



## **TOWN OF PALM BEACH**

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

#### **MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, NOVEMBER 19, 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 9:00 a.m.

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

Michael B. Small, Chairman	PRESENT
John David Corey, Vice Chairman	PRESENT
Alexander C. Ives, Member	PRESENT
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	PRESENT (arrived at 9:02 a.m.)

Staff Members present were:

Wayne Bergman, Director of Planning, Zoning and Building  
James G. Murphy, Assistant Director of Planning, Zoning and Building  
Sarah Pardue, Historic Preservation Planner  
Jordan Hodges, 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 acknowledged the Town Council's decision to return to in-person meeting. He discussed the required masks while in the meeting. Mr. Small continued with procedural information and comments regarding the upcoming meeting.

- V. **APPROVAL OF THE MINUTES FROM THE OCTOBER 27, 2021 MEETING**  
**Motion made by Ms. Shiverick and seconded by Ms. Grace to approve the minutes from the October 27, 2021 meeting. Motion carried unanimously.**

VI. **APPROVAL OF THE AGENDA**

Mr. Small announced the following changes to the agenda:

*Withdrawal of ARC-21-056, 216 Angler Avenue*

*Withdrawal of B-034-2021, 905 N. Ocean Blvd.*

*Deferral of B-072-2021, 224 La Puerta Way to the December 17, 2021 Meeting*

*Deferral of B-065-2021, 7 Ocean Lane to the January 26, 2022 Meeting*

*Deferral of ARC-21-040, 164 Seaspray Avenue to the December 17, 2021 Meeting*

*Deferral of ARC-21-048, 216 Tradewind Drive to the December 17, 2021 Meeting*

*Deferral of ARC-21-050, 1090 S. Ocean Blvd. to the December 17, 2021 Meeting*

*Deferral of ARC-21-082, 594 N. County Road to the December 17, 2021 Meeting*

*Item B-063-2020, 160 Royal Palm Way to be pulled from consent.*

*Addition to Consent Agenda:*

*ARC-21-065, 446 N. Lake Way*

*ARC-21-072, 329 Worth Avenue*

*Addition of Item VI. A. Presentation*

*Addition of Item E. 1. A. Items Pulled From Consent*

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

VI. **PRESENTATION**

Messrs. Bergman and Murphy made a short presentation on issues in the Town's Code that pertain to the projects heard at ARCOM. Mr. Bergman laid out a path forward on the possible upcoming changes.

Mr. Ives understood the issues were a work in progress. He suggested looking at the previous variances that had been granted to find some possible incentives to offer to homeowners with upcoming projects.

Mr. Corey appreciated staff's reminder on ARCOM's role in the way the Commission can shape the island. He believed that the R-B Zoning Code was clearly a large issue. He inquired if staff could immediately address the CCR in the R-B Zoning District. Mr. Bergman responded.

Ms. Grace understood staff's concern for the issues on the north end of the island; however, she believed mid-town had concerns as well.

Mr. Sammons wondered if privacy was the driving factor for the changes proposed. He did not believe that increasing the setbacks was a solution to achieve privacy. Mr. Sammons compared the urban model versus the suburban model and how privacy could be achieved.

Mr. Floersheimer expressed concern moving from CCR to FAR due to the ceiling height issue. He indicated he would be happy to move to FAR but requested that limitations of floor to floor heights were also added into the calculation.

Ms. Shiverick thought an issue with the homes was the appearance of the box type look. She thought setbacks and height were not the issue but it was more with design. She thought better material also helped the design of a home.

Ms. Catlin agreed with Ms. Shiverick and Mr. Ives. She thought the elimination of certain variances, such as for undersized lots, would be helpful. Ms. Catlin thought a calculation for the size of the home compared to the size of the lot could be a solution for simplifying the Code. She thought Ms. Shiverick was accurate with the box type look of the homes that were coming to ARCOM; she believe some of the issues were tied to the designs presented.

## VII. **PROJECT REVIEW**

### A. **CONSENT AGENDA OF MINOR PROJECTS**

1. ARC-21-058 1930 S. OCEAN BLVD. (minor project). The applicant, Coral House Land Trust, has filed an application requesting Architectural Commission review and approval for exterior design modifications to an existing two-story residence, specifically to replace all trims and corners with proposed coral stone.

Please refer to staff memo for additional information on this project.

2. ARC-21-073 341 PERUVIAN AVE. (minor project). The applicant, Villa Giardino Land Trust, has filed an application requesting Architectural Commission review and approval for exterior modifications to an existing three-story residence, including the installation of new window openings facing the r-o-w, and landscape and hardscape changes interior to the site.

Please refer to staff memo for additional information on this project.

3. ARC-21-075 217 MOCKINGBIRD TR. (minor project). The applicant, Kathleen Carbonara, has filed an application requesting Architectural Commission review and approval for exterior modifications to the landscape and hardscape plans of a previously approved plan, including the changing of ground finish materials and driveway material alteration.

Please refer to staff memo for additional information on this project.

4. ARC-21-046 237 BRAZILIAN AVE. (minor project). The applicant, Brazilian PB Land Trust, has filed an application requesting Architectural Commission review and approval for the installation of two new side entry gates.

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

5. B-063-2020 160 ROYAL PALM WAY. The applicant, LR Palm House LLC, has filed an application requesting Architectural Commission review and approval for exterior design modifications to the east entrance including changes to the ground asphalt driveway material, and installation of new planters.

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

6. ARC-21-056 216 ANGLER AVE. (minor project). The applicant, Clem Schaub, has filed an application requesting Architectural Commission review and approval for exterior modifications to the perimeter landscaping plan of a previously approved two-story residence.

