sets. Motion carried unanimously, 7-0.**

**C. MAJOR PROJECTS – OLD BUSINESS**

1. B-019-2021 Modifications

\*ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)\*

Address: 101 Nightingale Trail

Applicant: 04TST101 Nightingale LLC (Brian Libman, Manager)

Professional: Brooks & Falotico Associates, LLP

Project Description: Exterior alterations and interior renovations to two-story single family residence; revised fenestration on all elevations; reframe portions of existing roof to accommodate new fenestration height and replace existing roof tiles; renovate entry portico, frame for second floor roof deck, and face with coquina; new Dutch gables at courtyard elevations; renovate pool terrace and incorporate new retaining walls; remove existing driveway and install new hardscape and landscape.

ZONING INFORMATION: Section 134-893(13): The applicant is proposing to construct a 70 square foot one story bathroom addition and two Dutch gables that will be added to the courtyard elevations of the pool cabana and kitchen which will increase the cubic content ratio ("CCR") to 5.24 in lieu of the 5.01 existing CCR and the 3.9 maximum CCR allowed in the R-B Zoning District.

A motion carried at the March meeting to defer the project to the April 28, 2021 meeting to address the comments of the Commissioners, which included the identity and character of the home, the front entry, the fenestration, the shutters, the balconies and glass railings. A motion carried at the April meeting to defer the project for one month, to the May 26, 2021 meeting, to restudy the gables, fenestration and in accordance with the comments of the Commission. A motion carried at the May meeting to defer the project to the June 23, 2021 meeting at the request of the professionals. A motion carried at the June meeting to defer the project to the July 28, 2021 meeting at the request of the professionals. A motion carried at the July meeting to defer the project to the August 25, 2021 meeting at the request of the professionals. At the August 25, 2021 meeting, a motion carried to defer the project to the September 29, 2021 meeting.

***Please note: This project was deferred to the October 27, 2021 meeting at the Approval of the Agenda, Item VI.***

2. B-024-2021 Demolition/New Construction

Address: 240 Mockingbird Trail

Applicant: Lee Fensterstock

Professional: MP Design & Architecture, Inc.

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

A motion carried at the March meeting to approve the demolition. A second motion carried at the March meeting to defer the project to the April 28, 2021 meeting to address the comments of the Commissioners, which included adding some identity to the home, the fenestration, a restudy of the landscaping and pedestrian gate, and to return with a north, east, west and south cross section of the landscaping. A motion carried at the April meeting to defer the project to the May 26, 2021 meeting to restudy the size of the bay windows on the front elevation, to change the roof pitch to 5/12, to remove 12 inches in the second floor, to change the laundry room to a single window, and the French doors over the front entrance will be changed as previously proposed. A motion carried at the May meeting to defer the project to the June 23, 2021 meeting for a restudy of the home design. A motion carried at the June meeting to defer the project to the July 28, 2021 meeting at the request of the professional. A motion carried at the July meeting to defer the project to the August 25, 2021 meeting at the request of the professionals. At the August 25, 2021 meeting, a motion carried to defer the project to the September 29, 2021 meeting.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Perry agreed to the easement.

Michael Perry, MP Design & Architecture, presented the modified architectural plans proposed for the new residence.

Mario Nievera, Nievera Williams Design, presented the small changes proposed for the landscape and hardscape plans.

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

Mr. Small called for staff comment. Ms. Pardue provided staff comments.

Mr. Corey thought the professional made significant changes that lightened up the home. He liked how the professional recessed the second floor. He questioned the proportions of the columns on the front portico. He thought the streetscape was missing from the mini-sets and requested to see a view of the home on the street. Mr. Corey thought the height of the home was reasonable.

Ms. Grace thought the changes were good and responsive to the comments from the Commissioners. She agreed with Mr. Corey and thought a streetscape was needed. She also believed the front columns were too heavy on the front portico. She wondered if the doors on the guest bedroom, south elevation, could be changed to a pair of doors. Mr. Perry responded and agreed to make the change to a pair of doors.

Ms. Shiverick also thought the columns on the front portico were too clunky. She requested to see the location of the pedestrian gates. Mr. Nievera responded and showed the Commissioners the location proposed for the gates. Ms. Shiverick questioned if the gate design was too busy.

Mr. Kirchhoff thanked the professional for the changes. He agreed with the assessment of the columns and thought the proportions were incorrect. He recommended reducing the number of doors on the guest bedroom on the south elevation. Mr. Perry agreed to narrow the columns on the front portico. Mr. Perry showed photographs of the existing homes on the street and a site section of the lot showing the grading to the home.

Mr. Floersheimer stated his mini-set had all black and white pictures and he would appreciate color photographs in the future. Mr. Floersheimer pointed out that the home was at the maximum setbacks allowable for the lot.

Ms. Catlin liked the box bay window rather than the traditional bay window. She understood the comments of the columns but cautioned the professional to not make them too thin once changed.

Mr. Smith inquired about the fireplace and whether it was a working fireplace. Mr. Perry responded. Mr. Smith did not understand the two fake chimneys on the home. He also agreed that the columns were too chunky. He questioned the placement of the columns. He recommended using Chitham as the reference on the proportion of a column. He questioned the pair of columns on the pool loggia as well.

Ms. Grace stated she did not receive the streetscape as well in her mini-sets. She inquired about the ceiling heights of the home. Mr. Perry responded.

Mr. Corey agreed with Mr. Smith's comments, particularly with the columns and the fake chimneys. He recommended removing the chimneys. Mr. Perry agreed with all of Mr. Corey's recommendations.

Mr. Small agreed with his fellow commissioners and asked that any concerns be included in the motion.

**Motion made by Mr. Smith and seconded by Mr. Corey to approve the project as presented with the following conditions: the two fake chimneys are removed, the proportions of the columns are changed using the**

**Chitham reference, and the doors on the guest bedroom, south elevation, are changed to a single set of French doors. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.**

3. B-039-2021 Demolition/New Construction

Address: 200 Bahama Lane

Applicant: 200 Bahama Lane, LLC (Maura Ziska)

Professional: SKA Architect + Planner

Project Description: Demolition of existing one story house. New construction of two story classical style house, approx. 5,856 sq. ft. Final landscape and hardscape included.

