



PLANNING & PRESERVATION DIVISION  
 DEPARTMENT FOR COMMUNITY SUSTAINABILITY  
 CITY OF LAKE WORTH  
 1900 2<sup>ND</sup> AVENUE NORTH  
 LAKE WORTH, FL 33461  
 561.586.1687

**CERTIFICATE OF APPROPRIATENESS CHECKLIST – ECONOMIC HARDSHIP**

HRPB PROJECT NUMBER \_\_\_\_\_ DATE \_\_\_\_\_

No decision of the development review officer, HRPB or the City Commission shall result in an **unreasonable economic hardship** for the property owner. The HRPB shall have the authority to determine the existence of an unreasonable economic hardship in accordance with the criteria set forth in this section. The applicant shall have the burden of proving by **substantial competent evidence** that denial of a certificate of appropriateness or imposition of conditions on a certificate of appropriateness have caused or will cause an unreasonable economic hardship for the owner of the property.

**A minimum of one (1) hard copy and one (1) electronic copy** of the following materials are required in order for the application to be deemed complete and sufficient to present to the appropriate decision making authority. Additional copies may be required as specified below.

- Mandatory Pre-Application Meeting for all Board reviewed projects
  - Date of Meeting: \_\_\_\_\_
- Justification Statement
  - Must address all applicable criteria in Section 23.5-4(l). It is on your interest to provide as much information as possible, as the Board may choose to continue or deny an application for economic hardship based on a lack of substantial evidence to support the request.
- Attachments
  - Please list all attachments you are including in support of the justification statement.

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**(SEE REVERSE)**

Supplemental standards to determine if unreasonable economic hardship exists (Section 23.5-4(l))

1. In general. No decision of the development review officer, HRPB or the City Commission shall result in an unreasonable economic hardship for the property owner. The HRPB shall have the authority to determine the existence of an unreasonable economic hardship in accordance with the criteria set forth in this section. The applicant shall have the burden of proving by substantial competent evidence that denial of a certificate of appropriateness or imposition of conditions on a certificate of appropriateness have caused or will cause an unreasonable economic hardship for the owner of the property.

2. Submission of evidence of hardship. In any case where the property owner or applicant for a certificate of appropriateness claims that denial of or imposition of conditions upon a certificate of appropriateness result in an unreasonable economic hardship, the owner or applicant may, by affidavit, submit to the HRPB any or all of the following information as justification for his claim. The applicant has the option of submitting evidence of reasonable economic hardship at any time in the review permit process; however, all information shall be received by the HRPB at least fifteen (15) days prior to the public hearing

3. Evidence considered for all property. The HRPB shall consider the following:

A. Whether the owner knew or should have known of the landmark or historic district designation at the time of acquisition and whether the structure or district was designated subsequent to acquisition.

B. The amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between seller and buyer.

C. The form of ownership of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture or other form, and whether or not it is a homestead property.

D. An estimate of the cost of the proposed construction, alteration, demolition or removal.

E. The assessed value of the property according to the two (2) most recent assessments.

F. The real estate taxes for the previous two (2) years.

G. Annual debt service or mortgage payments if any, for the previous two (2) years.

H. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property.

I. Any information that the property is not marketable or able to be sold, considered in relation to any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years, including testimony and relevant documents regarding:

- (a) Any real estate broker or firm engaged to sell or lease the property.
- (b) Reasonableness of the price or rent sought by the Applicant.
- (c) Any advertisements placed for the sale or rent of the property.

J. Any Phase I or any other environmental analysis prepared for the site.

K. Any information regarding the unfeasibility of adaptive or alternative uses for the property that can earn a reasonable economic return for the property as considered in relation to the following:

- (a) A report from a professional engineer registered in the State of Florida or an architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
- (b) An estimate of the costs of construction, alteration, demolition or removal and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the HRPB concerning the appropriateness of the proposed alterations.
- (c) The estimated market value of the property in its current condition, after completion of the demolition, after completion of the proposed construction and after renovation of the existing property for continued use.
- (d) In the case of a proposed demolition, an estimate from an architect, developer, licensed contractor, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
- (e) Financial documentation of the ability to complete the replacement project, which may include, but is not limited to, a performance bond, a letter of credit or a letter of commitment from a financial institution.
- (f) The fair market value of the property, as determined by at least two (2) independent certified appraisals.

L. Any state or federal income tax returns relating to the property or the owner for the past two (2) years. These forms may be redacted for confidentiality purposes.

M. Any other information considered necessary by the HRPB in making its determination.

4. Evidence considered for income property (actual or potential). The HRPB shall consider the following:

- A. Annual gross income from the property, if any, for the previous two (2) years.

- B. Depreciation deductions and annual cash flow, if any, for the previous two (2) years, before and after debt service.
  - C. Status of leases, rentals or sales for the previous two (2) years.
  - D. Itemized operating and maintenance expenses for the previous two (2) years, including proof that adequate and competent management procedures were followed.
  - E. Any other information considered necessary by the HRPB in making its determination as to whether or not the property does yield or may reasonably yield a reasonable economic return to the owners.
  - F. Any state or federal income tax returns relating to the property for the past two (2) years. These returns may be redacted for confidentiality purposes.
5. When information is unavailable. In the event that any of the required information is not reasonably available or cannot be obtained by the property owner, the property owner shall file, along with his affidavit, a statement of the information which cannot be obtained and the reasons why it cannot be reasonably obtained. Where such unobtainable information concerns required financial information, the property owner shall submit a statement describing estimates which will be as accurate as are feasible.
6. Submission under oath. All submissions to the HRPB shall be furnished under oath.