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

7. ARC-21-071 1575 N. LAKE WAY (minor project). The applicant, Ian and Christine MacTaggart, has filed an application requesting Architectural Commission review and approval for new landscaping site wide, on a site containing an existing two-story residence.

Please refer to staff memo for additional information on this project.

8. ARC-21-057 125 EL BRAVO WAY (minor project). The applicant, Jim Sawky, has filed an application requesting Architectural Commission review and approval for exterior and interior modifications to a previously approved two-story residence, specifically alterations to all elevations with window, door and other detail adjustments.

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

9. B-052-2021 147 DUNBAR RD. A project was reviewed and approved at the June 23, 2021 ARCOM meeting with the condition that the proposed tile design and colors, as well as the final design details of the windows and frames return to the Commission at a later date for review and approval.

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

10. ARC-21-065 446 N. LAKE WAY (minor project). The applicant, Robert and Suzanne Johnson, has filed an application requesting Architectural Commission review and approval for the installation of a new vehicular driveway gate.

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

11. ARC-21-072 329 WORTH AVE. (minor project). The applicant, 329 WORTH AVENUE LLC, has filed an application requesting Architectural Commission review and approval for the removal and replacement and reconfiguration of a single awning and the blocking of a window to accommodate signage and the blocking of interior windows to an existing commercial building's retail bay.

Please refer to staff memo for additional information on this project.

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

**Please note: This approval did not include the following projects: ARC-21-046, 237 Brazilian Avenue, B-063-2020, 160 Royal Palm Way, ARC-21-057, 125 El Bravo Way, B-052-2021, 147 Dunbar Road and ARC-21-065, 446 N. Lake Way.**

**B. DEMOLITIONS AND TIME EXTENSIONS**

**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. A motion carried at the September meeting to defer the project to the October 27, 2021 meeting. A motion carried at the October meeting to defer the project to the November 19, 2021 meeting to restudy the gables, fenestration, east elevation and detailing.

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. Willette agreed to the easement.

Chuck Willette, Brooks & Falotico Associates, LLP, presented the architectural modifications proposed for the existing 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.

Mr. Smith questioned the design of the double gable in the pool courtyard. He did not believe the gables worked in this area. Mr. Willette responded.

Mr. Corey was in favor of the landscaping. He did not believe the changes to the east elevation were an improvement. He questioned the door heights on this façade.

Mr. Ives agreed with Mr. Smith's comments.

**Motion made by Mr. Smith and seconded by Mr. Kirchhoff to approve the project with the following conditions: the Dutch gables shall be removed in the courtyard and the French doors for the living room, on the east façade shall be lowered by 6 inches. Motion carried 4-3, with Ms. Grace, Shiverick and 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.

**A second motion made by Mr. Ives and seconded by Mr. Kirchhoff that implementation of the proposed variance will not cause negative architectural impact to the subject property. Motion carried 5-2, with Ms. Shiverick and Mr. Corey opposed.**

2. 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.

***Project History:***

April 2021	Deferred to 5/26/21 to allow the Commissioners to receive a proper demolition report and landscape demolition plan and deferred entire project to 5/26/21
May 2021	Demolition approved. Deferred remainder of project to the 6/23/21 meeting for restudy, to include style, floor height and garage orientation.
June 2021	Deferred to 7/28/21 for a complete redesign backed on the comments from the Commissioners.
July 2021	Change in Architect. Requested Deferral to 09/29/21

September 2021    Deferred to 11/19/21 for restudy, particularly the front entrance, the massing of the second floor and garage section

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.

Mr. Fensterstock, owner, provided an overview of the history of the project.

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

Chris Simon, Nievera Williams Design, presented the landscape and hardscape changes proposed for the site.

Mr. Small asked for confirmation that the applicant was not seeking any variances. Mr. Perry responded that a site plan approval was requested.

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

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

Mr. Corey thought the changes were far more successful. He thought the home was big but worked in the area. He appreciated the Sea grapes on the front of the site. He inquired about the reduction of the eaves. Mr. Perry responded. Mr. Corey wondered if the eaves should be increased on the second floor but remain smaller on the first floor.

Mr. Kirchhoff agreed thought the changes were successful, particularly with the garage facing sideways. He thought more wall was needed over the front door, along with a parapet, to provide some privacy to the master bathroom.

Ms. Shiverick inquired about the shutters on the French doors over the front door. Mr. Perry responded and confirmed shutters were proposed. Ms. Shiverick inquired if the lanterns could be removed on the French doors. Mr. Perry confirmed he would remove the shutters. She liked the breakup of the roof height as shown. She thought the interior floor plan was unique. Ms. Shiverick stated she agreed with Mr. Corey's suggestion to increase the eaves on second floor.

Mr. Ives concurred with his fellow Commissioners' that the changes proposed were an improvement. He still believed there was still some tension in front façade.



Ms. Grace thought the changes were successful. She agreed with Ms. Shiverick's suggestion of the deletion of the lanterns as well as Mr. Corey's suggestion to increase the eaves on the second floor.

Ms. Catlin thought the design was handsome and had warmth and character. She thought Mr. Perry addressed all of the Commissioners' comments. She liked Mr. Corey's idea to increase eaves on second floor. She added that she could support the shutters on the second floor French doors.

Mr. Sammons questioned the concept of the home. He questioned the second floor's alignment over the first floor. He thought the design screamed compromise and had lost its concept. He thought the home needed a restudy.

