



TOWN OF PALM BEACH

PLANNING, ZONING, & BUILDING DEPARTMENT

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

**TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD**

AGENDA

OCTOBER 10, 2018

9:30 AM

Welcome!

For information regarding procedures for public participation at Town Council Meetings, please refer to the end of this agenda.

I. CALL TO ORDER AND ROLL CALL

Mayor Gail L. Coniglio
Danielle H. Moore, President
Margaret A. Zeidman, President Pro Tem
Julie Araskog
Lew Crampton
Bobbie Lindsay

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND DIRECTOR OF PLANNING, ZONING AND BUILDING

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VI. APPROVAL OF AGENDA

VII. DEVELOPMENT REVIEWS

A. Appeals

1. Appeal of Administrative Decision That There is Only One Residential Unit Allowed at 206 Phipps Plaza Page 9
2. 905 North Ocean Boulevard
Request for Withdrawal Per Letter Dated October 2, 2018 From Francis Lynch Page 86

B. Time Extensions and Waivers

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **Z-18-00084 VARIANCE(S)** Page 89
The application of FRIEDMAN LORRAINE L TRUST &, Owner, relative to property located at **901 N OCEAN BLVD**, legal description on file, is described below. 1) Variances to allow the construction of a new 16,087 square foot two story main residence with a point of measurement of 22.5 foot North American Vertical Datum ("NAVD") in lieu of the 15.9 foot NAVD maximum allowed for the following: a. Overall building height; b. Building height; c. Building height plane 2) A variance to allow a 6 foot tall wall along the edge of the site triangle easement and within the front yard setback that would not have a 36 inch continuous hedge as required for a wall exceeding 4 feet in height. [Applicant's Representative Maura Ziska Esq]
[Architectural Review Commission Recommendation:
Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 4-3. The Architectural Review Commission approved the project with conditions relating to the architecture at the September 26, 2018 meeting. Carried 5-2.]
- b. **Z-18-00108 SPECIAL EXCEPTION WITH VARIANCE(S)** Page 98
Zoning District: C-TS Town Serving Commercial The application of Palm Beach Hotel Condominium Association, Inc., Applicant, relative to property located at **235 SUNRISE AVE SUITE: CM 23**, legal description on file, is described below. A request for a variance and a special exception to expand a non conforming use ("hotel") to incorporate a 3,200 square foot space on the ground floor to be used as a gym which is an accessory use to the condominium hotel. [Applicant's Representative: Maura Ziska Esq] ***If approved, consideration of proposed Declaration of Use Agreement.***
- c. **Z-18-00113 SPECIAL EXCEPTION WITH SITE PLAN** Page 117

REVIEW AND VARIANCE(S) Zoning District: B-A Beach Area

The application of 1178 OCEAN LLC, Applicant, relative to property located at **1178 N OCEAN BLVD**

SUITE: BEACH CABANA, legal description on file, is described below. The Applicant seeks to reconstruct an existing beach house east of Ocean Boulevard adjacent to the east of property owned by the Applicant on the existing footprint in the existing location. Due to changes in the zoning code since the beach house was originally built, the variances indicated below are required, since greater than 50% of the existing structure, determined by cubic footage, is being demolished (per Code Section 134 417). To permit construction of a beach house with a square footage of 519 square feet, existing and proposed, in lieu of 350 square feet allowed by Special Exception. To permit the construction of a beach house with a depth dimension of 24' 8 1/2", existing and proposed, in lieu of 20' maximum dimension allowed by Special Exception. To permit the construction of a beach house with a width dimension of 21', existing and proposed, in lieu of 20' maximum dimension allowed by Special Exception. To permit the construction of a beach house with a setback of 5' 3 1/2", existing and proposed, in lieu of a minimum setback of 10' permitted by code. To permit a maximum hedge height/wall height existing and proposed to remain at +/- 6' 0"; in lieu of 4' 0" permitted by code. To permit a minimum ocean vista, existing and proposed, 0% of lot width, in lieu of 50% of lot width permitted by code. [Applicant's Representative: Francis X. J. Lynch] [Architectural Review Commission Recommendation: Implementation of the proposed special exception with site plan review and variance will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Review Commission approved the project as presented. Carried 7-0.] **Request for Deferral to the November 14, 2018 Town Council Meeting Per Letter Dated October 1, 2018 from Francis Lynch**

- d. **Z-18-00118 SPECIAL EXCEPTION** The application of 210 Miraflores Drive LLC, Manager: Michael Belisle, Applicant, Page 124 relative to property located at **210 MIRAFLORES DR**, legal description on file, is described below. Special Exception and Site Plan Review to allow the construction of a 4,381 square foot, two-story, single family house on a non-conforming lot, comprised of a portion of a platted lot, which is 90 feet in width in lieu of the 100 foot depth required in the R-B Zoning District. [Applicant's Representative: David E. Klein Esq] [The Architectural Review Commission approved the project with conditions relating to the architecture at the September 26, 2018 meeting. Carried 5-2.]

- e. **Z-18-00121 SITE PLAN REVIEW WITH VARIANCE(S)** The application of 456 South Ocean LLC (Dave Frisbie, Manager), Page 127 Applicant, relative to property located at **456 S OCEAN BLVD SUITE: SITE**, legal description on file, is described below. A

request for Site Plan Review to construct a two-story, four (4) unit, townhouse building group with associated swimming pools and hardscape. Each unit will be approximately 8,800 square feet with basement garages. The following variances are being requested:

1. A request for a variance to allow the maximum building dimension of the building group to be 184.16 feet in length in lieu of the 150 foot maximum length allowed for a townhouse building group. 2. A request for a variance to not provide 25% of the building to be setback an additional 10 feet from the front setback along South Ocean Boulevard. [Applicant's Representative:

Maura Ziska Esq] [Architectural Review Commission

Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property.

Carried 7-0. The Architectural Review Commission deferred the project for one month to the October 24, 2018 meeting. Carried

5-2.] **Request for Deferral to the November 14, 2018 Town Council Meeting Per Letter Dated September 27, 2018 from Maura Ziska**

- f. **Z-18-00129 SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of CHERRY LANE LLC Page 133 (John Flynn, Manager), Applicant, relative to property located at **232 CHERRY LN**, legal description on file, is described below. A request for Site Plan Review to build a 4,620 square foot two story home on an existing 10,000 square foot platted lot with a depth of 80.0' in lieu of 100' required. [Applicant's Representative: Francis X.J. Lynch] [The Architectural Review Commission approved the project with the caveat that the curb cut is reduced from 14 feet to 12 feet at the September 26, 2018 meeting. Carried 7-0.]
- g. **Z-18-00134 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-A Estate Page 136 Residential The application of Charles Holzer, Applicant, relative to property located at **977 S OCEAN BLVD**, legal description on file, is described below. 1) Special Exception with Site Plan Review to allow the construction of a 9,685 square foot two-story, single family residence on a non-conforming lot that is 77 feet in depth in lieu of the 150 foot minimum required In the R-A Zoning District and 13,662 square feet in area in lieu of the 20,000 square foot minimum area required in the R-A Zoning District. 2) A request for a variance to allow the proposed swimming pool to have a 5 foot rear yard setback in lieu of the 10 foot minimum required and a 30 foot front yard setback in lieu of the 35 foot minimum required in the R-A Zoning District. 3) A request for a variance to allow a building height plane setback to be 35 feet in lieu of the 50 foot minimum setback required. [Applicant's Representative: Maura Ziska] [The Architectural Review Commission deferred this project to the October 24, 2018 meeting at the request of the attorney. Carried 7-0.]

**Request for Deferral to the November 14, 2018 Town
Council Meeting Per Letter Dated September 25, 2018 from
Maura Ziska**

2. New Business

- a. **Z-18-00135 VARIANCE(S)** Zoning District: C-OPI Office, Page 138
Professional and Institutional The application of The Northern
Trust Company, Applicant, relative to property located at **250
ROYAL PALM WAY SUITE: BLDG 1**, legal description on file,
is described below. Due to special conditions/hardships that
exist, applicant is submitting this request for a variance to allow a
business identification described as "Northern Trust" on a building
that does not have any ground floor tenants. Seeking to replace
the existing "Northern Trust" sign with a new sign of similar size
and dimensions. Presently, the Code does not allow for business
identification signs on buildings that do not have ground floor
tenants. Approval of this request would not be contrary to the
public interest. [Applicant's Representative: Carla Erskine]
- b. **Z-18-00136 VARIANCE(S)** Zoning District: R-B Low Density Page 142
Residential The application of Neil and Ann Corkery, Applicant,
relative to property located at **120 CHILEAN AVE**, legal
description on file, is described below. Request a variance to
construct a 7 foot by 30 foot swimming pool on the east side of
the residence that will result in a 23.8% landscaped open space in
lieu of the 32.3% existing and the minimum 45% required in the R-
B district. [Applicant's Representative: Maura Ziska Esq]
- c. **Z-18-00137 VARIANCE(S)** Zoning District: R-C Medium Page 146
Density Residential
The application of Susan Poncy, Managing Member of Poncy
Properties LLC, Applicant, relative to property located at **259
PARK AVE**, legal description on file, is described below. 1. A
variance request to allow construction of a new 2,047 square foot,
two story residence on a lot with a width of 37.50 feet in lieu of the
75 foot minimum required, a depth of 70 feet in lieu of the 100
foot minimum required and a lot area of 2,625 sq. ft. in lieu of the
10,000 sq. ft. minimum required. 2. A variance request to allow lot
coverage to be 37.56% in lieu of the 30% maximum allowed. 3. A
variance request to allow a front yard setback to be 18.9 feet in
lieu of the 25 foot minimum required. 4. A variance request to
allow a rear yard setback to be 6 feet in lieu of the 15-foot
minimum required. 5. A variance request to allow a west side yard
setback to be 5 feet in lieu of the 10-foot minimum required. 6. A
variance request to allow an east side yard setback to be 6 feet in
lieu of the 10-foot minimum required. 7. A variance request to
allow a landscape open space of 37.9% in lieu of the 45%
minimum required. [Applicant's Representative: Maura Ziska
Esq] [Architectural Review Commission Recommendation:
Implementation of the proposed variances will not cause negative

architectural impact to the subject property. Carried 6-0. The Architectural Review Commission approved the architectural plans for the project but deferred the landscape and hardscape plans for one month to the October 24, 2018 meeting. Carried 5-2.]

d. **Z-18-00138 SPECIAL EXCEPTION WITH SITE PLAN** Page 151

REVIEW Zoning District: R-B Low Density Residential The application of Palm Beach Day Academy, Inc., Applicant, relative to property located at **241 SEAVIEW AVE SUITE: SITE**, legal description on file, is described below. 1. Request for Special Exception with Site Plan Review approval to create 30 paved parking spaces on the west lawn to be used by Palm Beach Day Academy faculty, families and guests to the school. 2. Request to modify the existing Declaration of Use Agreement (a copy of the Agreement is on file at the Town of Palm Beach Building Department). [Applicant's Representative: Maura Ziska Esq] [The Landmarks Preservation Commission Recommendation: Implementation of the proposed special exception with site plan review and variance will not cause negative architectural impact to the the subject landmark property. Carried 4-1.]

e. **Z-18-00139 VARIANCE(S) Zoning District: R-C Medium** Page 161

Density Residential The application of Ken Moreland-Pearce, Applicant, relative to property located at **265 PARK AVE**, legal description on file, is described below. 1. A variance request to allow construction of a new 2,000 square foot two-story residence on a lot with a width of 50 feet in lieu of the 75 foot minimum required, a depth of 70 feet in lieu of the 100 foot minimum required and a lot area of 3,500 sq. ft. in lieu of the 10,000 sq. ft. minimum required. 2. A variance request to allow a west side yard setback to be 5 feet in lieu of the 10-foot minimum required. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Review Commission approved the project with the exception of the garage door design, which will return to the Commission for review in one month. Carried 7-0.] **Request for Deferral to the November 14, 2018 Town Council Meeting Per Letter Dated September 27, 2018 from Maura Ziska**

f. **Z-18-00140 VARIANCE(S)** Zoning District: C-TS Town-Serving Commercial Page 166

The application of Joseph Paul Davis Interiors, LLC (Manager: Joseph Paul Davis), Applicant, relative to property located at **139 N COUNTY RD SUITE: 7**, legal description on file, is described below. A request for a variance to allow an interior design office to occupy an 804 square foot space on the first floor, which is not permitted by Code as it does not meet the special exception requirement that there are at least 50% existing

office uses on all floors of the building and 50% existing office uses on the first floor within 300 feet of the proposed use within the same zoning district. [Applicant's Representative: David E. Klein Esq]

- g. **Z-18-00141 SITE PLAN REVIEW WITH VARIANCE(S)** Page 169
Zoning District: R-C Medium Density Residential The application of Daniel and Ewa Abraham, Applicant, relative to property located at **150 BRADLEY PL SUITE: 804**, legal description on file, is described below. A site plan modification request with variances to allow two (2) retractable awnings (14' by 20') totaling 560 square feet on the 8th floor of an existing 11 story building in the R-D(2) Zoning District. The following variances are being requested to allow the two (2) retractable awnings: 1. Allow a building height for the awnings to be 93.25 feet in lieu of the 35-foot maximum allowed. 2. Allow the addition of the awnings to the existing 8th floor in lieu of the 3 story maximum allowed. 3. Allow a front yard setback on Bradley Place of 110.48 feet for the east awning in lieu of the 279.75 foot minimum required (height of proposed awning x number of street yards(3)). 4. Allow a street side yard setback on Sunset Avenue of 249 feet for the east awning in lieu of the 279.75 minimum required (height of proposed awning x number of street yards (3)). 5. Allow a side yard setback of 72 feet for the west awning in lieu of the 93.25 feet minimum required (height of the proposed awning). [Applicant's Representative:Maura Ziska Esq]

VIII. ANY OTHER MATTERS

IX. ADJOURNMENT

PLEASE TAKE NOTE:

- Note 1:** No written materials received after 12:00 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 12:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.
- Note 2:** The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.
- Note 3:** If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will

need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Note 4: Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.

Note 5: Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.

Note 6: All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website (townofpalmbeach.com).

PROCEDURES FOR PUBLIC PARTICIPATION

Citizens desiring to address the Town Council should proceed toward the public microphones when the applicable agenda item is being considered to enable the Town Council President to acknowledge you.

PUBLIC HEARINGS: Any citizen is entitled to be heard on an official agenda item under the section entitled "Public Hearings," subject to the three minute limitation.

COMMUNICATIONS FROM CITIZENS: Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation. The public also has the opportunity to speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion.

OTHER AGENDA ITEMS: Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation.

Town Council Meetings are public business meetings and, as such, the Town Council retains the right to limit discussion on any issue.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 10, 2018

Section of Agenda

Appeals

Agenda Title

Appeal of Administrative Decision That There is Only One Residential Unit Allowed at 206 Phipps Plaza

Presenter

ATTACHMENTS:

- ❑ **Memorandum Dated September 28, 2018 From Josh Martin**
- ❑ **Exhibits to Memorandum dated September 28, 2018**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2018

To: Mayor and Town Council

From: Josh Martin, Director of Planning, Zoning & Building

Re: Appeal of Administrative Decision That There is Only One Residential Unit Allowed at 206 Phipps Plaza

Date: September 28, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council uphold Staff's administrative decision that there is only one residential dwelling unit located at 206 Phipps Plaza.

BACKGROUND

On August 1, 2018, Staff was contacted by a perspective buyer of 206 Phipps Plaza to do a site visit and affirm the property owner's assertion that the subject property consisted of two residential units (first floor and second floor) and an office unit (first floor). The intent was to establish that the subject property was nonconforming to residential density and could be grandfathered to have two dwelling units in the Multi-Family Moderate Density Future Land Use Designation of the Town's Comprehensive Plan and the R-C (Medium Density Residential) Zoning District. The subject property with two dwelling units would not meet the Town's maximum density requirements for the Future Land Use Designation or the Zoning District, which is a maximum six dwelling units per Palm Beach acre. The two dwelling units require 13,333 square feet of land and the subject property is only 11,761 +/- square feet in area.

On August 6, 2018, after the site visit and property record research, Staff made an administrative zoning determination that the subject property is not grandfathered for two residential units. Based on research in the analysis below, the subject property is a single-family dwelling unit and a commercial office space. Staff's written determination and associated correspondence is attached as Exhibit A.

On August 30, 2018, Mr. David Klein, attorney representing, John K. Volk, filed an appeal of Staff's administrative determination that the residential element of the property located at 206/207 Phipps Plaza was not grandfather for two residential dwelling units. His justification for the appeal is in attached Exhibit B.

ANALYSIS

The subject property is a combination of two properties that were combined by Mr. John Volk in 1957 when Mr. John Volk purchased the two unit apartment building known at that time as 207 Phipps Circle (Exhibit C). At that time, he had his office on the first floor of 206 Phipps Circle and his residential unit above. That same year he connected both buildings with a passageway (Exhibit D). In 1959, Mr. Volk obtained permits to add a porch in the existing courtyard; a second floor balcony; and a garden wall and a new swimming pool as “single-family accessory” to the west of the combined buildings. The building permits all state that 206 Phipps Circle (Plaza) was a single-family residence (see Exhibit E). In 1970, Mr. Volk obtained a variance to add a bay window and enclose the interior courtyard. He also added an elevator from the enclosed interior courtyard to the second floor. That zoning application states the subject property is a “single family dwelling” and the associated building permit states that the property is a “Dwelling and office” (see Exhibit F). There also is a letter dated October 19, 1977 regarding removal of the existing roof over the patio area at pool side at “John Volk’s, 206 Phipps Plaza.”

Mr. Klein references 207 Phipps Plaza as being the downstairs residential unit. While there may have been a 207 Phipps Plaza in 1956 and 1961 as mentioned in his appeal, there no longer is a 207 Phipps Plaza address. That address was eliminated many years ago when both buildings were combined and being used by John L. and Jane Volk. He also mentions that the John L. Volk Foundation was also housed out of 207 Phipps Plaza in 2003. There is no record of an occupational license or business tax receipt for the John L. Volk Foundation, Inc., and the Town has no knowledge of that business being located at 207 Phipps Plaza. Since Section 134-944 prohibits any type of commercial or quasi-commercial use, the Town would not have allowed the Foundation to operate at that location. Similarly, the Air BNB use he also mentions in his appeal would not have been a permitted use. In fact, John K. Volk, the owner, was cited in 2012 for using 206 Phipps Plaza as a transient residential use in the R-C Zoning District (see Exhibit G) .

When visiting the property, the downstairs portion of the residence can be locked and separated from the interior air conditioned courtyard of the main portion of the residence on the second floor. There is also a separate kitchen, baths, bedrooms and an outer patio bar area that opens to the pool deck area. However, it is believed that these areas were always used for guest accommodations and private functions for John L. and Jane Volk until 2010, when Mrs. Jane Volk passed. In fact, in December 2006 Lillian Jane Kinney Volk, as Trustee of the Lillian Jane Kinney Volk Qualified Personal Residence Trust dated December 4, 1996, conveyed the entire property, including the residential and office building and pool and deck to John K. Volk in a Trustee Deed. That same day, John K. Volk (“Lessor”) and Lillian Jane Kinney Volk (“Leasee”) entered into a ninety-nine (99) year lease for that same property. Under subsection 3 of that lease, the lease states that the, “Leasee may use the Premises of her personal residence and any other purpose permitted by applicable laws, regulations and requirements” (see Exhibit H). Lastly, the Palm Beach County Property Appraiser Office identifies the property as one residential unit and one commercial unit (see Exhibit I).

Section 134-392 states that the discontinuance of a nonconforming use with the intention of the owner thereof to terminate the use for any period of time is an abandonment. Likewise, the

discontinuance of a nonconforming use for a period of two years without the intention of the owner thereof to discontinue the use and/or the change of a use to a more restricted or conforming use for any period of time shall be considered an abandonment thereof, and such nonconforming use shall not thereafter be revived. When John L. and Jane Volk combined the buildings in 1957 and improved the subject property with a private swimming pool and additions, they discontinued the use of the property as apartments in the two combined buildings. The 2006 life estate Lease to Jane Volk and the Property Appraiser's tax assessment as a single residential unit aided in that determination.

There are three meters on the subject property. I have advised that if the property owner can provide evidence in the form of written leases, rents, utility bills, etc. that show that the first floor residential space was continuously used as a separate residential tenancy that the Town would favorably take that into consideration. If the downstairs portion of the residence was always used as a separate residential unit as Mr. Klein has stated in his client's appeal then the owner would have ample evidence to substantiate that use. However, to date, no information that has been provided to the Town or in this appeal to corroborate that there are two separate residential units that have been continuously been used since 1967, the last date of any mention of apartments in Town property records.

Staff recommends that the Council uphold Staff's administrative zoning determination that the subject property can only be used as one residential dwelling and one commercial office space. If you have any questions, please do not hesitate to contact Paul Castro, Zoning Administrator, at 227-6406.

Attachments

cc: Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney
Paul Castro, Zoning Administrator
Bill Bucklew, Building Official
David Klein, Esq.
pf

Exhibit A

Paul Castro

From: Paul Castro
Sent: Tuesday, August 07, 2018 8:59 AM
To: 'Cody Crowell'
Cc: John (Skip) C. Randolph; John Lindgren; 'Maura Ziska'
Subject: RE: Volk Property, 206 Phipps Plaza

Cody,

In zoning, a nonconforming use is grandfathered like a snap shot in time. When the zoning on the property changes the legal use that was in existence at that time can continue despite not meeting the new code. If the use changes to become more conforming, it cannot revert back to the previous use if it doesn't comply with the current zoning code.

When the Volk family made modifications to both buildings by joining them together and expanding the residence, they converted the space into one residential unit. I explained my position in my earlier email to you and Maura which is attached in this string of emails. I found no evidence that John and Jane Volk had two residential units on the property when they occupied the space. The property appraiser information and the taxes indicate that the property has only one residential unit. I believe from the time the Volks joined both buildings together many years ago to the time of Jane Volk's passing, she used the entire residential space in the building as one living unit.

John and Lori Volk may have subsequently rented out the bottom portion of the unit separately, but if that did occur it was without the Town's knowledge or consent and would have not been permitted. If the owner can provide evidence in the form of written leases, rents, utility bills, etc., for the first floor space going back many years ago, when Jane Volk lived on the property, the Town will take that into consideration.

Kindest Regards,

Paul Castro, AICP
Acting Planning, Zoning & Building Director

360 South County Road
Palm Beach, FL 33480
561-227-6406
[www.pcastro@townofpalmbeach.com](mailto:pcastro@townofpalmbeach.com)

From: Cody Crowell [<mailto:cody@frisbiegroup.com>]
Sent: Monday, August 06, 2018 5:44 PM
To: Paul Castro <PCastro@TownofPalmBeach.com>
Cc: Maura Ziska <MZiska@floridawills.com>; John Lindgren <JLindgren@TownofPalmBeach.com>; Logan Elliott <LElliott@TownofPalmBeach.com>; John (Skip) C. Randolph <JRandolph@jonesfoster.com>; Robert Frisbie <rbert@frisbiegroup.com>
Subject: Re: Volk Property, 206 Phipps Plaza

Paul,

This is surprising. Following our site property tour Friday, it was obvious the buildings lived separately. Since you were comfortable stating there are clearly two residential units, can you please explain why you now think there is only one unit?

As per our conversation, 206 & 207 Phipps Plaza were designed and constructed as two separate buildings. At one point there were six apartments and most recently the property has been utilized as three units. We met with John Volk last week and confirmed the property is currently being utilized as two separate residential units and a third separate commercial unit. The architectural configuration of the property corroborates the grandfathered use of two residential units as there are two separate entrances, foyers, living rooms and kitchens.

Additionally, we spoke with Jane Day and Amanda Skier about the potential of this property, and they explained to us, how important restoring this property would be to the community. We reviewed maintaining the two separate residential units and they verified how the buildings have always had at least three units. They full supported our concepts and we both thought that restoring the work of Addison Mizner, Marion Sims Wyeth and John Volk is the right thing to do for the community.

Can you work with us to restore this meaningful property without removing its grandfathered use as two residential units. What documentation can we provide to regain your comfort that 206 & 207 Phipps are two individual units? Please advise.

Thank you,
CODY CROWELL

(C): [\(508\) 292 3543](tel:5082923543)

[Frisbie Group](http://FrisbieGroup.com) | cody@frisbiegroup.com

On Aug 6, 2018, at 2:11 PM, Paul Castro <PCastro@TownofPalmBeach.com> wrote:

Maura,

After completing my research on the Volk property in Phipps Plaza I have come to the following conclusion. Upon site visit it did appear that it could have been used as two units but it also appears that the residential space was connected by an air conditioned breezeway/entrance. The building use is conforming as one residential unit and nonconforming as commercial space in the R-C Zoning District. It is identified that way on the property appraiser's web site.

While at one time the property in question was two buildings and there were two or more residential units, the buildings were joined together and lived in by only John and Jane Volk as one residential unit. We have no record that when the buildings were combined by the Volk family many years ago that the property was used as two separate residential units. In fact, I believe that Volk's residence was all of the first and second floor residential portion of the building. As such, the space is not grandfathered for two residential units as your client wants.

In order to have two residential units there has to be a minimum of 13,333 square feet of land in the R-C Zoning District, which is not the case in this situation. If you can find any evidence that when the buildings were joined together and the Volk's had used the space historically and legally as two units I will be glad to take that under consideration.

Kindest Regards,

Paul Castro, AICP

Acting Planning, Zoning & Building Director

360 South County Road

Palm Beach, FL 33480

561-227-6406

[www.pcastro@townofpalmbeach.com](mailto:pcastro@townofpalmbeach.com)

Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.

Paul Castro

From: Paul Castro
Sent: Monday, August 06, 2018 2:11 PM
To: 'Maura Ziska'
Cc: 'Cody Crowell'; John Lindgren; Logan Elliott; John (Skip) C. Randolph
Subject: Volk Property, 206 Phipps Plaza

Maura,

After completing my research on the Volk property in Phipps Plaza I have come to the following conclusion. Upon site visit it did appear that it could have been used as two units but it also appears that the residential space was connected by an air conditioned breezeway/entrance. The building use is conforming as one residential unit and nonconforming as commercial space in the R-C Zoning District. It is identified that way on the property appraiser's web site.

While at one time the property in question was two buildings and there were two or more residential units, the buildings were joined together and lived in by only John and Jane Volk as one residential unit. We have no record that when the buildings were combined by the Volk family many years ago that the property was used as two separate residential units. In fact, I believe that Volk's residence was all of the first and second floor residential portion of the building. As such, the space is not grandfathered for two residential units as your client wants.