A motion carried at the May meeting to approve the demolition of the existing home as requested. A second motion carried to defer the project for two months to the July 28, 2021 meeting for an entire restudy. A motion carried at the July meeting to defer the project to the August 25, 2021 meeting at the request of the professionals. At the August 25, 2021 meeting, a motion carried to defer the project to the September 29, 2021 meeting.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Segraves agreed to the easement.

Patrick Segraves, SKA Architect + Planner, presented the modified architectural plans proposed for the new residence.

Keith Williams, Nievera Williams Design, presented the small changes proposed for the landscape and hardscape plans.

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

Mr. Small called for staff comment. Ms. Pardue provided staff comments.

Ms. Shiverick liked Mr. Kirchhoff's suggestion to flatten the entry on the cabana. She thought the lower roof on the cabana was a better profile. She thought the roof on the cabana should be a lighter color rather than the dark metal proposed. She requested that very high end materials be used on the home due to its visibility, particularly with the windows. Mr. Segraves responded about the roof color for the cabana. He also addressed the materials to be used.

Mr. Kirchhoff was in favor of the lower pitched roof for the cabana. He also recommended lowering the ceiling height as well.

Mr. Floersheimer thanked Mr. Williams for the additional landscape drawings provided. He thought the home was looking much better. He liked the lower roof on the cabana.

Mr. Small agreed with his fellow Commissioners. He thought the project should be moved forward.

**Motion made by Ms. Shiverick and seconded by Mr. Kirchhoff to approve the project as presented with the following conditions: the cabana has the lower roof as shown, and the cabana has the flattened entrance (loggia) as shown. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.**

4. B-053-2021 Modifications

\*ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)\* - Done 6/23/21

Address: 8 Windsor Ct.

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

Professional: MP Design & Architecture, Inc.

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

A motion carried at the June meeting that implementation of the proposed variances will not cause negative architectural impact to the subject property. A second motion carried to approve the project as presented with the removal of the rear trellis and to return to the July 28, 2021 meeting with an alternate design of a roof over the two doors on the north elevation. A motion carried at the July meeting to defer the project to the August 25, 2021 meeting at the request of the professionals. At the August 25, 2021 meeting, a motion carried to defer the project to the September 29, 2021 meeting.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Perry agreed to the easement.

Michael Perry, MP Design & Architecture, presented the modified architectural plans proposed the roof over the doors on the north elevation of the garage structure.

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

Mr. Small called for staff comment. Ms. Pardue provided staff comments.

Mr. Floersheimer inquired if the awning change to the copper roof had been approved. Mr. Perry provided clarification on what had been approved.

**Motion made by Mr. Corey and seconded by Ms. Grace to approve the project as presented. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.**

*Please note: The Commission took a short break at 10:43 a.m. The meeting resumed at 11:00 a.m.*

5. B-058-2021 Demolition/New Construction

Address: 1020 N. Lake Way

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

Professional: MP Design & Architecture, Inc.

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

A motion carried at the June meeting to approve the demolition of the existing home as requested. A second motion deferred the hearing of the new construction to the July 28, 2021 meeting. A motion carried at the July meeting to defer the project to the August 25, 2021 meeting at the request of the professionals. At the August 25, 2021 meeting, a motion carried to defer the project to the September 29, 2021 meeting.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Perry agreed to the easement.

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

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

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

Mr. Small called for staff comment. Ms. Pardue provided staff comments.

Ms. Shiverick thought the windows on the front elevation, particularly on the second floor, should be reduced in width. She thought the iron balconies on the front elevation should be painted black. She questioned the Bougainvillea on the front and rear elevation; she preferred more green plantings due to the formality of the home. She thought the window tower for the elevation should be restudied. She thought the rear balcony should be changed to black iron rather than glass. She liked the ball finials on the front but questioned them on the rear of the home.

Ms. Catlin did not prefer the proposed home for the location. She thought the existing home had charm and warmth, where the proposed was cold. She requested a new design with charm and warmth.

Mr. Floersheimer liked the overall design of the home; however, he thought the home could be reduced in width and pointed out that the proposed home was much bigger than the existing and at the maximum setbacks. He thought there was too much glass and fenestration on the west elevation. He thought a restudy of the windows on the front façade was necessary. He questioned the ceiling heights proposed as well as the 3-foot parapet around the roof.

Mr. Kirchhoff thought the inspiration for the home had more charm and warmth than what was proposed. He thought the proposed home was too massive. He thought the parapet height should be reduced. He was not in favor of the garage on the front of the street and the round windows around the home. He recommended making the garage building more of a folly. He questioned the window design, as well as the shutter design, on the front façade. He questioned the floor to floor height. Mr. Kirchhoff questioned the fenestration and thought some refinement was needed.

Mr. Ives was not too concerned with the size of the home and the windows. He thought the home should be softened a bit. He recommended leaning in to the Art Deco style a bit to soften the home. Mr. Ives thought that while a deferral was coming, he thought the design approach was sound.

Ms. Grace liked the design style chosen for the home. However, she thought the garage structure was too large. She requested more wall space between the first and second floor windows on the front façade. She preferred adding muntins to the windows rather than the proposed plate glass. She thought there was too much glazing on the west façade. She agreed that the

Bougainvillea did not fit in the design. She thought the mass of the home should be reduced.

Mr. Corey agreed with Mr. Kirchhoff's comments. Mr. Corey thought the garage structure was too big and protruded too far forward. He thought the windows on the front were too monolithic, and the front entrance was too tall and lacked charm. Mr. Corey thought the landscape plan was a miss. He was sad to see all of the trees along the Lake Trail removed.

Mr. Smith thought the proposed home was troubling. He questioned the style of the home and thought the garage on the street was too large. He questioned the windows on the front of the home. He did not believe the home had a personality.

Ms. Catlin reiterated that the proposed home did not belong in the proposed location. She also thought the screening removed from the Lake Trail was a big mistake, especially for the privacy of the owner.

Mr. Small shared the concerns of his fellow Commissioners.

**Motion made by Mr. Kirchhoff and seconded by Mr. Ives to defer the project to the November 19, 2021 meeting for a restudy of the project, particularly keeping in mind the comments of the Commissioners. Motion carried 6-1, with Mr. Smith opposed.**

6. B-062-2021 Additions/Modifications

Address: 215 Via Tortuga

Applicant: 215 Via Tortuga, LLC (Whitney Crane)

Professional: Tod E. Sikkenga/Wadia Associates

Project Description: Renovations and small addition to existing house (141 sf). New enclosed pool pavilion (409 sf) Three new skylights. Maintain and paint existing roof tile. Modify existing swimming pool, landscape, and hardscape. New generator and outdoor mechanical and pool equipment. Replace existing windows and doors, and new openings with impact resistant units. Miscellaneous improvements to exterior elevations.