Mr. Perry passed around an alternative of a parapet wall over the front door rather than the railing proposed.

Mr. Corey inquired about the alternate design. Mr. Perry responded. Mr. Corey was not in favor of the alternate design.

**Motion made by Mr. Corey and second by Ms. Shiverick to approve the project with the following conditions: the lanterns next to the French doors on the second floor shall be removed and replaced with shutters, the eaves on the second floor shall be increased 6 inches. Motion carried 5-2, with Messrs. Ives and Kirchhoff 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. B-034-2021 Additions/Modifications

Address: 905 N. Ocean Blvd.

Applicant: 905 N. Ocean LLC (Maura Ziska)

Professional: LaBerge and Menard

Project Description: Guest house addition and new landscape/hardscape.

A motion carried at the April meeting to defer the project to the May 26, 2021 meeting for restudy, particularly how the home fits onto the lot. A motion carried at the May meeting to defer the project to the June 23, 2021 meeting at the request of the professional. 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. A motion carried at the August 25, 2021 meeting to defer the project to the October 27, 2021 meeting. A motion carried at the October meeting to defer the project to the November 19, 2021 meeting.

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

4. 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. A motion carried at the September meeting to defer the project to the November 19, 2021 meeting for a restudy in accordance with the comments from the Commissioners, particularly with the size, mass, fenestration, garage, front entrance and overall charm.

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 modifications proposed for the design of the new residence.

Son Truong, Nievera Williams Design, presented the landscape and hardscape changes proposed for the site.

Ms. Catlin thought the proposed was an example of a white box referenced earlier in the meeting. She thought the design lacked character, charm and the ambiance of the north end. She thought this design moved in the wrong direction.

Ms. Grace was happy to see the removal of the windows on the east elevation. She thought the railings on the west elevation were better. Ms. Grace questioned the different types of fenestration on the west elevation. She did not believe the change in the garage design was successful. She questioned the covered porches on the north and south sides of the home. She was not in favor of the color for the front door.

Mr. Corey did not believe the design could be saved and thought it clashed its location. He thought the house was too large and boxy. He had problems with the fenestration, particularly on the west side, the elliptical arches on the rear of the home, the entablature over the front door, the columns, and the landscaping. He stated he could not support the design.

Mr. Ives thought there had been some changes in the main structure that were positive. He believed the garage design was the issue in the design. He thought the placement of the garage needed to be restudied in order to save the design.

Mr. Smith thought the design had many problems. He did not believe the front of the home related to the rear of the home. He did not support the garage element and thought the professional should start over in his design.

Mr. Floersheimer appreciated the effort that the professional put into this design. He thought there were still many issues with the design that needed to be resolved.

Ms. Shiverick thought the design was too formal and did not fit into the north end. She believed the design needed more softness and character.

Ms. Grace suggested the project should be denied rather than given a deferral.

Mr. Small stated he believed there was a consensus for a denial. He believed the design needed a fresh start.

Mr. Corey thought the professional could rework some of the elements. He made some suggestions for the fenestration, columns and proportions.

Ms. Catlin indicated the design needed to be completely rethought and redesigned.

**Motion made by Mr. Corey and seconded by Mr. Ives to defer the project for two months, to the January 26, 2022 meeting. Motion failed 3-4, with Mr. Smith and Mses. Grace, Shiverick and Catlin opposed.**

**Motion made by Ms. Shiverick and seconded by Mr. Smith to deny the project at 1020 N. Lake Way as presented, based on the failure to comply with Section 18-205 of the Code, paragraph a (1). Motion carried 4-3, with Messrs. Small, Ives and Corey opposed.**

5. 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. A motion carried at the September meeting to defer the project to the November 19, 2021 meeting for a restudy in accordance with the comments from the Commissioners, particularly with the scale and mass of the proposed home.

Michael Perry, MP Design & Architecture, Inc., requested a one month deferral due to extenuating circumstances.

**Motion made by Mr. Corey and seconded by Mr. Ives to defer the project, for one month, to the December 17, 2021 meeting. Motion carried unanimously, 7-0.**

*Please note: A short break was taken at 10:45 a.m. The meeting resumed at 11:00 a.m.*

6. 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. A motion carried at the September meeting to defer the project to the October 27, 2021 meeting. A motion carried at the October meeting to defer the project to the November 19, 2021 meeting.

***Please note: This project was deferred to the December 17, 2021 meeting at the Approval of the Agenda, Item VI.***

7. 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. A motion carried at the September meeting to defer the project 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. A motion carried at the October meeting to defer the project to the November 19, 2021 meeting to address the height and fenestration.

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 design of the new residence.

Mr. Small called for public comments.

Peter Broberg, 220 Monterey Road, indicated that the home was still taller and more massive than the surrounding homes.

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

Mr. Small thought the architecture had come a long way and thought it was compatible with the neighborhood.

Ms. Grace still wished the professional could reduce the massing of the home.

Mr. Sammons stated if the professional lowered the first floor of the home, it would appear more in line with the neighboring homes.

**Motion made by Ms. Catlin and seconded by Mr. Corey to approve the project as presented. Motion carried 5-2, with Mses. 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.**

8. B-065-2021 7 OCEAN LN.

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. A motion carried at the September meeting 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.

***Please note: This project was deferred to the January 26, 2022 meeting at the Approval of the Agenda, Item VI.***

9. ARC-21-040 (ZON-21-006) 164 SEASPRAY AVE. (COMBO) The applicant, Hayati Banastey, has filed an application requesting Architectural Commission review and approval for the construction of a new two-story home designed in

the Classical Style and related site improvements, including variances for side yard setbacks as they pertain to the new residence on a nonconforming lot. The variance portion of the application shall be reviewed by Town Council. The application will require special exception and site plan reviewed by Town Council. A motion carried at the October meeting to defer the project to the November 19, 2021 meeting.