In order to have two residential units there has to be a minimum of 13,333 square feet of land in the R-C Zoning District, which is not the case in this situation. If you can find any evidence that when the buildings were joined together and the Volk's had used the space historically and legally as two units I will be glad to take that under consideration.

Kindest Regards,

Paul Castro, AICP
Acting Planning, Zoning & Building Director

360 South County Road
Palm Beach, FL 33480
561-227-6406
www.pcastro@townofpalmbeach.com

Exhibit B

RABIDEAU LAW

PALM BEACH - TORONTO

*David E. Klein, Esq.
direct: 561.402.7412
dklein@rabideau-law.com
Florida Bar Board Certified in Real Estate Law*

August 30, 2018

RECEIVED

AUG 30 2018

**Town of Palm Beach
PZB Dept**

Via Hand Delivery

Town Council Members
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Re: Properties: 206 & 207 Phipps Plaza, Palm Beach Florida
Owner: John K. Volk
Appeal of Administrative Decision

Dear Town Council Members:

In connection with the above-referenced matter, this firm represents Mr. John K. Volk, the owner of 206 & 207 Phipps Plaza, Palm Beach, Florida 33480 (the "Properties"). In accordance with Section 134-145 of the Town of Palm Beach Code of Ordinances, please allow this letter to act my client's appeal of an administrative decision regarding the Properties made by Mr. Paul Castro, Zoning Administrator, via email on August 6, 2018. Following is a copy of the relevant portions of such email:

"After completing my research on the Volk property in Phipps Plaza I have come to the following conclusion. Upon site visit it did appear that it could have been used as two units but it also appears that the residential space was connected by an air conditioned breezeway/entrance. The building use is conforming as one residential unit and nonconforming as commercial space in the R-C Zoning District. It is identified that way on the property appraiser's web site.

While at one time the property in question was two buildings and there were two or more residential units, the buildings were joined together and lived in by only John and Jane Volk as one residential unit. We have no record that when the buildings were combined by the Volk family many years ago that the property was used as two separate residential units. In fact, I believe that Volk's residence was all of the first and second floor residential portion of the building. As such, the space is not grandfathered for two residential units as your client wants.

In order to have two residential units there has to be a minimum of 13,333 square feet of land in the R-C Zoning District, which is not the case in this situation. If you can find any evidence that when the buildings were joined together and the Volk's had used the space historically and legally as two units I will be glad to take that under consideration."

To clarify, the ground floor of 206 Phipps Plaza has been and continues to be used for commercial purposes, and is currently being leased to Smith Architectural Group, Inc. There is no contention that the ground floor of 206 Phipps Plaza cannot continue to be used in this manner. To illustrate the location of the two residences and the commercial unit, please see Exhibit "A" attached hereto.

The Properties have been designated as Historic Landmarks by the Town of Palm Beach and are located in the R-C Zoning District. Per Section 134-948(1)a, a house located in the R-C Zoning District may be used for a two-family use if the lot area is at least 13,333 square feet. The lot area of the Properties are less than 13,333 square feet. Nevertheless, in his August 6, 2018 email, Mr. Castro acknowledges that prior to implementation of the 13,333 square foot minimum in the Town Code, the Properties were used as two residences. Mr. Castro further notes that as long as the Properties continued to be used at two residences to this day, then the Properties would be "grandfathered" and the Town of Palm Beach would allow the Properties to continue with a two-family use.

In his email, Mr. Castro stated that he was not able to obtain evidence that the Properties have continued to be used as two residences through present day. However, there is substantial evidence that does reveal that the Properties have in fact been used as two residences through the present and should, therefore, be grandfathered for continued two-family use.

Mr. John L. Volk and his wife, Lillian Jane Volk, purchased 206 Phipps Plaza on or around 1947. In the early 1950's they purchased the adjacent, unattached building to the west, 207 Phipps Plaza. From this time until their deaths, Mr. and Mrs. Volk used only the upstairs of 206 and 207 Phipps Plaza as their residence. The downstairs portion of 206 Phipps Plaza was Mr. Volk's architectural office during his lifetime and has been rented as commercial space since his death in 1984. The downstairs portion of 207 Phipps Plaza was always treated as a separate residence. At times it was rented as residential space and the legal address and meeting place for The John L. Volk Foundation.

On or around 1957, John L. and Lillian Jane Volk, physically altered 206 Phipps Plaza and 207 Phipps Plaza. Between the upstairs portions of 206 and 207, Mr. Volk built a 16-foot by 9-foot room which allowed for a seamless flow between the two buildings.

This, however, is not the case for the downstairs portions of 206 and 207. It is apparent that the downstairs portion of 207 was intended to be separate and distinct from both the upstairs portion of 206/207 and the downstairs portion of 206. Although the space between the downstairs portion of 206 and 207 was enclosed into a type of entrance courtyard, it was not done so in the manner of the upstairs portion as to provide a seamless flow from one building to the other. The enclosure of the downstairs portion continued to provide a clear distinction between the downstairs portion of 207 and the upstairs portion of 206/207. The enclosure does not provide any access between the downstairs portion of 207 and the downstairs portion of 206. The sole purpose of the downstairs enclosure was to provide an enclosed, air-conditioned, courtyard-like main entrance way, that would provide access to either the downstairs portion of 207 or the upstairs portion of 206/207. To this day, when standing in the downstairs courtyard, one will

notice that the eastern and western walls of the courtyard (i.e. the west wall of 206 and the east wall of 207) remain as they were (as stucco walls) prior to when the courtyard was built.

The downstairs portion of 207 is separate and distinct from the remainder of the Properties. 207 Phipps Plaza has two entrance ways, one at the west end of the south side of the unit and one from the enclosed courtyard. If one wished to enter 207 from 206/207, they would need to either walk downstairs into the courtyard and then through the doorway (which could be locked) into 207 or they could walk outside and enter through the doorway on the west end of the south side of 207.

Since John L. Volk combined the buildings, and through until today, the downstairs portion of 207 has been used as a separate residence. This residence has multiple bedrooms, closets, a living area, two and a half bathrooms, and a full kitchen, everything one would need in a residence. Throughout the past decades the downstairs portion of 207 has been rented to third parties as a residence, the most recent being on or around 2013 by way of Airbnb.

The below is corresponding and additional evidence that the downstairs portion of 207 Phipps Plaza has been a separate and distinct residence from the time it was acquired by Mr. and Mrs. John L. Volk, through today, at which time it is owned by John and Lillian's son, Mr. John K. Volk.

- Pictures of the upstairs portion of 206/207, taken from just outside the room that joins the two buildings, evidencing an intent to make the upstairs portion of the two buildings, one large seamless residence (Exhibit "B" attached hereto).
- Pictures of the courtyard evidencing an intent that downstairs portion of the two building are separate and distinct from one another and the upstairs portion (Exhibit "C" attached hereto).
- The West Palm Beach City Directory, 1956, 207 Phipps Plaza is listed as two apartments, 207 and 207A and were rented to Mrs. Mary H. Dempsey and Mr. Samuel Tushnett, respectively (Exhibit "D" attached hereto).
- Carbon copy of a letter from Lillian Jane Volk to "Muriel," June 1957, stating "I am actually pretty fascinated with what is happening next door and am charmed with the little director's room that connects the two buildings." (i.e. the room that connects the upper portions of 206 and 207). This is the only "connection" that Mrs. Volk notes in the letter; there is no mention of a "connection" between 206 and 207 on the first floor. (Exhibit "E" attached hereto).
- Carbon copy of a letter from Lillian Jane Volk to "Muriel," July 1957, stating "I have been terribly busy ordering things for the new apartment. Working from a blueprint which is taxing and I only hope that some of the furniture I ordered is not out of scale. I hope to have it ready in Nov. to show." Mrs. Volk uses the word "apartment," not "addition" or any other word that would denote a connection to the upstairs portion of 206/207. The use of the word "show" would denote an intent to rent the aforementioned apartment. (Exhibit "F" attached hereto).
- West Palm Beach City Directory, 1961, lists 206 Phipps Plaza as "John L. Volk, archt" office, lists 206 ½ as "John L. Volk" residence, and lists 207 and 207A as "Vacant" (Exhibit "G" attached hereto).

- The Historic Building Survey of Palm Beach by Walter C. Kidney, Architectural Historian, May 1981. This is the first Town of Palm Beach Historic Sites Survey. It was commissioned by Ms. Barbara Hoffstot and formed the basis for the first designations of Historic Landmarks in the Town of Palm Beach. Mr. Kidney identifies 206 Phipps Plaza and 207 Phipps Plaza as separate buildings. (Exhibit “H” attached hereto).
- In a notebook belonging to Lillian Jane Volk, in 1995 she wrote notes for the composition of a letter to Mr. Bob Doney at the Town of Palm Beach. In the notes, Mrs. Volk repeatedly referenced the buildings separately as 206 Phipps Plaza and 207 Phipps Plaza. (Exhibit “I” attached hereto).
- The John L. Volk Foundation, Inc. newsletter, 2003, identifying the address of the foundation as 207 Phipps Plaza (Exhibit “J” attached hereto).
- The John L. Volk Foundation, Inc., to this day, reports to the Florida Division of Corporations that the principal address of the corporation is 207 Phipps Plaza (Exhibit “K” attached hereto).

Additional evidence directly from the Town of Palm Beach is as follows:

- The Town of Palm Beach Historic Sites Survey, Research Atlantica, Inc., September 1997 identifies 206 Phipps Plaza and 207 Phipps Plaza as two separate listings, one for each building, and each building is assigned a separate Master Site File Number (Exhibit “L” attached hereto).
- The Town of Palm Beach Historic Sites Survey, Research Atlantica, Inc., October 2004 updates 206 Phipps Plaza and 207 Phipps Plaza and the two buildings are again listed with separate Master Site File Numbers as identified in the September 1997 edition Number (Exhibit “M” attached hereto).
- The Town of Palm Beach Existing Designated Landmarks and Properties Under Consideration April 19, 2018 report continued to list the Properties with the two separate addresses of 206 Phipps Plaza and 207 Phipps Plaza under “Phipps Plaza Historic District” Number.

Based on the above and the attached, it is evident that the Properties has remained a two-family use from the period prior to implementation of Section 134-948(1)a through the present day. As such, Mr. John K. Volk hereby requests that the Town Council overrule Mr. Castro’s decision, therefore allowing the Properties to continue as a two-family use.

The Properties are in need of renovation to retain their historic character. The only economical way to achieve this is for the Town of Palm Beach to acknowledge that the Properties can be utilized as two separate residences in order for the Properties to be sold to a buyer who can properly renovate them.

If possible, we would appreciate if this matter could be heard at the September 2018 Town Council Meeting.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to be "DEK", written over the printed name "David E. Klein".

David E. Klein

Enclosures

cc: Mr. Paul Castro

Exhibit “A”

206/207 Residence



207 Residence

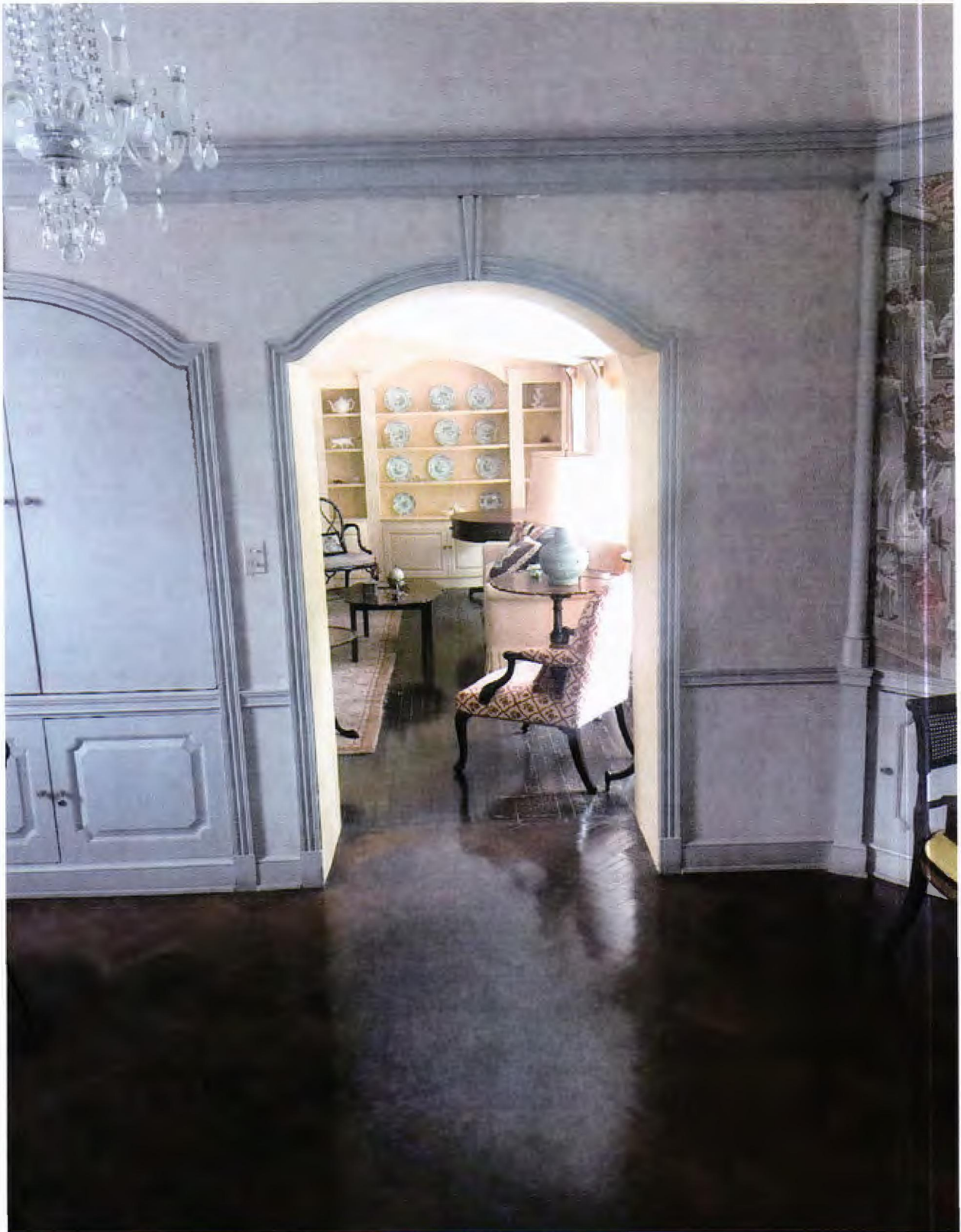
Commercial Unit

Exhibit “B”

206/207 Residence (taken just outside the connecting room)



206/207 Residence (taken just outside the connecting room)



206/207 Residence (the connecting room)



Exhibit “C”

Courtyard



Courtyard (facing the 207 residence)



Courtyard (facing stairway that lead to the 206/207 residence)



Exhibit “D”

WEST PALM
BEACH
CITY
DIRECTORY



1956



975.932



FREE PARKING BEHIND STORE

4520 BROADWAY, W.P.B.

Shapleigh Blauvelt
445 Vacant
449 Vacant

38

PHILO (West Gate)—From 2425 Congress av east, 1 north of Belvedere rd

2215 Carr Fred © 3-1584
2220 Harouff Peter F © 3-7712
2224 Kuzmick Nicholas ©

62

PHIPPS PLAZA (PB)—From S County rd west, between Sea View av and Royal Palm way

nw cor **Plaza Building** (side ent)
(For occupants see 242 S County rd)

200 Maass Gustav A archt 8015

201-03 **West Plaza Apartments**

Apartments:

- 1 Simonson Byron 2-2484
- 2 Vacant
- 3 Vacant
- 4 Vacant
- 4 Crafts Ambrose
- 5 McKinna Edw R 6657
- 6 Vacant

Street continued

202 Worrell (side)
204 Worrell's (storage)
206 Volk John L archt 6148 & 6070
207 Dempsey Mary H Mrs © 8157
207A Tushnett Saml

211 Ho
215 We
221 Ott
222 Va

PIEDMON
west, 1

601 Be
603 Cal
604 Mc
605 Var
608 Ro
609 Mi
611 Ch
612½ Fr
616 Jac
617 Alr
620 Gir
621 Lip
628 Va
629 Lo

PILGRIM
east of

205 Oh
212 Cla
215 Ro
222 Cas
223 Ty
226 Pa
227 Ba



Anderson & Carr

Real Estate — Rentals — First Mor
Appraisals

405 S. OLIVE AVE

Exhibit “E”

June 28

Dearest Muriel,

I was so happy to hear from you. I had been wondering where the tides had taken you. I ~~saw~~ your mother briefly in New York and had meant to call her for lunch or a drink but John came north that week and I was kept busy ~~noon and night~~ ^{with him} dashing around. I thought your mother looked happy and radiant.

I am soory to have missed you ~~all around~~ but John tells me that he spent a pleasant evening with you and Dick before you left.

It sort of looks as if we are going to be here most of the summer. I shall keep a lookout for Russian submarines and that sort of thing and try to pull my household together. With the addition, it is beginning to ressemble a hotel. And I have a dreadful suspicion that I have already mislaid a cleaning women or two locking them up in some ~~ring or other~~ ^{dark corner}.

I'm actually pretty fascinated with what is happening next door and am charmed with the little director ~~the~~ room that connects the two buildings. I have a lot to decide colors, fabrics et cetera and hope that I can do it in a collected manner. It is difficult to be ^{collected} ~~amid~~ around here, however, since there is an unending stream of strange men climbing through the most unlikely windows ^{the} and loud crashing sounds ^{of falling falls} to interrupt the summer stillness ~~and which means that another wall has fallen.~~

~~There was an old song about falling trees, leaves and I have thought that falling walls might be even better.~~

What was that old song about falling leaves, my Gawd what a asong falling walls would make.

I believe we are going to Guatemala around the 15th of July for a week or two. I'm looking forward to it since I'm told it is a most beautiful place. Thereis, however, the Mexican threat and I shall take a satchel full of paregoric, and not much else, since John said he was sick and tired of paying overweight on my ^{such such luggage} ~~to suitcases~~. I must say even I paled ^{with} on the charges coming back from N.Y. I really do wish that you would go into this packing thing seriously with me, since I can't seem to control myself on that score.

The Salisburys took off last week and when last seen were heading west. No one seemed to be terribly clear on their ultimate destination.

Exhibit “F”

Dearest Muriel,

Where are you? We miss you. We hope you will be within phoning distance soon.

We just returned from a trip through parts of Central America that was not without excitement. We were in Guatemala for the assassination leaving the following day from an airport with soldiers at the ready and ~~expensive~~ plane departure delayed three hours. We went on to Mexico City and that very same night M.C. had ~~it~~ the earthquake you have probably read all about. It was a terrifying experience to have the room do a rock and roll, the damage was frightening. We stayed at the Geneve and the lobby floor came up so the basement was visible. One frightened tourist went down to the lobby during the quake without any clothes, and after things quieted down was advised to go upstairs and remedy the situation. He returned in the same condition but with a hat on. Outside of being "all shook up" we had a wonderful trip, hiring a car and chauffeur and motoring through Cuernavaca and Tasco for several days. I was able to find things for my new apartment and expect to find more. Since we are planning to go again to Mexico for ten days in September. It is the Fiesta time and we have planned a party with some friends there.

Things are going swimmingly with the reconstruction program and I can't wait to have you see it. It has been so much fun. I have had 4 beautiful panels painted for my new room that connects the two buildings upstairs. The artist who painted them is an old friend you may remember my speaking about, Robert Bushnell. He did murals in the bar at the E.C. 20 years ago and is here now restoring them. They will be not as gray but more on the mauve side, a wonderful color better than the original. My panels are of the operas and ballets I love. and are done in the colors of my small Aubusson.

I have been terribly busy ~~g~~ ordering things for the new apartment. Working from a blueprint which is taxing and I only hope that some of the furniture I ordered is not out of scale. I hope to have it ready in Nov. to show. My guest wing is finished now and very happy I am about that, since most of the workmen found it amusing to dash through my living room with a long glimplas into my bedroom leaving me the privacy of a captured alligator.

Exhibit “G”

2221 Vacant
2224 Kuzmick Nicholas © ΔOV3-4102
2227 Vacant
2228 Vacant

**PHIPPS PLAZA (Palm Beach)—From
S County rd west, bet Sea View av
and Royal Palm way**

200 Maass Gustav A archt
ΔTE2-8015

201-03 West Plaza Apartments
Apartments:

1-2 Hall Robt P

3 Navarro Evelyn Mrs
ΔTE2-8989

4 Johnson Maria B ΔTE3-6530

5 Mantz Medora N ΔTE2-8550

6 Allon Fredk H ΔTE3-4369

Street continued

202 Warren-Barr Sup Co whol plmb
sup ΔTE2-7881

203 Advertising Assocs of Palm
Beach Inc ΔTE3-1796

204 Lost Tree Inc club ΔTE2-0817

206 Volk John L archt ΔTE2-6148

206½ Volk John L ΔTE2-6070

207 Vacant

207a Vacant

211 Westphal Edwin S kitchen designs
ΔTE3-2211

215 Phipps Plaza Apartments
Apartments:

1 Bonner Robt ΔTE2-2243

2 Sullivan Joann

3 McNamara Paul © ΔTE2-1915

Street continued

Tel. Temple 3-4436

C
E

Exhibit “H”

FLORIDA MASTER SITE FILE
Site Inventory Form

FDAHRM 802 ==
1009 ==

Site Name _____ Site No. _____
Address of Site: 206 Phipps Plaza Palm Beach, FL 33480 Survey Date 8011
Instruction for locating N side Phipps Plaza

Location: Phipps Plaza B
subdivision name block no. lot no.
County: Palm Beach

Owner of Site: Name: Volk, John L & Lillian J
Address: 206 Phipps Plaza, Palm Beach, FL 33480

Type of Ownership private Recording Date

Recorder:

Name & Title: Kidney, Walter C. (Architectural Historian)
Address: Landmarks Planning, Inc., Allegheny Square West
Pittsburgh, PA 15212

Condition of Site: Integrity of Site: Original Use commercial

Check One
☐ Excellent 863 ==
☒ Good 863 ==
☐ Fair 863 ==
☐ Deteriorated 863 ==

Check One or More
☒ Altered 858 ==
☐ Unaltered 858 ==
☒ Original Site 858 ==
☐ Restored () (Date:) 858 ==
☐ Moved () (Date:) 858 ==

Present Use commercial
Dates: Beginning c.+1924
Culture/Phase American
Period 20th Century

NR Classification Category: Building

Threats to Site:

Check One or More
☐ Zoning () 878 ==
☐ Development () 878 ==
☐ Deterioration () 878 ==
☐ Borrowing () 878 ==
☐ Other (See Remarks Below): 878 ==

☐ Transportation () 878 ==
☐ Fill () 878 ==
☐ Dredge () 878 ==

Areas of Significance: Architecture

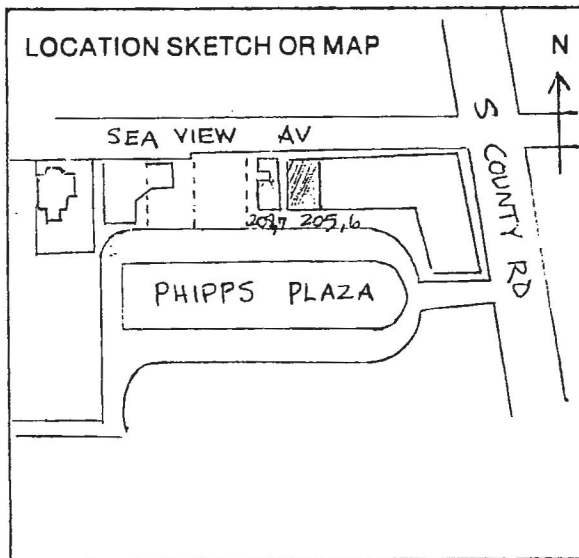
Significance:

This is an element of Phipps Plaza, said to be by Addison Mizner, the most famous Palm Beach architect. The Plaza as a whole should be preserved.

Grade: C

911 ==

ARCHITECT ? Mizner, Addison (Palm Beach, FL) 872 ==
 BUILDER _____ 874 ==
 STYLE AND/OR PERIOD Mediterranean Revival 964 ==
 PLAN TYPE irregular; irregular 966 ==
 EXTERIOR FABRIC(S) stucco # wood 854 ==
 STRUCTURAL SYSTEM(S) tile # wood frame 856 ==
 PORCHES 3/1-bay ground-fl entrance area bridged by projecting 2nd-fl element;
5-bay ground floor arcade, round arches on Tuscan (see cont. sheet) 942 ==
 FOUNDATION: _____ 942 ==
 ROOF TYPE: gable 942 ==
 SECONDARY ROOF STRUCTURE(S): none visible 942 ==
 CHIMNEY LOCATION: none visible 942 ==
 WINDOW TYPE: fixed, single, between jalousie, metal 942 ==
 CHIMNEY: none visible 882 ==
 ROOF SURFACING: tile: barrel 882 ==
 ORNAMENT EXTERIOR: ? stucco 882 ==
 NO. OF CHIMNEYS none visible 952 == NO. OF STORIES 2 950 ==
 NO. OF DORMERS none 954 ==
 Map Reference (Incl. scale & date) USGS Palm Beach 7.5 MIN 1:24,000
1946 (photorevised 1967) 809 ==
 Latitude and Longitude: 26 ° 42 ' 24 " ° ' " 800 ==
 Site Size (Approx. Acreage of Property): LT1 833 ==



Township	Range	Section

812 ==

UTM Coordinates:

Zone Easting Northing

890 ==

Photographic Records Numbers PB-8102-1-F37 860 ==

Contact Print



CONTINUATION SHEET

Site Name:

Address of Site: 206 Phipps Plaza, Palm Beach, FL 33480

Porches Continued: columns, w/flat-headed bay to E

942==

FLORIDA MASTER SITE FILE
Site Inventory Form

FDAHRM 802 ==
1009 ==

Site Name _____ Site No. _____
830 == Survey Date 8011 820 ==
Address of Site: 207 Phipps Plaza Palm Beach, FL 33480 905 ==
Instruction for locating N side Phipps Plaza

Location: Phipps Plaza C 813 ==
subdivision name block no. lot no. 868 ==
County: Palm Beach 808 ==

Owner of Site: Name: Volk, John L & Lillian J
Address: 206 Phipps Plaza, Palm Beach, FL 33480

Type of Ownership private 848 == Recording Date _____ 832 ==

Recorder:

Name & Title: Kidney, Walter C. (Architectural Historian)
Address: Landmarks Planning, Inc., Allegheny Square West
Pittsburgh, PA 15212 818 ==

Condition of Site: Integrity of Site: Original Use commercial 838 ==

Check One
☐ Excellent 863 ==
☒ Good 863 ==
☐ Fair 863 ==
☐ Deteriorated 863 ==
Check One or More
☒ Altered 858 ==
☐ Unaltered 858 ==
☒ Original Site 858 ==
☐ Restored () (Date:) () 858 ==
☐ Moved () (Date:) () 858 ==

Present Use commercial 850 ==
Dates: Beginning c.+1925 844 ==
Culture/Phase American 840 ==
Period 20th Century 845 ==

BP

NR Classification Category: Building 916 ==

Threats to Site:

Check One or More
☐ Zoning () () 878 ==
☐ Development () () 878 ==
☐ Deterioration () () 878 ==
☐ Borrowing () () 878 ==
☐ Other (See Remarks Below): 878 ==
☐ Transportation () () 878 ==
☐ Fill () () 878 ==
☐ Dredge () () 878 ==

Areas of Significance: Architecture 910 ==

Significance:

This is an element of Phipps Plaza, said to be by Addison Mizner, the most famous Palm Beach architect. The Plaza as a whole should be preserved.