A motion carried at the June meeting to defer the project to the July 28, 2021 meeting to address the comments of the commissioners. A motion carried at the July meeting to defer the project to the August 25, 2021 meeting at the request of the professionals. At the August 25, 2021 meeting, a motion carried to defer the project to the September 29, 2021 meeting.

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

7. B-068-2021 New Construction

\*ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SITE PLAN REVIEW\*

Address: 267 Dunbar Road

Applicant: Michael S. Arlein, Trustee of the 267 Dunbar Road Trust (Maura Ziska)

Professional: SKA Architect + Planner

Project Description: New Construction of one and two story Mediterranean style house approximately 7,550 sq. ft. Final landscape and hardscape included.

A motion carried at the July meeting to defer the project to the August 25, 2021 meeting at the request of the professionals.

ZONING INFORMATION: Section 134-893(c): Site Plan Review to allow the construction of a new two story 7,552 square foot single family residence on a non-conforming platted lot which is 98.5 feet in width in lieu of the 100 foot minimum width required in the R-B Zoning District.

At the August 25, 2021 meeting, a motion carried to defer the project to the September 29, 2021 meeting.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Segraves agreed to the easement.

Patrick Segraves, SKA Architect + Planner, presented the architectural modifications proposed for the new residence.

Keith Williams, Nievera Williams Design, stated that no changes were made to the landscape and hardscape plans, only the perspectives had been changed to update the architectural changes.

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

Mr. Small called for staff comment. Ms. Pardue provided staff comments.

Ms. Grace inquired if the home was reduced in height. Mr. Segraves responded.

Ms. Shiverick thought the design had gone in a nice direction. She thanked the architect for listening to the Commissioners' suggestions for refinement as she thought the changes were nice. She thought the front entry appeared unfinished and recommending adding handrails. She thought the proposed

lanterns looked too Colonial and recommended a more Spanish style lantern in bronze.

Mr. Small shared the comments of his fellow Commissioners. He thought the proposed home was in harmony with the street. He did agree with Ms. Shiverick on her assessment of the lanterns.

**Motion made by Ms. Shiverick and seconded by Mr. Kirchhoff to approve the project as presented with the condition that the style of the proposed lanterns are changed to a Spanish style in a bronze finish. Motion carried 6-1, with Ms. Grace opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.**

8. ARC-21-005 New Construction

Address: 210 Palmo Way

Applicant: Bruce Percelay

Professional: Roger Janssen/Dailey Janssen Architects

Project Description: Construction of a new 2 story residence. New landscape, hardscape and pool.

At the August 25, 2021 meeting, a motion carried to defer the project to the September 29, 2021 meeting.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Janssen agreed to the easement.

Patrick Mayfield, Dailey Janssen Architects, presented the architectural modifications proposed for the new residence.

Steve West, Parker Yannette Design Group, stated that no big changes were made to the landscape and hardscape plans, only the perspectives had been changed to update the architectural changes. He did discuss a change in the hardscape for the driveway.

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

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

Ms. Shiverick thought the design was plain and not very creative. She did not believe it had the charm or whimsy for the north end. She also thought the landscape plan needed some lushness as well.

Ms. Catlin did not believe the design was bad but conceded it was not the most creative design. She thought if the right side of the home was to remain at two stories, it was important that the home be pulled back on the right to provide some breathing room to the neighbors. She questioned the truck logistics plan and asked for confirmation that the trucks would traverse on County Road rather than Lake Way. Mr. Mayfield provided confirmation that the trucks would use County Road.

Ms. Kirchhoff thought the home was a classic Monterey home and thought the home was charming. He thought the projection of the front entry should be pushed back to appear in line with the main body of the home. He also questioned the round windows on the west elevation. He added that the landscaping could be more creative and lush.

Ms. Grace was in favor of the new window pattern. Overall, she believed the style of the home was attractive. She requested a reduction in the house size, as she believed it was a bit large for the street. Mr. Mayfield responded to the comment regarding that the house needed to be reduced in height.

Mr. Corey agreed with Mr. Kirchhoff. He did not believe the home was too tall. He questioned the gable height on the right side of the home. He agreed with the assessments made on the landscaping. He recommended adding more trees rather than palms. He liked the 6 over 1 light patterns for the windows.

Mr. Smith thought the house was confident and would fit into the neighborhood. He did not prefer the protrusion of the front door. He also was not in favor of the side lights on the front door. He made a few suggestions for the columns on the front balcony.

Mr. Small shared the comments of his fellow Commissioners. He thought the current proposed was in harmony with the street. He supported the comments made by Messrs. Smith and Kirchhoff.

**Motion made by Mr. Kirchhoff and seconded by Mr. Smith that the proposed project at 210 Palmo Way has met the criteria for approval listed in Sec. 18-205 of the Town's code of ordinances, and to approve the project with the following conditions: to flatten the front entrance on the first floor, to adjust the rafters under the columns on the second floor, remove the side lights on the front door and to defer the landscape and hardscape plans to the October 27, 2021 meeting for a restudy. Motion carried 6-1, with Ms. Shiverick opposed. This application was approved with the condition that prior to the issuance of a building permit, the**

**applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.**

9. ARC-21-017 Demolition/New Construction

**\*ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SPECIAL EXCEPTION AND SITE PLAN REVIEW\***

Address: 223 Monterey Road

Applicant: 239 Monterey Road, LLC (Louis Capano, Jr., Manager)

Professional: Roger Janssen/Dailey Janssen Architects

Project Description: The lot is non-conforming in area: 9,000 square feet in lieu of the 10,000 square feet required in the R-B Zoning District; and in width: 90 feet in width in lieu of the 100 foot minimum required in the R-B Zoning District. 1. Request to demo the existing one-story residence, accessory structure, pool, driveway and miscellaneous site walls, piers and fences. 2. Request to construct a new single family residence on a non-conforming lot (overall size and width) meeting all applicable Town codes. 3. Request to construct a new two-story single family residence consisting of 3,902 gross square feet on a non-conforming lot, driveway, pool/spa, hardscape and landscape, including an emergency generator and civil, storm water and grading

At the August 25, 2021 meeting, a motion carried to defer the project to the September 9, 2021 meeting.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Janssen agreed to the easement.

