



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5431 • www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Landmarks Preservation Commission

FROM: Wayne Bergman, MCP, LEED-AP *WCB*
Director PZ&B

SUBJECT: COA-24-0013 70 Middle Road

MEETING: AUGUST 21, 2024, LPC

COA-24-0013 70 MIDDLE RD. The applicant, Jennifer Naegele, has filed an application requesting a Certificate of Appropriateness for the review and approval of demolition and reconstruction of portions of the structure's exterior walls.

Applicant: Jennifer Naegele
Professional: William Langford | SKA ARCHITECT + PLANNER

HISTORY:

The subject property was designed by Marion Sims Wyeth and constructed in 1924. The property was designated as a Landmark in 1985. As stated in the designation report "*Casa De Los Arcos, located at 70 Middle Road, is a fine example of the Mediterranean Revival style of architecture which was popularized during the 1920's Florida Land Boom and is now equated with Palm Beach. The house was designed by one of Palm Beach's most noted architects, Marion Sims Wyeth, and exhibits his grasp of the style of the day.*"

At the January 22, 2020, LPC meeting, COA-002-2020 was approved as presented with the exception of the site wall proposed on the east elevation which was withdrawn. LPC also determined that the implementation of the proposed variances would not cause negative architectural impact to the subject landmarked property.

- **Summary of approved scope of work:** Replace existing windows and doors with wood impact. Enclosure of existing cypress loggia and vaulted loggia with French doors to match existing. Small one-story extension for use as a laundry room. Addition of a small, covered terrace on an existing flat roof non-original structure. New pool, patios, walkways, and driveway improvement.
- **Summary of variances:**
 1. 134-1729: a variance to allow a 60 KW generator to be placed in the street side yard along Via Marina with a setback of 8.5 feet in lieu of the 25-foot minimum required
 2. 134-893(11): a variance for lot coverage for the laundry room addition of 34.47% in lieu of the 33.07% existing and the 30% maximum allowed.
 3. 134- 893(13): a variance for a cubic content ratio (" CCR") for the laundry room and covered terrace of 8.85 in lieu of the 8.32 existing and the 3.95 maximum allowed.

4. 134-893(7): a variance for a north side yard setback of 7.6 feet in lieu of the 12.5 feet minimum required for the laundry room addition.
5. 134-893(7): a variance to convert the existing flat roof to a covered balcony with railing that will have a north side yard setback of 7.6 feet in lieu of the 15-foot minimum required.

However, the variances noted above did not proceed to Town Council for approval.

On May 11, 2020, L-20-00265 was administratively approved.

- Summary of the approved scope of work: Demolition of pool patio, walkways, and site walls.

On June 8, 2022, L-22-00606 was administratively approved.

- Summary of approved scope of work: Raising existing shower wall for privacy, remove chimney from scope of work, modification to three windows, stair replacement, and relocate door on west elevation.

At the February 21, 2024, LPC meeting, the Commissioners placed 70 Middle Road on the following month's agenda to discuss the ongoing construction and items being displayed on the property. The property owner was sent certified mail as notice for the upcoming discussion.

At the March 20, 2024, LPC meeting, the Director of Planning, Zoning, and Building (Mr. Bergman) provided an overview of the ongoing projects at the residence. He discussed the ongoing issues, administrative approvals with Chairperson review, and numerous conversations with the owner. Neighbors provided public comment. As mentioned in the presentation, approximately 54 building permits were applied (approximately 45 issued) since 2013. The master building permit (B-22-94449) was originally issued on May 5, 2022, and extended to November 5, 2024, due to the state extension granted under the COVID emergency.

On April 2, 2024, L-24-00946 was administratively approved.

- Summary of approved scope of work: Window revisions, exterior color change and window frame color change, removal of interior courtyard east steps, pool shape revision, driveway and walkway material change, roof tile color change, new roof hatch, and generator relocation to interior.

On May 3rd, 2024, Mr. Bergman, Sue Patterson (Landmarks Preservation Commission Chair), and Abraham Fogel (Design and Preservation Planner) conducted a site visit at 70 Middle Road. A team of contractors and the structural engineer were on site to represent the property owner. A tour of the outside of the property was given to discuss a building permit revision that was submitted. The north courtyard exterior wall (on the south elevation) was entirely removed, and a large portion of the west exterior wall had already been removed and reconstructed with concrete block and poured concrete. Photos were taken to document the existing conditions.

The removal and reconstruction of exterior walls were not requested or approved by LPC or administratively in previous Certificate of Appropriateness (COA) applications.

The on-site team was advised by Mr. Bergman and Sue Patterson that a COA should have been approved prior to commencing the demolition and reconstruction of the exterior walls. A new COA application, subject to review by LPC, is required for retroactive approval. Furthermore, the on-

site team was told that no further unapproved work should continue.

THE PROJECT:

The applicant has submitted plans, entitled “NAEGELE RESIDENCE 70 MIDDLE ROAD PALM BEACH, FLORIDA”, as prepared by **SKA ARCHITECT + PLANNER**, received by the Town on July 11, 2024.