***Please note: This project was deferred to the December 17, 2021 meeting at the Approval of the Agenda, Item VI.***

10. ARC-21-041 (ZON-21-008) 1520 S OCEAN BLVD. (COMBO) The applicant, Chris Shumway, has filed an application requesting Architectural Commission review and approval for the construction of a new 400SF beach cabana and water feature within the vacant oceanside parcel, including a setback variance from the bulkhead line. The application will require special exception and site plan reviewed by Town Council. A motion carried at the October meeting to defer the project to the November 19, 2021 meeting to address the detailing of the cabana and perhaps to add some interest.

Please refer to staff memo for additional information on this project.

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. Marsh agreed to the easement.

Mark Marsh, Bridges, Marsh & Associates, Inc., presented the architectural changes proposed to the design of the beach cabana.

Jedidiah Hall, Nievera Williams Design, presented the landscape and hardscape changes proposed for the site.

Maura Ziska, attorney for the owners, explained the zoning requests for the project 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. There were no comments heard at this time.

Ms. Grace liked the arches in the cabana. She wondered if the proportions of the arches could be narrower in width to provide more wall space. She suggested reducing the height of the building as well. She also asked the professionals if they could confirm that all parking would remain on the site, rather than the

street. Mr. Marsh responded and stated they had addressed the parking concerns of the neighbors.

Ms. Grace inquired about the proposed hedging. Mr. Marsh stated that the doors and arches were very narrow as designed. Ms. Grace inquired if the doors could resemble the doors on the main house. Mr. Marsh explained why this was not an option.

Mr. Sammons thought the proportions were spot on but thought maybe some shade could be added to the area.

Ms. Shiverick thought the windows and building was fine. She agreed that some shade could be added to the site. Ms. Shiverick inquired if the neighbors' issue about the sight line had been addressed. Mr. Marsh responded. Ms. Shiverick confirmed the color of the cabana would match the main house, to which Mr. Marsh provided confirmation.

Mr. Corey inquired if the professional had an elevation of the surrounding cabanas. He thought the dimensions of the cabana were fine, and he thought the building was quite elegant. However, he wondered how the height compared to the other cabanas in the area.

Mr. Sammons stated he had worked on the cabana to the north and knew it was much taller than the proposed.

Mr. Small was supportive of the cabana.

**Motion made by Mr. Corey and seconded by Ms. Shiverick 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.**

**Motion made by Mr. Ives 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.**

11. ARC-21-048 216 TRADEWIND DR. The applicant, 216 Tradewind Trust (Michael S. Kehoe, Trustee) has filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence designed in a Bermuda Vernacular style with associated site improvements, hardscape, pool and spa. A motion carried at the October meeting to defer the project to the November 19, 2021 meeting.



***Please note: This project was deferred to the December 17, 2021 meeting at the Approval of the Agenda, Item VI.***

12. ARC-21-050 (ZON-21-011) 1090 S. OCEAN BLVD. (COMBO) The applicant, 1090SOCEAN LLC (Brad McPherson), has filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence designed in the traditional Georgian style. The application will require special exception and site plan reviewed by Town Council. The application will require special exception and site plan reviewed by Town Council. A motion carried at the October meeting to defer the project to the November 19, 2021 meeting.

***Please note: This project was deferred to the December 17, 2021 meeting at the Approval of the Agenda, Item VI.***

13. ARC-21-051 (ZON-20-00299) 1015 S OCEAN BLVD. (COMBO) The applicant, 1015 South Ocean LLC (Maura Ziska, manager), has filed an application requesting Architectural Commission review and approval for the construction of a two-story residence designed in the traditional Bermuda style greater than 10,000 SF in size on a vacant lot, including Special Exception Request with Site Plan Review and variances for front yard setback and building height plane. The variance portion of the application shall be reviewed by Town Council. The application will require Special Exception Request with Site Plan reviewed by Town Council. A motion carried at the October meeting to defer the project to the November 19, 2021 meeting to restudy the loggia, the front door, the width of the home, the windows next to the front entrance and the possibility of moving the home eastward on the lot.

Please refer to staff memo for additional information on this project.

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., presented the architectural modifications proposed to the design for the new residence.

Steve West, Parker Yannette Design Group, presented a small landscape change to the site.

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

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

Mr. Corey thought the project had come a long way and thought the house could fit into the area. However, he still had an issue with the cabana and thought it affected the architecture from the water view.

Ms. Catlin was in favor of the home and thought it had a nice feel to it. She thought the design worked well with the shape of the lot. She did not object to the cabana.

Mr. Floersheimer was not in favor of the beach cabana. He thought if the cabana was removed, the home could be moved to the east. With this change, he believed one of the variances could be removed.

Ms. Ziska stated if the cabana was removed, she did not believe the house would be moved more to the east.

Ms. Shiverick would have liked to have seen a reduced the width of the home. She did not have an issue with the cabana and appreciated that it was reduced. She thought the home would fit nicely in the area.

Mr. Sammons thought the project was well done. He thought the reduction in the cabana was appropriate and fit in the design.

Mr. Jeff Smith agreed with Mr. Floersheimer.

Ms. Grace wished the south end could be reduced in height. She inquired if the view corridor would remain on the south end. Mr. Smith responded. She inquired if the owner would maintain the landscaping on the south end. Mr. Smith confirmed the owner would maintain the landscaping.

