



TOWN OF PALM BEACH

PLANNING, ZONING AND BUILDING DEPARTMENT

MINUTES OF THE REGULAR ARCHITECTURAL REVIEW COMMISSION MEETING HELD ON WEDNESDAY, JULY 24, 2024

Please be advised that in keeping with a 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 once it has concluded may access the audio of that item via the Town's website at www.townofpalmbeach.com.

I. **CALL TO ORDER**

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

II. **ROLL CALL**

Jeffrey W. Smith, Chairman	PRESENT
Richard F. Sammons, Vice Chairman	ABSENT (Excused)
Betsy Shiverick, Member	ABSENT (Unexcused)
Kenn Karakul, Member	PRESENT
Elizabeth Connaughton, Member	ABSENT (Unexcused)
Katherine "KT" Catlin	ABSENT (Unexcused)
Claudia Visconti, Member	PRESENT
Dan Floersheimer, Alternate Member	PRESENT
David Phoenix, Alternate Member	PRESENT
Maisie Grace, Alternate Member	PRESENT

Staff Members present were:

Friederike Mittner, Design and Preservation Manager
Sarah Pardue, Design & Preservation Planner
Bradley Falco, Design & Preservation Planner
Kelly Churney, Acting Town Clerk
Assistant Town Attorney Lainey Fransisco

III. **PLEDGE OF ALLEGIANCE**

Chair Smith led the Pledge of Allegiance.

IV. **APPROVAL OF MINUTES**

A. Minutes of the Architectural Review Commission Meeting of June 26, 2024

A motion was made by Mr. Karakul and seconded by Mr. Floersheimer to approve the minutes of the June 26, 2024, meeting as presented. The motion was carried unanimously, 7-0.

V. **APPROVAL OF THE AGENDA**

Ms. Pardue indicated the following amendments to the agenda: Jones Foster's presentation regarding meeting procedures would be deferred to the meeting on August 28, 2024; project ARC-24-006 at 249 Seabreeze Avenue would be heard first on the agenda; and project ARC-24-0023 at 515 North Lake Way would also be deferred to the meeting on August 28, 2024.

A motion was made by Mr. Floersheimer and seconded by Ms. Visconti to approve the amended agenda. The motion was carried unanimously, 7-0.

VI. **ADMINISTRATION OF THE OATH TO PERSONS WHO WISH TO TESTIFY**

Ms. Churney administered the oath and continued to do so throughout the meeting, as necessary.

VII. **COMMENTS FROM THE ARCHITECTURAL REVIEW COMMISSION MEMBERS**

Mr. Floersheimer inquired about a Green Buttonwood tree at 304 Maddock Way, a project withdrawn from the agenda. He stated the tree was falling into the lagoon and wondered if a replacement tree was proposed. Ms. Visconti wondered if the tree was historic. Ms. Mittner indicated that the Town Council would have to remove the tree's historic designation. She stated that the applicant proposed replacing the tree with two specimen trees. Mario Nievera of Nievera Williams Design stated that the owner wanted to keep the landmarked tree.

VIII. **COMMUNICATIONS FROM CITIZENS REGARDING NON-AGENDA ITEMS (3-MINUTE LIMIT, PLEASE)**

No one indicated a desire to speak at this time.

IX. **DISCUSSION ITEMS**

1. Presentation by Jones Foster Regarding Meeting Procedure

Clerk's note: This item was deferred to the meeting on August 28, 2024, at Item V. Approval of the Agenda.

X. **PROJECT REVIEW**

A. DEMOLITIONS AND TIME EXTENSIONS

1. EXTPLAN-24-0002 260 NIGHTINGALE TRL—EXTENSION OF TIME

The applicant, Nightingale 260 LLC, has filed an application requesting a One-Year Extension of Time for a previously issued Architectural Commission approval for the construction of a new two-story residence with sitewide landscape and hardscape. (ORIGINALLY ARC-23-018 AND APPROVED AT THE MAY 24, 2023, MEETING)

Ms. Pardue provided staff comments on the project.

There were no ex-parte communications disclosed.

A motion was made by Mr. Floersheimer and seconded by Mr. Karakul to approve the time extension as requested. The motion was carried unanimously, 6-0.