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

Carol Perez, AGT Land Landscape Architecture, stated she did not make any large changes to the landscape and hardscape plans. However, she commented that she did add an additional sheet that showed the property would be sodded and irrigated after demolition.

At this time, Mr. Small confirmed with staff that the demolition for the existing property had been approved.

Mr. Small called for public comments.

Peter Broberg, 220 Monterey Road, was in favor of the project but added that this home was surrounded by Fatio landmarked homes. He noted that all three homes were several feet lower than the proposed. He requested that the

professional lower the proposed home to be more in line with the Fatio homes.

Steven Wolf, 225 Monterey Road, agreed with Mr. Broberg's comments. He added that he was concerned about the scale and size of the proposed home. He expressed concern about his home during the construction of the new home. He also expressed concern for the 8 windows proposed that would overlook his home.

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

Ms. Catlin thought the home was modest in size. She thought the detail changes were good; she thought the home may be slightly tall. She thought the blue color should be softened; she believed it may be too bright. She did not believe the home was excessively taller than the other homes.

Mr. Kirchhoff thought the enclosed masonry front entry was heavy. He thought the three windows next to the front door needed some restudy. He thought the home needed some more refinement. He questioned the shed roof on the rear of the home. He thought the house was pushing the lot to the maximum setbacks.

Ms. Shiverick stated she did not see any colored renderings in the mini-sets. She agreed with Ms. Catlin and the choice of blue was a bit too bright. She inquired if the outlookers would be painted. Mr. Janssen responded. Ms. Shiverick thought the home would fit nicely on the street. She did not mind the front entrance. She did agree that the three windows next to the front entrance should be reduced to two. Overall, she believed the house had a nice look.

Mr. Corey thought the house was cute but did believe the second floor of the home could be reduced. He thought the home looked like it was a bit top heavy. He agreed that the three window units were crowded next to the front door. He also believed the front entrance did not fit with the style of the home. Mr. Janssen discussed the heights of the two floors and thought the height had been reduced.

Ms. Grace liked the changes in the window patterns. She thought the front entrance could be changed. She believed the height of the home should be reduced to keep in line with the neighborhood.

Molly Mitchell, Dailey Janssen Architects, discussed the reasons for the ceiling heights. Mr. Janssen responded on this topic as well.

**Motion made by Ms. Shiverick and seconded by Mr. Corey to defer the project for one month, to the October 27, 2021 meeting, for a restudy of**

**the front door, the three windows next to the front door as well as the overall height of the home. Motion carried unanimously, 7-0.**

*Please note: The Commission took at lunch break at 12:45 p.m. The meeting resumed at 1:15 p.m.*

10. ARC-21-031 New Construction

Address: 433 Antigua Ln.

Applicant: Malcolm McCluskey

Professional: Patrick Ryan O'Connell Architect, LLC

Project Description: Proposed construction of a new two-story, single family residential structure, including a new pool, hardscape and landscape.

At the August 25, 2021 meeting, a motion carried to defer the project to the September 29, 2021 meeting.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. O'Connell agreed to the easement.

Patrick O'Connell, Patrick Ryan O'Connell Architect, presented the architectural modifications proposed for the new residence.

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

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

Mr. Corey inquired if staff had any comments on the potential landmarked tree on the property. Mr. O'Connell stated it was a landmarked tree. Mr. Corey wanted to make sure it would be protected during construction. Mr. Corey thought the home worked well for the site. Mr. Corey was in favor of the Lido green shown for the eaves and the door. Mr. Corey also supported the section of the alternate eave with the overhang.

Ms. Catlin liked the changes. She agreed with Mr. Corey on the painted door and eaves. She liked both alternate greens, Robin's Nest and Lido, shown.

Ms. Shiverick was in favor of the new entry. She preferred a pecky Cypress door. She inquired about the window trim color and thought it was a bit dark. She thought a lighter color could soften the home. She also recommended not painting the peaks in the green color; she recommended using Cypress in the peaks. She asked for an explanation for the alternate eave overhang. Mr. O'Connell provided further explanation for this detail. Ms. Shiverick was in

favor of increasing the eaves, perhaps not as significant as shown. She was in favor of the bay windows with the five lights on the front façade.

Mr. Kirchhoff was in favor of the alternate eave overhang. He was in favor of the new door and the five bay windows.

Mr. Floersheimer agreed with Ms. Shiverick. He liked the Cypress door and the Robin's Nest green for the shutters.

Ms. Grace inquired if the professional considered changing the colors of the windows to a softer bronze or brown. She liked the Robin's Nest green as the color choice for the shutters. She was in favor of the Cypress door.

Anne Metzger, 277 Esplanade Way, stated that she owned the property for many years and cared very much for the wild almond tree. She implored the owners to consult with Richard Maxwell, the Town's Arborist, on the care of the tree.

Mr. Small was happy with the changes.

**Motion made by Mr. Corey and seconded by Mr. Kirchhoff to approve the project as presented with the following changes: the master bedroom wing will have the alternate eave overhang, the shutter green color will be either Robin's Nest or Lido and that the wild almond tree will be cared for and protected during construction. Motion carried 5-2, with Ms. Shiverick and Grace opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.**

11. B-031-2021 Demolition/New Construction

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

Address: 130 Algoma Rd.

Applicant: 130 Algoma, LLC (Lee Fensterstock)

Professional: MP Design & Architecture

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

ZONING INFORMATION: Section 134-229: Section 134-329 and Section 134-843(b): Special Exception with Site Plan Review to allow the construction of a new two story 6,448.55 square foot residence while preserving the existing one story nonconforming garage on a lot with an area of 15,708 square feet in lieu of the 20,000 square foot minimum required; a lot depth of 142.33 feet in lieu of the 150 foot minimum required; and a lot width of 111.89 in lieu of the

125 foot minimum required; all in the R-A Zoning District. The following variances are being requested: 1) Section 134-843(8): to allow the existing east side yard setback to remain at 8.75 feet in lieu of the 15 foot minimum required to keep the existing non-conforming garage. 2) Section 134-843(7): to allow a building height plane setback to be 46.1 feet in lieu of the 48.33 foot minimum setback required.