Mr. Small believed it was still too much house for the lot. He also did not favor the cabana. He thought the home needed to be significantly reduced in its width.

Mr. Floersheimer thought the living room loggia could be increased to provide shade, rather than the cabana proposed.

**Motion made by Ms. Shiverick and seconded by Mr. Corey that implementation of the proposed variance will not cause negative architectural impact to the subject property. Motion carried 5-2, with Messrs. Smith and Small opposed.**

**Motion made by Ms. Shiverick and seconded by Ms. Catlin to approve the project as presented. Motion carried 4-3, with Messrs. Corey, Smith and Small 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.**

**D. MAJOR PROJECTS – NEW BUSINESS**

1. ARC-21-020 (Z-21-00390) 300 N. LAKE WAY (COMBO) The applicant, David and Constance Littman, has filed an application requesting Architectural Commission review and approval for the construction of an approximate 1600 SF one-story addition to an existing accessory structure, including variance from maximum allowed Cubic Content Ratio (CCR). The variance portion of the application shall be reviewed by Town Council.

Please refer to staff memo for additional information on this project.

Call for disclosure of ex parte communication: Disclosure by several members.  
*Please note: Jeffrey Smith declared a conflict of interest and left the dais.*

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. Ziska agreed to the easement.

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

Sophia Bacon, Smith Architectural Group, presented the architectural modifications 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 comments heard at this time.

Ms. Catlin did not have issues with the project; however, she objected to the trucks logistic plan. She thought the trucks should enter the island at the north bridge.

Mr. Corey inquired about the increase to CCR. Ms. Bacon responded.

**Motion made by Ms. Grace and seconded by Ms. Catlin to approve the project as presented, with the condition that the trucks logistics plan shall be changed so that the trucks would enter via the north bridge to the island. Motion carried 6-1, with Mr. Floersheimer 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.**

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

2. ARC-21-064 120 SEAGATE RD. The applicant, Tracey Hirt, has filed an application requesting Architectural Commission review and approval for modifications to an existing two-story residence including the addition of new front entry, the enclosure of a second floor terrace and ground floor patio, the construction of a new one-story addition totaling approximately 600SF in area, a new pool, spa and pool deck, new landscaping, and other exterior modifications.

Please refer to staff memo for additional information on this project.

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. Radak agreed to the easement.

Travis Radak, Radakovich Architecture, presented the architectural modifications proposed to 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 comments heard at this time.

Mr. Sammons made a suggestion for the porch on the east elevation of the home. He also questioned the fenestration on the east elevation and the pool house. He added he could not support the project.

Ms. Shiverick inquired about the guesthouse addition. Mr. Radak responded. Ms. Shiverick inquired about the material for the doors proposed. Mr. Radak stated the doors were steel. She thought the livability of the plan was nice but suggested a reconsideration on some of the materials.

Ms. Grace supported an addition on the home but thought the addition should be more in keeping of the main home. She suggested using white windows and doors for continuity. She thought there was too many doors on the front of the home. She inquired about the material of the garage doors and roof. Mr. Radak responded.

Mr. Corey thought an addition was fine but questioned the proposal, particularly the scale of the addition and the fenestration. He thought the addition should tie in more with the main home.

Mr. Smith could not support the materials for the doors and windows. He questioned the roof proposed over the front door. Mr. Smith offered a material suggestion for the garage doors.

Mr. Small agreed with many of the comments of the Commissioners, particularly that the addition was not compatible and in harmony with the main structure.

**Motion made by Ms. Grace and seconded by Mr. Corey to defer the project to the January 26, 2022 meeting, with a request for 3-D renderings to be brought at the next presentation. Motion carried unanimously, 7-0.**

*Please note: A lunch break was taken at 12:17 p.m. The meeting resumed at 1:03 p.m. At roll call, all members were found to be present with exception of Mr. Floersheimer. Mr. Floersheimer arrived at 1:07 p.m.*

3. ARC-21-074 225 WELLS RD. The applicant, M2B Properties LLC, has filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence designed in a Mediterranean style of approximately 6,300 SF in size with associated site improvements, hardscape, pool and spa.

Please refer to staff memo for additional information on this project.

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. Harrison agreed to the easement.

Gregory Harrison, Harrison Design, presented the architectural plans proposed for the new residence.

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

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

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

Mr. Sammons thought the project was nice. He questioned the size of the fenestration on the front elevation. He recommended more structure in the

loggia. Mr. Sammons inquired about the operability of the windows in relationship to the shutters.

Ms. Grace liked the home overall. She stated she would like to see the renderings of the changes to the plan that addressed the neighbors concern. She thought the ground floor windows should be smaller and rectangular. She inquired about the material of the front door. Mr. Harrison responded. She questioned the fenestration on the north elevation and added she preferred all white windows and doors.

Ms. Shiverick recommended the use of Cypress shutters with a green window trim. She recommended a wrought iron pedestrian gate, rather than the Chippendale gate proposed. She thought the front entrance could use some prominence, such as the addition of Coquina.

Mr. Corey thought the project was well designed and an overall, nice project. He agreed the fenestration on the first floor windows could be changed. He recommended some small embellishments for the front entrance.

Mr. Kirchhoff agreed the fenestration should be studied for the entire home. He agreed with Ms. Shiverick's suggestion of Cypress shutters. He questioned the chimney on the home.

Ms. Grace inquired about the location of the lanterns. Mr. Harrison responded.