2. **EXTPLAN-24-0004 215 WORTHAVE – EXTENSION OF TIME** The applicant, 219 Worth Holdings LLC, has filed an application requesting a One-Year Extension of Time for a previously issued Architectural Commission approval for modifications to Hamilton Jewelers, including new storefront windows, doors, awnings, signage and sconces. (ORIGINALLY ARC-23-081 AND APPROVED AT THE JUNE 28, 2023, MEETING)

Ms. Pardue provided staff comments on the project.

There were no ex-parte communications disclosed.

A motion was made by Mr. Karakul to approve the time extension as requested.

Mr. Floersheimer inquired about the alternate new design. Mr. Smith stated that the new plans were unrelated to the time extension. Ms. Pardue stated that a new design would be required to return to the Commission.

Mr. Floersheimer asked if the professional was ready to proceed with the approved design if the alternate designs were denied.

The applicant's architect, Jerome Baumoehl, stated that everything was ready to move forward and that construction would be completed by October 31, 2024.

The motion was seconded by Ms. Visconti. The motion was carried unanimously, 6-0.

3. **EXTPLAN-24-006 241 FAIRVIEW RD** The applicant, Antonio & Ayla Farnos, has filed an application requesting the Architectural Commission a One-Year Extension of Time for a previously issued approval for the replacement of a vehicular driveway and landscape changes to an existing two-story residence. (ORIGINALLY ARC-23-077 AND APPROVED AT THE JULY 26, 2023, MEETING)

Ms. Pardue provided staff comments on the project.

Several members disclosed ex-parte communications.

Dustin Mizell of Environment Design Group made the landscape and hardscape presentation for the time extension.

A motion was made by Mr. Floersheimer and seconded by Mr. Karakul to approve the time extension as requested. The motion was carried unanimously, 6-0.

B. MAJOR PROJECTS-OLD BUSINESS

1. **ARC-24-035 (ZON-24-043) 620 N LAKE WAY (COMBO)** The applicant,

Ocean Front Avenue 2, LLC, a VA limited liability company (Don & Donna Whitaker), has filed an application requesting Architectural Commission review and approval for construction of a new two-story single-family residence with final hardscape landscape and swimming pool, with variances for building height and cubic content ratio. This is a combo application that shall be reviewed by the Town Council as it pertains to zoning relief/approval.

Mr. Falco provided staff comments on the project.

Several members disclosed ex-parte communications.

Roger Janssen of Dailey Janssen Architects made the architectural presentation. Tyler Nielsen of Nielsen Landscape Architecture made the landscape and hardscape presentation.

Mr. Karakul asked about the piers and gates on the plans. Mr. Nielsen stated that no gates or piers were proposed.

Ms. Visconti asked about the proposed garden gates. Mr. Nielsen discussed the proposal for the garden gates. Ms. Visconti asked about the interruption in the east wall of the breeze block; she indicated she had liked the continued stretch of the breeze block previously shown, and Mr. Karakul agreed.

Mr. Janssen stated he could change the breeze block to the previously proposed block.

Ms. Grace stated that the professional was directed at the last meeting to try to soften the overall look of the house, such as adding more chestnut wood and natural wood for the breeze block. Mr. Janssen discussed the locations where those elements were added, but Ms. Grace questioned whether it softened the home enough.

Mr. Karakul preferred the previous version of the breeze block, which was simpler. Mr. Janssen stated he would eliminate the vertical section of the breeze block.

Mr. Floersheimer preferred the previous front perspective. He liked the previous breeze block but suggested widening the spaces between the gaps, keeping the horizontality.

Mr. Janssen stated that he did confirm that the breeze block could be made of stone.

Ms. Visconti thought the change in window color was positive.

Many of the Commissioners liked the previously proposed breeze block design.

A motion was made by Mr. Floersheimer and seconded by Mr. Karakul to approve the project as presented with the condition that the original breeze block design be incorporated into the new design. The motion was carried 5-1, with Ms. Grace dissenting.

A motion was made by Mr. Floersheimer and seconded by Ms. Visconti that the implementation of the proposed variances will not cause a negative architectural impact on the subject property. The motion was carried unanimously, 6-0.

2. **ARC-24-0013 216 VIA MARILA** The applicant, 216 VM LLC (Jason Green, Agent), has filed an application requesting Architectural Commission review and approval for a new two-story single-family residence with final hardscape, landscape, and swimming pool.