A motion carried at the April meeting to defer the demolition for one month, to the May 26, 2021 meeting, to allow the Commissioners to receive a proper demolition report and landscape demolition plan. A second motion carried at the April meeting to defer the entire project, including the new construction, to the May 26, 2021 meeting. A motion carried at the May meeting to approve the demolition request as presented. A second motion carried at the May meeting to defer the project to the June 23, 2021 meeting for a restudy in accordance with the comments from Mr. Castro and the Commissioners, to include style, floor height and garage orientation. A motion carried at the June meeting to defer the project to the July 28, 2021 meeting for a complete redesign backed on the comments from the Commissioners. A motion carried to defer the project to the September 29, 2021 meeting.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Perry agreed to the easement.

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

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

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

Mr. Small called for staff comment. Ms. Pardue provided staff comments.

Ms. Shiverick preferred the lower roof of the garage.

Mr. Floersheimer thought the mini-set was complicated to understand. Mr. Floersheimer inquired about the grade from east to west. Mr. Nievera stated that a retaining wall would be added on the east. Mr. Floersheimer inquired about the grading on the west, next to the pool. Mr. Perry responded and explained the lot grade.

Mr. Kirchhoff inquired about the grade change from east to west across the entire lot. Mr. Perry responded and stated that a retaining wall would be built on the west and the pool would also be lower than the main home. Mr. Kirchhoff liked the garage roof stepped down but also liked it as one plane.

Ms. Catlin thought the home was simple, clean, elegant and well done. She preferred the lower roof for the garage.

Mr. Ives thought there was a tension in the design that inhibited grace and charm in the design. He added that there were sections that were good; however, he felt that some of the sections were fighting themselves. He felt some tweaking was needed overall.

Mr. Smith pointed out two columns that did not appear in elevation. He questioned the thinness of the front door and thought the proportions were wrong. He also questioned the location of the garage doors next to the front door. He did not understand the window choice material. He stated he could not support the project.

Ms. Grace was in favor of this project over the previous project. She thought the front entrance seemed a little narrow. She thought the home was quirky.

Mr. Corey agreed with Mr. Smith and questioned if the front door was too skinny for the estate section. He questioned the second floor section that was peeking through from the rear of the home. He suggested a restudy of this element. He liked Mr. Kirchhoff's suggestion to flip the entire house to work with the topography of the lot.

Mr. Kirchhoff requested if a streetscape and a site scape showing neighboring homes could be included in the next mini-sets. He also thought the two-story section should be brought forward.

Ms. Shiverick was glad that the big, boxy mass has been eliminated from the previous design. She believed that many quirks needed to be ironed out.

Mr. Small thought the design was a bit disjointed and needed some restudy, especially with its location in the estate section.

**Motion made by Ms. Shiverick and seconded by Mr. Corey to defer the project, to the November 19, 2021 meeting, for a restudy in accordance with the comments from the Commissioners. Motion carried unanimously, 7-0.**

12. B-063-2021 Demolition/New Construction

Address: 280 Via Marila

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

Professional: MP Design & Architecture, Inc.

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

A motion carried at the June meeting to approve the demolition of the existing home as requested. A second motion carried to defer the project to the July 28, 2021 meeting to address the comments of the commissioners. A motion carried to defer the project to the September 29, 2021 meeting with a clear understanding that a complete redesign of the home was highly requested.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Perry agreed to the easement.

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

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

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

Mr. Small called for staff comment. Ms. Pardue provided staff comments.

Ms. Grace stated she believed that Commission requested a complete redesign at the last meeting. She still did not believe the proposed home fit on Via Marila. She did not believe there was enough change to the home.

Ms. Shiverick appreciated the change in style but still felt the home's scale was extremely large. She added that the home was built to the maximum setbacks. She thought the home was too massive and needed to be reduced.

Ms. Catlin also agreed that the house was massive. However, she did like the detailing, color, cedar shake roof and thought the proposed now had character.

Mr. Corey thought the landscaping was nice and complimented the professional. Mr. Corey agreed with Ms. Shiverick and thought the home was wildly too big for its location. He recommending changing the shape of the home to allow for the home to breathe.

Mr. Kirchhoff agreed with the other Commissioners. He questioned the drawings shown compared to what he was given in his mini-set. He also questioned the grade change over the entire lot.

Ms. Catlin cautioned the professional not to lose the charm that he had achieved within the current design when making changes.

Mr. Ives did not believe the scale was off in the design. He thought the Commission had approved similar projects with a similar scale.

Mr. Small agreed with his fellow Commissioners but was not convinced the scale was horrible. He complimented the landscape plans.

A discussion ensued about the upcoming deadlines if the project was deferred.

**Motion made by Mr. Corey and seconded by Ms. Grace to defer the project, to the November 19, 2021 meeting, for a restudy in accordance with the comments from the Commissioners. Motion carried unanimously, 7-0.**

*Please note: At this time, the Commission heard ARC-21-022, 870 S. Ocean Blvd.*

13. B-072-2021 Additions/Modifications

\*ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)\*

Address: 224 La Puerta Way

Applicant: Mr. & Mrs. Gray

Professional: David J. Gengler/Gengler Architects, Inc.

Project Description: A major renovation of an existing single-story single family home which includes a two-story addition on the front of the home, a second floor addition over a portion of the existing first floor, and a two-story loggia addition on the rear of the home.

ZONING INFORMATION: The applicant is requesting four variances in order to build a two-story addition which includes a 315 square foot one-story addition to the garage, a 184 square foot addition for a covered terrace on the first floor, and a 930 square foot second floor addition for two bedrooms, including a 130 square foot covered balcony, and two bathrooms. The requested variances are as follows: Section 134-893(b)(7)a: Request for an east side yard setback of 11 feet in lieu of the 12.5 foot minimum side yard setback required for the garage addition in the R-B Zoning District. Section 134-893(b)(7)a: Request for an east side yard setback of 11 feet in lieu of the 15 foot minimum side yard setback for a second story addition and covered balcony in the R-8 Zoning District. Section 134-895(1): Request for an east side yard setback of 9.8 feet in lieu of the 10.5 foot minimum side yard setback required for a bay window on the first floor in the R-B Zoning District. Section 134-895(1): Request for an east side yard setback of 9.8 feet in lieu of the 13 foot minimum side yard setback required for a bay window on the second floor in the R-B Zoning District.