Grade: C

911 ==

FLORIDA MASTER SITE FILE
Site Inventory Form

FDAHRM 802 ==
1009 ==

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Pittsburgh, PA 15212 818 ==

Condition of Site: Integrity of Site: Original Use commercial 838 ==

Check One		Check One or More		Present Use commercial 850 ==	
☐ Excellent 863 ==	☒ Altered 858 ==	☐ Unaltered 858 ==	Dates: Beginning c.+1925 844 ==	BP	
☒ Good 863 ==	☐ Original Site 858 ==	Period 20th Century 845 ==			
☐ Fair 863 ==	☐ Restored () (Date:) () 858 ==				
☐ Deteriorated 863 ==	☐ Moved () (Date:) () 858 ==				

NR Classification Category: Building 916 ==

Threats to Site:

Check One or More	
☐ Zoning (X) 878 ==	☐ Transportation (X) 878 ==
☐ Development (X) 878 ==	☐ Fill (X) 878 ==
☐ Deterioration (X) 878 ==	☐ Dredge (X) 878 ==
☐ Borrowing (X) 878 ==	
☐ Other (See Remarks Below): 878 ==	

Areas of Significance: Architecture 910 ==

Significance:

This is an element of Phipps Plaza, said to be by Addison Mizner, the most famous Palm Beach architect. The Plaza as a whole should be preserved.

Grade: C

911 ==

Exhibit “I”

Dear Bob? Doney

~~I~~ I feel

that a condition that
is clearly hazardous
~~to myself & tenants~~
exists at my blimps

206 & 207 P.P.

The large electrical
transformer on Seaview
are at the rear of
those bldgs & the
lines supplying
power are so close
to the bldgs as
~~that~~ to represent a

Exhibit “J”

The John L. Volk Foundation, Inc.

Spring, 2003

Volume 1, Issue 2

JOHN R. RAESE

The John L. Volk Foundation, Inc.

Chairman:
John Reeves Raese

1st Vice President:
Lory A. Volk

2nd Vice President:
Elizabeth Raese

3rd Vice President:
John K. Volk

Secretary:
Maria L. Bacinich

Treasurer:
Reynolds J. Cochrane

Honorary Life
Member:
Lillian Jane Volk

Trustees:
Lyn Cudahy
Patricia Donnelley
Thorne Donnelley, Jr.
Deborah Avis

Mailing Address:

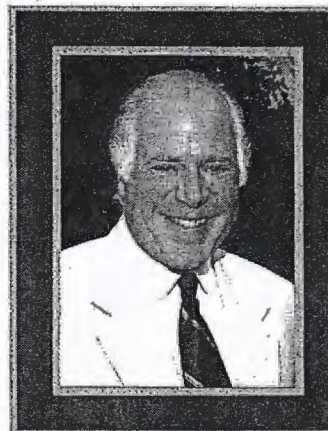
207 Phipps Plaza
Palm Beach
Florida, 33480

Tel: 561-655-1734

e-mail: info@
johnvolkfounda-
tion.org

John R. Raese has been Chairman of the Board of the John L. Volk Foundation since its inception in 1998. He grew up knowing Volk architecture while visiting his grandparents, Mr. and Mrs. Herbert C. Greer, who wintered in Palm Beach every year in their home on South Ocean Boulevard known as Casa Nana.* It was during the 1930's that John Volk became a family friend and was later commissioned by John Raese's mother, Mrs. Jane Greer Raese, to reconstruct and restore their home in Morgantown, West Virginia which is listed on the National Register of Historic Places.

John L. Volk went on to design a number of radio broadcasting stations in West Virginia for the Greer family, and today John R. Raese is Chairman of the Board of West Virginia Radio Corporation, which owns 15 radio stations as well as a 56-station network. He is President and



CEO of Greer Industries, Inc., which produces steel and limestone and is Vice President of West Virginia Newspaper Publishing Company, a daily newspaper with a circulation of 30,000.

Chairman Raese is interested in preservation and government, losing to Jay Rockefeller in a 1984 U.S. senatorial race by a very slim margin. He holds a board position at the Reeves Museum, a former family home which he has helped to restore, in Dover, Ohio. The Greer Mansion

in Morgantown, West Virginia has also been restored under Raese's helm and converted into the corporate offices for Greer Industries, Inc.

He supports a scholarship in memory of his father, R. A. "Dyke" Raese at the University of West Virginia, and under his direction, the Volk Foundation has established a scholarship program to benefit aspiring architectural students.

John and Elizabeth Raese with their two young daughters spend their time between Palm Beach, Florida and Morgantown, West Virginia, carrying on the same traditions as the generations before him.

* Casa Nana was designed by Addison Mizner in 1925, but in 1939 Volk made extensive changes to the building at 780 South County Road during the ownership of John's grandparents, Mr. and Mrs. H. C. Greer.

The John L. Volk Foundation . . .

is dedicated to preserving the architecture of John L. Volk, promulgating his legacy, developing public awareness for design excellence, supporting scholarships for students of architecture and related fields, and building a constituency of supporters to further these endeavors.

The John L. Volk Foundation, Inc.

207 Phipps Plaza
Palm Beach, FL 33480

Mailing
Address
Goes
Here

The John L. Volk Foundation, Inc.

The Volk Architectural Biography

One of the main priorities of the Volk Foundation was the publication of an official architectural biography outlining John L. Volk's life and work. The hard cover book is now available at the Classic Bookshop in Palm Beach.

If you wish to **order the book** by mail:

Regular Edition...\$ 125.00

Special Edition....\$ 200.00

P&H.....\$ 10.00

Make checks payable and send orders to:

**The John L. Volk
Foundation, Inc.
207 Phipps Plaza
Palm Beach, Florida 33480**

Tel: 561- 655-1734
Fax: 561-655- 1243
www.johnlvolkfoundation.org
info@johnlvolkfoundation.org

Exhibit “K”

Detail by Entity Name

Florida Not For Profit Corporation
JOHN L. VOLK FOUNDATION, INC.

Filing Information

Document Number N98000002053
FEI/EIN Number 65-0969895
Date Filed 04/08/1998
State FL
Status ACTIVE
Last Event AMENDMENT
Event Date Filed 09/03/2010
Event Effective Date NONE

Principal Address

207 PHIPPS PLAZA
PALM BEACH, FL 33480

Changed: 02/01/2001

Mailing Address

2801 EXCHANGE COURT
WEST PALM BEACH, FL 33409

Changed: 09/03/2010

Registered Agent Name & Address

COCHRANE, REYNOLDS J
2801 EXCHANGE COURT
WEST PALM BEACH, FL 33409

Name Changed: 09/03/2010

Address Changed: 09/03/2010

Officer/Director Detail**Name & Address**

Title PD

VOLK, JOHN K
207 PHIPPS PLAZA
WEST PALM BEACH, FL 33480-4241

Title TD

COCHRANE, REYNOLDS J
2801 EXCHANGE COURT
WEST PALM BEACH, FL 33409

Title VPD

VOLK, LORY
207 PHIPPS PLAZA

Exhibit “L”

TOWN OF PALM BEACH, FLORIDA HISTORIC SITES SURVEY



Prepared For:

**The Town of Palm Beach, Florida
Planning, Zoning, & Building Department**

**Research Atlantica, Inc.
September 1997**

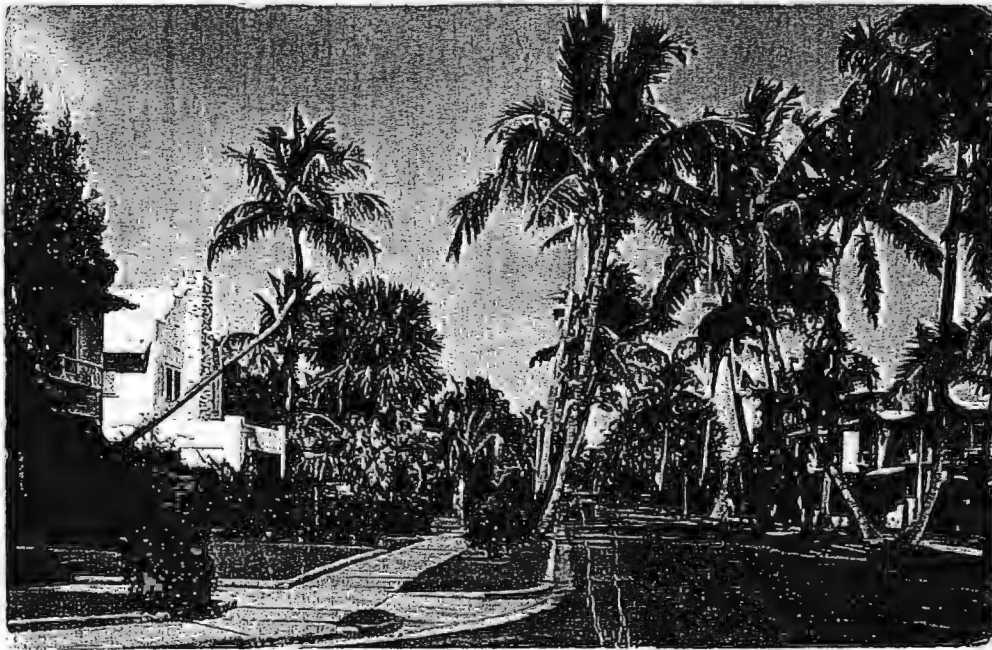
	211	8PB04314	Box	c1919	
	215	8PB04315	Mission	1929	
	231	8PB04316	Mission	1928	Eckler
	317	8PB06637	Frame Vernacular	c1910	
	319	8PB04317	Colonial Revival	1935	Jacobs
	320	8PB04318	Frame Vernacular	1925	
	326	8PB04319	Commercial	1933	
	332	8PB06638	Mediterranean Revival	1922	
	333	8PB09437	Frame Vernacular		
	340	8PB04320	Mediterranean Revival	1924	Mizner
	341	8PB00061	Mediterranean Revival	1920	Wyeth
*	411-17	8PB00082	Major Alley	c1925	Major
	421	8PB04321	Bermuda	1919	
Phipps Park					
		8PB00085	Frame Vernacular	1886	
Phipps Plaza					
	202	8PB06641	Mediterranean Revival	1926	Mizner
	203-4	8PB06642	Mediterranean Revival	1926	Mizner
	205	8PB06643	Mediterranean Revival	1926	Mizner
	206	8PB06644	Mediterranean Revival	1924	Wyeth
*	207	8PB06645	Mediterranean Revival	1925	Wyeth/Volk
*	211	8PB06647	Mediterranean Revival	c1925	Wyeth
*	215	8PB04322	Modern	1946	Shoumate
*	218-220	8PB09436	Bermuda	1947	Shoumate
*	222	8PB04323	Bermuda	1940	Shoumate
*	224	8PB04324	Cottage	1939	Major
*	228	8PB07917	Cottage	1939	Major
*	232	8PB06648	Mediterranean Revival	c1920	Wyeth
*	233	8PB06649	Mediterranean Revival	c1920	Treanor & Fatio
*	235	8PB06651	Mediterranean Revival	c1920	
*	236	8PB06652	Mediterranean Revival	1925	Wyeth
*	238	8PB06653	Mediterranean Revival	1925	Mizner
Queens Lane					
	177	8PB07880	Monterey	1940	Harding
	201	8PB07926	Georgian Revival	1935	
	214	8PB07888	Monterey	1940	Funke
	223	8PB09383	Georgian Revival	1941	Harding
	235	8PB07881	Monterey	1940	March
	240	8PB07887	Regency	1935	Treanor & Fatio
	249	8PB07882	Georgian Revival	1940	Volk
	259	8PB07820	Monterey	1942	Harding
*	270	8PB09434	Monterey	1937	Major
	272	8PB09435	Georgian Revival	1937	Volk
	279	8PB07883	Monterey	1940	Volk
	291	8PB07884	Georgian Revival	1940	
*	300	8PB09382	Monterey	1938	Volk
Reef Road					
	152	8PB07925	Monterey	1943	Volk

Exhibit “M”

**TOWN OF
PALM BEACH, FLORIDA**

HISTORIC SITES SURVEY

Grant # F0310



Prepared For:

**The Town of Palm Beach, Florida
Planning, Zoning, & Building Department**

**Research Atlantica, Inc.
October 2004**

*	203-4	8PB06642	Now part of 8PB06460	all one building	
*	205	8PB06644	Mediterranean Revival	1926	Mizner
*	206	8PB06643	Mediterranean Revival	1924	Wyeth
*	207	8PB06645	Mediterranean Revival	1925	Wyeth/Volk
*	209	8PB06647	Mediterranean Revival	1925	Wyeth
*	215	8PB04322	Moderne	1946	Shoumate
*	218-20	8PB09436	British Colonial	1947	Shoumate
*	222	8PB04323	British Colonial	1940	Shoumate
*	224	8PB04324	Frame Vernacular	1939	Major
*	228	8PB07917	Frame Vernacular	1939	Major
*	232	8PB06648	Mediterranean Revival	1920	Wyeth
*	234	8PB06649	Mediterranean Revival	1927	Treanor & Fatio
*	235	8PB06651	Mediterranean Revival	1920	
*	236	8PB06652	Mediterranean Revival	1925	Wyeth
*	238	8PB06653	Mediterranean Revival	1925	Mizner

Queens Lane

	177	8PB07880	Monterey	1940	Harding
	201	8PB07926	Georgian Revival	1935	
	214	8PB07888	Monterey	1940	Funke
	223	8PB09383	Georgian Revival	1941	Harding
	235	8PB07881	Monterey	1940	March
	240	8PB07887	Georgian Revival	1935	Treanor & Fatio
	249	8PB07882	Georgian Revival	1940	Volk
	259	8PB07820	Monterey	1942	Harding
*	270	8PB09434	Monterey	1937	Major
	272	8PB09435	Georgian Revival	1937	Volk
	279	8PB07883	Spanish Colonial	1940	Volk
	291	8PB07884	Georgian Revival	1940	
*	300	8PB09382	Monterey	1938	Volk

Reef Road

152	8PB07925	Monterey	1943	Volk
-----	----------	----------	------	------

Ridgeview Drive

301	8PB04327	Colonial Revival	1936	Wyeth & King
325	8PB04328	Georgian Revival	1940	Volk

Root Trail

	125	8PB06655	Frame Vernacular	1900	
	126	8PB06656	Frame Vernacular	1900	
	127	8PB06657	Frame Vernacular	1900	
	133	8PB06659	Frame Vernacular	1910	
	135	8PB06660	Mission	1927	
*	137	8PB06661	Frame Vernacular	1900	
	138	8PB06662	Frame Vernacular	1900	
*	145	8PB06663	Frame Vernacular	1900	
	147	8PB06664	Frame Vernacular	1900	
	151	8PB06665	Frame Vernacular	1910	
	153-5	8PB06666	Frame Vernacular	1910	
	167	8PB06667	Frame Vernacular	1900	
	169	8PB06668	Frame Vernacular	1900	
*	171	8PB06669	Frame Vernacular	1900	
	173	8PB06670	Frame Vernacular	1910	

Royal Palm Way

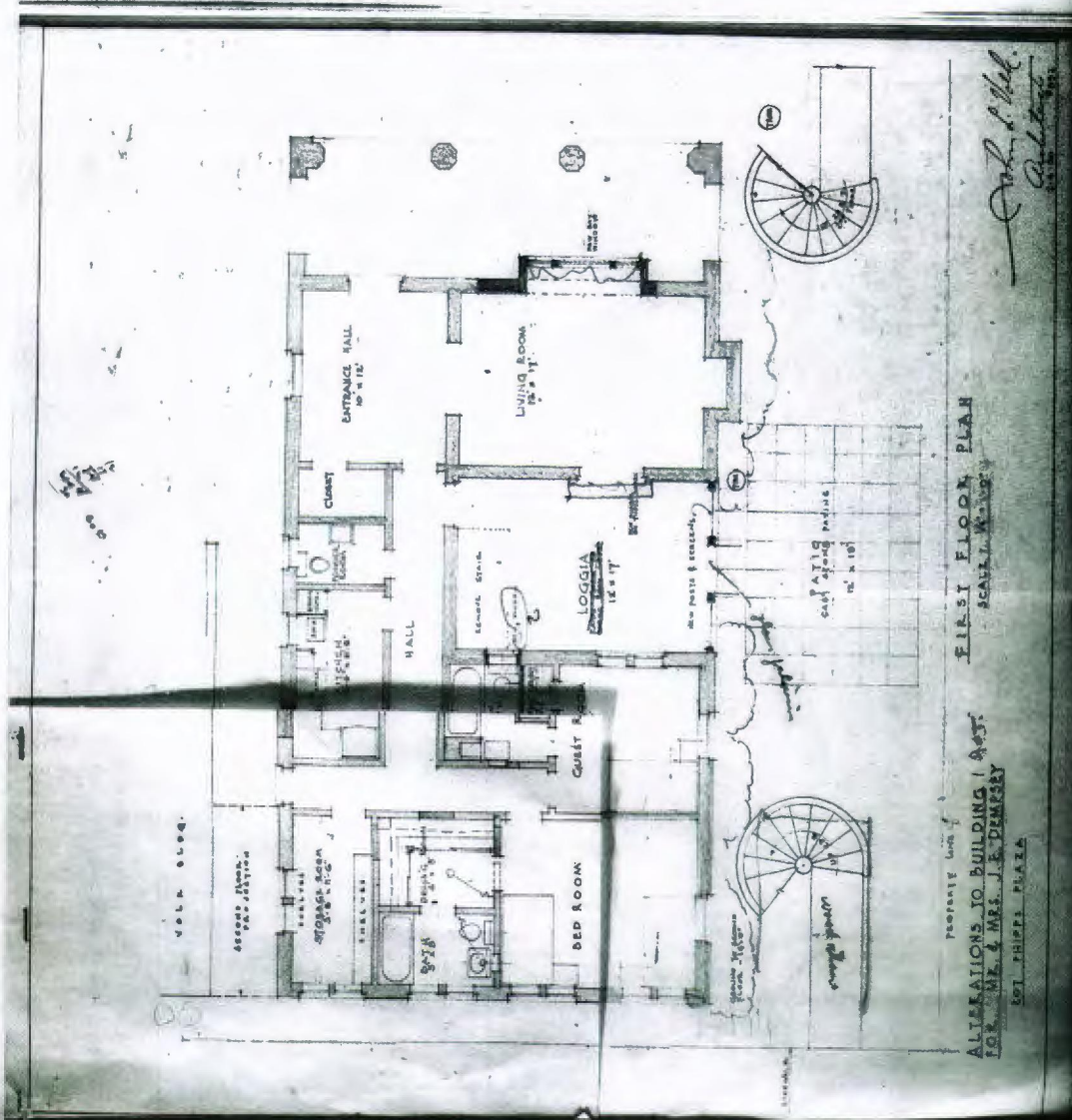
151	8PB06673	Mediterranean Revival	1923		
420	8PB07907	Commercial	1940	Volk	Demolished

Royal Poinciana Way

153	8PB06570	Frame Vernacular	1910		Demolished
161	8PB06571	Frame Vernacular	1920		Demolished
165	8PB06572	Frame Vernacular	1927		Demolished

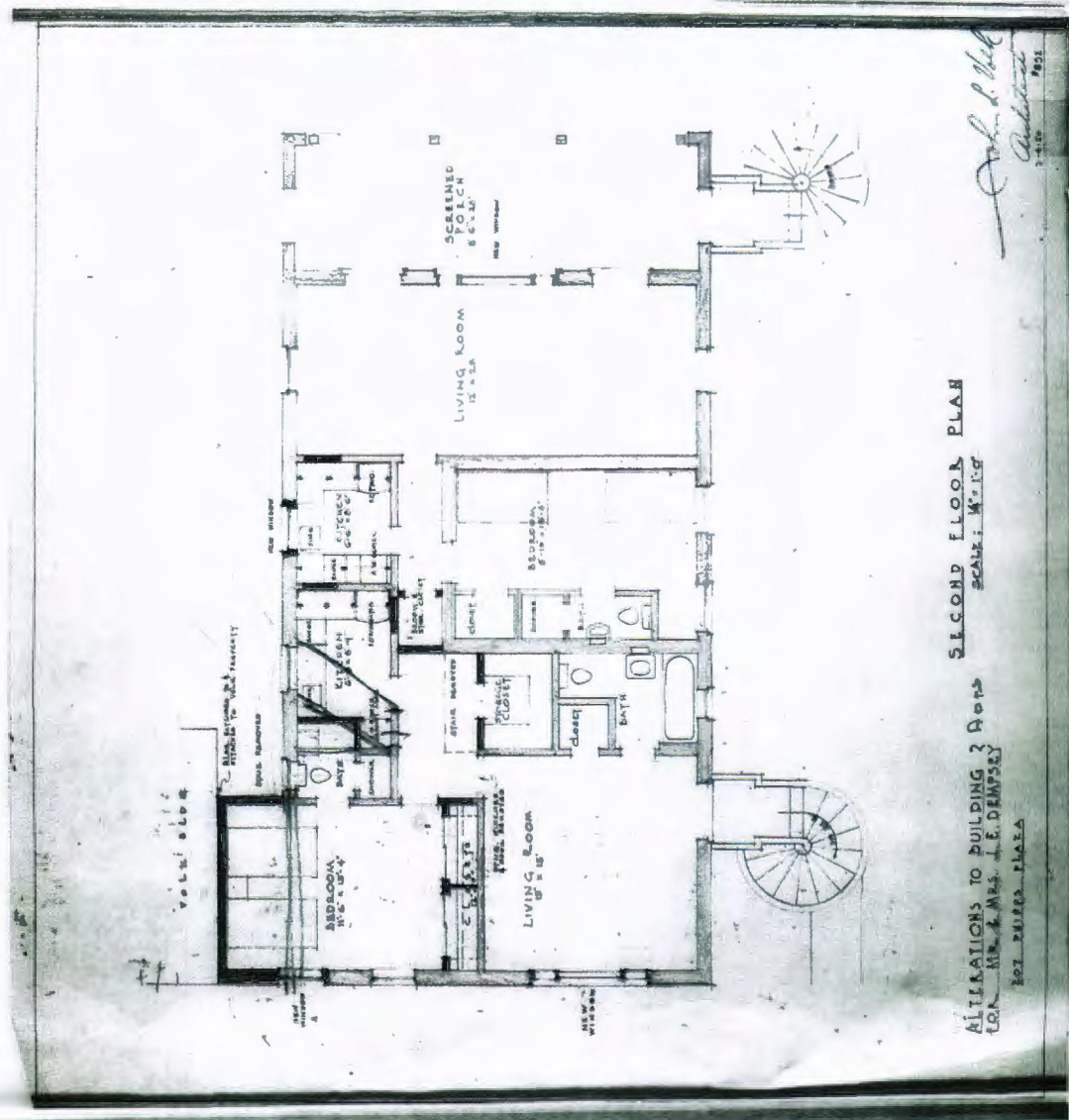
Exhibit C

207 PHIPPS PLAZA
1950



275

65



SECOND FLOOR PLAN

ALTERATIONS TO BUILDING 3 Boro
FOR MR. & MRS. J.E. DEMPSEY
207 BUREAU PLAZA

SCALE: 1/4" = 1'-0"

65 277

Exhibit D

No. 20657

Palm Beach, Florida May 7 1957

TO THE BUILDING INSPECTOR OF PALM BEACH, FLORIDA

The undersigned requests that you grant a permit to
Mr. Harold Waugh
TO CONSTRUCT Install connecting passageway between his existing building
and a building he just purchased to the west.
CLASS OF ZONE Business
as per plans and specifications submitted with this application.
Class of Building Office-residential Size of Addition 10' span, 17' wide hall
Material Concrete floor, window walls Roofing Cuban Tile
Located on Lot Block Addition
On 206 Plaza Circle Street, Between Royal Palm Way and Sea View Ave
Owner's Name John Volk Address
Builder's Name Harold Waugh Address
Architect John Volk
Approximate Cost \$ 3,000 Height -- Story Work on 2nd

Now, therefore, in consideration of this permit, the owner and builder agree to undertake said work in full compliance with the ordinances of the Town of Palm Beach, Florida, and further agree that no work shall be undertaken prior to securing a building permit, issued by the building inspector.



REMARKS

Before me, the undersigned authority, personally appeared
to me well known, who being duly sworn deposes and says that the foregoing application signed
by applicant is true in point of fact.

Signed:

Harold K Waugh
Applicant

Harold K Waugh
Applicant

Sworn to and subscribed before me this

day of

, A. D. 19

Notary Public State of Florida ✓

Exhibit E

Permit No. 43959

Palm Beach, Florida, July 27, 1959

TO THE BUILDING INSPECTOR
OF PALM BEACH, FLORIDA

The undersigned requests that you grant a building permit to

Harold Waugh

TO CONSTRUCT Add Porch in existing Courtyard (Work started with no Building
Permit and stopped)

in accordance with plans and specifications submitted with this application.