The following is the scope of work for the Project:

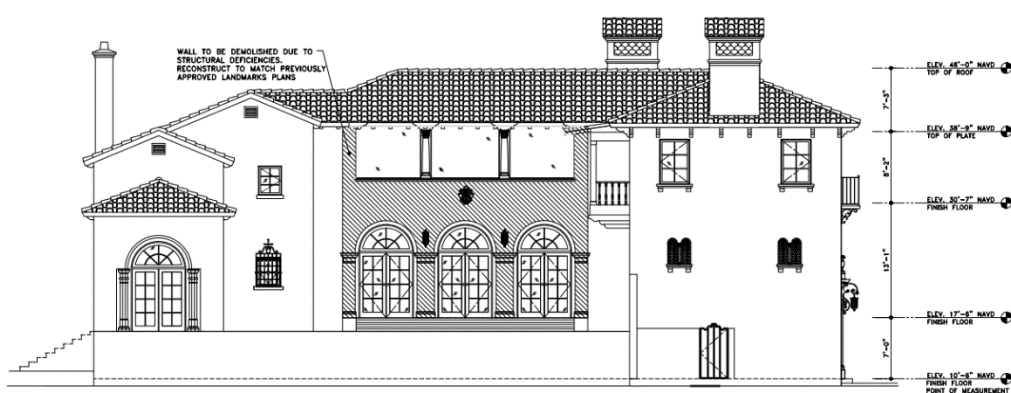
- Demolition and reconstruction of portions of the structure’s exterior walls.

Site Data			
Zoning District	R-B	Future Land Use	SINGLE-FAMILY
Designation	1985	Architect/Builder:	Wyeth
Lot Area	15,495 SF	Year of Construction	1924
Surrounding Properties / Zoning			
North	66 Middle Road / R-B		
South	80 Middle Road / R-B		
East	101 Via Marina / R-A		
West	195 Via Marina / R-B		

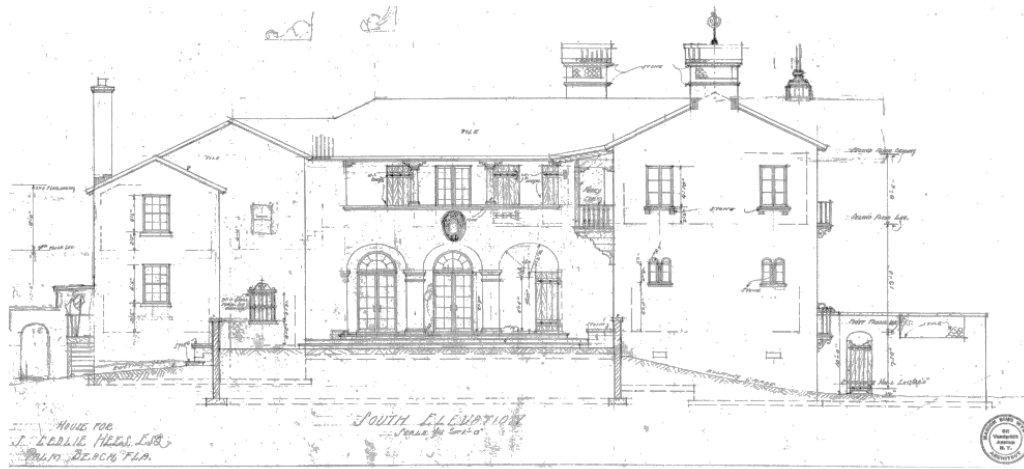
STAFF ANALYSIS

The application is seeking a Certificate of Appropriateness to retroactively receive approval for demolition and reconstruction of exterior walls of the landmarked structure. More specifically, the scope will impact the following elevations:

South Elevation



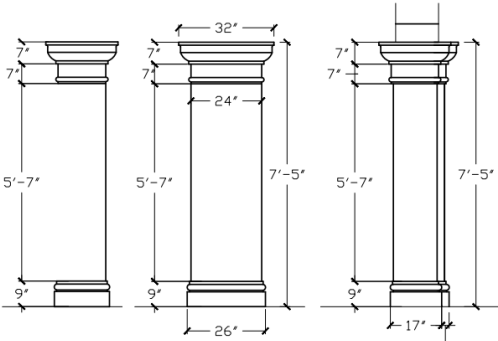
Original plans



Below is a photo of existing conditions, that shows the reconstruction work that has begun:

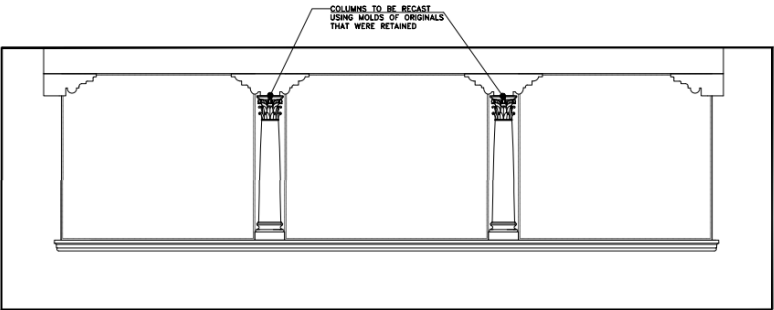


On the first floor, the demolished portion of the wall included pairs of French doors and transoms with divided light patterns, separated by pilasters and light fixtures. The second floor featured a gallery with columns. The plans specify that these features will be reconstructed to match the original. Window and door replacement were previously approved for this façade.