At the August 25, 2021 meeting a motion carried to defer the project to the September 29, 2021 meeting with a clear direction for a restudy of the entire project.

***Please note: This project was deferred to the October 27, 2021 meeting at the Approval of the Agenda, Item VI.***

14. B-065-2021 New Construction - **TIME CERTAIN 4 P.M.**

Address: 7 Ocean Lane

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

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

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

A motion carried at the June meeting to defer the project to the July 28, 2021 meeting for a restudy in accordance with the comments of the Commissioners. At the July 28, 2021 meeting a motion was made to deny the proposed new home as presented but failed for lack of a second. Another motion was made to defer the project, for two months to the September 29, 2021 meeting, for a restudy with a potential change in style, moving the house to the west, reducing the size of the house, reducing the east fenestration and reducing the garage size or relocating it to the basement as well as all of the direction provided.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Smith agreed to the easement.

Harold Smith, Smith and Moore Architects Inc., reviewed a summary of changes for the proposed new residence since the last presentation to the Commissioners. Mr. Smith then reviewed changes on the elevations for the new home.

Andrew Kochen, Workshop/APD, also reviewed some of the architectural modifications proposed for the new residence.

Cory Meyer, Nievera Williams Design, presented the landscape and hardscape modifications proposed for the new residence.

Mr. Small called for public comments.

John Eubanks, representing Elizabeth Ailes at 4 Ocean Lane, presented his client's opposition to the proposed home, particularly objecting to the bulk, size, mass and the proximity to his client's home. He reviewed the changes

made by the professional and discussed the reasons that changes were not, in their opinion, sufficient. He questioned the planter on the south property line next to Ms. Ailes' property. Mr. Eubanks thought by moving the garage under the home, the home could be moved further west on the lot. Mr. Eubanks argued that the home did not meet the standards in Section 18-205.

Rick Gonzalez, REG Architects and on behalf of Elizabeth Ailes, argued that there were too many similar, modern homes in this location.

Elizabeth Ailes, 4 Ocean Blvd., felt she was being negatively impacted by the proposed home. She expressed concern for her privacy and views.

Caren Marder, 1 Ocean Lane, expressed concern for losing light in her home. She also expressed concern for the proposed basement's location forward of the coastal construction line. She did not believe enough changes had been made.

Caren Marder read a statement from her husband, Dr. Gary Marder. This statement raised his four concerns, which were that the proposed home was too far east on the lot, the proposed home blocked their view, the proposed home had too much glass and the palm trees on the north blocked their view.

George Palladino, 710 N. County Road, was appreciative for the changes to the landscaping. However, his concerns were still the impact of light, air and privacy of the neighbors.

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

James Green, attorney for the applicant, stated that the design team did reach out to the neighbors. He indicated that any home built would create mass and block out light to the neighbors. Finally, he asked that the Commissioners review the statement submitted to the Town by Harold Smith.

Ms. Catlin believed that it did not matter who owned the home as the Commission reviewed all of the homes in the same manner. She appreciated that the home was moved west on the lot. She liked the landscaping with the exception of the grass next to the garage. She felt that the façade was very similar to the two homes to the south, which created a row of three similar homes. She thought it was one too many in similarity. She thought maybe the change to the middle section of the glazing could make a difference. She thought that with the narrow lot, the view for the Marders would always be interrupted with any home. She wondered about the beach access and how that would be handled. Mr. Meyer responded and described the changes that would need to occur to that access.

Mr. Ives agreed that the Commission looked at all applications the same, regardless of the owners. Mr. Ives supported the project. He did not believe the home was too similar to the other, surrounding homes. He agreed with Ms. Catlin's assessment of the landscaping.

Ms. Grace asked for clarification on how the homes lined up on the beach side. Mr. Kochen responded and discussed how he lined up the home. Mr. Castro stated that the proposed home met Code requirements and complied with the required setbacks. Ms. Grace thought the pool should be reverted to the previously proposed pool so there was more lawn area. She still believed there was too much glass on the eastern façade. She wished there was more wood or charm on the east side. She was in favor of the landscape plan on the west side.

Ms. Shiverick wondered if the issues would be the same if the home was of a different style; however, she was not sure if a different style would make a difference. She thought the west elevation was very successful. She thought improvements had been made on the east façade. She did not believe the design was detrimental to the area.

Mr. Corey thought the movement of the home to the west was successful. He was in favor of the landscaping on the west and thought it was extremely successful. He did not believe the home was too massive from the western view. He thought the screen on the front of the home was not necessary and distracting. He expressed concern for the number of different fenestrations on the south elevation, which in his belief made the fenestration haphazard. He did not believe enough changes were made to the east fenestration. He thought there should be more space between the windows.

Ms. Catlin believed the style for the home could still be changed.

Mr. Jeffrey Smith thought it was positive that they removed one of the garage bays. He still believed the home was too far east on the lot. He agreed on the comments made by Mr. Corey on the fenestration.

Mr. Kirchhoff believed a contemporary home belonged in this location. He did not believe the screen on the west façade was successful. He thought the siting of the home on the lot. He also believed the east façade still had a few issues but thought the home was getting closer to approval.

Mr. Floersheimer agreed with many of the previous comments. He believed the siting of the home was appropriate. He liked that one of the garage bays was removed. He liked the southern elevation and how the second floor was more centered over the first floor. He believed the glazing still needed to be reduced. He thought the contemporary design was appropriate.

Mr. Small agreed and appreciated the efforts by the professionals. He was disappointed that the underground garage did not work. He believed that the home was not too similar to the other homes in the area. He agreed with the comments on the west elevation screening and east elevation glazing. However, he supported the landscape changes.

**Motion made by Mr. Ives and seconded by Ms. Shiverick to defer the project to the November 19, 2021 meeting, for a restudy with particular attention to the front façade screening and the glazing on the rear façade. Motion carried 6-1, with Ms. Grace opposed.**

*Please note: At this time, the next project heard was ARC-21-013, 245 Seminole Ave.*

15. ARC-21-022 New Construction

Address: 870 S. Ocean Blvd.