Ms. Shiverick suggested continuing the arched doors on the rear into the family room.

Mr. Small agreed with Ms. Shiverick and recommended not having a pedestrian gate. Mr. Small confirmed that the Australian pines were not to be removed. Mr. West provided confirmation.

**Motion made by Mr. Corey and seconded by Mr. Ives to defer the project for one month, to the December 17, 2021 meeting, to address the comments of the Commissioners. Motion carried unanimously, 7-0.**

4. ARC-21-077 991 N. LAKE WAY The applicant, Michael Rapp, has filed an application requesting Architectural Commission review and approval for exterior modifications to a previously approved two-story residence, including the demolition of portions of the existing structure and the construction of a new detached accessory structure, architectural changes and modifications to the site plan and landscaping.

Please refer to staff memo for additional information on this project.

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. Ford agreed to the easement.

Meghan Ford Taylor, Tralongo & Taylor, presented the architectural modifications proposed for the existing residence.

Keith Williams, Nievera Williams Design, presented the landscape and hardscape plans proposed for the existing site.

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

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

Ms. Shiverick wished she could see some color renderings of the cabana. She also wondered if it was a different style than of the main house. She was in favor of the landscape changes. She questioned the window over the front door and provided some suggestions for that space.

Mr. Sammons thought maybe the window over the front door could be reduced in size. Mr. Sammons questioned the joints for the stone trim. Otherwise, he supported the project.

Mr. Floersheimer thought the project on the whole was good. He was glad to see the landscape changes to the northern part of the property.

Mr. Kirchhoff was not in favor of the front door and was not in favor of the teak or the stone. He questioned the cabana design as well.

Mr. Smith was in favor of the project, however he was not in favor of the use of teak in the front door, garage door and the beach cabana.

**Motion made by Mr. Corey and seconded by Ms. Shiverick to defer the project for one month, to the December 17, 2021 meeting, to address the comments of the Commissioners. Motion carried unanimously, 7-0.**

5. ARC-21-078 (ZON-21-026) 175 WORTH AVE. (COMBO). The applicant, PB Worth Partners LLC, has filed an application requesting Architectural Commission review and approval for exterior modifications to an existing two-story building including the installation of new storefronts replacements and new awnings, and the construction of a new entry door and vestibule, including a variances from the setback requirements for a retail renovation. The variance portion of the application shall be reviewed by Town Council.

Please refer to staff memo for additional information on this project.

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. Fiorella agreed to the easement.

Christine Fiorella, Kenneth Park Architects, presented the architectural changes for the existing, commercial space.

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 wondered if any changes would be made to the exterior lighting. Ms. Fiorella responded and showed the Commissioners a rendering of the proposed lighting. Ms. Grace thought the lanterns looked a bit large. Ms. Grace also inquired about the size of the signage proposed. Ms. Fiorella responded and explained the design.

Mr. Corey thought the project was very nice. He thought the lighting and lettering was fine. He inquired about the clock proposed and suggested a more dynamic clock, perhaps mounting it on the corner for prominence.

Mr. Floersheimer thought the project was fine.

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

**Motion made by Ms. Shiverick and seconded by Mr. Ives 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.**

6. ARC-21-082 (ZON-21-020) 594 N. COUNTY RD. (COMBO). The applicant, George and Sandra Marucci, has filed an application requesting Architectural Commission review and approval for the construction of three additions totaling approximately 430SF to an existing one-story residence, including variances from both side setback requirements. The variance portion of the application shall be reviewed by Town Council.



***Please note: This project was deferred to the December 17, 2021 meeting at the Approval of the Agenda, Item VI.***

7. ARC-21-083 101 OCEAN TER. The applicant, 1332 Ocean Trust (Guy Rabideau, trustee), has filed an application requesting Architectural Commission review and approval for modifications to a previously approved ARCOM project currently under construction, specifically including architectural, hardscape and landscape changes. The design was previously approved November 2020, pursuant to B-071-2020.

Please refer to staff memo for additional information on this project.

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. Visconti agreed to the easement.

Peter Papadopoulos, Smith and Moore Architects, presented the architectural modifications proposed for the new residence.

Claudia Visconti, SMI Landscape Architecture, presented the landscape and hardscape modifications proposed for the existing site.

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

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

Ms. Shiverick was saddened to see the change proposed for the front door and thought the approved front entrance was superior. She added that she preferred the plank shutters. Ms. Shiverick inquired about the two trees in the front of the home. Ms. Visconti responded. Ms. Shiverick thought the trees were a good addition.

Ms. Grace was in favor of the change in the colors. She agreed with Ms. Shiverick's comments on the new door. Ms. Grace inquired on the percentage of native landscaping proposed. Ms. Visconti responded.

Mr. Corey agreed with Ms. Shiverick's comments and thought the newly proposed front entrance was too small.

Mr. Ives was in favor of the new proposal and thought the new entrance added some elegance to the home.

Mr. Sammons inquired about the lack of shade in the landscaping. Ms. Visconti responded.

Mr. Small agreed with the Commissioners who were in favor of the previous front entrance.

**Motion made by Mr. Corey and seconded by Ms. Shiverick to approve the project as presented with the condition that the original ARCOM approved front entrance and door shall remain. Motion carried 6-1, with Mr. Ives 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-21-084 (ZON-21-022) 191 BRADLEY PL. (COMBO) The applicant, NDL Property Palm Beach Property LLC (David Tornek, Mgr), has filed an application requesting Architectural Commission review and approval for exterior seating (48 seats) to an existing one-story restaurant (Meat Market) not exceeding the maximum capacity licensed. The outdoor seating will require a Special Exception Review w/Site Plan Review by the Town Council.