Mr. Falco provided staff comments on the project.

Several members disclosed ex-parte communications.

Roger Janssen of Dailey Janssen Architects made the architectural presentation. Steve West with Parker Yanette Design Group made the landscape and hardscape presentation.

Mr. Karakul asked about the proposed hedges located on the streetscape. Mr. West responded.

Mr. Phoenix asked about the removal of the brick on the front façade. Mr. Janssen stated it was changed to stucco, which would be painted. He was supportive of the changes and liked the home.

Mr. Floersheimer asked about the shifting of the front element so that the peak appears between the two windows. He thought the element should appear more subservient. Mr. Janssen described the change and the roof pitch.

Ms. Grace thought the changes were helpful. She liked the Pigeonier detail and preferred to see the brick. She thought the front door was busy and the bay window could be reduced in size. She also thought the overall height could be reduced.

Ms. Visconti thought the home looked nice. She stated she would like to see some of the red come through in the brick detail. Mr. Janssen confirmed he could make that change.

A motion was made by Ms. Visconti and seconded by Mr. Phoenix to approve the project as presented. The motion was carried 5-1, with Ms. Grace dissenting.

Mr. Smith called for public comment. No one indicated a desire to speak.

Mr. Falco confirmed that the variance requests for 620 N. Lake Way did not include an angle of vision.

3. **ARC-24-015 (ZON-24-025) 153 AUSTRALIAN AVE (COMBO)** The applicant, Rabbi Zalman Levitin, has filed an application requesting Architectural Commission review and approval for construction of a new, two-story single-family residence with final hardscape, landscape, and swimming pool, with a variance required to reduce the number of required enclosed garage parking spaces. This is an amended application. The Town Council shall review the application as it pertains to zoning relief/approval.

Mr. Falco provided staff comments on the project.

Several members disclosed ex-parte communications.

Roger Janssen of Dailey Janssen Architects presented the new garage's architecture, and Todd MacLean of Todd MacLean Outdoors discussed the site's landscape changes.

Ms. Visconti asked for further clarification on the variance needed for the lack of a garage. Mr. Falco responded.

Mr. Karakul questioned the effectiveness of the garage doors with the windows.

Mr. Floersheimer questioned the amount of hardscape proposed and the two curb cuts. Mr. Janssen responded that it would take cars off the street.

Ms. Grace questioned the garage's design. She thought it should be changed to make it look more like a garage or more natural.

Mr. Phoenix agreed with the comments on the garage. He commented on how the Town does not particularly support front-loading garages but now requires this home to have one. He wondered if it would be used as a garage. He thought the curb cuts and the garage doors were acceptable.

Ms. Visconti recommended adding hardware to the garage. Mr. Phoenix agreed and thought the garage doors needed some color, such as the green on the house.

A motion was made by Mr. Phoenix and seconded by Ms. Visconti to approve the project as presented, with the following changes: the garage doors shall be painted green to match the window trim, and hardware shall be added. The motion was carried unanimously, 6-0.

A motion was made by Mr. Floersheimer and seconded by Ms. Grace that the implementation of the proposed variances will not cause a negative architectural impact on the subject property. The motion was carried unanimously, 6-0.

4. **ARC-24-0019 1214 N OCEAN BLVD.** The applicant, Michael Perry, has filed an application requesting Architectural Commission review and approval for an addition to the primary structure, construction of a new guest house, new pool, landscape, and hardscape to expand into the recently combined property to the west.

Ms. Mittner provided staff comments on the project.

Several members disclosed ex-parte communications.

Clerk's note: A short break was taken at 10:03 a.m. The meeting resumed at 10:08 a.m.

Michael Perry of MP Design & Architecture made the architectural presentation. Mario Nievera of Nievera Williams Design made the landscape and hardscape presentation.

Mr. Smith thought the front elevation of the folly was improved. He thought the proportions for the gable on the guesthouse were incorrect, and the element should not appear as the front entrance; he thought the folly should look like the main entrance. He thought the remainder of the elements should appear less important. He was supportive of the landscape design.

Mr. Karakul wanted confirmation that the service door should be screened, which Mr. Perry provided. Mr. Karakul agreed with Mr. Smith's comments on the guesthouse gable and did not believe it added value to the building.