Applicant: 870 S. Ocean, LLC (Todd Glaser, Manager)

Professional: MP Design & Architecture

Project Description: Section 134-840: Request for a special exception with site plan review to allow construction of a 210 square foot beach pergola and 83 square foot cabana bathroom/storage in the R-A/B-A Zoning District. Section 134-1474(a): Request for a variance to construct a 210 square foot beach pergola and 83 square foot cabana bathroom/storage that is on a lot with frontage of 101.53 feet in lieu of the 125 feet required for lot width in the B-A Zoning District for beach area property adjacent to R-A Zoning District. As part of the proposed project, this proposal meets the Town of Palm Beach ocean vista requirements.

At the August 25, 2021 meeting, a motion carried to defer the project to the September 29, 2021 meeting.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Perry agreed to the easement.

Maura Ziska, attorney for the owner, provided an overview of the project.

Michael Perry, MP Design & Architecture, presented the architectural plans proposed for the new beach cabana. Mr. Perry also showed the Commissioners the landscape and hardscape plan proposed for the cabana.

Ms. Ziska discussed the variances required for the project. She commented that the ocean vista requirements were being met.

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

Mr. Small called for staff comment.

Mr. Castro asked for confirmation that the ocean vista requirements were being met with the site walls. Mr. Perry provide confirmation.

Mr. Murphy also provided staff comments.

Ms. Grace questioned the timing of the denial on the initial cabana. Mr. Perry responded and discussed the differences between the two cabanas. Ms. Grace inquired about the ocean vista requirement. Mr. Perry and Ms. Ziska explained how the ocean vista requirement was being met.

Ms. Shiverick inquired about the variance request. Ms. Ziska responded and explained why the variance was needed for the cabana. Ms. Shiverick inquired about the main home. Mr. Perry stated that the main home had mainly interior changes. She thought the newly proposed cabana was much lighter than the previously proposed cabana. She recommended reconsidering the Bougainvillea on the cabana due to the proximity next to the ocean. Ms. Shiverick inquired about the color of the cabana. Mr. Perry responded.

Todd Glaser, owner, provided the reasons for the exterior change to the cabana. He also stated he would be happy to change the proposed plant material for the exterior of the cabana.

Mr. Corey thought the cabana should look like it was related to the main house and did not see any relation in the proposed cabana. He stated he could not support the project. He felt the proposed lacked charm and did not add anything to the area.

Mr. Smith questioned if any vine would grow on the cabana in its location. Mr. Perry responded.

Mr. Kirchhoff provided a suggestion for the rafters so that they would provide some protection from the sun. He also was not in favor of the location of the bathroom door.

Ms. Grace stated she did not see the colored rendering in her mini-sets. She stated she worried the plantings would not grow on the building. She thought the building should have some more architectural details in the event that the plantings did not grow.

Christopher Cawley, Christopher Cawley Landscape Architecture, discussed the types of planting that he believed would grow on the cabana.

Mr. Ives did not have any issues with the siting and the variance requested for the cabana.

Ms. Catlin did not believe it was fair to send the professional back to ask them to tie the design in to the home, especially since the previous cabana design, which related to the home, was denied.

A discussion ensued on whether it was necessary to have the ARCOM members make a recommendation on the requested variance.

Ms. Grace inquired if the grass proposed was natural. Mr. Cawley responded.

Mr. Small thought the whole proposal, architecture and landscape, needed to be restudied. He thought the proposed cabana looked like a shed. He stated he could not support the cabana and recommended a deferral of the project.

**Motion made by Mr. Corey and seconded by Ms. Shiverick to defer the project, to the October 27, 2021 meeting, for a restudy in accordance with the comments from the Commissioners and with a request that images of the main house are included in the mini-sets. Motion carried unanimously, 7-0.**

#### **D. MAJOR PROJECTS – NEW BUSINESS**

1. ARC-21-012 (ZON-21-001), 620 N. LAKE WAY (COMBO) The applicant, Robert Lazarowitz and Cobey Rapaport, have filed an application for the construction of a new one-story residence elevated to 12' NAVD, including several variances relating to height, lot coverage allowance, cubic content ratio (CCR) and landscape. The variance portion of the application shall be reviewed by Town Council.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Ms. Albarran agreed to the easement.

Jacqueline Albarran, SKA Architect + Planner, presented the architectural plans proposed for the new residence.

Keith Williams, Nievera Williams Design, presented the landscape and hardscape plans proposed for the new residence. Mr. Williams discussed a modification to the parking area in the front of the residence.

Ms. Albarran discussed the background and reasons for the variance request.

Maura Ziska, attorney for the owner, provided an explanation for variance request and advocated for a positive recommendation to the Town Council.

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

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

Ms. Grace was in favor on how the professional lowered the elevation. She was happy that the owners decided on a one story home. She preferred more of the Bermuda style and less of a modern home. She was concerned for the white, metal door. She questioned the color proposed for the windows. She also recommended adding muntins to the windows.

Ms. Shiverick complimented the professional for the size and scale of the windows. She agreed with Ms. Grace and stated she would prefer a lighter colored window. She was in favor of the landscape plan. She stated she would support the variance given that it was topography related.

Ms. Catlin liked how the structure worked with the land. She also thought the Contemporary, Bermuda style worked well in the area. She was in favor of the landscape plan.

Mr. Small thought the home was extremely well done. Mr. Small was happy with the landscape screening in the front of the property.

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

**A second motion made by Ms. Shiverick and seconded by Ms. Grace to approve the project as presented with a condition that the windows are changed to a white color. Motion carried unanimously, 7-0. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.**

*Please note: A short break was taken at 3:46 p.m. The meeting resumed at 4:00 p.m. At this time, the Commission heard the time certain project, B-065-2021, 7 Ocean Lane.*

2. ARC-21-013, 245 SEMINOLE AVE. The applicant, Loveshack LLC (John Criddle), has filed an application requesting Architectural Commission review

and approval for the construction of a two-story addition to an existing two story structure.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Janssen agreed to the easement.

Roger Janssen, Dailey Janssen Architects, presented the architectural plans proposed to renovate the existing residence.

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

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

Ms. Grace thought the changes were good.

Mr. Corey did not believe the changes worked on the home or for the entire area. He stated he could not support the project.

Ms. Shiverick thought the changes cleaned up the home. She stated she thought mullions would be nice for the windows.

Mr. Kirchhoff thought the changes were very nice and supported the project.