Located on Lot Subdivision

On 206 Plaza Circle Street, Between Sea View Ave. and N Plaza Circle

ZONING DISTRICT Business

Occupancy Classification Single Family Dwelling Size of Addition 13'-6" x 46'

Construction Classification Type V

Roofing Material Glass B Roll Roofing 85# Asbestos mineral surface

Owner's Name John Volk

Builder's Name Harold Waugh

Architect and/or Engineer John Volk

Approximate Cost \$ 2,000 Height -- Story One

Now, therefore, in consideration of this permit, the owner and builder agree to undertake said work in full compliance with Ordinances of the Town of Palm Beach, Florida, and further agree that no work shall be undertaken prior to securing a building permit, issued by the building inspector.

Signed:

Harold Waugh
Applicant

The granting of this building permit is subject to the following special conditions pertaining thereto, as directed by the building inspector:

The notes as shown on the approved plans will be adhered to, as directed by the Town Building Inspector.

On behalf of the owner and builder, I agree to the terms of said special conditions.

Harold Waugh
Applicant

Permit No. 13759

Palm Beach, Florida, June 10 1959

TO THE BUILDING INSPECTOR
OF PALM BEACH, FLORIDA

The undersigned requests that you grant a building permit to

Harold Waugh

TO CONSTRUCT A Garden Wall; see special exception # 1659; wall on south to
match existing wall along Phipps plaza to the east; wall on north to provide
a 10' public walkway.
in accordance with plans and specifications submitted with this application.

Located on Lot Subdivision

On 206 Phipps Plaza Street, Between Ros View Ave. and Royal Palm Way

ZONING DISTRICT Business

Occupancy Classification Single Family-Office Size of Addition 153' lineal of wall

Construction Classification CBS

Roofing Material None this permit

Owner's Name John Volk

Builder's Name Harold Waugh

Architect and/or Engineer John Volk

Approximate Cost \$ 1,000 Height 4' and 8' Story

Now, therefore, in consideration of this permit, the owner and builder agree to undertake said work in full compliance with Ordinances of the Town of Palm Beach, Florida, and further agree that no work shall be undertaken prior to securing a building permit, issued by the building inspector.

Signed:

Harold Waugh
Applicant

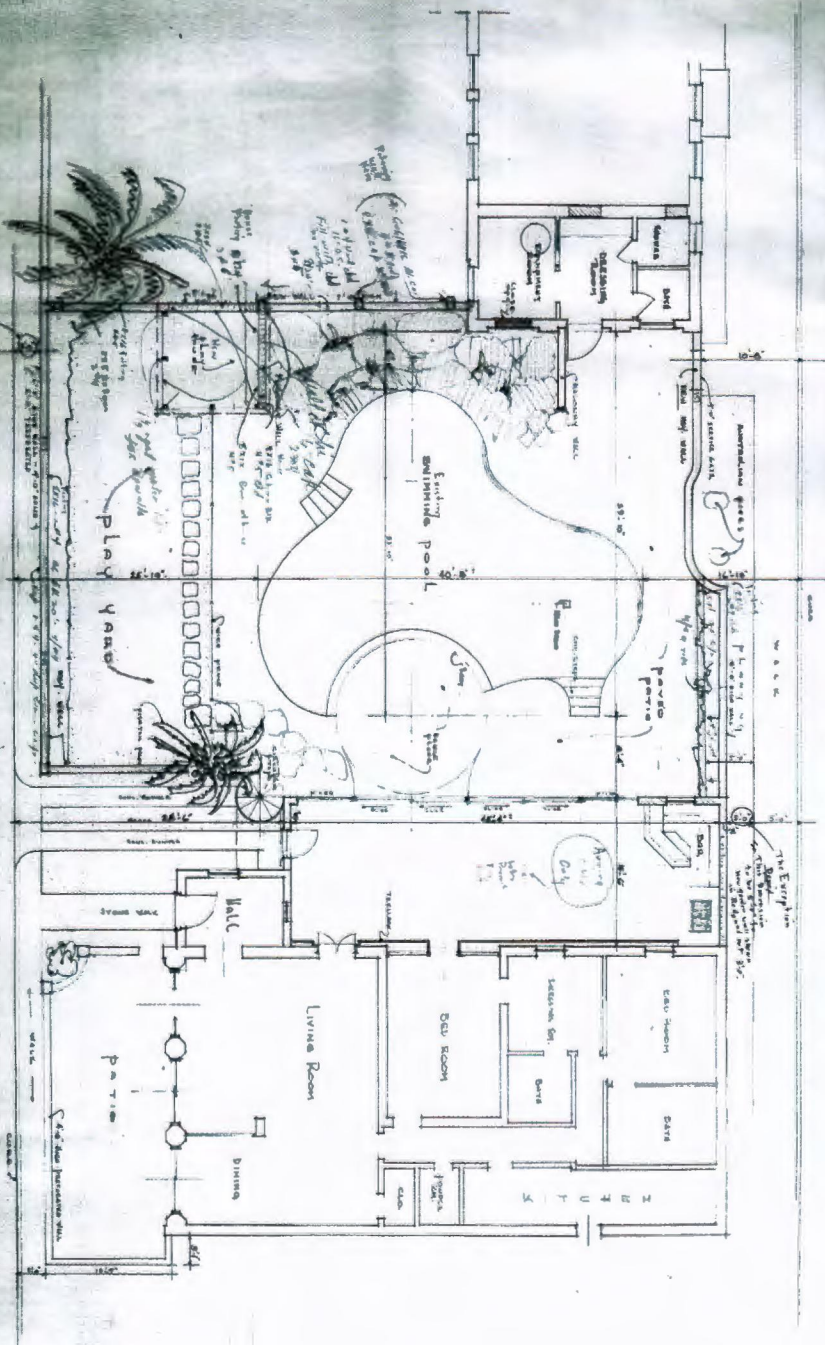
The granting of this building permit is subject to the following special conditions pertaining thereto, as directed by the building inspector:

The Building Inspector's notes as shown on the approved plans will be adhered to.

On behalf of the owner and builder, I agree to the terms of said special conditions.

Harold Waugh
Applicant

S E R V I C E A V E .



The building is located on the corner of the lot and is a 1 1/2 story house with a full basement. The lot is 30' wide and 100' deep. The house is 30' wide and 40' deep. The lot is 30' wide and 100' deep. The house is 30' wide and 40' deep.

PLAN
L N Z O C I R C L E

By note of Town Council:
1. Building is to be 1 1/2 stories high.
2. Building is to be 30' wide and 40' deep.
3. Building is to be 30' wide and 40' deep.
4. Building is to be 30' wide and 40' deep.

JOHN L. WALKER & ASSOCIATES	ARCHITECTS
1001 N. W. 10th St.	MIAMI, FLA.
JOHN L. WALKER & ASSOCIATES	ARCHITECTS
1001 N. W. 10th St.	MIAMI, FLA.

Permit No. 22759

Palm Beach, Florida, May 4, 1959

TO THE BUILDING INSPECTOR
OF PALM BEACH, FLORIDA

The undersigned requests that you grant a building permit to

F M Rule & Company

TO CONSTRUCT A Private Swimming Pool

In accordance with plans and specifications submitted with this application.

Located on Lot Subdivision
On 206 Plaza Circle Street, Between Sea View Avenue and Royal Palm Way

ZONING DISTRICT Business

Occupancy Classification Single Family Accessory Size of Addition 30' x 40' Irregular

Construction Classification Reinforced Concrete

Roofing Material None

Owner's Name John Volk

Builder's Name F M Rule & Company

Architect and/or Engineer Mack Ritchie

Approximate Cost \$ 7,000 Height Story

Now, therefore, in consideration of this permit, the owner and builder agree to undertake said work in full compliance with Ordinances of the Town of Palm Beach, Florida, and further agree that no work shall be undertaken prior to securing a building permit, issued by the building inspector.

Signed:

F M Rule & Company
Applicant

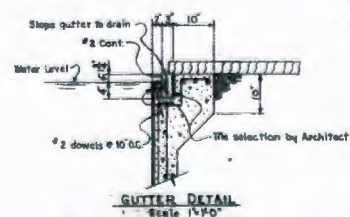
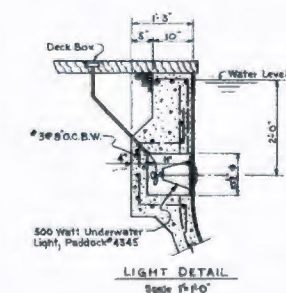
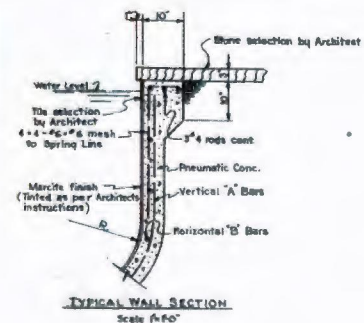
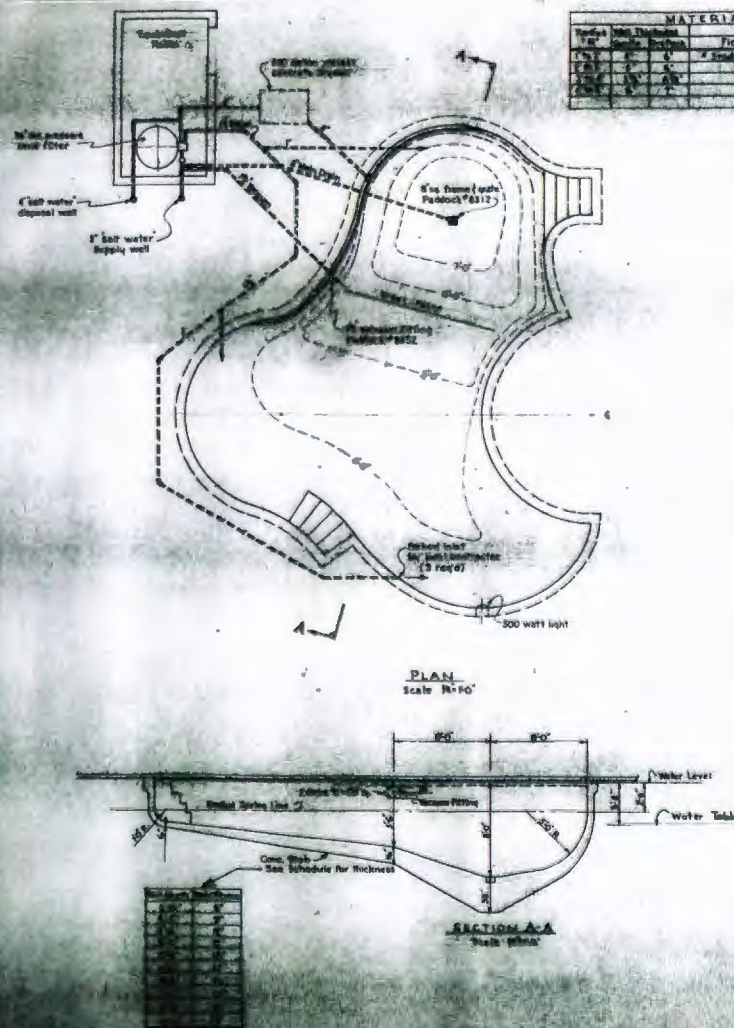
The granting of this building permit is subject to the following special conditions pertaining thereto, as directed by the building inspector:

Pool Equipment Room Location will be setback to provide a 10' public sidewalk along Sea View Avenue.

Pool is to be used as accessory to a single family use only.

On behalf of the owner and builder, I agree to the terms of said special conditions.

F M Rule & Company
Applicant



GENERAL NOTES

Concrete shall attain 2000 p.s.i. minimum at 28 days.

Reinforcing steel shall be deformed bars of intermediate grade and Steel Sheet A.S.T.M. A-305. Mesh as per A.S.T.M. A-305. Lap bars 30 dia. minimum at splices, lap mesh 6" minimum with floor slab steel.

POOL DECK
Main Drain Line - Cement Lined Cast Iron
Filter Face Piping - Brass
Pipe Through Walls - Brass
Other Pipe - Schedule 40 P.V.C. (B.R. Goodrich Koroform or equal)

The filter shall be a Martin 50" diameter, Model F-241 SP. For above ground installation. The pump shall be self-priming and the pump and motor shall be capable of pumping 45 GPM @ 44 TDH for filtering and 85 GPM @ 30 TDH for backwashing. The filter shall be rubber lined and the pump all bronze for salt water operation. The filter system shall be complete, with all face piping, multi-port valve, self-priming pump, motor, strainer, pressure gauges and air relief. Contractor to provide submittals for future review.

PROPOSED SWIMMING POOL FOR MR. & MRS. JOHN L. VOLK PHIPPS PLAZA - PALM BEACH			
Architect	MAC L. RITCHIE	Drawn by	SP-26
Engineer	CHAS. A. RITCHIE, INC.	Checked by	SP-27
Scale	1/4" = 1'-0"	Drawn by	SP-28
Notes	SEE SPEC. FOR DETAILS	Checked by	SP-29

Permit No. 37659

Palm Beach, Florida, June 29 1959

TO THE BUILDING INSPECTOR
OF PALM BEACH, FLORIDA

The undersigned requests that you grant a building permit to

Harold Haugh

TO CONSTRUCT Add Balcony onto North Side of Existing Building over the
Public Sidewalk--See Town Manager's Approval (Over Sea View Ave Sidewalk)

in accordance with plans and specifications submitted with this application.

Located on Lot Subdivision
Along Sea View Avenue

On 206 Plaza Circle Street, Between and

ZONING DISTRICT Business

Occupancy Classification Single Family Size of Addition 3'-8" x 11'-4"

Construction Classification Wood Frame Type VI

Roofing Material Tar & Gravel

Owner's Name John Volk

Builder's Name Harold Haugh

Architect and/or Engineer John Volk

Approximate Cost \$ 1,000 Height -- Story On Second Floor

Now, therefore, in consideration of this permit, the owner and builder agree to undertake said work in full compliance with Ordinances of the Town of Palm Beach, Florida, and further agree that no work shall be undertaken prior to securing a building permit, issued by the building inspector.

Signed:

Harold Haugh
Applicant

The granting of this building permit is subject to the following special conditions pertaining thereto, as directed by the building inspector:

On behalf of the owner and builder, I agree to the terms of said special conditions.

Harold Haugh
Applicant

Exhibit F

Approved

APPLICATION FOR VARIANCE #670

TO THE TOWN COUNCIL OF THE TOWN OF PALM BEACH

The undersigned requests that a variance to the zoning ordinances be granted with respect to the following land:
W 3.8' Lot A, Lots B-C-D-E, Plat of Phipps Plaza; also known as 206 Phipps Plaza, Palm Beach, Florida

The variance requested is as follows:

That the owner be permitted to add a second story library addition onto his single family dwelling, said dwelling being located over an office use on the first floor in the "C-1" Zoning district of the Town, and said addition must therefor comply with the "R-C" zoning setbacks, said addition to have a front yard provided of 32'6" measured from the centerline of the roadway of Plaza Circle North, instead of the required 45', and further, projecting a 2' x 10' bay window additionally into this front yard area, said bay window projection not permitted in an "R-C" district yard regulation; and further, that the owner be permitted to build over an existing open interior courtyard, thereby adding a one and two story addition to the dwelling, said dwelling permitted on a second floor only in a "C-1" district.

The following are the reasons why such variance should be granted:

- (1) Mr. Volk is the proposing proprietor on both side of proposed street opening, therefore no light nor air rights of adjacent property owners will be affected by proposed addition.
- (2) Across the street is a town-owned park, which is therefore a permanently open space, preserving the open quality of the Plaza.

Respectfully submitted,

Applicant

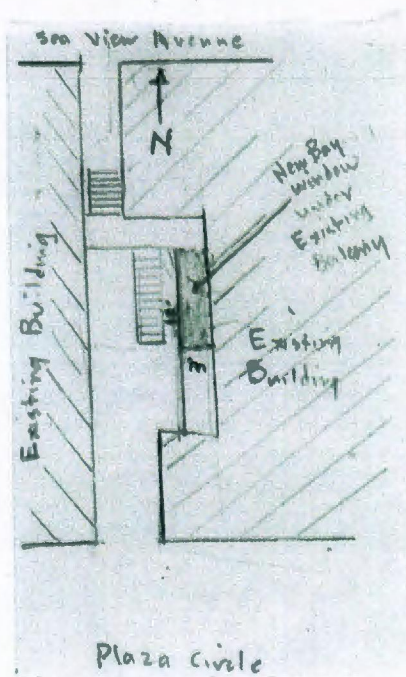
John L. Volk

Copies mailed to adjacent property owners on _____ day
_____ 1970 as certified by

Building Inspector

- (1) This Variance will be heard before the Town Council on
June 9 at 2 PM _____ 1970.

- (2) Maps, plats or other exhibits are attached to the original copy on file in the Town Building Department.





Carpenter's Roofing & Sheet Metal, Inc.

915 North Dixie Highway
WEST PALM BEACH, FLORIDA 33401

Phone 833-0341

October 19, 1977

Building Inspection Dept.
Palm Beach
Florida, 33480

Gentlemen:

Enclosed you will find our check in the amount of \$15.00 to cover
the cost of a permit to remove the existing roof over the Patio
area at pool side at John Volk's, 206 Phipps Plaza at a cost of
\$900.00.

We will install 1 layer of 30 lb. felt, 15 lb. felt and Johns
Manville cap sheet.

Yours very truly,

Carpenter's Roofing & Sheet Metal, Inc.

Ralph G. Kemp
Ralph G. Kemp

RGK:cmk

Lt. B.
Phipps Plaza
CA

OK
[Signature]

Permit No. 32270

Palm Beach, Florida, October 26 19 70

TO THE BUILDING INSPECTOR
OF PALM BEACH, FLORIDA

The undersigned requests that you grant a building permit to
Miami Elevator Company

TO CONSTRUCT Install private residence elevator (2 Stop Lectro-Lift)

in accordance with plans and specifications submitted with this application.

Located on Lot Subdivision
#206 Phappa Plaza Sea View Ave Royal Palm Way
On Street, Between and

ZONING DISTRICT C-1

Occupancy Classification Dwelling and office Size of Addition NO Addition

Construction Classification Existing

Roofing Material Existing

Owner's Name John Volk

Builder's Name Miami Elevator Company

Architect and/or Engineer None

Approximate Cost \$ 4 500 Height ---0--- Story 2

Now, therefore, in consideration of this permit, the owner and builder agree to undertake said work in full compliance with Ordinances of the Town of Palm Beach, Florida, and further agree that no work shall be undertaken prior to securing a building permit, issued by the building inspector.

Signed:

Applicant

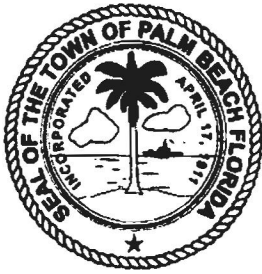
The Building Inspector's notes, as shown on the approved plans, will be adhered to.

The granting of this building permit is subject to the following special conditions pertaining thereto, as directed by the building inspector:

On behalf of the owner and builder, I agree to the terms of said special conditions.

Applicant

Exhibit G



TOWN OF PALM BEACH POLICE DEPARTMENT

DEDICATED TO EXCELLENCE



September 12, 2012

John K. Volk
206 Phipps Plaza
Palm Beach, FL 33480

CODE VIOLATION WARNING

206 Phipps Plaza, Palm Beach

Case # CE 12-1241

Property Control Number: 50-43-43-22-10-000-0012

Dear Property Owner,

This office has become aware that your property at 206 Phipps Plaza is being offered for weekly or monthly rental.

According to Chapter 134, Section 134-994 of the Town of Palm Beach Code of Ordinances, the use of any building or land in the R-C medium density residential district for any commercial or quasi-commercial use or purpose is prohibited. Chapter 134, Section 134-2 of the Code defines commercial use as the occupancy of residential properties for periods of less than three months more frequently than three times per calendar year.

Immediately upon receipt of this notice, you are requested to have the subject property brought into compliance by ceasing to rent the property for periods of less than three months more frequently than three times per calendar year. Weekly or monthly rentals are permitted three times per calendar year. Quarterly rentals are permitted four times per calendar year.

If you fail to comply with the Town Ordinances, you will be issued a **Notice of Code Violation and Hearing**, requiring you to come into compliance.

If you have any questions, please do not hesitate to contact me at (561) 227-6423. Your immediate attention to this matter is appreciated.

Sincerely,

Robert Walton
Lead Code Enforcement Officer

cc: Code Enforcement File
Property File
Homeaway, Inc.

Exhibit H



PREPARED BY and RETURN TO:
Ronald L. Fick, Esq.
Dunwoody White & Landon, P.A.
249 Royal Palm Way, Suite 501
Palm Beach, FL 33480

CFN 20070090339
OR BK 21440 PG 1077
RECORDED 02/22/2007 15:52:40
Palm Beach County, Florida
AMT 10.00
Doc Stamp 0.70
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 1077 - 1079; (3pgs)

Parcel Control Number: 50-43-43-22-10-000-0012

SPACE ABOVE THIS LINE FOR RECORDING DATA

TRUSTEE'S DEED

THIS TRUSTEE'S DEED, made as of this 5th day of December, 2006, by LILLIAN JANE KINNEY VOLK, AS TRUSTEE OF THE LILLIAN JANE KINNEY VOLK QUALIFIED PERSONAL RESIDENCE TRUST DATED DECEMBER 4, 1996, whose address is 206 Phipps Plaza, Palm Beach, FL 33480 (hereinafter referred to as "Grantor") to JOHN K. VOLK, whose address is 325 Alhambra Road, West Palm Beach, FL 33405 (hereinafter referred to as "Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

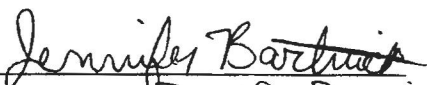
WITNESSETH, That Grantor, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, by these presents does hereby grant, bargain, convey and sell unto Grantee all of Grantor's interest in and title to that certain real property located in Palm Beach County, Florida, and more particularly described in Exhibit "A", attached hereto as a part hereof.

SUBJECT TO restrictions, reservations, covenants, conditions and easements of record; taxes for the year 2007 and the years subsequent thereto; and all applicable laws, ordinances, and governmental regulations, including without limitation, zoning and building codes and ordinances.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

AND Grantor hereby specially warrants title to the real property and will defend the same against lawful claims of all persons claiming by, through or under Grantor.

IN WITNESS WHEREOF, Grantor has executed this Trustee's Deed the day and year first written above.


Print name: Jennifer Barmick


Print name: RONALD L. FICK


LILLIAN JANE KINNEY VOLK, as
Trustee of the Lillian Jane Kinney Volk
Qualified Personal Residence Trust
dated December 4, 1996

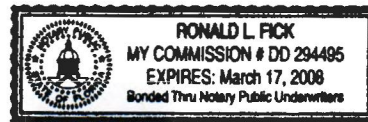
STATE OF FLORIDA)
) SS:
COUNTY OF PALM BEACH)

On the 22nd day of February, 2007, before me personally came **LILLIAN JANE KINNEY VOLK**,
who is personally known to me (yes) (no) or who has produced _____ as
identification to me, and who acknowledged execution of the foregoing instrument.

Ronald L. Fick
Notary Public, State of Florida

Name: Ronald L. Fick
(Print Name)

My Commission Expires:



This Trustee's Deed has been prepared at the Grantor's request without examination of title to the real property described herein.

EXHIBIT "A"

LEGAL DESCRIPTION

That parcel of land located in the plat of PHIPPS PLAZA, according to the plat thereof filed in Plat Book 20, page 72, Public Records of Palm Beach County, Florida described as follows:

The West 3.8 feet of Lot A; all of Lot B; all of Lot C;

TOGETHER WITH: All of Lot D and all of Lot E, LESS the East 5 feet of the West 10 feet of Lot E; AND LESS the parcel of land conveyed to James A. De Peyster and wife in deed dated April 10, 1956 and recorded in Deed Book 1140 at page 585, Public Records of Palm Beach County, Florida; AND LESS the parcel of land conveyed to Asset Management Advisors, Inc. in the Warranty Deed dated December 13, 1989 and recorded in Official Records Book 6306, page 1355, Public Records of Palm Beach County, Florida, as modified by the Surveyor's Affidavit recorded in Official Records Book 6657, page 1370, Public Records of Palm Beach County, Florida;

TOGETHER WITH all the interest of grantor in that certain Easement for well purposes as recorded in Official Records Book 8147, page 384, Public Records of Palm Beach County, Florida.

LESS AND EXCEPT the first floor office space which is situated within the two story building situated on the above described land and which was conveyed by Grantor to Lillian Jane Kinney Volk, as Trustee of the Lillian Jane Kinney Volk Declaration of Trust Agreement dated November 2, 1995, as amended and restated in its entirety November 27, 1996, by Warranty Deed dated February 12, 1998 (the "Deed") and recorded in Official Records Book 10245, page 309, Public Records of Palm Beach County, Florida.

SUBJECT TO easements, covenants and restrictions of record including, but not limited to, those set forth in the Deed recorded in Deed Book 284, page 132, Public Records of Palm Beach County, Florida, which are not reimposed by reference thereto.

AND ALSO SUBJECT TO AND TOGETHER WITH the easements, covenants, conditions, restrictions, rights and liabilities set forth in Exhibit B attached to and recorded with the Deed.

PREPARED BY and RETURN TO:
Ronald L. Fick, Esq.
Dunwoody White & Landon, P.A.
249 Royal Palm Way, Suite 501
Palm Beach, FL 33480

CFN 20070090340
OR BK 21440 PG 1080
RECORDED 02/22/2007 15:52:40
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 1080 - 1085; (6pgs)

Parcel Control Number: 50-43-43-22-10-000-0012

SPACE ABOVE THIS LINE FOR RECORDING DATA

LEASE

THIS LEASE is made and executed as of December 5, 2006, by and between **JOHN K. VOLK** ("Lessor"), and **LILLIAN JANE KINNEY VOLK** ("Lessee").

FOR and in consideration of the premises, the mutual covenants contained herein and in this Lease, and other valuable consideration, Lessor and Lessee hereby agree as follows:

1. Demise by Lessor. Lessor hereby leases to Lessee, and Lessee hereby leases from Lessor, upon the terms and conditions hereinafter set forth, that certain real property (the "Premises") located in Palm Beach County, Florida, more particularly described in Exhibit "A", attached hereto as a part hereof.

2. Term. The Premises shall be leased to Lessee for a term of ninety-nine (99) years commencing as of December 5, 2006 and terminating on December 4, 2105, unless this Lease is terminated early or extended, as hereinafter provided.

3. Use of Premises; Permits; Utilities. Lessee may use the Premises for her personal residence and for any other purpose permitted by applicable governmental laws, regulations and requirements ("Laws"). Lessee shall obtain and comply with all governmental permits and approvals required under the Laws for Lessee's occupancy and use of the Premises. Lessee shall be responsible for obtaining all necessary utilities and services required for Lessee's use of the Premises and shall make all deposits and pay all connection fees and charges for water, garbage and trash collection, sewer and other utilities and services provided to the Premises.