Mr. Visconti thought the changes were better and agreed with Mr. Smith's comments on the guest house gable. She asked to see the windows on the Mockingbird Trail elevation. Mr. Perry reviewed the fenestration design with the shutters.

Mr. Phoenix agreed with Mr. Smith's assessment of the front door. He asked about the curb cut on North Ocean Way. Mr. Perry stated the curb cut had been eliminated. Mr. Phoenix stated there were so many different window sizes, and along with the stark color, it seemed busy. Mr. Perry stated that the blue color currently existed. Mr. Perry reviewed the fenestration plan. Mr. Phoenix recommended removing the shutters on the two large guesthouse windows.

Mr. Karakul thought the scale of the elements was nice and not overblown.

Mr. Floersheimer agreed with the comments on the guesthouse gable. He thought the plan worked well.

Ms. Grace thought the configuration was nice and liked the changes recommended by Mr. Smith. She supported the shutters' color and the Bahama shutters; she thought they provided whimsy to the design. She supported the plantings but wished an additional tree could be added to the west side of the property. She questioned the material for the garage doors. Mr. Perry explained the design for the garage doors.

Mr. Floersheimer asked about the current front door. Mr. Perry responded.

Mr. Smith called for public comment. No one indicated a desire to speak.

A motion was made by Mr. Floersheimer to approve the project with the following conditions: the shutters on the large guesthouse windows and the gable ends on the guesthouse shall be removed with all changes to be staff approved staff in coordination with the Chair.

Mr. Perry wanted to state, for the record, that the pool equipment would be moved to the east side for the neighbor to the south. He also stated that the door to the generator would be moved to the north.

Ms. Mittner stated that those changes would also be presented to the Chair for approval.

The motion was seconded by Ms. Visconti. The motion was carried unanimously, 6-0.

5. **ARC-24-0023 (ZON-24-0010) 515 NORTH LAKE WAY (COMBO)** The applicant, JORDAN GRETCHEN S TRUST (Maura Ziska, Authorized Representative), has filed an application requesting Architectural Commission review and approval for the construction of a new one-story single-family residence with final hardscape and landscape, a special exception to develop the existing nonconforming lot, and one variance 1) to exceed the permitted angle of vision. This is a combination project that shall be reviewed by the Town Council as it pertains to zoning relief/approval. *This item has been deferred to August 28, 2024.*

Clerk's note: This item was deferred to the meeting on August 28, 2024, at Item V. Approval of the Agenda.

6. **ARC-23-155 160 SEAVIEW AVE.** The applicant, Coral Beach Corporation (Angela Feldman, President) & Seaview Holdings, Inc (David Feldman, Director), has filed an application requesting Architectural Commission review and approval for the construction of a new, two-story guest wing and detached cabana structure with associated hardscape and landscape and swimming pool improvements. *This item has been deferred to the September 25, 2024, meeting.*

Clerk's note: This item was deferred to the meeting on September 25, 2024, at Item V. Approval of the Agenda.

7. **ARC-24-0004 (ZON-24-0005) 260 COLONIAL LN (COMBO)** The applicant, Maura Ziska (attorney) in conjunction with SKA Architect + Planner, has filed an application requesting Architectural Commission review and approval for construction of a new one-story single-family residence with final hardscape landscape and swimming pool, requiring Special Exception with Site Plan Review approval to develop a nonconforming parcel and a variance to reduce the rear yard setback for the swimming pool. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval. *[The applicant has withdrawn this project.]*

Clerk's note: This item was withdrawn from the agenda at Item V. Approval of the Agenda.

C. MAJOR PROJECTS-NEW BUSINESS – NONE

D. MINOR PROJECTS - OLD BUSINESS

1. **ARC-24-006 249 SEABREEZE AVE.** The applicant, Joseph & Elizabeth Berger, has filed an application requesting Architectural Commission review and approval for new vehicular and pedestrian gates and modifications to previously approved landscape and hardscape, including driveway reductions and change in perimeter site walls as well as modifications to the previously approved design of the front door and balcony railings.

Ms. Pardue provided staff comments on the project.

Several members disclosed ex-parte communications.

Jamie Crowley, the attorney's applicant, provided an overview of the request for approval and spoke about the proposed new masonry wall.

Ms. Grace asked the staff for an overview of the site wall issues. Ms. Pardue provided a brief history of the issue.