**Motion made by Ms. Shiverick and seconded by Ms. Grace to approve the project as presented with the request that the owners consider adding mullions to the windows. Motion carried 6-1, with Mr. Corey opposed. This application was approved with the condition that prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.**

3. ARC-21-016, 1214 N. OCEAN BLVD. The applicant, Mr. & Mrs. John Scully, has filed an application requesting Architectural Commission review and approval for the construction of a second floor terrace enclosure visible from the r-o-w to an existing two-story residence.

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

Mr. Small asked if the owner did voluntarily agree to dedicate a utility easement supporting the undergrounding project subject to the satisfaction of the Town. Mr. Perry agreed to the easement.

Michael Perry, MP Design & Architecture, Inc., presented the architectural plans proposed to renovate the existing residence.

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

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

Ms. Grace expressed concern for the large glass windows on the west elevation. She also thought a smaller door should be used on the first floor rather than relocating the sliding doors.

Ms. Catlin was in favor of the changes. She thought the addition was simple and clean and made the space usable.

Mr. Corey thought the design could be enhanced by matching up the fenestration along the façade. Mr. Perry stated it was the same style as the other doors. Mr. Corey questioned the proportions of all of the windows. He stated he could not support the project.

Mr. Kirchhoff agreed with Mr. Corey. He thought the headers should be consistent and more wall space should be added back. He also agreed with Mr. Corey's assessment of the entrance door on the second floor.

Mr. Small agreed with Messrs. Corey and Kirchhoff and thought they had a few good suggestions.

**Motion made by Ms. Grace and seconded by Mr. Corey to defer the project, to the October 27, 2021 meeting, for a restudy of the header, to add more wall space around the doors on the second floor, and that a new door with the same proportions is proposed for the first floor, sliding door on the west elevation. Motion carried unanimously, 7-0.**

## **E. MINOR PROJECTS – OLD BUSINESS**

### **1. ARC-21-009 Modifications**

Address: 135 Seminole Ave.

Applicant: Michael Aram

Professional: Architectural Consultants Inc.

Project Description: Replace all existing windows in the Main Residence and Guest House/ Garage with aluminum clad impact windows with minor modifications including the deletion of some windows and resizing of others. Add precast quoins, columns and trim at the front, rear and side elevations of

the Main Residence to replace and supplement the existing stucco trim. Add decorative wood outlookers to the underside of the roof overhang. Replace the garage door. Add a fountain on the Garage/ Guest House. Add an exterior sliding glass door to the Garage/ Guest House. Modify the existing rear yard pool deck and landscaping. Add Bahama shutters to specific windows at the Garage/ Guest House.

At the August 25, 2021 meeting, a motion carried to approve the windows only portion of the application and to defer the balance of the project to the September 29, 2021 meeting.

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

Richard Leja, ACI Architects, presented the architectural plans proposed to renovate the existing residence.

Steve West, Parker Yannette Design Group, presented the landscape and hardscape modifications to the existing site.

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

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

Mr. Corey was in favor of the project with the exception of the changes to the front door.

Ms. Shiverick inquired about the portico over the front door and how much it projected. Mr. Leja responded. She inquired about the existing front portico and its projection. Michael Aram, owner, responded.

**Motion made by Ms. Shiverick and seconded by Mr. Ives to approve the project as presented. Motion carried 6-1, with Mr. Corey opposed.**

**F. MINOR PROJECTS – NEW BUSINESS**

**1. ARC-21-027, 222 Mockingbird Trail**

Applicant: Steven Helms

Professional: General Garage Door Co., Inc.

Project Description: Replace a 16' x 7'6" garage door with Eden Coast Providence design in off white color

At the August 25, 2021 meeting, a motion carried to defer the project to the September 29, 2021 meeting due to a lack of attendance by the applicant.

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

Siriwan, General Garage Door Co., Inc., presented the change for the garage door.

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

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

Mr. Corey stated he knew the project and although it was a composite material, it looked very nice once painted.

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

2. ARC-21-010, 416 SEABREEZE AVE. The applicant, Frank D Speno Trust and Krista M Speno Trust, has filed an application requesting Architectural Commission review and approval for landscape, hardscape and mechanical equipment changes to the site plan.

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

Adam Mills, Environment Design Group, presented the landscape and hardscape changes proposed for the existing home.

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

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

Mr. Floersheimer stated that the site wall around the generator entrance was very close to the property line and wondered if the entrance could be moved. Mr. Mills agreed with the suggestion.

**Motion made by Mr. Corey and seconded by Ms. Grace to approve the project as presented, with the change in the site wall as requested by Mr. Floersheimer. Motion carried unanimously, 7-0.**

3. ARC-21-026, 305 CLARKE AVE. The applicant, Lawrence Herbert, has filed an application requesting Architectural Commission review and approval for the installation of new entry piers and lighting fixtures at the front of the property.

*Please note: This project was deferred to the October 27, 2021 meeting at the Approval of the Agenda, Item VI.*

**VIII. UNSCHEDULED ITEMS (3 MINUTE LIMIT PLEASE)**

1. Public

None.

2. Staff

Mr. Bergman stated that Richard Sammons declared a conflict for a project at 253 El Pueblo Way at the July 28, 2021 meeting and had correctly completed the 8B form in accordance with State Law.

Mr. Bergman stated that Richard Sammons declared a conflict for a project at 1080 S. Ocean Blvd. at the July 28, 2021 meeting and had correctly completed the 8B form in accordance with State Law.

3. Commission

Ms. Shiverick inquired if it was appropriate to ask an applicant the brand of the material proposed to be used. Mr. Bergman stated that one

Town Attorney Randolph thought it was close to crossing the line if the Commission start requiring certain brands.

Mr. Corey argued that cut sheets did not necessarily have the brand on them but could make a difference of the quality of the project.

Mr. Smith stated that he has seen particular brands of materials on plans. However, when the final price is estimated for a project, items are changed to save on costs.

**IX. ADJOURNMENT**

**Motion made by Mr. Ives and seconded by Mr. Corey to adjourn the meeting at 6:12 p.m. on Wednesday, September 29, 2021. Motion carried unanimously, 7-0.**

The next meeting will be held on Wednesday, October 27, 2021 at 9:00 a.m. in the Town Council Chambers, 2<sup>nd</sup> floor, Town Hall, 360 S. County Road.

Respectfully Submitted,

Michael B. Small, Chairman  
ARCHITECTURAL COMMISSION

kmc