4. Rent. The annual rent for the first year shall be Eighteen Thousand Dollars (\$18,000), which shall be paid by Lessee to Lessor in twelve (12) equal monthly installments of One Thousand Five Hundred Dollars (\$1,500), each in advance, with the first payment due on December 5, 2006, and each subsequent monthly payment due and payable on the 5th day of each calendar month thereafter, and shall be paid Lessor within 3 days of such due date at the address for Lessor specified in Paragraph 12 below.

The annual rent to be paid during each of the last ninety-eight (98) years of the term shall be the same annual rent payable during the first year of the term hereof, as provided for above, plus the percentage increase, if any, in the cost of living which is reported by the United States Department of Labor, Consumer Price Index (United States City Averages, All Items, using 1982-84 as a base of 100) in effect ninety (90) days prior to the end of each of the first ninety-eight (98) years of the term hereof. All of such percentage increases shall be computed by comparing the Consumer Price Index then existing with the Consumer Price Index existing as of December 5, 2006, and multiplying any such percentage increase by the original annual rent provided for above. The result shall be added to the original annual rent provided for above, and

the sum thus obtained shall be the annual rent for each of such remaining years during the term hereof. However, in no event shall the annual rent during any such following year be less than the annual rent payable during the immediate preceding year regardless of whether or not the annual rent payable during the immediate preceding year was based on the prescribed CPI adjustment.

If such Consumer Price Index is discontinued or is materially changed from its content, as of the month during which the term of this Lease commences, so that it is no longer providing a valid comparison of the purchasing power of the United States dollar with that reflected by CPI for the month during which the term of this Lease commences, then the parties will jointly request the appropriate representative of the United States Department of Labor to designate a successor index, which would provide such a valid comparison; and, if that agency does not upon request provide such a successor index or indexes, then the parties will name a qualified independent authority to select a method of comparing the purchasing power of the dollar at that time with that reflected by CPI for the month during which the term of this Lease commences, and the parties will bear the cost thereof in equal shares.

Lessee shall also pay Lessor with each monthly rent payment all state sales, use or similar tax, which is due for or on account of such monthly rent.

5. Lessee's Duty to Compensate Lessor. As to any and all portions of the Premises occupied by Lessee, Lessee shall at all times during the term hereof or any extended term compensate Lessor for any loss or damage which the Lessor may sustain or suffer arising out of acts attributable to the sole negligence of the Lessee, her contractors, agents or employees, excepting losses covered by the insurance coverage described in Paragraph 10 below.

6. Assignment. This Lease shall be binding upon and inure to the benefit of the respective successors and assigns of the parties. Lessee shall not assign this Lease or sublet any part of the Premises without the written consent of Lessor, which consent Lessor may not unreasonably withhold. Notwithstanding anything contained in this Lease to the contrary, this Lease shall terminate as of the date of death of Lillian Jane Kinney Volk, Lessee.

7. Default. Lessee hereby covenants and agrees that if Lessee shall fail to timely make any of the rent payments or any other monetary payments provided for herein and such failure shall continue for three (3) days after receipt of notice pursuant to Section 83.20(2), Florida Statutes, or if Lessee shall violate any of the other covenants of this Lease and such non-monetary violation shall continue for thirty (30) days after written notice of such violation is delivered to Lessee, or if such violation could not be cured within such period, and Lessee is diligently proceeding to cure such violation, if such violation shall continue for ninety (90) days following such notice, or if Lessee shall vacate or abandon the Premises, then Lessee shall become a tenant-at-sufferance, hereby waiving all right of notice, and Lessor shall be entitled immediately, at his option, to re-enter and retake possession of the Premises and terminate this Lease, and to pursue any other remedy and rights Lessor may have under this Lease and under the laws of the State of Florida.

8. Condemnation. In the event all or a portion of the Premises shall be taken by eminent domain or conveyed in lieu thereof, either party may elect to terminate this Lease. Upon such election by either party this Lease shall terminate as of the date Lessee has vacated the

Premises and fully complied with all provisions of this Lease or the date of such taking, whichever first occurs. Lessee shall have no right, title, claim or interest in any part of any award made to or received by Lessor for such taking; provided however, Lessee shall be entitled to any award for her moving expenses and equipment, fixtures, and personal property taken.

9. "AS IS", Maintenance, Alterations and Repairs. Lessee acknowledges that she currently resides on the Premises and is familiar with its condition, and agrees that the Premises is being leased by Lessor to Lessee in "AS IS" condition. Lessor shall maintain the Premises, including all improvements and fixtures located thereon, in the same condition as the Premises is at the commencement of the term hereof. Lessor shall make all repairs and replacements (both structural and non-structural) necessary and desirable to so maintain the Premises, it being understood that Lessee shall have no maintenance or repair responsibilities whatsoever under this Lease, except as expressly set forth herein. In the event Lessor shall fail to maintain the Premises, after ten (10) days written notice from Lessee, Lessee may contract for such repairs and maintenance and deduct the payments therefore from the next rent payment due hereunder.

Lessee shall not make any alterations, improvements, or additions to the Premises without first obtaining Lessor's written consent, which consent Lessor shall not unreasonably withhold. All such alterations and additions shall become the property of Lessor, unless the parties agree otherwise at the time of approval of same.

10. Casualty and Insurance. Lessor, at his expense, shall at all times during the term of this Lease maintain in effect a policy or policies of insurance covering the Premises and providing protection against all perils included within the classification "Fire and Extended Coverage in an amount not less than 100% of the greater of the replacement cost or insurable value. Such policy or policies shall be with insurance companies and with loss payable clauses reasonably satisfactory to Lessee, and copies of such policies or Certificates of Insurance evidencing such policies shall be delivered to Lessee by Lessor. Lessee shall be an additional named insured under such policies and certificates shall show such insurance to be in effect and not subject to cancellation, except after thirty (30) days written notice to Lessee.

If at any time during the term hereof the Premises is destroyed or damaged by fire or other casualty covered by Lessor's insurance, then Lessor at his expense shall repair such damage within a reasonable period following the availability of insurance proceeds payable under the existing policies for the required repairs. If such damage was caused by a casualty not insured against, pursuant to the previous paragraph, either party may by written notice to the other terminate this Lease unless Lessor agrees in writing within twenty (20) days following the casualty in writing to make such repairs and thereafter diligently proceeds to do so. In any event, if Lessor does not repair and restore the Premises to its condition prior to the casualty within ninety (90) days from the date of the damage, Lessee may terminate this Lease by written notice to Lessor. During any time that the Premises is uninhabitable due to the causes set forth in this Paragraph 10, the rent or a just and fair proportion thereof shall abate until Lessee shall again reside within the Premises.

11. Lessor's Right of Access. Lessor and his agents upon reasonable prior notice shall have free access to the Premises during all reasonable hours when accompanied by Lessee or her representative for the purpose of inspecting the Premises and making repairs.

12. Notices. All notices provided for herein shall be deemed to have been duly given when hand delivered to, delivered via *United States mail* or via *courier service*, or received via ~~fax~~, at the following address:

If to Lessee at: 206 Phipps Plaza
Palm Beach, FL 33480

If to Lessor at: 325 Albemarle Road
West Palm Beach, FL 33405

Said addresses may be changed from time to time by either of the foregoing parties by notice to the other, mailed or delivered as aforesaid, of the location and mailing address of the place at which notice is thereafter to be mailed or delivered.

13. Radon Gas. Radon is a naturally occurring radioactive gas that, when it has accumulated in a building in sufficient quantities, may present health risks to persons who are exposed to it over time. Levels of radon that exceed federal and state guidelines have been found in buildings in Florida. Additional information regarding radon and radon testing may be obtained from your county public health unit.

14. Law; Attorney's Fees. This Lease shall be interpreted in accordance with the laws of the State of Florida. In the event of any dispute under or related to this Lease, the prevailing party shall be entitled to an award of reasonable attorneys' fees, consultants' fees, paralegals' fees, expert witness fees and costs at all tribunal levels.

15. Ad Valorem Taxes. Lessor shall pay all ad valorem real estate taxes, special assessments and other charges upon the Premises prior to the same becoming delinquent.

IN WITNESS WHEREOF, the parties have executed this Lease as of the date above written.

Signed, sealed and delivered
in the presence of:

Round L. Fild
Tracy Volk
Dr + Emily
Round L. Fild

John K. Volk
JOHN K. VOLK

Lillian Jane Kinney Volk
LILLIAN JANE KINNEY VOLK

STATE OF FLORIDA)
) SS:
COUNTY OF PALM BEACH)

On this 22nd day of February, 2007, before me personally came **JOHN K. VOLK**, who is personally known to me (yes) (no) or who has produced _____ as identification to me, and who acknowledged his voluntary execution of the foregoing instrument.

Ronald L. Fick

Notary Public, State of Florida

Name: RONALD L. FICK
(Print Name)

My Commission Expires:



STATE OF FLORIDA)
) SS:
COUNTY OF PALM BEACH)

On this 22nd day of February, 2007, before me personally came **LILLIAN JANE KINNEY VOLK**, who is personally known to me (yes) (no) or who has produced _____ as identification to me, and who acknowledged her voluntary execution of the foregoing instrument.

Ronald L. Fick

Notary Public, State of Florida

Name: RONALD L. FICK
(Print Name)

My Commission Expires:

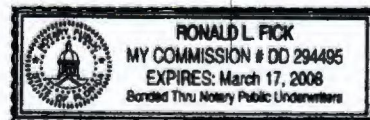


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TOGETHER WITH: All of Lot D and all of Lot E, LESS the East 5 feet of the West 10 feet of Lot E; AND LESS the parcel of land conveyed to James A. De Peyster and wife in deed dated April 10, 1936 and recorded in Deed Book 1140 at page 585, Public Records of Palm Beach County, Florida; AND LESS the parcel of land conveyed to Asset Management Advisors, Inc. in the Warranty Deed dated December 13, 1989 and recorded in Official Records Book 6306, page 1355, Public Records of Palm Beach County, Florida, as modified by the Surveyor's Affidavit recorded in Official Records Book 6657, page 1370, Public Records of Palm Beach County, Florida;

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PRELIMINARY - SUBJECT TO CHANGE

LOCATION & OWNER INFORMATION

PARCEL ID 50-43-43-22-10-000-0012 **EX**

NBHD 333500CM

PARCEL ADDR 206 PHIPPS PLZ

LEGAL PL OF PHIPPS PLAZA W 3.8 FT OF LT A, LTS B, C, D
& LT E (LESS W 10 FT, N 30.33 FT OF W 92.88 FT OF E 96
FT & SLY 56.07 FT OF W 89.48 FT OF E 96 FT AS IN
OR6306P1355 &

TAX DISTRICT 50411

OWNER VOLK JOHN K

ADDRESS 206 PHIPPS PLZ
PALM BEACH FL 33480-4241

SALES INFORMATION

BOOK	PAGE	DC	QC	S	PRICE	DATE

PERMIT INFORMATION

PERMIT #	PERMIT DT	TYPE	WHY	STAT	TAXYR	AMOUNT
B-13-36715	06-NOV-13	I	05	C	2015	2,217
B-09-06229	17-SEP-09	I	05	T	2010	5,600
8095882	28-MAR-08	I	03	T	2009	2,300
50-B9720840	01-JAN-01	I	02	C	1999	800

OBY INFORMATION

CRD	L#	CODE	YRBLT	EFFYB	YRRMD	WIDTH	LGTH	AREA	UNITS	GD	MODCDE	RATE	PC	FC	DEP	FUNC	RSN	ECN	RSN	SOH	VALUE
2	1	SPC	1926			0	0	135	1	C		44.10	A	A	25					100	1,489.00
2	2	PAT	1926			0	0	880	1	C		2.10	A	A	25					100	462.00
2	3	ELV	1926			0	0	1	2	C		16,000.00	A	A	25					100	8,000.00
2	4	PAV	1926			0	0	990	1	C		3.18	A	A	25					100	788.00
2	5	WLL	1926			0	0	350	1	C		10.18	A	A	25					100	891.00
																				SOBY VALUE	11,630.00

LAND INFORMATION

L#	LUSE	ZONE	AG	AGLND	TP	CDE	FF	DEPTH	SQ FT	ACRES	UNITS	RATE	SIZE	NBHD	INF	PCT	SOH	VALUE
1	1000	R-C			U	LT	0	0	0	0	1	226,296.63 *	1	1		0	0	226,297.00
NOTES:																		
2	1001	R-C			U	LT	0	0	0	0	1	751,480.54	1	1		0	100	751,481.00
NOTES:																		
TOTAL ACRES										0								
TOTAL LAND VALUE																		977,778.00

PROPERTY APPRAISER WORKING FILE



PALM BEACH COUNTY

18PRC50434322100000012

1200 PROPERTY USE /STORE/OFF/RES

LIVING UNITS:1 GIS SQ.FT.: 11,772 GIS ACRES: .27

TOTAL CARDS:2 W: S: E: AUTOCAD:

AG INFORMATION

LINE	CA L#	CROP	LUC	ACRES	RATE	CODE	VALUE

TOTAL

NOTES

LANDMARK (IN SEC 23) (EYB 1960 7/03 # 64)

TAX YEAR 2018

ENTER INFORMATION

TYPE	DATE	E	I	AP
IMP	16-DEC-14	3I	F	64
LAND	13-MAR-14	4L	A	22
INCOME				
AG				

TOTAL PARCEL

TYPE	VALUE
MASS	1,491,298
OVERRIDE	
INCOME	0
PRIOR YR VAL	1,486,220
BUILDING	501,890
OBY's	11,630
LAND	977,778
MARKET	1,491,298
AG/NON AG LAND	
AG LAND & IMP	
LAND MKT VAL	0
TOTAL EBA	9,414
LB Ratio (value)	0.66
SOH%	
1 CAMA VALUE	

PRELIMINARY - SUBJECT TO CHANGE

PROPERTY APPRAISER WORKING FILE

TAX YEAR 2018

SUB-AREA INFORMATION

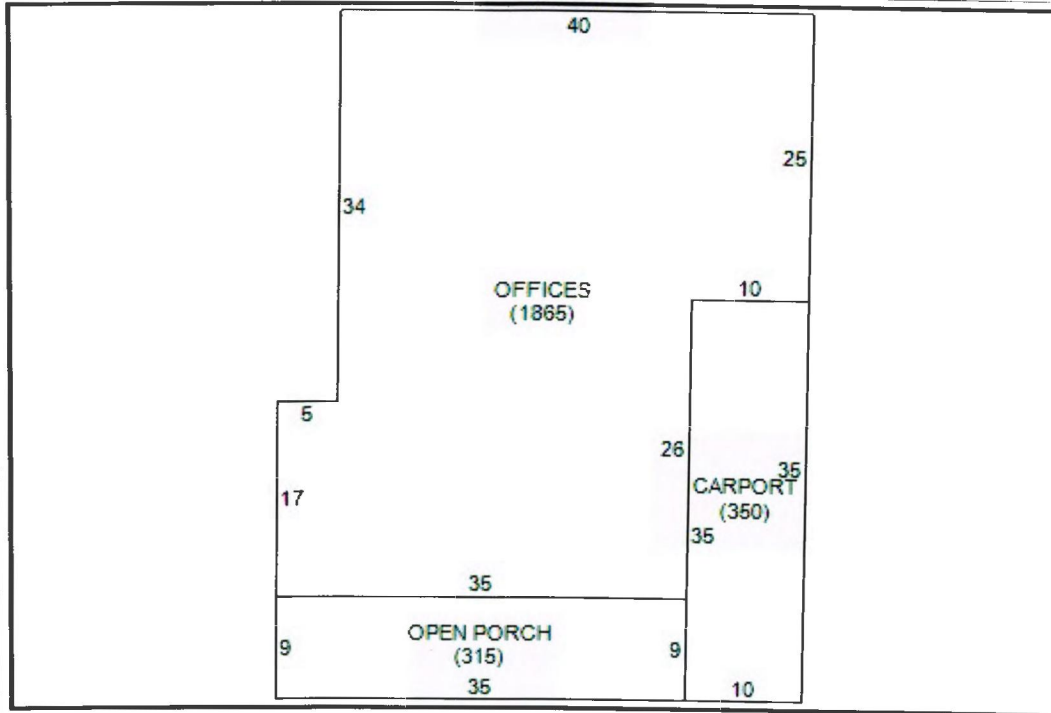
50-43-43-22-10-000-0012

COMMERCIAL

206 PHIPPS PLZ

BUILDING INFORMATION

LINE	CODE	PCT	SIZE
A	1	500	100
			1865
A1	2	FOP	315
A2	3	FCP	350
A3			
A4			
A5			
A6			
A7			
A8			
A9			
A10			
A11			
A12			
A13			
A14			
A15			
A16			
A17			
TOTAL SQ FT			2530



VECTOR:

500(A0CD25L10D26L35U17R5U34R40) FOP(A1D25L10D26CD9X35)FCP(A2D25CD35X10)

1 / 2 SYS CRD# / TOT BLDGS

490 ID 1 OFFICE BLDG
C&D
1 NBHD FACTOR
LEVEL / UNIT TYPE
01 / UNIT HEIGHT / BLDG HEIGHT
/
/
/
1926 / 1960 YRBLT / EFFYR
/
3+ / GRADE / CDU
35 / % GOOD / DEPR TB

EW1
EW2
RS
RC
IW1
IW2
FT1
FT2

MKT_ADJ
FUNC
ECON
SOH%

0

1,865 EFF BLDG AREA
SQ FT LIVING AREA

1,865 TOTAL EBA

NOTES:

BLDG 001

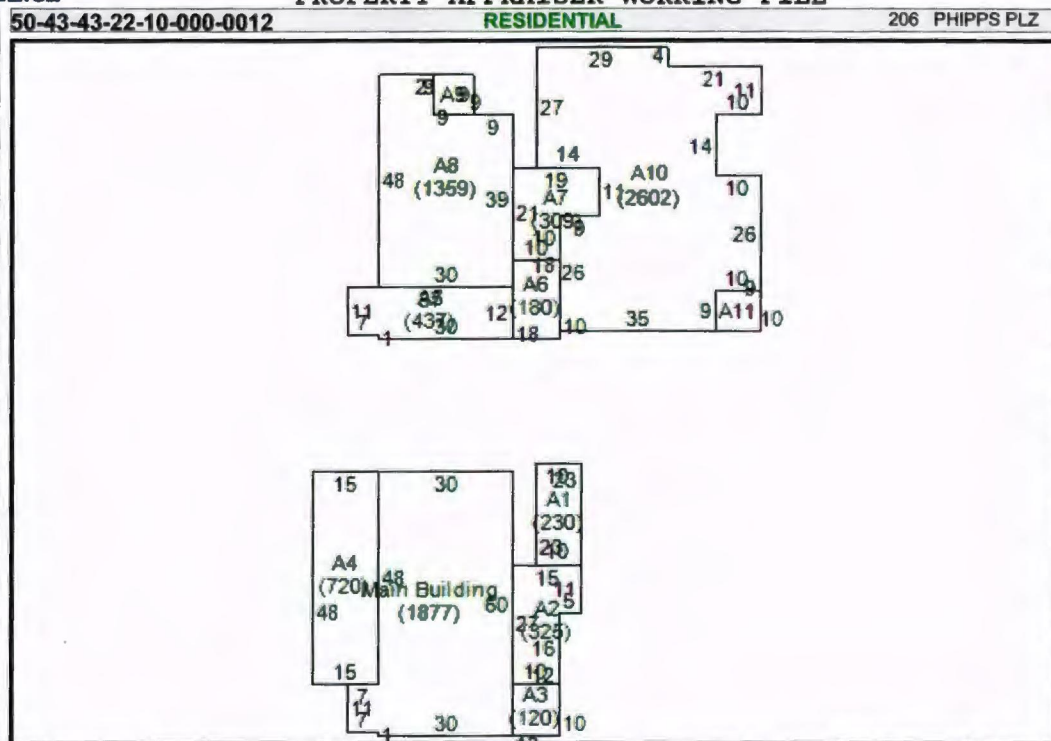
L#	COD		LENGTH	WIDTH	EL	ST	ID	UT	VALUE
1	FOP	FINISHED OPEN PORCH	315	X 1				1	7,490
1	FCP	FINISHED CARPORT	350	X 1				1	5,090

275,490 RCN
96,420 RCNLD
96,420 ADJRCNLD

1 TOTAL ID UNIT VALUE

LN	SE	LEVEL	YR	EFF	AREA	EXTER	USE	NAME	WA	EXTERIOR	CN	INT	INT	INT	INT	INT	INT	PHY	FNC	FNC	FNC	ENC	ENC
NO	NO	FR	TO	BLT	SIZE	PERM	TYPE		HT	WALL TYPE	TYP	FIN	PAR	HT	AC	PLB	LGT	CND	UT	RSN	%GD	RSN	%GD
1	A	01	01	1926	1865	192	500	OFFICES	12	22	2	100	2	2	2	2	2	3	3				

SUB-AREA INFORMATION			
LINE	CODE	PCT	SIZE
A 0	BAS	100	1877
BASE AREA			
A1 1	FST	70	230
FINISHED STORAGE			
A2 2	FEP	85	325
FINISHED ENCLOSED PORCH			
A3 3	FOP	30	120
FINISHED OPEN PORCH			
A4 4	FEP	85	720
FINISHED ENCLOSED PORCH			
A5 5	FEP	85	437
FINISHED ENCLOSED PORCH			
A6 6	SFB	90	180
SEMI FINISHED BASE AREA			
A7 7	NVA	0	309
NO VALUE AREA			
A8 8	FUS	100	1359
FINISHED UPPER STORY			
A9 9	FST	70	81
FINISHED STORAGE			
A10 10	FUS	100	2602
FINISHED UPPER STORY			
A11 11	FSP	40	90
FINISHED SCREENED PORCH			
A12			
A13			
A14			
A15			
A16			
A17			
TOTAL SQ FT			8330



VECTOR:	
BAS(A0CD60L30U1L7U11R7U48R30)FST(A1D21R5CU23X10)FEP(A2D21CR15D11L5D16L10U27)FOP(A3D48CR10X12)FEP(A4L30CD48X15)FEP(A5U30CL30U1L7U11R37D12)SFB(A6U30CU18X10)NVA(A7U48CU21R19D11L9D10L10)FUS(A8U42CL30U48R21D9R9D39)FST(A9U42L30U48R21CD9X9)FUS(A10U96R34CD4R21D11L10D14R10D26L10D9L35U26R9U11L14U27R29)FSP(A11U32R45CU9X10)	

BUILDING INFORMATION			
2	/	2	SYS CRD#/TOT BLDGS
0100	ID	1	SFR
			C&D
1			NBHD FACTOR
			LEVEL / UNIT TYPE
2	/		UNIT HEIGHT / BLDG HEIGHT
4	/		BED RM / TOT RM
5	/	1	FULL BA / HALF BA
	/	17	ADD FIX / TOTAL FIX
1926	/	1960	YRBLT / EFFYR
	/		YR / % REMODELED
			REMOD KTCH / BATH
A6	/	AV	GRADE / CDU
56	/		% GOOD / DEPR TB
			FPLC STACK / OPEN
19			EW1 COMMON BR.
00			EW2 N/A
03			RS GABLE/HIP
08			RC CLAY/BERMUDA TL
03			IW1 PLASTER
00			IW2 N/A
15			FT1 CERAMQARY TILE
00			FT2 N/A
3			HEAT HTG & AC
4			HEAT SYS FORCED AIR DUCT
			KB_ADJ
50			MKT_ADJ
			FUNC
			ECON
100			SOH%
			7,549 EFF BLDG AREA
			6,018 SQ FT LIVING AREA
			7,549 TOTAL EBA

NOTES:
BLDG 002 EAST 55' OF FLR-2 IS OVER 206 PHIPPS PLAZA (EYB 1960 7/06#27)

L#	COD	LENGTH	WIDTH	EL ST	ID UT	VALUE
----	-----	--------	-------	-------	-------	-------

810,935	RCN
405,470	RCNLD
405,470	ADJRCNLD
1	TOTAL ID UNIT VALUE

LN	SE	LEVEL	YR	EFF	AREA	EXTER	USE	WA	EXTERIOR	CN	INT	INT	INT	INT	INT	PHY	FNC	FNC	FNC	ENC	ENC	
NO	NO	FR	TO	BLT	SIZE	PERM	TYPE	HT	WALL	TYP	FIN	PAR	HT	AC	PLB	LGT	CND	UT	RSN	%GD	RSN	%GD

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 10, 2018

Section of Agenda

Appeals

Agenda Title

905 North Ocean Boulevard

Request for Withdrawal Per Letter Dated October 2, 2018 From Francis Lynch

Presenter

ATTACHMENTS:

- ▣ **Letter Dated October 2, 2018 From Francis Lych**

From: Francis Lynch
To: [John Lindgren](#); [Kelly Churney](#)
Cc: [John C. Randolph \(jrandolph@jones-foster.com\)](#); [Joshua Martin](#); [Paul Castro](#); [Kathleen Ruderman](#); [Logan Elliott](#)
Subject: RE: 905 NOB Appeal
Date: Tuesday, October 02, 2018 3:14:43 PM

We hereby withdraw the appeal.

Francis X. J. Lynch, Esquire
Breton, Lynch, Eubanks & Suarez-Murias, P.A.
605 North Olive Avenue, 2nd Floor
West Palm Beach, FL 33401
Direct: (561) 721-4004
Fax: (561) 721-4001
Main: (561) 721-4000

Tax Advice Disclosure: To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for purposes of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein. The information contained in this electronic mail transmission may be attorney/client privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, collect at 561-721-4000. Thank you.

From: John Lindgren <JLindgren@TownofPalmBeach.com>
Sent: Tuesday, October 02, 2018 11:56 AM
To: Francis Lynch <flynch@blesmlaw.com>; Kelly Churney <KChurney@TownofPalmBeach.com>
Cc: John C. Randolph (jrandolph@jones-foster.com) <jrandolph@jones-foster.com>; Joshua Martin <jmartin@TownOfPalmBeach.com>; Paul Castro <PCastro@TownofPalmBeach.com>; Kathleen Ruderman <KRuderman@TownofPalmBeach.com>; Logan Elliott <LElliott@TownofPalmBeach.com>
Subject: 905 NOB Appeal

Frank,

Your last correspondence with us regarding 905 North Ocean Boulevard was a deferral request of your appeal, because ARCOM was going to reconsider it. Since ARCOM approved the project at their last meeting, I'm assuming you wish to withdraw your appeal. If this is correct, please send us a written request withdrawing your appeal as soon as possible (copying everyone on this e-mail). Thanks.