A motion was made by Mr. Karakul and seconded by Ms. Visconti to approve the masonry site wall as presented. The motion was carried unanimously, 6-0.

2. **ARC-24-0001 640 ISLAND DR.** The applicant, 640 FLORIDA LAND TRUST BALLERANO HAMES A JR TR, has filed an application requesting Architectural Commission review and approval for modifications to an existing vehicular and pedestrian gate design. *This item has been deferred to the August 28, 2024, meeting.*

Clerk's note: This item was deferred to the meeting on August 28, 2024, at Item V. Approval of the Agenda.

E. MINOR PROJECTS-NEW BUSINESS

1. **ARC-24-0006 300 S OCEAN BLVD.** The applicant, Carousel Development & Restoration, Inc., and Courtney Cox on behalf of 300 South Ocean Boulevard Apartments, Inc. have filed an application for structural repairs to the penthouse partition wall.

Ms. Mittner provided staff comments on the project.

Mr. Floersheimer and Ms. Grace disclosed ex-parte communications.

The applicant's attorney, Paula Marra of Rosenbaum Law Firm, introduced Alessandra Bianchini of Carousel Development & Restoration, Inc., who made the architectural presentation.

Mr. Karakul asked if the previous walls were the same height as the new walls. Ms. Bianchini stated that the new walls were in the same footprint as the old walls; she provided a visual of the new walls.

Ms. Marra showed the Commission recent photographs taken to allow the Commissioners to see the walls in relation to the canopy structure. She reiterated that the walls had not changed in location. She also stated that the spaces in the penthouse were not the same unit boundaries as the units below. She stated that the walls were reconstructed pursuant to the Code requirements.

Mr. Smith asked to see the image of the walls that had been built prior to approval. Ms. Marra stated that the old walls, which did not meet the code requirements, had been removed, and new code-compliant walls were built in the same locations. When Mr. Smith asked about an awning structure, Ms. Marra indicated that the structure was in front of a masonry wall.

Ms. Visconti asked about a photograph of the new walls. Ms. Bianchini showed the photographs.

A discussion ensued about the structures that existed prior and what had been rebuilt.

Patricia Bilden, 300 S Ocean Blvd. PH C, stated that a wall had always existed in her unit, but an awning had covered it. She spoke about her neighbors who had decorated their walls with an awning and lattice. She said the new walls were similar in height and width but were now structurally sound.

Ms. Bianchini stated that the walls were now a smooth, stucco finish to match the architecture.

Mr. Smith asked the staff why the application needed the Commission's approval. Ms. Mittner responded.

Ms. Bianchini stated there was a permit for concrete repairs and waterproofing. When a complaint was received, Ms. Bianchini stated that the Building Department requested revision sheets that showed the walls and required an appearance in front of the Commission.

Mr. Floersheimer asked if the planters were in front of the walls in penthouses A and C. Ms. Bilden stated that she did not have a fixed planter. The planter in penthouse B was rebuilt.

Mr. Floersheimer expressed concern that the walls and the awning supports did not architecturally align. Ms. Bianchini stated that the awnings existed and were not in the scope of work. Mr. Floersheimer wondered if the Commission had the purview to ask them to align the posts. Mr. Smith thought the request was tricky since Ms. Bianchini's firm was only working on concrete restoration.

Mr. Smith called for public comment. No one indicated a desire to speak.

A motion was made by Ms. Visconti and seconded by Ms. Grace to approve the project as presented. The motion was carried unanimously, 6-0.

2. **ARC-24-0022 (ZON-24-0014) 1246 N LAKE WAY (COMBO)-VARIANCES** The applicant, Myron and Michelle Miller, has filed an application requesting Architectural Commission review and approval to enclose an existing covered patio with a variance to exceed the allowable Cubic Content Ratio. The Town Council shall review the application as it pertains to zoning relief/approval.

Ms. Pardue provided staff comments on the project.

Mr. Floersheimer and Ms. Grace disclosed ex-parte communications.

John Reed, of John Sherman Reed Architect, made the architectural presentation.

Mr. Smith stated that the proposed railings were not code-compliant and not at the appropriate height.

Mr. Floersheimer had no objection to the requests. He appreciated that the property was not being demolished and was being cleaned up.