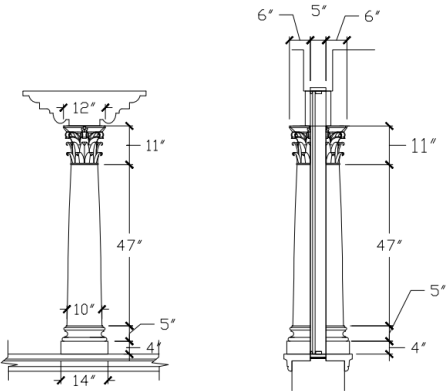


ORIGINAL PILASTER DESIGN

1ST FLOOR VAULTED LOGGIA PILASTERS ELEVATION AND SECTION
SCALE: 3/4"=1'-0"



2ND FLOOR GALLERY ELEVATION
SCALE: 1/2"=1'-0"



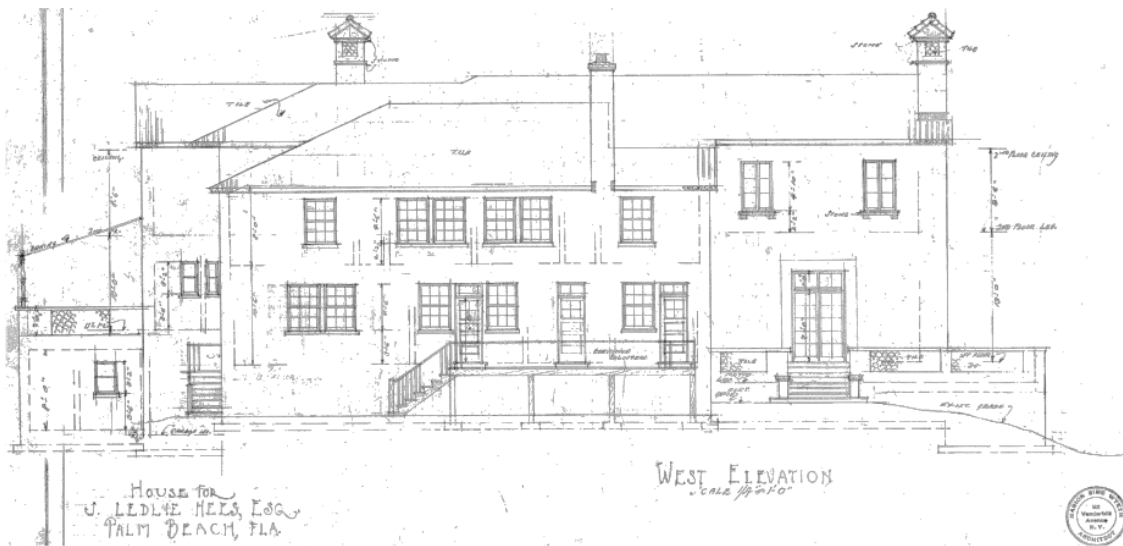
RETAINED ORIGINAL COLUMN

2ND FLOOR GALLERY COLUMNS ELEVATION AND SECTION
SCALE: 3/4"=1'-0"

West Elevation

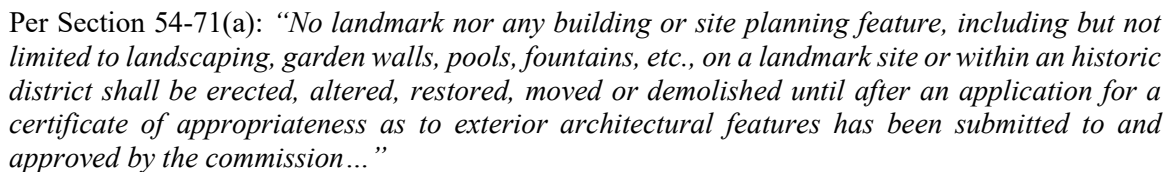


Original plans:



Below is a photo of existing conditions, that shows the reconstruction work that has begun:





As previously stated, the work commenced prior to securing approvals from the Landmarks Preservation Commission (LPC) which violates the code section noted. The applicant contends it was needed due to previously unseen structural deficiencies. Demolition of historic structural walls is not a best practice. The applicant has the burden of proof to demonstrate that less intrusive interventions were not viable. Staff finds that the reconstruction adequately replicates original features, contingent on the Commission's determination that the demolition is permissible.

CONCLUSION:

The application is presented to the Commission to consider whether all the criteria in Sections 54-122, 54-123, and 54-125 have been met. Approval of the project will require one (1) motion to be made by the Landmarks Preservation Commission:

- (1) for the overall design of the project in accordance with aforementioned criteria, subject to any imposed conditions.

WRB: JGM: FHM: ALF