John

**John Lindgren, AICP
Planning Administrator**

Town of Palm Beach
Planning, Zoning & Building Department
360 S. County Road
Palm Beach, FL 33480
Phone: 561-227-6414

www.townofpalmbeach.com

Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 10, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-18-00084 VARIANCE(S) The application of FRIEDMAN LORRAINE L TRUST &, Owner, relative to property located at **901 N OCEAN BLVD**, legal description on file, is described below. 1) Variances to allow the construction of a new 16,087 square foot two story main residence with a point of measurement of 22.5 foot North American Vertical Datum ("NAVD") in lieu of the 15.9 foot NAVD maximum allowed for the following: a. Overall building height; b. Building height; c. Building height plane 2) A variance to allow a 6 foot tall wall along the edge of the site triangle easement and within the front yard setback that would not have a 36 inch continuous hedge as required for a wall exceeding 4 feet in height. [Applicant's Representative Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 4-3. The Architectural Review Commission approved the project with conditions relating to the architecture at the September 26, 2018 meeting. Carried 5-2.]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated September 25, 2018 from Josh Martin, Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**
- ▣ **Letter Dated September 25, 2018 from Weeks**
- ▣ **Letter Dated September 25, 2018 From Metzger**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2018

To: Mayor and Town Council

From: Josh, Martin, Director, Planning, Zoning & Building Department

Subject: **Z-18-00084 VARIANCE(S)**
901 N OCEAN BLVD

Date: September 25, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

1) Variances to allow the construction of a new 16,087 square foot two story main residence with a point of measurement of 22.5 foot North American Vertical Datum ("NAVD") in lieu of the 15.9 foot NAVD maximum allowed for the following: a. Overall building height; b. Building height; c. Building height plane 2) A variance to allow a 6 foot tall wall along the edge of the site triangle easement and within the front yard setback that would not have a 36 inch continuous hedge as required for a wall exceeding 4 feet in height.

ADDRESS: 901 N OCEAN BLVD

OWNER: FRIEDMAN LORRAINE L TRUST &

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-10-00-001-0060

ZONING DISTRICT: R-A Estate Residential

LEGAL DESCRIPTION: 10/11-43-43, SLY 125.89 FT OF NLY 864.14 FT OF
GOV LT 1 LYG BET OCEAN BLVD & ATLANTIC
OCEAN

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Page Two

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 2/27/18

APPLICATION NO.: Z-18-00084 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 901 N OCEAN BLVD

DESCRIPTION:

1) Variances to allow the construction of a new 16,087 square foot two story main residence with a point of measurement of 22.5 foot North American Vertical Datum ("NAVD") in lieu of the 15.9 foot NAVD maximum allowed for the following: a. Overall building height; b. Building height; c. Building height plane 2) A variance to allow a 6 foot tall wall along the edge of the site triangle easement and within the front yard setback that would not have a 36 inch continuous hedge as required for a wall exceeding 4 feet in height.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	2/22/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	4/4/2018	Please confirm that the placement of the Stormwater Management System has been coordinated with the Landscape Architect. Specifically, the northwestern exfiltration trench appears to be in close proximity to the perimeter landscaping. The exfiltration calculations are not checked at this level of review.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	3/7/2018	The town ordinance will require the residence to be sprinkled
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	4/5/2018	The project will require review and approval by the Architectural Commission (ARCOM) as a major combination project.



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 2/27/18

POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	2/22/2018	Jack & Lorraine Friedman Trust CERTIFIED MAIL-9314 8699 0430 0042 9981 47 901 N. Ocean Blvd. Palm Beach, FL 33480 NOTICE OF CODE VIOLATION AND HEARING 901 N. Ocean Blvd., Palm Beach Case # CE 18-10 Property Control Number: 50-43-43-10-00-001-0025 Dear Property Owner, A re-inspection of your property found you have not complied with the Code Enforcement violation written warning issued January 5, 2018 and the vegetation that was removed during demolition, and in violation of your ARCOM approval and permit, has not been replaced .Chapter 18, Section 18-206 of the Town of Palm Beach Code of Ordinances outlines the criteria for a demolition permit which states perimeter landscaping and other landscaping considered by the architectural commission to be worthy of saving be left in place and/or preserved in a manner satisfactory to the architectural commission. Please replace any and all vegetation/trees as specified in the original ARCOM demolition agreement by February 18, 2018. Any questions involving the ARCOM agreement should be directed to Planning Administrator John Lindgren at (561) 227-6414. Should compliance with the Town Ordinances not be met within this time frame, you are hereby notified there will be a public hearing before the Code Enforcement Board on March 15, 2018 at 2:00 p.m. in the second floor Town Council Chambers at City Hall, 360 S. County Road, Palm Beach. If you decide not to be present, the hearing will be held in your absence. If you are found in violation of the Town Code, the Code Enforcement Board has the power by law to levy fines up to Two Hundred Fifty (\$250.00) Dollars a day against you and your property for every day any violation continues beyond the date set in the order for compliance. An administrative fee of One Hundred Fifty (\$150.00) Dollars for the cost of the hearing may be assessed to you should your case be heard.If you have any questions, please do not hesitate to call me at (561) 227-6422. Your immediate attention to this matter is appreciated. Sincerely, John T. Moriarty, Code Enforcement Officer No Comment
PZB DIRECTOR			
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	2/27/2018	No Comment



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 2/27/18

PZB - ZONING	Paul Castro, Zoning Administrator	2/22/2018	The applicant must demonstrate the hardship relative to the request for variances on a new house on a newly created lot. In addition, there is a pending code enforcement case relative to landscape demolition approved by the Architectural Commission. If adjudicated and found in noncompliance by the Code Enforcement Board this case cannot be heard by the Architectural Commission or Town Council until the property owners come into compliance. The wall along the curve of the property is required to be removed out of the site visibility easement. In addition, there is no hardship to not require the wall to be setback 3 feet outside of that easement and a 3 foot high hedge planted in front of said wall. The applicant can make the wall 4 feet in height and meet Code where they want to build it.
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From: [Kelly Churney](#)
To: [Kathleen Ruderman](#); [Cheryl Kleen](#)
Subject: FW: 901 and 905 North Ocean Blvd
Date: Tuesday, September 25, 2018 3:16:42 PM

Kelly Churney
Administrative Assistant

Town of Palm Beach
Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480
561-227-6408
561-835-4621 (fax)
www.townofpalmbeach.com

-----Original Message-----

From: John Lindgren
Sent: Tuesday, September 25, 2018 2:53 PM
To: Alex Ives (alexives@hotmail.com) <alexives@hotmail.com>; amginny@aol.com; betsyshiverick@gmail.com; Bob Vila <bvtvbob@gmail.com>; dan.floersheimer@icloud.com; johncorey84@gmail.com; K. T. Catlin (KTCatlin@hotmail.com) <KTCatlin@hotmail.com>; msmall@smallawpalmbeach.com; msmallpb@gmail.com; Nikita Zukov <npzukov@msn.com>; rng@garrisonarch.com
Cc: John C. Randolph (jrandolph@jones-foster.com) <jrandolph@jones-foster.com>; Joshua Martin <jmartin@TownOfPalmBeach.com>; Paul Castro <PCastro@TownofPalmBeach.com>; Logan Elliott <LElliott@TownofPalmBeach.com>; Kelly Churney <KChurney@TownofPalmBeach.com>
Subject: FW: 901 and 905 North Ocean Blvd

FYI

John Lindgren, AICP
Planning Administrator

Town of Palm Beach
Planning, Zoning & Building Department
360 S. County Road
Palm Beach, FL 33480
Phone: 561-227-6414
www.townofpalmbeach.com

-----Original Message-----

From: Robin Weeks <robbill210@icloud.com>
Sent: Tuesday, September 25, 2018 2:25 PM
To: John Lindgren <JLindgren@TownofPalmBeach.com>
Subject: 901 and 905 North Ocean Blvd

Dear John ,
Please send this email on to members of Arcom. Thank you

Dear members of Arcom,
My husband and I live in a Bermuda cottage at 210 Jamaica Lane. We are very concerned that the two proposed

properties at 901 and 905 North Ocean Boulevard are still far too massive and large for their narrow lots. Please insist that these new structures be scaled down to be more in keeping with our neighborhood.

Thank you,

Robin and Bill Weeks

Sent from my iPad

From: [Kelly Churney](#)
To: [Alexander Ives \(alexives@hotmail.com\)](#); [Betsy Shiverick \(betsyshiverick@gmail.com\)](#); [Dan Floersheimer](#); [John Corey \(johncorey84@gmail.com\)](#); [Katherine Catlin \(KTCatlin@hotmail.com\)](#); [Maisie Grace \(amginny@aol.com\)](#); [Michael Small \(msmall@smallawpalmbeach.com\)](#); [Nikita Zukov \(npzukov@msn.com\)](#); [Robert Garrison \(rng@garrisonarch.com\)](#); [Robert J. Vila](#)
Cc: [John Lindgren](#); [Joshua Martin](#); [Logan Elliott](#); [Paul Castro](#); [Kathleen Ruderman](#); [Cheryl Kleen](#); [jrandolph@jones-foster.com](#)
Subject: FW: 901 and 905 North Ocean Boulevard
Date: Tuesday, September 25, 2018 4:40:38 PM

fyi

Kelly Churney
Administrative Assistant

Town of Palm Beach
Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480
561-227-6408
561-835-4621 (fax)
www.townofpalmbeach.com

-----Original Message-----

From: Anne metzger <annegm44@gmail.com>
Sent: Tuesday, September 25, 2018 4:38 PM
To: Kelly Churney <KChurney@TownofPalmBeach.com>
Subject: 901 and 905 North Ocean Boulevard

Hello, Kelly,
Please distribute this letter to the Arcom members in anticipation of their meeting tomorrow morning.
Thank you,
Anne and Bill Metzger

Dear Arcom Members,

This letter is in reference to the proposed houses for 901 and 905 North Ocean Boulevard.

Our thanks to Arcom for holding a firm position in past consideration of these proposals, upholding the principles of appropriate scale and mass for the neighborhood.

While we are in favor of the new direction these two houses have gone individually in that they are both smaller, we also want to emphasize that these houses viewed together demonstrate the visual effect of excessive massing for the neighborhood, which is still concerning given the prominent location where the two houses are located.

Please consider suggesting to the owners to further reduce the massing. We refer to Sections 18-146 and 18-205 in support of your strong recommendations that the owners reduce the excessive sizes of the proposed structures on these properties.

Thank you,

Anne and Bill Metzger

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 10, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-18-00108 SPECIAL EXCEPTION WITH VARIANCE(S) Zoning District: C-TS Town Serving Commercial The application of Palm Beach Hotel Condominium Association, Inc., Applicant, relative to property located at **235 SUNRISE AVE SUITE: CM 23**, legal description on file, is described below. A request for a variance and a special exception to expand a non conforming use ("hotel") to incorporate a 3,200 square foot space on the ground floor to be used as a gym which is an accessory use to the condominium hotel. [Applicant's Representative: Maura Ziska Esq] *If approved, consideration of proposed Declaration of Use Agreement.*

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated August 2, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- ▣ **Exhibit A**
- ▣ **Exhibit B**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 15, 2018

To: Mayor and Town Council

From: Paul Castro, Zoning Administrator

Re: Z-17-00108, Special Exception with Variance, Proposed Declaration of Use Agreement for the Palm Beach Hotel Condominium Association, Inc., for a Proposed Gym, 235 Sunrise Avenue

Date: August 2, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the proposed Declaration of Use Agreement, as modified by Staff.

GENERAL INFORMATION

The Applicant, the Palm Beach Hotel Condominium Association, Inc., submitted a Special Exception with Variance application which was heard at the July 11, 2018 Town Council meeting. The application was deferred in order for the Hotel to rectify code enforcement violations. In the interim, the applicant was instructed to work with Staff on a Declaration of Use Agreement which outlines conditions to control the operation of the proposed gym.

On August 1, 2018, Staff received an email of the proposed Declaration of Use Agreement from the applicant's attorney, Maura Ziska (Exhibit A attached). The applicant's proposed Conditions 3 and 5 in the draft Agreement were not agreed to by the Town Council. Condition 3 would allow the gym facility to be open 24/7. Staff believes there should be more restricted hours for control of the facility. In addition, the Council did not want spa facilities in the gym. Proposed Condition 5 would allow massage and other spa services for owners and guests.

Staff has gone over our concerns with the Ms. Ziska but have been unable to resolve the differences related to the Conditions 3 and 5. Staff's proposed changes are in the modified Declaration of Use Agreement in add/delete format identified in Exhibit B. In addition, as of the date of this memorandum, the code enforcement issues have also been unresolved. Staff and the applicant are prepared to address the entire proposed Agreement at the Town Council meeting.

TOWN ATTORNEY REVIEW

The proposed modified Declaration of Use Agreement was approved by Town Attorney Randolph for legal form and sufficiency.

Attachments

cc: Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
Maura Ziska, Esq.
zf & pf

EXHIBIT A

DECLARATION OF USE AGREEMENT

by

THE TOWN OF PALM BEACH

and

PALM BEACH HOTEL CONDOMINIUM ASSOCIATION, INC.

AUGUST 2018

**Prepared by and return to:
Maura A. Ziska, Esquire
Kochman & Ziska PLC
222 Lakeview Avenue, Suite 1500
West Palm Beach, FL 33401
(561) 802-8960**

DECLARATION OF USE AGREEMENT

THIS DECLARATION OF USE AGREEMENT is made and entered into this ____ day of _____, 2018 by and between the TOWN OF PALM BEACH, a Florida municipal corporation, 360 South County Road, Palm Beach, Florida 33480 (hereinafter called “the Town”) and PALM BEACH HOTEL CONDOMINIUM ASSOCIATION, INC, 235 Sunrise Avenue, Palm Beach, Florida 33480 (hereinafter called “the Hotel Condominium”), which terms “the Town” and “the Hotel Condominium” will include and bind the successors and assigns of the parties, wherever the context so requires or admits.

WITNESSETH:

WHEREAS, the property described in Exhibit “A” attached hereto and made a part hereof (hereinafter referred to as the “Property”) is located within the municipal limits of the Town; and

WHEREAS, The Gym is a Special Exception use in the C-TS Zoning District; and

WHEREAS, the Town Council conditionally approved Zoning Application Number Z-18-00108 on August 15, 2018 which granted the Hotel special exception approval to have a gym at the Property; and

WHEREAS, all of the representations made herein are true and accurate and the approval of the Special Exception is conditioned upon the representations made herein and all of the conditions herein imposed; and

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed as follows:

CONDITIONS

The approval to allow the Hotel Condominium to have a gym is based upon the following conditions:

- 1) No sale of memberships are allowed for the gym.
- 2) Only hotel condominium owners and guests staying at the hotel are allowed the use of the gym.
- 3) The hours of use are 24 hours a day, 7 days a week.
- 4) The gym facility shall be controlled by the management and access to the gym shall be from an electronically controlled faub system.
- 5) There shall be no permanent massage or other types of services allowed in the gym space unless accompanied by an owner or guest.

VOLUNTARY AGREEMENT AND HOLD HARMLESS

The Esplanade agrees to be bound by the terms and conditions in this Agreement, and waives any legal objection it might otherwise have to said terms and conditions or parts thereof.

REMEDIES FOR VIOLATION

1. Upon determination by the Director of Planning, Zoning and Building Department of a violation of any of the terms or conditions of this Agreement or any other provision in the Town Code of Ordinances, and upon notice in writing from the Town to the Club and the Esplanade's representative of said violation(s) and the date upon which said violations(s) shall be corrected, owner or owner's successor or assigns shall pay to the TOWN a liquidated amount of \$2,000 per violation. Said liquidated amount shall accrue on a per day basis for each day a violation of this agreement exists. In addition, in the event a violation remains uncorrected beyond the date noticed for correction by the Director of the Planning, Zoning and Building Department, this Agreement may be reconsidered by the Town Council at a future meeting upon thirty days notification to the owner. The Town Council may, upon a finding of violation, alter this Agreement or rescind the approval of the use.

In the event the Esplanade disputes the determination of the Director of Planning, Zoning and Building Department of the violation of the conditions of this Agreement, or in the event the Esplanade disputes any code violation, they may appeal the determination of the Director of the Planning, Zoning and Building Department to the Town Council, said appeal to be filed no later than fifteen (15) days following the written notice of violation.

2. The Town shall have all remedies available at law and equity in order to enforce the terms of this Agreement including but not limited to (a) the Town's code enforcement procedures; (b) all remedies otherwise offered in the Town's Code of Ordinances; and (c) injunction, specific performance, and any and all other equitable relief through the civil courts in and for Palm Beach County for the State of Florida. In the event the Town is required to seek injunctive relief, it shall not be required to post bond and it shall not be required to demonstrate irreparable harm or injury to secure an injunction to enforce the terms of this Agreement. Additionally, in the event of any breach, default or non-performance of this Agreement, or any of its covenants, agreements, terms or conditions, the Town shall be entitled to recover its costs, expenses and reasonable attorney's fees insofar as the Town prevails, either before or as a result of litigation, including appeals.

ENTIRE AGREEMENT

This Agreement represents the entire agreement between the parties as to its subject matter and it may not be amended except by written agreement executed by both parties.

EFFECTIVE DATE

The Effective Date of this Agreement shall be the day upon which this Agreement is executed by the last party to sign the Agreement.

MISCELLANEOUS

Wherever the word “laws” appears in this Agreement, it shall be deemed to include all ordinances, rules and regulations as well as laws of the appropriate governmental authorities.

This Agreement may not be amended except by written instrument signed by all parties hereto.

Paragraph headings are inserted for convenience only and shall not be read to enlarge, construe, restrict or modify the provisions hereof. All references to numbered or lettered paragraphs, subparagraphs and exhibits refer (unless the context indicates otherwise) to paragraphs and subparagraphs of this Agreement and to exhibits attached hereto, which exhibits are by this reference made a part hereof.

In the event of the invalidity of any provision of this Agreement, same shall be deemed stricken herefrom and this Agreement shall continue in full force and effect as if such invalid provision were never a part hereof.

This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

-This space intentionally left blank-

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first above.

Signed, sealed and delivered
In the presence of:

THE TOWN OF PALM BEACH:

Print Name: _____

By: _____
Gail Coniglio, Mayor

Print Name: _____

By: _____
Danielle Moore, President

Print Name: _____

Print Name: _____

By: _____
Kirk Blouin, Town Manager

Print Name: _____

Print Name: _____

PALM BEACH HOTEL CONDOMINIUM
ASSOCIATION, INC.

Print Name: _____

By: _____
Its: _____

Print Name: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____ 2018, by Gail Coniglio, the Mayor of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and she did not take an oath.

Signature of Notary Public

Printed Name of Notary Public

Commission Expires: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____ 2018, by Danielle Moore, the President of the Town Council of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and she did not take an oath.

Signature of Notary Public

Printed Name of Notary Public

Commission Expires: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____ 2018, by Kirk Blouin, the Town Manager of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.

Signature of Notary Public

Printed Name of Notary Public

Commission Expires: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____ 2018, by _____, on behalf of PALM BEACH HOTEL CONDOMINIUM ASSOCIATION, INC.. He/She is personally known to me and he did not take an oath.

Signature of Notary Public

Printed Name of Notary Public
Commission Expires: _____

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE TOWN OF
PALM BEACH

By: _____
John C. Randolph, Esquire

EXHIBIT "A"

LEGAL DESCRIPTION

Condominium Units C-23, C-24, C-25 and C-26 of the PALM BEACH HOTEL CONDOMINIUM, according to the Declaration of Condominium thereof, as recorded in Official Records Book 3464, Page 200, and any amendments thereto, of the Public Records of Palm Beach County, Florida.

00038964

EXHIBIT B

DECLARATION OF USE AGREEMENT

by

THE TOWN OF PALM BEACH

and

PALM BEACH HOTEL CONDOMINIUM ASSOCIATION, INC.

AUGUST 2018

**Prepared by and return to:
Maura A. Ziska, Esquire
Kochman & Ziska PLC
222 Lakeview Avenue, Suite 1500
West Palm Beach, FL 33401
(561) 802-8960**

DECLARATION OF USE AGREEMENT

THIS DECLARATION OF USE AGREEMENT is made and entered into this ____ day of _____, 2018 by and between the TOWN OF PALM BEACH, a Florida municipal corporation, 360 South County Road, Palm Beach, Florida 33480 (hereinafter called “the Town”) and PALM BEACH HOTEL CONDOMINIUM ASSOCIATION, INC, 235 Sunrise Avenue, Palm Beach, Florida 33480 (hereinafter called “the Hotel Condominium”), which terms “the Town” and “the Hotel Condominium” will include and bind the successors and assigns of the parties, wherever the context so requires or admits.

WITNESSETH:

WHEREAS, the property described in Exhibit “A” attached hereto and made a part hereof (hereinafter referred to as the “Property”) is located within the municipal limits of the Town; and

WHEREAS, The ~~Gym~~ the use of said property as gym is a Special Exception use in the C-TS Zoning District; and

WHEREAS, the Town Council conditionally approved Zoning Application Number Z-18-00108 on August 15, 2018 which granted the Hotel Condominium special exception and variance approvals to have a gym at the nonconforming Condominium Hotel Property; and

WHEREAS, as a condition of approval the Hotel Condominium is required to enter into a Declaration of Use Agreement to control the use of the gym; and

WHEREAS, all of the representations made herein are true and accurate and the approval of the Special Exception is conditioned upon the representations made herein and all of the conditions herein imposed; and

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed as follows:

CONDITIONS

The approval to allow the Hotel Condominium ~~to have~~ the use of a gym in the property described in Exhibit A is based upon the following conditions:

- 1) No sale of memberships are allowed for use of the gym.
- 2) Only hotel condominium owners and guests staying at the hotel are allowed the use of the gym.
- 3) The hours of use are ~~24 hours a day~~ from 6:00 a.m. to 11:00 p.m., 7 days a week.
- 4) The gym facility shall be controlled by the Hotel Condominium management and access to the gym shall be from an electronically controlled fob system.

- 5) There shall be no ~~permanent massage or other types of services allowed in the gym space unless accompanied by an owner or guest~~ spa services allowed in the subject gym described herein.

VOLUNTARY AGREEMENT AND HOLD HARMLESS

The ~~Esplanade~~ Hotel Condominium agrees to be bound by the terms and conditions in this Agreement, and waives any legal objection it might otherwise have to said terms and conditions or parts thereof.

REMEDIES FOR VIOLATION

1. Upon determination by the Director of Planning, Zoning and Building Department of a violation of any of the terms or conditions of this Agreement or any other provision in the Town Code of Ordinances, and upon notice in writing from the Town to the ~~Club and the Esplanade's~~ Hotel Condominium through its authorized representative of said violation(s) and the date upon which said violations(s) shall be corrected, ~~owner~~ the Hotel Condominium or ~~owner's~~ its successor or assigns shall pay to the TOWN a liquidated amount of \$2,000 per violation. Said liquidated amount shall accrue on a per day basis for each day a violation of this agreement exists. In addition, in the event a violation remains uncorrected beyond the date noticed for correction by the Director of the Planning, Zoning and Building Department, this Agreement may be reconsidered by the Town Council at a future meeting upon thirty days notification to the owner. The Town Council may, upon a finding of violation, alter this Agreement or rescind the approval of the use.

In the event the ~~Esplanade~~ Hotel Condominium disputes the determination of the Director of Planning, Zoning and Building Department of the violation of the conditions of this Agreement, or in the event the ~~Esplanade~~ Hotel Condominium disputes any code violation, ~~they~~ it may appeal the determination of the Director of the Planning, Zoning and Building Department to the Town Council, said appeal to be filed no later than fifteen (15) days following the written notice of violation.

2. The Town shall have all remedies available at law and equity in order to enforce the terms of this Agreement including but not limited to (a) the Town's code enforcement procedures; (b) all remedies otherwise offered in the Town's Code of Ordinances; and (c) injunction, specific performance, and any and all other equitable relief through the civil courts in and for Palm Beach County for the State of Florida. In the event the Town is required to seek injunctive relief, it shall not be required to post bond and it shall not be required to demonstrate irreparable harm or injury to secure an injunction to enforce the terms of this Agreement. Additionally, in the event of any breach, default or non-performance of this Agreement, or any of its covenants, agreements, terms or conditions, the Town shall be entitled to recover its costs, expenses and reasonable attorney's fees insofar as the Town prevails, either before or as a result of litigation, including appeals.

ENTIRE AGREEMENT

This Agreement represents the entire agreement between the parties as to its subject matter and it may not be amended except by written agreement executed by both parties.

EFFECTIVE DATE

The Effective Date of this Agreement shall be the day upon which this Agreement is executed by the last party to sign the Agreement.

MISCELLANEOUS

Wherever the word “laws” appears in this Agreement, it shall be deemed to include all ordinances, rules and regulations as well as laws of the appropriate governmental authorities.

This Agreement may not be amended except by written instrument signed by all parties hereto.

Paragraph headings are inserted for convenience only and shall not be read to enlarge, construe, restrict or modify the provisions hereof. All references to numbered or lettered paragraphs, subparagraphs and exhibits refer (unless the context indicates otherwise) to paragraphs and subparagraphs of this Agreement and to exhibits attached hereto, which exhibits are by this reference made a part hereof.

In the event of the invalidity of any provision of this Agreement, same shall be deemed stricken herefrom and this Agreement shall continue in full force and effect as if such invalid provision were never a part hereof.

This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

-This space intentionally left blank-

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first above.

Signed, sealed and delivered
In the presence of:

THE TOWN OF PALM BEACH:

Print Name: _____

By: _____
Gail Coniglio, Mayor

Print Name: _____

By: _____
Danielle Moore, President

Print Name: _____

Print Name: _____

By: _____
Kirk Blouin, Town Manager

Print Name: _____

Print Name: _____

PALM BEACH HOTEL CONDOMINIUM
ASSOCIATION, INC.

Print Name: _____

By: _____
Its: _____

Print Name: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____ 2018, by Gail Coniglio, the Mayor of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and she did not take an oath.

Signature of Notary Public

Printed Name of Notary Public

Commission Expires: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____ 2018, by Danielle Moore, the President of the Town Council of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and she did not take an oath.

Signature of Notary Public

Printed Name of Notary Public

Commission Expires: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____ 2018, by Kirk Blouin, the Town Manager of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.