Mr. Phoenix was concerned about the color of the windows and shutters, and he questioned the railing design. He also thought the plans lacked details that were needed, particularly fenestration details. He asked about the roof and front door materials. Mr. Reed responded. Mr. Phoenix asked about the material for the lighting. Mr. Reed responded. Mr. Phoenix

supported the variance request and thought the changes would improve the property but questioned the proposed materials and colors.

Ms. Grace liked the open spaces and was sad to see the proposal to enclose them. She questioned the fenestration and thought the proposal was inconsistent. She also believed the black fenestration was not appropriate. Mr. Reed stated that the owner indicated that all the windows would be replaced so they could be more consistent.

Ms. Pardue provided an overview of the elements of the renovation that the Commission had already approved.

Ms. Visconti questioned the quality of the materials and thought the proposal lacked personal touches and charm. She recommended changes that could help the house look like it belonged in Palm Beach.

Mr. Karakul thought the railings needed to be restudied. He thought the squared arches were okay.

Mr. Smith thought that many of the Mediterranean elements were stripped from the home. He recommended moving toward a Bahama or Bermuda style. Mr. Visconti recommended choosing a quality window for the replacement.

Mr. Smith called for public comment. No one indicated a desire to speak.

A motion was made by Mr. Floersheimer and seconded by Ms. Grace to defer the project to the meeting on August 28, 2024. The motion was carried unanimously, 6-0.

3. **ARC-24-0032 (ZON-24-0028) 272 VIA MARILA (COMBO)** The applicant, Melissa Wight, has filed an application requesting Architectural Commission review and approval for a new vehicular gate, which requires one (1) variance to reduce the minimum driveway area in front of the vehicular gate. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval.

Ms. Mittner provided staff comments on the project.

Several members disclosed ex-parte communications.

Dustin Mizell of Environment Design Group made the landscape and hardscape presentation.

Ms. Visconti felt a gate would be acceptable; however, she was not in favor of the proposed sconces on the piers.

Mr. Floersheimer could not support the gate; he thought it was inappropriate and looked too institutional.

Ms. Grace did not believe the gate fit into the neighborhood and was not supportive of the style, so she could not support the request.

Mr. Karakul agreed. He wondered if the driveway entrance could be moved and made narrower; he thought a cleverer solution could be studied. Mr. Mizell stated that when he spoke to Public Works, they indicated that more drainage would need to be added, which would significantly increase the budget. Mr. Mizell stated he would be happy to restudy the configuration if the Commission deferred the project.

A motion was made by Mr. Floersheimer and seconded by Ms. Visconti to defer the project to the meeting on August 28, 2024. The motion was carried unanimously, 6-0.

Mr. Smith called for public comment. No one indicated a desire to speak.

4. **ARC-24-0034 (ZON-24-0020) 336 AUSTRALIAN AVE W (COMBO) - VARIANCES** The applicant, Sharon Handler Loeb, has filed an application requesting Architectural Commission review and approval for site-wide landscape and hardscape modifications, installation of a generator and the relocation of pool equipment requiring variances. The Town Council shall review the application as it pertains to zoning relief/approval.

Ms. Pardue provided staff comments on the project.

Several members disclosed ex-parte communications.

The applicant's attorney, M. Timothy Hanlon, provided an overview of the project and advocated for a positive recommendation to the Town Council. Dustin Mizell of Environment Design Group made the landscape and hardscape presentation.

Ms. Grace thought the changes were attractive. She thought the generator was okay because the hotel was next door. She wondered if the grass on the west side would get enough sun. Mr. Mizell responded. She asked about the height of the proposed wall. Mr. Mizell responded.

Mr. Phoenix thought the changes improved the property. He expressed concern about the proposed gate and wondered if it was appropriate. He was in favor of the wall.

Mr. Floersheimer asked about the west side of the property and what was proposed. Mr. Mizell responded. Mr. Floersheimer wondered if more green space could be added. Mr. Floersheimer asked about the Calophyllum and

wondered if they would be pleached. Mr. Mizell responded and further explained the design.

Attorney Gary Nagle, who represented the neighbor Samuel Raia at 336 Australian Avenue E, stated he would speak but first wanted Mr. Raia to express his concerns. He provided each Commissioner with a copy of the declaration of covenant and restrictions for the property. He stated that the property was initially developed as one property for uniformity.