This project was deferred at an early spot in the agenda and stated it would not be heard until the Town Council addressed the outdoor seating at their January 2022 meeting.

**Motion made by Mr. Corey and seconded by Mr. Ives to defer the project to the January 26, 2022 meeting. Motion carried unanimously, 7-0.**

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

1. ARC-21-045 258 COUNTRY CLUB RD. (minor project). The applicant, Big Bear Developers, has filed an application requesting Architectural Commission review and approval for modifications to previously approved landscaping plan.

Please refer to staff memo for additional information on this project.

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

Marco Gallo, Big Bear Developers, presented the landscape and hardscape modifications proposed for the site.

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

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

Mr. Corey inquired about the existing palms and their species. Mr. Gallo stated the palms were Sylvester palms. Mr. Corey inquired if the palms had been approved. Mr. Gallo explained the situation in which the palms had been planted. Mr. Corey inquired about the other trees proposed for the front of the property.

Gabriella Fojt, The Mirror of Paradise, responded and discussed the material proposed for the front of the property.

Ms. Shiverick agreed with Mr. Corey; she was not in favor of the date palms. She recommended an espalier on the front wall. She also thought the front door looked bare and bereft of any landscaping. She recommended a short hedge in this area. Ms. Fojt responded and explained the landscaping proposed for area next to the front door.

**Motion made by Mr. Corey and seconded by Ms. Grace to approve the project as presented. Motion carried 5-2, with Ms. Shiverick and Mr. Kirchhoff opposed.**

**E. 1. A. ITEMS PULLED FROM CONSENT**

1. B-063-2020 160 ROYAL PALM WAY. The applicant, LR Palm House LLC, has filed an application requesting Architectural Commission review and approval for exterior design modifications to the east entrance including changes to the ground asphalt driveway material, and installation of new planters.

Please refer to staff memo for additional information on this project.

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

Josh Daniel, Cooper Carey, presented the landscape and hardscape plans proposed for the site.

Mr. Small called for public comments.

John Eubanks attorney for the DeVries at 141 Brazilian Avenue, stated that the situation regarding the exfiltration system had been resolved.

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

Ms. Grace inquired if the material proposed for the driveway could be extended to reduce the amount of asphalt. Mr. Daniel responded.

Mr. Corey stated he hoped there would be a gate or trees in the area. Mr. Corey did not believe the proposed painted concrete and the pavers worked well

together. He recommended using one or the other and added he was not supportive of the pavers.

Mr. Shiverick agreed with Mr. Corey with his assessment of the material choices for the driveway. She was not in favor of the pavers. She inquired about the hanging planters. Mr. Daniel responded.

Mr. Small agreed and did not believe the pavers were compatible.

**Motion made by Mr. Corey and seconded by Ms. Shiverick to approve the project as presented with the following conditions: the colored concrete shall be used in the apron of the drive, no pavers shall be used and the remaining drive beginning at the pilasters shall be asphalt. Motion carried 6-1, with Ms. Grace opposed.**

2. ARC-21-046 237 BRAZILIAN AVE. (minor project). The applicant, Brazilian PB Land Trust, has filed an application requesting Architectural Commission review and approval for the installation of two new side entry gates.

Please refer to staff memo for additional information on this project.

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

Dustin Mizell, Environment Design Group, presented the request for a new, vehicular gate.

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

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

Ms. Grace inquired about the material proposed for the gate. Mr. Mizell responded. She questioned whether there were too many gates.

Ms. Shiverick inquired about the gate color. Mr. Mizell responded. Ms. Shiverick inquired about the inspiration for the gate. Mr. Mizell responded. Ms. Shiverick agreed with Ms. Grace and wondered if there were too many gates. Ms. Shiverick recommended using the gray color as proposed.

Mr. Kirchhoff thought there was a lack of details in the proposal. Mr. Kirchhoff inquired about the structure of the gate. Mr. Mizell responded. Mr. Kirchhoff requested more details on the gates before he could make a decision.

Mr. Corey thought the details of the gates was missing. He wondered if the design of the gates were appropriate and did not feel they were in keeping with the house.

Mr. Smith did not believe the gates went with the home. He stated the gates were organic and the architecture was very rigid.

Mr. Small agreed with the other Commissioners.

Mr. Sammons thought the problem was the scale of the gate. He also questioned the openness of the gate. Mr. Sammons also pointed out that some of the features on the home were not built as shown in plan.

Mr. Floersheimer inquired about the operability of the gates. Mr. Mizell responded.

**Motion made by Mr. Corey and seconded by Ms. Grace to defer the project, for one month, to the December 17, 2021 meeting. Motion carried unanimously, 7-0.**

3. ARC-21-057 125 EL BRAVO WAY (minor project). The applicant, Jim Sawky, has filed an application requesting Architectural Commission review and approval for exterior and interior modifications to a previously approved two-story residence, specifically alterations to all elevations with window, door and other detail adjustments.

Please refer to staff memo for additional information on this project.

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

Carlos Cordero-Loza, MP Design & Architecture, Inc., presented the architectural modifications proposed for 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 comments heard at this time.

Ms. Grace liked the previous south elevation. She thought the lanterns proposed were too large and added she preferred the previously proposed lanterns. She was in favor of the changes to the north elevation.

Mr. Kirchhoff agreed with Ms. Grace's assessment. He was not in favor of the fenestration and front door changes on the south elevation.