Signature of Notary Public

Printed Name of Notary Public

Commission Expires: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____ 2018, by _____, on behalf of PALM BEACH HOTEL CONDOMINIUM ASSOCIATION, INC.. He/She is personally known to me and he did not take an oath.

Signature of Notary Public

Printed Name of Notary Public
Commission Expires: _____

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE TOWN OF
PALM BEACH

By: _____
John C. Randolph, Esquire

EXHIBIT "A"

LEGAL DESCRIPTION

Condominium Units C-23, C-24, C-25 and C-26 of the PALM BEACH HOTEL CONDOMINIUM, according to the Declaration of Condominium thereof, as recorded in Official Records Book 3464, Page 200, and any amendments thereto, of the Public Records of Palm Beach County, Florida.

00038964

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 10, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-18-00113 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND

VARIANCE(S) Zoning District: B-A Beach Area The application of 1178 OCEAN LLC, Applicant, relative to property located at **1178 N OCEAN BLVD SUITE:BEACH CABANA**, legal description on file, is described below. The Applicant seeks to reconstruct an existing beach house east of Ocean Boulevard adjacent to the east of property owned by the Applicant on the existing footprint in the existing location. Due to changes in the zoning code since the beach house was originally built, the variances indicated below are required, since greater than 50% of the existing structure, determined by cubic footage, is being demolished (per Code Section 134 417). To permit construction of a beach house with a square footage of 519 square feet, existing and proposed, in lieu of 350 square feet allowed by Special Exception. To permit the construction of a beach house with a depth dimension of 24' 8 1/2", existing and proposed, in lieu of 20' maximum dimension allowed by Special Exception. To permit the construction of a beach house with a width dimension of 21 ', existing and proposed, in lieu of 20' maximum dimension allowed by Special Exception. To permit the construction of a beach house with a setback of 5' 3 1/2", existing and proposed, in lieu of a minimum setback of 10' permitted by code. To permit a maximum hedge height/wall height existing and proposed to remain at +/- 6' 0"; in lieu of 4' 0" permitted by code. To permit a minimum ocean vista, existing and proposed, 0% of lot width, in lieu of 50% of lot width permitted by code. [Applicant's Representative: Francis X. J. Lynch] [Architectural Review Commission Recommendation: Implementation of the proposed special exception with site plan review and variance will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Review Commission approved the project as presented. Carried 7-0.] **Request for Deferral to the November 14, 2018 Town Council Meeting Per Letter Dated October 1, 2018 from Francis Lynch**

Presenter

ATTACHMENTS:

- ▢ **Memorandum Dated September 25, 2018 from Josh Martin, Director of Planning, Zoning and Building**
- ▢ **Comments from the Development Review Committee**
- ▢ **Letter Dated October 1, 2018 From Francis Lynch**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2018

To: Mayor and Town Council

From: Josh Martin, Director, Planning, Zoning & Building Department

Subject: **Z-18-00113 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIATION
1178 N OCEAN BLVD SUITE: BEACH CABANA**

Date: September 25, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

The Applicant seeks to reconstruct an existing beach house east of Ocean Boulevard adjacent to the east of property owned by the Applicant on the existing footprint in the existing location. Due to changes in the zoning code since the beach house was originally built, the variances indicated below are required, since greater than 50% of the existing structure, determined by cubic footage, is being demolished (per Code Section 134-417). To permit construction of a beach house with a square footage of 519 square feet, existing and proposed, in lieu of 350 square feet allowed by Special Exception. To permit the construction of a beach house with a depth dimension of 24' 8-1/2", existing and proposed, in lieu of 20' maximum dimension allowed by Special Exception. To permit the construction of a beach house with a width dimension of 21', existing and proposed, in lieu of 20' maximum dimension allowed by Special Exception.

To permit the construction of a beach house with a setback of 5'-3-1/2", existing and proposed, in lieu of a minimum setback of 10' permitted by code. To permit a maximum hedge height/wall height existing and proposed to remain at +/-6'-0"; in lieu of 4'-0" permitted by code. To permit a minimum ocean vista, existing and proposed, 0% of lot width, in lieu of 50% of lot width permitted by code.

ADDRESS: 1178 N OCEAN BLVD SUITE: BEACH CABANA

OWNER: 1178 OCEAN LLC

OWNER'S REPRESENTATIVE: BRETON LYNCH EUBANKS & SUAREZ-

PROPERTY CONTROL NO.: 50-43-43-03-10-000-0030

ZONING DISTRICT: B-A Beach Area

LEGAL DESCRIPTION: REPLAT OF EL ENCANTO LTS 3 & 4

Page Two

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 5/22/18

APPLICATION NO.: Z-18-00113 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

ADDRESS: 1178 N OCEAN BLVD SUITE: BEACH CABANA

DESCRIPTION:

The Applicant seeks to reconstruct an existing beach house east of Ocean Boulevard adjacent to the east of property owned by the Applicant on the existing footprint in the existing location. Due to changes in the zoning code since the beach house was originally built, the variances indicated below are required, since greater than 50% of the existing structure, determined by cubic footage, is being demolished (per Code Section 134-417). To permit construction of a beach house with a square footage of 519 square feet, existing and proposed, in lieu of 350 square feet allowed by Special Exception. To permit the construction of a beach house with a depth dimension of 24' 8-1/2", existing and proposed, in lieu of 20' maximum dimension allowed by Special Exception. To permit the construction of a beach house with a width dimension of 21', existing and proposed, in lieu of 20' maximum dimension allowed by Special Exception. To permit the construction of a beach house with a setback of 5'-3-1/2", existing and proposed, in lieu of a minimum setback of 10' permitted by code. To permit a maximum hedge height/wall height existing and proposed to remain at +/-6'-0"; in lieu of 4'-0" permitted by code. To permit a minimum ocean vista, existing and proposed, 0% of lot width, in lieu of 50% of lot width permitted by code.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	5/21/2018	Applications plans must reflect new changes to FEMA Flood Maps for elevation requirements. FF Elevation must be at 10 ft NAVD and structure must be built to meet VE Zone requirements.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	8/30/2018	A letter from the Civil Engineering stating that coordination with the Landscape Architect has occurred needs to be provided. An agreement for the non-standard material (broken stone walkway) within the rights-of-way will be required. The required sketch of a Stormwater System and exfiltration calculations have been provided.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	6/18/2018	There are no fire code concerns with the proposed project
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	6/24/2018	This application requires Architectural Commission (ARCOM) review and approval as a major combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	5/23/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	6/1/2018	No Comment



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 5/22/18

PZB - ZONING

Paul Castro, Zoning
Administrator

5/29/2018

There is no hardship to allow a beach cabana that is larger than the maximum allowed by Code. In addition, there also is no hardship to allow the hedge to exceed four feet maximum height and not meet the ocean vista requirements. Applicant should be required to create the ocean vista as required by Code when building a new beach cabana. In addition, the applicant should also demonstrate the hardship in not meeting the maximum cabana dimension.

A unity of title agreement shall also be required to combine with the main property prior to the issuance of a building permit for the proposed cabana.

The Law Offices of
BRETON, LYNCH, EUBANKS & SUAREZ-MURIAS, P.A.

Peter L. Breton
Francis X. J. Lynch
John R. Eubanks, Jr.
Marta M. Suarez-Murias
Robert J. Sniffen – Of Counsel
Jack Schramm Cox, Chartered – Of Counsel

www.blesmlaw.com
Sender's Direct Line: (561) 721-4004
E-Mail: flynych@blesmlaw.com

605 North Olive Avenue, 2nd Floor
West Palm Beach, FL 33401
Phone: (561) 721-4000
Facsimile: (561) 721-4001

October 1, 2018

VIA E-MAIL

Mr. Paul Castro
Zoning Administrator
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

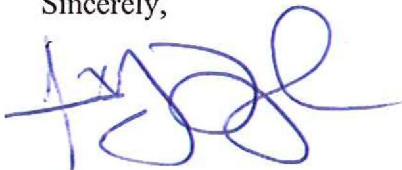
Re: 1178 North Ocean Boulevard
Zoning Application #A-18-00113

Dear Paul:

We request a deferral of the above matter to allow for re-study of this project. We ask that this be deferred to the November 14, 2018 Town Council meeting.

Should you have any questions or comments, please feel free to contact me.

Sincerely,



FRANCIS X. J. LYNCH

FXJL/kh

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 10, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-18-00118 SPECIAL EXCEPTION The application of 210 Miraflores Drive LLC, Manager: Michael Belisle, Applicant, relative to property located at **210 MIRAFLORES DR**, legal description on file, is described below. Special Exception and Site Plan Review to allow the construction of a 4,381 square foot, two-story, single family house on a non-conforming lot, comprised of a portion of a platted lot, which is 90 feet in width in lieu of the 100 foot depth required in the R-B Zoning District. [Applicant's Representative: David E. Klein Esq] [The Architectural Review Commission approved the project with conditions relating to the architecture at the September 26, 2018 meeting. Carried 5-2.]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated September 25, 2018 from Josh Martin, Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2018

To: Mayor and Town Council

From: Josh Martin, Director, Planning, Zoning & Building Department

Subject: **Z-18-00118 SPECIAL EXCEPTION**
210 MIRAFLORES DR

Date: September 25, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

Special Exception and Site Plan Review to allow the construction of a 4,381 square foot, two-story, single family house on a non-conforming lot, comprised of a portion of a platted lot, which is 90 feet in width in lieu of the 100 foot depth required in the R-B Zoning District.

ADDRESS: 210 MIRAFLORES DR

OWNER: 210 MIRAFLORES DRIVE LLC

OWNER'S REPRESENTATIVE: RABIDEAU LAW PA

PROPERTY CONTROL NO.: 50-43-43-14-02-000-0011

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: DRAKE PARK W 90 FT OF LT 1

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 6/26/18

APPLICATION NO.: Z-18-00118 **APPLICATION TYPE:** SPECIAL EXCEPTION

ADDRESS: 210 MIRAFLORES DR

DESCRIPTION: Special Exception and Site Plan Review to allow the construction of a 4,381 square foot, two-story, single family house on a non-conforming lot, comprised of a portion of a platted lot, which is 90 feet in width in lieu of the 100 foot depth required in the R-B Zoning District.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	6/25/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	7/30/2018	The required sketch of a Stormwater System and coordination with Landscape Architect have been provided. The exfiltration calculations are not checked at this level of review. A 10-foot wide undergrounding utility easement has been shown. Please contact Steven Stern (561) 227-6307 to discuss the easement and paperwork.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	6/28/2018	This project as proposed does not have any fire code concerns
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	8/1/2018	This project will require ARCOM review and approval as a major combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	6/21/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER			No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	7/24/2018	As a condition of approval the applicant should be required if determined necessary either provide an underground utility easement or an equivalent agreement ensuring that an easement be provided to underground utilities in the area. This should occur prior to the issuance of a building permit.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 10, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-18-00121 SITE PLAN REVIEW WITH VARIANCE(S) The application of 456 South Ocean LLC (Dave Frisbie, Manager), Applicant, relative to property located at **456 S OCEAN BLVD SUITE: SITE**, legal description on file, is described below. A request for Site Plan Review to construct a two-story, four (4) unit, townhouse building group with associated swimming pools and hardscape. Each unit will be approximately 8,800 square feet with basement garages. The following variances are being requested: 1. A request for a variance to allow the maximum building dimension of the building group to be 184.16 feet in length in lieu of the 150 foot maximum length allowed for a townhouse building group. 2. A request for a variance to not provide 25% of the building to be setback an additional 10 feet from the front setback along South Ocean Boulevard. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Review Commission deferred the project for one month to the October 24, 2018 meeting. Carried 5-2.] **Request for Deferral to the November 14, 2018 Town Council Meeting Per Letter Dated September 27, 2018 from Maura Ziska**

Presenter

ATTACHMENTS:

- **Memorandum Dated September 25, 2018 from Josh Martin, Director of Planning, Zoning and Building**
- **Comments from the Development Review Committee**
- **Letter Dated September 27, 2018 From Maura Ziska**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2018

To: Mayor and Town Council

From: Josh Martin, Director, Planning, Zoning & Building Department

Subject: **Z-18-00121 SITE PLAN REVIEW WITH VARIANCE(S)**
456 S OCEAN BLVD SUITE: SITE

Date: September 25, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

A request for Site Plan Review to construct a two-story, four (4) unit, townhouse building group with associated swimming pools and hardscape. Each unit will be approximately 8,800 square feet with basement garages. The following variances are being requested: 1. A request for a variance to allow the maximum building dimension of the building group to be 184.16 feet in length in lieu of the 150 foot maximum length allowed for a townhouse building group. 2. A request for a variance to not provide 25% of the building to be setback an additional 10 feet from the front setback along South Ocean Boulevard.

ADDRESS: 456 S OCEAN BLVD SUITE: SITE

OWNER: 456 SOUTH OCEAN LLC

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-26-01-002-0011

ZONING DISTRICT: R-C Medium Density Residential

LEGAL DESCRIPTION: VILLA MARINE E 70 FT OF LT 1 & LTS
2 THRU 4 BLK 2

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Page Two

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 6/26/18

APPLICATION NO.: Z-18-00121 **APPLICATION TYPE:** SITE PLAN REVIEW WITH VARIANCE(S)

ADDRESS: 456 S OCEAN BLVD SUITE: SITE

DESCRIPTION:

A request for Site Plan Review to construct a two-story, four (4) unit, townhouse building group with associated swimming pools and hardscape. Each unit will be approximately 8,800 square feet with basement garages. The following variances are being requested: 1. A request for a variance to allow the maximum building dimension of the building group to be 184.16 feet in length in lieu of the 150 foot maximum length allowed for a townhouse building group. 2. A request for a variance to not provide 25% of the building to be setback an additional 10 feet from the front setback along South Ocean Boulevard.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	6/25/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	7/30/2018	A sketch of an overall Stormwater System has been provided. Each lot appears to be proposed as an individually owned unit. If this is the case, each lot needs its own Stormwater Management system to own and operate. Please identify the individual lots or an HOA document or equivalent needs to be provided to indicate maintenance of the system. Please note, systems are required to be certified every five (5) years. A 10-foot wide undergrounding utility easement needs to be provided. Please be advised: No walls, large trees, or exfiltration trenches are allowed within the 10-foot wide underground utility easements required along the street frontage(s). Please contact Steven Stern (561) 227-6307 to discuss the easement and paperwork. The proposed water and sewer connection / utilities for each unit can be located within the easement(s) as well. Provide a letter stating Civil Plans improvements have and coordination with Landscape Architect. The proposed driveway configurations on Gulfstream Road appears to eliminate existing on-street parking stall(s). The project needs to look at relocating any existing on street parking space(s) should the proposed improvements impact it; coordinate this relocation with Public Works. This work will require a Public Works ROW Permit. A Cross Access Easement for the ingress and egress of the proposed driveways will be necessary. Existing depressed curb and sidewalk (former driveway entrances) along S. Ocean Boulevard will need to be reconstructed.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	6/22/2018	The project will be required to meet all fire department access requirements. The project will be required to be fully sprinklered per the NFPA codes.



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 6/26/18

PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	8/1/2018	This project will require ARCOM review and approval as a major combination project. Also, prior to a building permit being issued for any work, the 0.3-acre NE corner of the site will have to have completed the change of the future land use designation from "Recreation" to "Moderate Density Residential" as identified on the Future Land Use Map in the Town's Comprehensive Plan. Furthermore, the applicant will have to complete the SCAD form with the Palm Beach County School District, and submit to the School District any impact fees and address any issues raised by the School District associated with the SCAD assessment; this must all be finalized prior to the issuance of any permits for the project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	6/21/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER			No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	7/24/2018	To date, the applicant has not submitted the County's traffic concurrency determination nor the consultant's traffic study for our consultant to review. This is required before this project can be considered by the Town Council so it is required to be deferred. The project does not clearly identify the lot lines for each of the townhouse lots. The site plan should identify the lot lines and the applicant needs to provide a cross access easement across of the lots where the driveway for all of the units crosses over each of the Townhouse lots. There also appears to be walls and other structures that that may be directly on the property line. How will the developer address maintenance responsibilities for future property owners? The drainage plan identifies the system for the entire property and not individual townhouse lots. How will the system be maintained and whose responsibility will it be to maintain the system? These questions need to be addressed. In addition, this project is required to be approved in two phases. The first phase would be the entire project, less the private park property. The second phase can only be approved subject to the comprehensive plan amendment to change the future land use element being completed. If not completed, the site will have to be modified to ensure that the landscape open space requirements for the entire site are met. A unity of title will be required for each individual lot being proposed as a townhouse development and a utility easement or similar agreement is required to ensure that the townhouses and other property in the area can be serviced with underground utilities.

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

*Also admitted in New York

Esperanté

222 Lakeview Avenue, Suite 1500

West Palm Beach, Florida 33401

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

VIA E-MAIL

September 27, 2018

Paul Castro
Kelly Churney
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Z-17-00121 – 456 S Ocean Blvd.

Dear Paul and Kelly:

Please defer the above referenced matters from the October 10, 2018 Town Council agenda to the November 14, 2018 Town Council agenda. ARCOM deferred the matter at the September 26, 2018 meeting. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,



Maura A. Ziska

MAZ/jch
cc: Architect

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 10, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-18-00129 SITE PLAN REVIEW Zoning District: R-B Low Density Residential The application of CHERRY LANE LLC (John Flynn, Manager), Applicant, relative to property located at **232 CHERRY LN**, legal description on file, is described below.

A request for Site Plan Review to build a 4,620 square foot two story home on an existing 10,000 square foot platted lot with a depth of 80.0' in lieu of 100' required. [Applicant's Representative: Francis X.J. Lynch] [The Architectural Review Commission approved the project with the caveat that the curb cut is reduced from 14 feet to 12 feet at the September 26, 2018 meeting. Carried 7-0.]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated September 25, 2018 from Josh Martin, Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2018

To: Mayor and Town Council

From: Josh Martin, Director, Planning, Zoning & Building Department

Subject: **Z-18-00129 SITE PLAN REVIEW**
232 CHERRY LN

Date: September 25, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

A request for Site Plan Review to build a 4,620 square foot two story home on an existing 10,000 square foot platted lot with a depth of 80.0' in lieu of 100' required.

ADDRESS: 232 CHERRY LN

OWNER: CHERRY LANE LLC

OWNER'S REPRESENTATIVE: BRETON LYNCH EUBANKS & SUAREZ-

PROPERTY CONTROL NO.: 50-43-43-10-09-000-0040

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: CHERRY LANE LT 4

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 7/24/18

APPLICATION NO.: Z-18-00129 **APPLICATION TYPE:** SITE PLAN REVIEW

ADDRESS: 232 CHERRY LN

DESCRIPTION: A request for Site Plan Review to build a 4,620 square foot two story home on an existing 10,000 square foot platted lot with a depth of 80.0' in lieu of 100' required.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	7/23/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	8/28/2018	The required sketch of a Stormwater System has been provided; however, the calculations are incomplete. A letter stating coordination between the Civil Engineer and the Landscape Architect needs to be provided.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	7/25/2018	An agreement for the proposed improvements within the 10-foot wide utility easement will be required. There are no fire code concerns with this project
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	8/1/2018	This project will require ARCOM review and approval as a major combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	7/20/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	8/1/2018	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	8/29/2018	The proposed house meets all of the Town Zoning Code regulations with the exception of the nonconforming lot depth. If approved, said approval should be contingent upon the dedication of a utility easement or an agreement ensuring an easement, if necessary, to facilitate underground utilities in the area.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 10, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-18-00134 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: R-A Estate Residential The application of Charles Holzer, Applicant, relative to property located at **977 S OCEAN BLVD**, legal description on file, is described below. 1) Special Exception with Site Plan Review to allow the construction of a 9,685 square foot two-story, single family residence on a non-conforming lot that is 77 feet in depth in lieu of the 150 foot minimum required In the R-A Zoning District and 13,662 square feet in area in lieu of the 20,000 square foot minimum area required in the R-A Zoning District. 2) A request for a variance to allow the proposed swimming pool to have a 5 foot rear yard setback in lieu of the 10 foot minimum required and a 30 foot front yard setback in lieu of the 35 foot minimum required in the R-A Zoning District. 3) A request for a variance to allow a building height plane setback to be 35 feet in lieu of the 50 foot minimum setback required. [Applicant's Representative: Maura Ziska] [The Architectural Review Commission deferred this project to the October 24, 2018 meeting at the request of the attorney. Carried 7-0.] **Request for Deferral to the November 14, 2018 Town Council Meeting Per Letter Dated September 25, 2018 from Maura Ziska**

Presenter

ATTACHMENTS:

- **Letter Dated September 25, 2018 from Maura Ziska**

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

*Also admitted in New York

Esperantó

222 Lakeview Avenue, Suite 1500

West Palm Beach, Florida 33401

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

VIA E-MAIL

September 25, 2018

Paul Castro
Kelly Churney
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: B-93-2018 and Z-17-00134 – 977 South Ocean Blvd.

Dear Paul and Kelly:

Please defer the above referenced matters from the **September 26, 2018 ARCOM agenda to the October 24, 2018 ARCOM agenda** and the **October 10, 2018 Town Council agenda to the November 14, 2018 Town Council agenda**. The reason for the deferral is to allow time for the owner and architect to meet with the neighbors. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,



Maura A. Ziska

MAZ/jch
cc: Raphael Saladrigas

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 10, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00135 VARIANCE(S) Zoning District: C-OPI Office, Professional and Institutional The application of The Northern Trust Company, Applicant, relative to property located at **250 ROYAL PALM WAY SUITE: BLDG 1**, legal description on file, is described below. Due to special conditions/hardships that exist, applicant is submitting this request for a variance to allow a business identification described as "Northern Trust" on a building that does not have any ground floor tenants. Seeking to replace the existing "Northern Trust" sign with a new sign of similar size and dimensions. Presently, the Code does not allow for business identification signs on buildings that do not have ground floor tenants. Approval of this request would not be contrary to the public interest. [Applicant's Representative: Carla Erskine]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated September 25, 2018 from Josh Martin, Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2018

To: Mayor and Town Council

From: Josh Martin, Director, Planning, Zoning & Building Department

Subject: **Z-18-00135 VARIANCE(S)**
250 ROYAL PALM WAY SUITE: BLDG 1

Date: September 25, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

SEC. 134-172; SEC. 134-201; SEC. 134-2437: Due to special conditions/hardships that exist, applicant is submitting this request for a variance to allow a business identification described as "Northern Trust" on a building that does not have any ground floor tenants. Seeking to replace the existing "Northern Trust" sign with a new sign of similar size and dimensions. Presently, the Code does not allow for business identification signs on buildings that do not have ground floor tenants. Approval of this request would not be contrary to the public interest

ADDRESS: 250 ROYAL PALM WAY SUITE: BLDG 1

OWNER: EPIC RPW LLC

OWNER'S REPRESENTATIVE: CIKLIN LUBITZ

PROPERTY CONTROL NO.: 50-43-43-23-05-025-0411

ZONING DISTRICT: C-OPI Office, Professional and Institutional

LEGAL DESCRIPTION: ROYAL PARK ADD LOT 41 BLK E

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Page Two

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 8/28/18

APPLICATION NO.: Z-18-00135 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 250 ROYAL PALM WAY SUITE: BLDG 1

DESCRIPTION:

SEC. 134-172; SEC. 134-201; SEC. 134-2437: Due to special conditions/hardships that exist, applicant is submitting this request for a variance to allow a business identification described as "Northern Trust" on a building that does not have any ground floor tenants. Seeking to replace the existing "Northern Trust" sign with a new sign of similar size and dimensions. Presently, the Code does not allow for business identification signs on buildings that do not have ground floor tenants. Approval of this request would not be contrary to the public interest

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	8/1/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	9/27/2018	No Comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	9/26/2018	There are no fire code concerns with this proposed project.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	9/28/2018	This application will require Architectural Commission (ARCOM) administrative approval.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	8/1/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	8/1/2018	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	9/25/2018	The Northern Trust business identification sign is installed without the required permit and variance. The business identification sign area on a commercial building is based on the number of ground floor tenants and the lineal front footage of each of those tenant. There is a hardship to merit a variance in this case. The commercial building is designed with no ground floor tenants. As such, no business identification signage is allowed on this building based on this technicality.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 10, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00136 VARIANCE(S) Zoning District: R-B Low Density Residential The application of Neil and Ann Corkery, Applicant, relative to property located at **120 CHILEAN AVE**, legal description on file, is described below. Request a variance to construct a 7 foot by 30 foot swimming pool on the east side of the residence that will result in a 23.8% landscaped open space in lieu of the 32.3% existing and the minimum 45% required in the R-B district. [Applicant's Representative: Maura Ziska Esq]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated September 25, 2018 from Josh Martin, Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**
- ▣ **Letter Dated September 17, 2018 from Dr Balda**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2018

To: Mayor and Town Council

From: Josh Martin, Director, Planning, Zoning & Building Department

Subject: **Z-18-00136 VARIANCE(S)**
120 CHILEAN AVE

Date: September 25, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

Request a variance to construct a 7 foot by 30 foot swimming pool on the east side of the residence that will result in a 23.8% landscaped open space in lieu of the 32.3% existing and the minimum 45 % required In the R-B district.

ADDRESS: 120 CHILEAN AVE

OWNER: CORKERY NEIL &

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-23-05-009-0310

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: ROYAL PARK ADD LTS 31 & 32 BLK 9

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 8/28/18

APPLICATION NO.: Z-18-00136 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 120 CHILEAN AVE

DESCRIPTION:

Request a variance to construct a 7 foot by 30 foot swimming pool on the east side of the residence that will result in a 23.8% landscaped open space in lieu of the 32.3% existing and the minimum 45 % required in the R-B district.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	8/24/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	9/27/2018	The required sketch of a Stormwater System has been provided. The trench dimensions in the plan view, however, do not match the calculations provided.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	9/26/2018	There are no fire code concerns with this proposed project.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	9/28/2018	This application will require review and approval from the Architectural Commission (ARCOM) as a major combination project.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	9/28/2018	This application will require review and approval from the Architectural Commission (ARCOM) as a major combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	8/27/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER			No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	9/25/2018	There appears to be no hardship for the landscape open space variance. The subject property is already nonconforming the the Zoning Code requirements for landscape area and this proposal would make in more nonconforming. However, if varaince approval should be granted, it should be conditioned upon the granting of a utility easement, or an agreement ensuring an easement if necessary to facilitate undergrounding of utilities in the area. This should be done before the issuance of any building permit.