Samuel Raia, 336 Australian Avenue W., discussed how he had maintained his landscaping. He spoke about the ongoing construction for three years and expressed concern that the installation of the site walls would damage his hedges. He stated that he had not been able to enjoy his property due to the construction at the neighbor's property. He thought the removal of the landscape material would have a negative effect on his property, and the landscaping was protected by a covenant that both properties signed.

Ms. Grace stated that the town was trying to reduce the use of pesticides and Ficus material. She thought this was a good opportunity to make the change and allow both parties to take control of their own landscaping. She also thought the neighbor could weigh in on the wall height, so it was not offensive.

Ms. Visconti asked to see the location of the Ficus material and the chain link fence. Mr. Nagle's concern was that only half of the Ficus hedge in the front would be replaced. Ms. Visconti thought the Ficus should be removed to reduce the use of pesticides. She recommended using a fence and a hedge on both sides of the fence rather than a wall.

Mr. Mizell stated that a wall was proposed for security, noise reduction, and more room in the garden. Ms. Visconti provided further recommendations.

Mr. Floersheimer understood Mr. Mizell's requests as he witnessed the conditions. He stated that half of the Ficus could not be removed without harming the neighbor's Ficus. He agreed that the Ficus should be replaced with another material. Mr. Raia stated that the timeline had to be restricted since they had been dealing with construction for over three years. Mr. Floersheimer thought the proposed plan looked good and supported approval.

Mr. Smith thought the two homeowners needed to work on a plan that they both could agree on and then seek approval. Mr. Nagle stated he would be happy to work with the neighbor. Mr. Hanlon reviewed the reasons that the covenant should not be an issue with the proposed plan. Mr. Smith stated he could not approve the plan due to neighbor issues.

Mr. Mizell stated that the project timeline was dependent on the work at the Vinetta Hotel since they needed access to the property, which would be closed when the work was completed. Mr. Nagle stated that his client was

not opposed to the neighbor working on the west side, but his client wanted the property to look uniform when finished.

Sharon Loeb, the owner, spoke about the issues she has had with her Ficus material and apologized for the ongoing construction at her home.

The Commissioners provided suggestions for both parties to consider moving forward. Mr. Smith thought that if the neighbors agreed on a plan, the staff could approve it in coordination with him.

A short discussion ensued on a possible motion. Ms. Pardue stated that if the Commission made a recommendation on the variances, the location of the equipment would need to remain in the proposed locations unless the applicant wanted to return to the Commission.

A motion was made by Mr. Floersheimer and seconded by Mr. Karakul that the implementation of the proposed variances will not cause a negative architectural impact on the subject property. The motion was carried unanimously, 6-0.

A motion was made by Mr. Floersheimer and seconded by Ms. Visconti to approve the landscaping proposal and removal of the Ficus on the west and south borders and the equipment yard and to agree with the neighbors on a plan for the north and east borders, which will be approved by staff in coordination with the chair. The motion was carried unanimously, 6-0.

Joan Foley, 336 Australian Avenue W., stated they were full-time residents, and the construction has been very loud, particularly since they live in an attached residence.

5. **ARC-24-0053 304 MADDOCK WAY** The applicant, Nievera Williams (Chris Simon), has filed an application requesting Architectural Commission approval for landscape changes, specifically the removal and replacement of a historic and specimen green buttonwood tree. *[This project has been withdrawn by the applicant.]*

Clerk's note: This item was withdrawn from the agenda at Item V. Approval of the Agenda.

XI. **UNSCHEDULED ITEMS**

Ms. Churney noted two conflicts of interest declared by Ms. Visconti at the meeting on June 26, 2024, for the properties at 260 Colonial Lane and 1741 S. Ocean Blvd. She indicated that Ms. Visconti properly filled out the correct forms required by the Florida Commission on Ethics.

XII. **NEXT MEETING DATE: August 28, 2024, at 9:00 AM**

XIII. **ADJOURNMENT**

A motion was made by Ms. Visconti and seconded by Mr. Karakul to adjourn the meeting at 12:17 p.m. The motion was carried unanimously, 7-0.

The next meeting will be held on Wednesday, August 28, 2024, at 9:00 a.m. in the Town Council Chambers, 2nd floor, Town Hall, 360 S. County Road.

Respectfully Submitted,

Jeffrey W. Smith, Chairman
ARCHITECTURAL COMMISSION

kmc