Ms. Shiverick agreed with Ms. Grace about the lanterns on the piers; she preferred the previous lanterns. She also preferred the previous front door entrance. She questioned the elimination of the shutters and asked if shutters could be added to all of the windows. Mr. Cordero-Loza responded.

Mr. Corey supported the transom removal but did not support the remainder of the proposed changes. He questioned the number of chimneys proposed. Mr. Cordero-Loza responded.

Mr. Smith agreed with the other Commissioners. He pointed out an error on page A 2.1. He supported the removal of the transom but questioned the remainder of the fenestration proposed.

Ms. Catlin was not supportive of the chimneys. She agreed with the comments of the other Commissioners.

**Motion made by Ms. Shiverick and seconded by Mr. Corey to defer the project, for one month, to the December 17, 2021 meeting. Motion carried unanimously, 7-0.**

4. B-052-2021 147 DUNBAR RD. A project was reviewed and approved at the June 23, 2021 ARCOM meeting with the condition that the proposed tile design and colors, as well as the final design details of the windows and frames return to the Commission at a later date for review and approval.

Please refer to staff memo for additional information on this project.

Call for disclosure of ex parte communication: Disclosure by several members. *Please note: Mr. Kirchhoff declared a conflict of interest and left the dais. It was noted that Ms. Catlin would be voting in his absence.*

Jill Bruderer, Kirchhoff Architects, presented the architectural modifications proposed for the existing home.

Mr. Corey thought the home was beautiful and added that the handmade Moroccan tiles were successful.

Ms. Shiverick agreed with Mr. Corey and was supportive of the Moroccan tiles.

Mr. Grace agreed with Mr. Corey and Ms. Shiverick.

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

5. ARC-21-065 446 N. LAKE WAY (minor project). The applicant, Robert and Suzanne Johnson, has filed an application requesting Architectural Commission review and approval for the installation of a new vehicular driveway gate.

Please refer to staff memo for additional information on this project.

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

Jedidiah Hall, Nievera Williams Design, presented the landscape and hardscape modifications proposed for 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 comments heard at this time.

Ms. Shiverick thought the gates were too heavy and dark. She recommended using wrought iron or something in the color of the home.

Ms. Catlin agreed with Ms. Shiverick. She thought many of the gates in the area were more open and airy. She believed this gate was too heavy.

Mr. Kirchhoff thought both the entrance and service gates should match.

Mr. Sammons thought the service gate should be more subservient to the main gate.

Ms. Grace recommended adding posts to the top of the gate to provide continuity with the existing gate.

Mr. Smith agreed with Mr. Sammons and thought the service gate should be subservient to the main gate.

**Motion made by Ms. Shiverick and seconded by Mr. Ives to defer the project, for one month, to the December 17, 2021 meeting to restudy the gate. Motion carried unanimously, 7-0.**

#### **F. MINOR PROJECTS – NEW BUSINESS**

1. ARC-21-067 149 VIA PALMA (minor project). The applicant, Louis Rose, has filed an application requesting Architectural Commission review and approval for the resurfacing of an existing driveway, the construction of a retaining wall in the front yard along with the raising the elevation grade of the front yard, and a new set of pedestrian stairs and gates and other exterior changes.

Please refer to staff memo for additional information on this project.

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

Claudia Visconti, SMI Landscape Architecture, presented the landscape and hardscape modifications proposed for the site.

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

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

Ms. Grace inquired about the gate material. Ms. Visconti responded. Ms. Grace questioned the relationship of the proposed gate to the existing gate.

Ms. Catlin thought this was a great project and the changes enhanced the home.

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

2. ARC-21-069 346 SEASPRAY AVE. (minor project). The applicant, 346 Seaspray Ave Trust, has filed an application requesting Architectural Commission review and approval for exterior modifications to a previously approved landscape and hardscape plan, including driveway, driveway gates and site walls.

Please refer to staff memo for additional information on this project.

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

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

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

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

Ms. Grace inquired about the changes inside and outside of the wall. Mr. Truong responded.

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

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

##### 1. Public

There were no comments heard at this time.



2. Staff

Mr. Bergman stated that Jeffrey Smith declared a conflict for a project at 305 Clarke Avenue at the October 27, 2021 meeting and had correctly completed the 8B form in accordance with State Law.

Mr. Bergman briefly touched on the anonymous letter sent to the town regarding the ARCOM process. He added that staff, Town Attorney Randolph and Chairman Small met with Bill Yahn and Carl Sabatello to discuss their concerns.

3. Commission

Ms. Catlin raised the issue of the trucks logistics plan and added, while ARCOM reviewed the plans, they were not enforced. She wondered if the review of the logistic plans was a waste of time. Mr. Bergman stated that the trucks logistic plans were reviewed by the Public Works and enforced by Public Works right-of-way inspectors when they visited the site.

Mr. Floersheimer raised the issue of increased garbage on the street. He wondered if Code Enforcement could address the contractors and landscape companies. Mr. Small asked staff who would enforce this issue, to which staff replied the Public Works Department.

Ms. Grace had a question about the consent agenda and how items were placed on the agenda. Mr. Small addressed the issue.

Ms. Grace also questioned items that were built that did not match the approved plans. Mr. Sammons explained the situation that he had observed.

IX. **NEXT MEETING DATE:**      Friday, December 17, 2021

X. **ADJOURNMENT**

**Motion made by Mr. Corey and seconded by Ms. Shiverick to adjourn the meeting at 3:39 p.m. on Friday, November 19, 2021. Motion carried unanimously, 7-0.**

The next meeting will be held on Friday, December 17, 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