Laura Balda, MD
1411 N. Flagler Drive, Suite 7200
West Palm Bach, FL 33401
Phone: 561 557 1767
Fax: 561 327 5125

TO WHOM IT MAY CONCERN

09/17/2018

SUBJECT: Conor and Kevin Corkery
120 Chilean Ave.
Palm Beach, FL 33480

Conor and Kevin Corkery have been under my care for a number of years. They suffer from severe hemophilia.

I have prescribed swimming as the most important exercise they can do. Anything that can be done to help them have access to a swimming pool would be very helpful to their medical condition.


Dr. Laura Balda

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 10, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00137 VARIANCE(S) Zoning District: R-C Medium Density Residential

The application of Susan Poncy, Managing Member of Poncy Properties LLC, Applicant, relative to property located at **259 PARK AVE**, legal description on file, is described below. 1. A variance request to allow construction of a new 2,047 square foot, two story residence on a lot with a width of 37.50 feet in lieu of the 75 foot minimum required, a depth of 70 feet in lieu of the 100 foot minimum required and a lot area of 2,625 sq. ft. in lieu of the 10,000 sq. ft. minimum required. 2. A variance request to allow lot coverage to be 37.56% in lieu of the 30% maximum allowed. 3. A variance request to allow a front yard setback to be 18.9 feet in lieu of the 25 foot minimum required. 4. A variance request to allow a rear yard setback to be 6 feet in lieu of the 15-foot minimum required. 5. A variance request to allow a west side yard setback to be 5 feet in lieu of the 10-foot minimum required. 6. A variance request to allow an east side yard setback to be 6 feet in lieu of the 10-foot minimum required. 7. A variance request to allow a landscape open space of 37.9% in lieu of the 45% minimum required. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 6-0. The Architectural Review Commission approved the architectural plans for the project but deferred the landscape and hardscape plans for one month to the October 24, 2018 meeting. Carried 5-2.]

Presenter

ATTACHMENTS:

- **Memorandum Dated September 25, 2018 from Josh Martin, Director of Planning, Zoning and Building**
- **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2018

To: Mayor and Town Council

From: Josh Martin, Director, Planning, Zoning & Building Department

Subject: **Z-18-00137 VARIANCE(S)**
259 PARK AVE

Date: September 25, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

1. A variance request to allow construction of a new 2,047 square foot two story residence on a lot with a width of 37.50 feet In lieu of the 75 foot minimum required, a depth of 70 feet In lieu of the 100 foot minimum required and a lot area of 2,625 sq. ft. in lieu of the 10,000 sq. ft. minimum required In the R-C Zoning District. 2. A variance request to allow lot coverage to be 37.56 % In lieu of the 30 % maximum allowed in the R-C Zoning District. 3. A variance request to allow a front yard setback to be 18.9 feet In lieu of the 25 foot minimum required In the R-C Zoning District. 4. A variance request to allow a rear yard setback to be 6 feet In lieu of the 15 foot minimum required In the R-C Zoning District. 5. A variance request to allow a west side yard setback to be 5 feet In lieu of the 10 foot minimum required In the R-C Zoning District. 6. A variance request to allow an east side yard setback to be 6 feet in lieu of the 10 foot minimum required In the R-C Zoning District. 7. A variance request to allow a landscape open space of 37.9 % in lieu of the 45 %minimum required in the R-C Zoning District.

ADDRESS: 259 PARK AVE

OWNER: PONCY PROPERTIES LLC

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-15-08-000-0142

ZONING DISTRICT: R-C Medium Density Residential

LEGAL DESCRIPTION: BUNGALOW PARK ADD W 12.5 FT OF LT
14 & E 1/2 OF LT 15

Page Two

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 8/28/18

APPLICATION NO.: Z-18-00137 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 259 PARK AVE

DESCRIPTION:

1. A variance request to allow construction of a new 2,047 square foot two story residence on a lot with a width of 37.50 feet In lieu of the 75 foot minimum required, a depth of 70 feet In lieu of the 100 foot minimum required and a lot area of 2,625 sq. ft. in lieu of the 10,000 sq. ft. minimum required In the R-C Zoning District. 2. A variance request to allow lot coverage to be 37.56 % In lieu of the 30 % maximum allowed in the R-C Zoning District. 3. A variance request to allow a front yard setback to be 18.9 feet In lieu of the 25 foot minimum required In the R-C Zoning District. 4. A variance request to allow a rear yard setback to be 6 feet In lieu of the 15 foot minimum required In the R-C Zoning District. 5. A variance request to allow a west side yard setback to be 5 feet In lieu of the 10 foot minimum required In the R-C Zoning District. 6. A variance request to allow an east side yard setback to be 6 feet in lieu of the 10 foot minimum required In the R-C Zoning District. 7. A variance request to allow a landscape open space of 37.9 % in lieu of the 45 % minimum required in the R-C Zoning District.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	8/24/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	9/27/2018	The required sketch of a Stormwater System has been provided. The depth to the water table (H2) needs to be checked, however. The design should take into consideration the elevated property in the rear of the lot. Driveway configuration does not meet Standards. Driveway offset is less than 6-foot from the property line. Proposed Site wall along eastern property line may impact adjacent neighbors' use of driveway. Currently there is no offset from the adjacent driveway from the property line. The driveways are at the same elevation and appear to be shared.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	8/31/2018	There are no fire code concerns with this proposal.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	9/28/2018	This application will require review and approval from the Architectural Commission (ARCOM) as a major combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	8/24/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER			No Comment



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 8/28/18

PZB - ZONING

Paul Castro, Zoning
Administrator

8/29/2018

The applicant should make an attempt to reduce the proposed variance requests related to the proposed house. If approved, said approval should be contingent upon providing a utility easement or agreement ensuring a utility easement, if necessary, to facilitate underground utilities in the area.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 10, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00138 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-B Low Density Residential The application of Palm Beach Day Academy, Inc., Applicant, relative to property located at **241 SEAVIEW AVE SUITE: SITE**, legal description on file, is described below. 1. Request for Special Exception with Site Plan Review approval to create 30 paved parking spaces on the west lawn to be used by Palm Beach Day Academy faculty, families and guests to the school. 2. Request to modify the existing Declaration of Use Agreement (a copy of the Agreement is on file at the Town of Palm Beach Building Department). [Applicant's Representative: Maura Ziska Esq] [The Landmarks Preservation Commission Recommendation: Implementation of the proposed special exception with site plan review and variance will not cause negative architectural impact to the the subject landmark property. Carried 4-1.]

Presenter

ATTACHMENTS:

- **Memorandum Dated September 25, 2018 from Josh Martin, Director of Planning, Zoning and Building**
- **Comments from the Development Review Committee**
- **Letter Dated September 7, 2018 from Snyder**
- **Letter Dated Septembefr 11, 2018 from Shaw**
- **Letter Dated September 25, 2018 from Watkins**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2018

To: Mayor and Town Council

From: Josh Martin, Director, Planning, Zoning & Building Department

Subject: **Z-18-00138 SPECIAL EXCEPTION WITH SITE PLAN REVIEW**
241 SEAVIEW AVE SUITE: SITE

Date: September 25, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

1. Request for Special Exception with Site Plan Review approval to create 30 paved parking spaces on the west lawn to be used by Palm Beach Day Academy faculty, families and guests to the school.
2. Request to modify the existing Declaration of Use Agreement (a copy of the Agreement is on file at the Town of Palm Beach Building Department).

ADDRESS: 241 SEAVIEW AVE SUITE: SITE

OWNER: PALM BEACH DAY SCHOOL

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-22-08-000-6640

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: POINCIANA PARK 3RD ADD, LTS 664, 666, 668,
670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690,
692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712,
714, 716, 718, 720, 722, 724, 726, 728, 730 etc

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 8/28/18

APPLICATION NO.: Z-18-00138 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW

ADDRESS: 241 SEAVIEW AVE SUITE: SITE

DESCRIPTION:

1. Request for Special Exception with Site Plan Review approval to create 30 paved parking spaces on the west lawn to be used by Palm Beach Day Academy faculty, families and guests to the school. 2. Request to modify the existing Declaration of Use Agreement (a copy of the Agreement is on file at the Town of Palm Beach Building Department).

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	8/24/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	9/27/2018	The proposed driveway configurations onto Seaview Avenue appears to eliminate at least two (2) existing on-street parking stalls. The sight triangle for the exit has not been shown. Its inclusion may impact additional on-street parking stall(s). The project needs to look at relocating any existing on street parking space(s) should the proposed improvements impact it; coordinate this relocation with Public Works. This work will require a Public Works ROW Permit. The required sketch of a Stormwater System has been provided. The trench width is greater than two times the depth. Additional perforated pipe and/or a narrower longer trench configuration fitting to the formula used needs to be proposed. A more representative 'K' value may be desired. Also, please check the depth of the water table (H2) used in the calculations. Furthermore, stormwater runoff from the site needs to be captured at proposed driveway exit. Please provide a collection device or elevations demonstrating that runoff is keep onsite. The Stormwater Agreement and Engineer's Drainage Certification dates back to January of 2009. The accumulation of sediments and clogging of the filter fabric and the void spaces of the aggregates over time hinders the operational life of an exfiltration system. Systems are required to be tested every five years and recertified. Confirmation that the system is performing as designed should be obtained prior to reconstruction of the driveway. A utility easement for undergrounding in this area may be desirous.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	8/31/2018	There are no fire code concerns with this proposal.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	9/28/2018	This application will require review and approval from the Landmarks Preservation Commission (LPC) as a combination project.



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 8/28/18

POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	8/27/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER			No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	9/5/2018	The applicant is required to obtain an additional variance as the Code does not allow off-street parking in the front yard setback. The applicant should also demonstrate what the hardship is for the proposed variance. If approved, the applicant should be required to construct a six foot high wall on the north property line and along the northwest side of the proposed parking lot to buffer the proposed off-street parking from the residential property to the north. In addition, the applicant should also be required to provide an easement or an agreement that ensures that if necessary that an easement be granted to facilitate undergrounding utilities in the area.

From: Maura Ziska
To: [Kelly Churney](#); [Kathleen Ruderman](#)
Subject: FW: COA-041-2018
Date: Saturday, September 08, 2018 3:00:10 PM

PLEASE INCLUDE THE BELOW EMAIL IN SUPPORT OF THE PALM BEACH DAY ACADEMY PARKING FOR LANDMARKS AND TOWN COUNCIL BACKUP. TX MAURA

Sent from [Mail](#) for Windows 10

From: Scott@scottsnnyderinc.com
Date: September 7, 2018 at 10:27:11 AM EDT
To: MZiska@floridawills.com
Subject: COA-041-2018

Dear,
Members of The Town Council,
Members of The Landmarks Commission

The Day School Parking Lot will be a Good addition to Seaview Avenue. It will serve us well to lighten the Seaview Street Parking.
The timing is good as The New Recreation Center will increase the Congestion During the School Year.

Respectfully
Scott Snyder

Scott Snyder
www.scottsnnyderinc.com

Scott Snyder Inc.
209 Phipps Plaza
Palm Beach, FL 33480
tel 561.659.6255
fax 561.832.5946

From: Maura Ziska
To: [Kelly Churney](#); [Kathleen Ruderman](#)
Cc: [Paul Castro](#); [John Lindgren](#)
Subject: FW: COA-041-2018 & Z-18-00138
Date: Tuesday, September 11, 2018 2:10:26 PM

Please include this in the September LPC back up and the October Town Council back up. Thanks.
Maura

Maura A. Ziska, Esq.
Kochman & Ziska PLC
222 Lakeview Avenue, Suite 1500
West Palm Beach, FL 33401
561-802-8960 (telephone)
561-802-8995 (fax)

This electronic message transmission contains information from the law firm of Kochman & Ziska PLC which may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this information is prohibited.

From: Leslie Shaw [mailto:lshaw318@gmail.com]
Sent: Tuesday, September 11, 2018 2:04 PM
To: ckleen@townofpalmbeach.com
Subject: COA-041-2018 & Z-18-00138

Dear Madam Mayor and members of the Town Council

I reside at 318 Seaspray Avenue and have had 40 years experience with the Palm Beach Day Academy as a neighbor. When asked about the impact of the school on the enjoyment of my property, I consistently state that I couldn't have a better neighbor. They are never 'home' in the evening, weekends, holidays or the summer. There is peace and tranquility in my yard. I support granting this application.

Traffic on Seaview at various times of the day is at a standstill, County Road is backed up for blocks and parking on Seaspray is taken by residents going to the Rec Center, PB Public and PBDA. The conversion of half of the unused lot for parking will double the available parking. With parents, teachers and vendors being able to park off-street, Seaview will not be

blocked. Visitors to the Rec Center will have more parking available to them without having to park on Seaspray and County. Limited parking was permitted on the field so this is not a new use.

PBDA should be complimented for finding a parking solution for the area; this is truly one neighbor helping another.

I suspect there may be concerns of noise from car doors, but those noises are already there. Cars have been idling on the street, so this too is not new. The partial loss of an open field will be offset by the addition of trees and hedges to screen the cars from the street. There presently is a landscape buffer between properties and if need sure more would be added by PBDA.

Please grant this Special Exception

Respectfully submitted,

Leslie A. Shaw

From: Maura Ziska
To: [Kathleen Ruderman](#)
Cc: [Kelly Churney](#); [Town Council](#)
Subject: Fwd: John, could you please forward this on?
Date: Tuesday, September 25, 2018 11:41:50 AM

Please include in Town Council back up. Thx Maura

Maura A. Ziska, Esq.
Kochman & Ziska PLC
[222 Lakeview Avenue, Suite 1500](#)
[West Palm Beach, FL 33401](#)
[561-802-8960](#) (telephone)
[561-802-8995](#) (fax)

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Begin forwarded message:

From: Mario Nievera <mario@nieverawilliams.com>
Date: September 25, 2018 at 11:24:58 AM EDT
To: Maura Ziska <mziska@floridawills.com>
Subject: Fwd: John, could you please forward this on?

Mario Nievera FASLA
Nievera Williams Design

Begin forwarded message:

From: Christine Watkins <cmw@CMWATKINS.COM>
Date: September 25, 2018 at 11:06:45 AM EDT
To: Mario Nievera <mario@nieverawilliams.com>
Subject: FW: John, could you please forward this on?

From: Christine Watkins

Sent: Tuesday, September 25, 2018 11:07 AM

To: 'jlindgren@townofpalmbeach.com'

[<jlindgren@townofpalmbeach.com>](mailto:jlindgren@townofpalmbeach.com)

Subject: John, could you please forward this on?

Dear Mayor and Town Council members:

I own the property on the northeast corner of Cocoanut Row and Seaview Avenue (235 Cocoanut Row) that is adjacent to the Palm Beach Day Academy field. I have reviewed the plans with their landscape architect, Mario Nievera, and the school has agreed to beef up the landscape buffer between my property and the field with a row of Fishtail palm trees. I am in support of their plan to create onsite parking for their teachers and families, as I believe that will lessen the burden of the traffic and parking congestion that exists on Seaview Avenue.

Thank you for your consideration.

Sincerely,

Christine Watkins

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 10, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00139 VARIANCE(S) Zoning District: R-C Medium Density

Residential The application of Ken Moreland-Pearce, Applicant, relative to property located at **265 PARK AVE**, legal description on file, is described below.

1. A variance request to allow construction of a new 2,000 square foot two-story residence on a lot with a width of 50 feet in lieu of the 75 foot minimum required, a depth of 70 feet in lieu of the 100 foot minimum required and a lot area of 3,500 sq. ft. in lieu of the 10,000 sq. ft. minimum required. 2. A variance request to allow a west side yard setback to be 5 feet in lieu of the 10-foot minimum required.

[Applicant's Representative: Maura Ziska Esq] [The Architectural Review

Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0. The

Architectural Review Commission approved the project with the exception of the garage door design, which will return to the Commission for review in one month.

Carried 7-0.] **Request for Deferral to the November 14, 2018 Town Council Meeting Per Letter Dated September 27, 2018 from Maura Ziska**

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated September 25, 2018 from Josh Martin, Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**
- ▣ **Letter Dated September 11, 2018 from Wilkey**
- ▣ **Letter Dated September 27, 2018 From Maura Ziska**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2018

To: Mayor and Town Council

From: Josh Martin, Director, Planning, Zoning & Building Department

Subject: **Z-18-00139 VARIANCE(S)**
265 PARK AVE

Date: September 25, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

1. A variance request to allow construction of a new 2,000 square foot two story residence on a lot with a width of 50 feet in lieu of the 75 foot minimum required, a depth of 70 feet in lieu of the 100 foot minimum required and a lot area of 3,500 sq. ft. In lieu of the 10,000 sq. ft. minimum required In the R-C Zoning District.
2. A variance request to allow a west side yard setback to be 5 feet in lieu of the 10 foot minimum required In the R-C Zoning District.

ADDRESS: 265 PARK AVE

OWNER: MORELAND PEARCE KEN

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-15-08-000-0170

ZONING DISTRICT: R-C Medium Density Residential

LEGAL DESCRIPTION: BUNGALOW PARK ADD LT 17

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 8/28/18

APPLICATION NO.: Z-18-00139 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 265 PARK AVE

DESCRIPTION:

1. A variance request to allow construction of a new 2,000 square foot two story residence on a lot with a width of 50 feet in lieu of the 75 foot minimum required, a depth of 70 feet in lieu of the 100 foot minimum required and a lot area of 3,500 sq. ft. In lieu of the 10,000 sq. ft. minimum required In the R-C Zoning District.
2. A variance request to allow a west side yard setback to be 5 feet in lieu of the 10 foot minimum required In the R-C Zoning District.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	8/24/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	9/27/2018	10-foot wide utility easement across the frontage of the property is required. Property lines on Civil Plans are not shown. Proposed northern wall needs to be clearly shown outside of 2.5-foot wide easement along rear of property. The required sketch of a Stormwater System has been provided. The exfiltration calculation for Basin B are acceptable. Basin A fails to meet Town's Adopted level of service for treatment. Please consider treating roof leaders from the garage (Basin A) in Basin B.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	8/31/2018	There are no fire code concerns with this proposal.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	9/28/2018	This application will require review and approval from the Architectural Commission (ARCOM) as a major project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	8/27/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER			No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	8/29/2018	The applicant needs to demonstrate to the satisfaction of the Town Council that the proposed variances meet the hardship criteria in Section 134-201 of the Code of Ordinances. If approved, said approval should be contingent upon dedication of an easement or an agreement ensuring an easement, if necessary, to facilitate undergrounding of utilities in the area.

SARI & JERRY WILKEY
269 Park Avenue
Palm Beach, fl 33480

Sept 11, 2018

Mayor GAIL L. CONIGLIO, Town Council

Regarding: ARCOM #B101-2018 and
Zoning # Z 18-00139
265 Park Avenue, Palm Beach, 33480

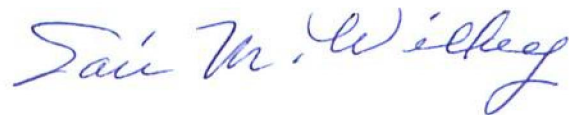
Demolition of Existing Cottage, new construction and FEMA compliance

My husband and I have residence next door at 269 Park Avenue since 2004.
Our concern is FLOODING to our property due to the new FEMA
requirements.

We would like to see how they plan to protect our home. Will it be French
Drains, use of a Cistern which will also conserve water or another solution.

Please forward this to the appropriate persons.

Sincerely,



Sari M. Wilkey
Former Landmark Preservation
Commissioner
561-659-7022

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

*Also admitted in New York

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

VIA E-MAIL

September 27, 2018

Paul Castro
Kelly Churney
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Z-17-00139 – 265 Park Avenue

Dear Paul and Kelly:

Please defer the above referenced matters from the October 10, 2018 Town Council agenda to the November 14, 2018 Town Council agenda. ARCOM deferred the matter at the September 26, 2018 meeting. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,



Maura A. Ziska

MAZ/jch
cc: Architect

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 10, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00140 VARIANCE(S) Zoning District: C-TS Town-Serving Commercial
The application of Joseph Paul Davis Interiors, LLC (Manager: Joseph Paul Davis), Applicant, relative to property located at **139 N COUNTY RD SUITE: 7**, legal description on file, is described below. A request for a variance to allow an interior design office to occupy an 804 square foot space on the first floor, which is not permitted by Code as it does not meet the special exception requirement that there are at least 50% existing office uses on all floors of the building and 50% existing office uses on the first floor within 300 feet of the proposed use within the same zoning district. [Applicant's Representative: David E. Klein Esq]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated September 25, 2018 from Josh Martin, Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2018

To: Mayor and Town Council

From: Josh Martin, Director, Planning, Zoning & Building Department

Subject: **Z-18-00140 VARIANCE(S)**
139 N COUNTY RD SUITE: 7

Date: September 25, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

Section 134-1107(2): A request for a variance to allow an interior design office to occupy an 804 square foot space on the first floor, which is not permitted by Code as it does not meet the special exception requirement that there are at least 50% existing office uses on all floors of the building and 50% existing office uses on the first floor within 300 feet of the proposed use within the same zoning district.

ADDRESS: 139 N COUNTY RD SUITE: 7

OWNER: PARAMOUNT CHURCH INC LESSOR

OWNER'S REPRESENTATIVE: RABIDEAU LAW PA

PROPERTY CONTROL NO.: 50-43-43-15-09-000-0140

ZONING DISTRICT: C-TS Town-Serving Commercial

LEGAL DESCRIPTION:

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 8/28/18

APPLICATION NO.: Z-18-00140 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 139 N COUNTY RD SUITE: 7

DESCRIPTION:

Section 134-1107(2): A request for a variance to allow an interior design office to occupy an 804 square foot space on the first floor, which is not permitted by Code as it does not meet the special exception requirement that there are at least 50% existing office uses on all floors of the building and 50% existing office uses on the first floor within 300 feet of the proposed use within the same zoning district.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	8/24/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	9/27/2018	No Comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	8/31/2018	There are no fire code concerns with this proposal.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	9/28/2018	I have no comment regarding this application.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	8/24/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER			No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	9/25/2018	The applicant needs to demonstrate the hardship to allow an office use on the first floor of the landmark Paramount Building. There are other offices on the first floor on the subject property.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 10, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00141 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R-C Medium Density Residential The application of Daniel and Ewa Abraham, Applicant, relative to property located at **150 BRADLEY PL SUITE: 804**, legal description on file, is described below. A site plan modification request with variances to allow two (2) retractable awnings (14' by 20') totaling 560 square feet on the 8th floor of an existing 11 story building in the R-D(2) Zoning District. The following variances are being requested to allow the two (2) retractable awnings: 1. Allow a building height for the awnings to be 93.25 feet in lieu of the 35-foot maximum allowed. 2. Allow the addition of the awnings to the existing 8th floor in lieu of the 3 story maximum allowed. 3. Allow a front yard setback on Bradley Place of 110.48 feet for the east awning in lieu of the 279.75 foot minimum required (height of proposed awning x number of street yards(3)). 4. Allow a street side yard setback on Sunset Avenue of 249 feet for the east awning in lieu of the 279.75 minimum required (height of proposed awning x number of street yards (3)). 5. Allow a side yard setback of 72 feet for the west awning in lieu of the 93.25 feet minimum required (height of the proposed awning). [Applicant's Representative:Maura Ziska Esq]

Presenter

ATTACHMENTS:

- **Memorandum Dated September 25, 2018 from Josh Martin, Director of Planning, Zoning and Building**
- **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 10, 2018

To: Mayor and Town Council

From: Josh Martin, Director, Planning, Zoning & Building Department

Subject: **Z-18-00141 SITE PLAN REVIEW WITH VARIANCE(S)**
150 BRADLEY PL SUITE: 804

Date: September 25, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

A site plan modification request with variances to allow two (2) retractable awnings (14' by 20') totaling 560 square feet on the 8th floor of an existing 11 story building in the R-D(2) Zoning District. The following variances are being requested to allow the two (2) retractable awnings: 1. allow a building height for the awnings to be 93.25 feet In lieu of the 35 foot maximum allowed In the R-D(2) Zoning District. 2. allow the addition of the awnings to the existing 8th floor in lieu of the 3 story maximum allowed in the R-D(2) Zoning District. 3. allow a front yard setback on Bradley Place of 110.48 feet for the east awning In lieu of the 279.75 foot minimum required (height of proposed awning x number of street yards(3)). 4. allow a street side yard setback on Sunset Avenue of 249 feet for the east awning in lieu of the 279.75 minimum required (height of proposed awning x number of street yards (3)). 5. allow a side yard setback of 72 feet for the west awning In lieu of the 93.25 feet minimum required (height of the proposed awning).

ADDRESS: 150 BRADLEY PL SUITE: 804

OWNER: ABRAHAM S DANIEL &

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-15-27-000-0804

ZONING DISTRICT: R-C Medium Density Residential

LEGAL DESCRIPTION: PALM BEACH BILTMORE COND UNITS 804
THRU 806

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Page Two

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 8/28/18

APPLICATION NO.: Z-18-00141 **APPLICATION TYPE:** SITE PLAN REVIEW WITH VARIANCE(S)

ADDRESS: 150 BRADLEY PL SUITE: 804

DESCRIPTION:

A site plan modification request with variances to allow two (2) retractable awnings (14' by 20') totaling 560 square feet on the 8th floor of an existing 11 story building in the R-D(2) Zoning District. The following variances are being requested to allow the two (2) retractable awnings: 1. allow a building height for the awnings to be 93.25 feet in lieu of the 35 foot maximum allowed in the R-D(2) Zoning District. 2. allow the addition of the awnings to the existing 8th floor in lieu of the 3 story maximum allowed in the R-D(2) Zoning District. 3. allow a front yard setback on Bradley Place of 110.48 feet for the east awning in lieu of the 279.75 foot minimum required (height of proposed awning x number of street yards(3)). 4. allow a street side yard setback on Sunset Avenue of 249 feet for the east awning in lieu of the 279.75 minimum required (height of proposed awning x number of street yards (3)). 5. allow a side yard setback of 72 feet for the west awning in lieu of the 93.25 feet minimum required (height of the proposed awning).

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	8/24/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	9/27/2018	No Comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	8/31/2018	There are no fire code concerns with this proposal.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	9/28/2018	This application will require review and approval from the Landmarks Preservation Commission (LPC) as a combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	8/27/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER			No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	8/29/2018	The Town should study the possibility of changing the Code as it relates to setbacks based on building height. The setback appear inordinately restrictive when a building fronts on more than one street. The applicant needs to demonstrate the hardship to the satisfaction of the Town Council..