



TOWN OF PALM BEACH

SUMMARY OF ACTIONS TAKEN AT THE DEVELOPMENT
REVIEW TOWN COUNCIL MEETING HELD ON
WEDNESDAY, MARCH 3, 2021

I. CALL TO ORDER AND ROLL CALL

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. PRESENTATIONS

A. Historic Site Survey Report Presentation and Acceptance

ACTION: REPORT ACCEPTED

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

V. COMMENTS OF TOWN COUNCIL MEMBERS

VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VII. APPROVAL OF THE AGENDA

ACTION: APPROVED AS AMENDED

VIII. RESOLUTIONS

ACTION: NONE

IX. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeals of B-063-2020 160 Royal Palm Way

ACTION: DEFERRED TO APRIL 14, 2021

B. Time Extensions and Waivers

1. 358 El Brillo Way Demolition Waiver Request
Request to Withdraw the Waiver Request per Email From Todd
Glaser

ACTION: WITHDRAWN

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **Z-19-00232 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: C-WA Worth Avenue The application of 125 Worth Partners, LLC, Applicant, relative to property located at **125 WORTH AVE**, legal description on file, is described below. The applicant requests Site Plan Review modification approval for revitalization, renovation and expansion of the 45 year-old nonconforming commercial building located at 125 Worth Avenue in the C-WA zoning district. The building will be completely renovated architecturally using design themes found in the Worth Avenue Design Guidelines. In addition, a two story addition is being proposed on the east end of the property. To make this project financially feasible, the owners are requesting to demolish and rebuild the existing fourth story and expand its footprint to add four residential units. In addition to the Site Plan Review proposed modifications, the applicant is requesting the following Special Exceptions and Variances required to complete the project: 1. Per Section 134-1163(8)b., a special exception for a two-story and fourth story addition. The existing building is four stories but it is being expanded. 2. Per Section 134-2182(b), a special exception for on-site shared parking, subject to a professional shared parking analysis. 3. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the height from 53' in lieu of the 49'2" existing and the 25' maximum allowed by code. 4. Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the overall building height to 63'4" in lieu of the 53'8" existing and the 35' maximum allowed by current code. 5. Per Section 134-419, variance to allow an expansion of an existing nonconforming building by increasing the existing air conditioned floor area of the fourth story to 13,212.9 square feet from 3,448.75 square feet existing. An open fourth story trellis of 5,433 square feet is also proposed in this application and included in the calculation of lot coverage, below. There is an existing exterior fourth floor covered area of approximately 3,290 Square feet in addition to the existing air conditioned floor area on the fourth story of the building. 6. Per Section 134-1163(5), variance to allow a minimum front yard setback of 1'1" for portions of the building in lieu of the 5' existing and the 5' minimum required on the private property. The sidewalk is required to be a minimum of 10' wide and this proposal is a minimum of 8'2" in the area where the sidewalk is only 1'1" wide on private property. 7. Per Section 134-1163(9)b., variance for lot coverage of 71% on the first floor in lieu of the 57% existing and the 35% maximum allowable. 8. Per Section 134-1163(9)b., variance for lot coverage of 71% on the second floor in lieu of the 57% existing and the 35% maximum allowed for second story. 9. Per Section 134-1163(9)b., variance for lot coverage of 54% on the fourth floor in lieu of the 20% existing and the 35% maximum allowable by code. 10. Per Section 134-419, a variance to allow an expansion of an existing nonconforming building by increasing the existing building

length at the east end of the building from 201'8" to 246' in lieu of the 150' permitted as of right in the C-WA zoning district. [Applicant's Representative: James M. Crowley Esq] [The Architectural Review Commission deferred this project to their February 24, 2021 Meeting. Carried 6-1.] Request For Deferral to the April 14, 2021 Meeting Per Letter from James M. Crowley.

ACTION: DEFERRED TO APRIL 14, 2021

- b. **Z-20-00269 VARIANCES** Zoning District: R-B Low Density Residential The application of John Criddle and Franny Frisbie, Applicant, relative to property located at **143 REEF RD**, legal description on file, is described below. The applicant is proposing to construct a new 597 square foot one story garage to the west of the existing residence. The following variances are being requested: 1. Section 134-893(7): The applicant is requesting a variance for a west side yard setback of 5 feet in lieu of the 12.5 foot minimum required for a one story building. 2. Section 134-893(6): The applicant is requesting a variance for an angle of vision of 105 degrees in lieu of the 100 degrees maximum allowed. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause architectural impact to the subject property. Carried 4-3.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]

ACTION: DEFERRED TO APRIL 14, 2021

- c. **Z-20-00293 SITE PLAN REVIEW WITH VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of Elaine Hirsch, Applicant, relative to property located at **130 SUNRISE AVE, SUITE: PH 1**, legal description on file, is described below. A site plan modification with variances to allow a 365 square foot fixed awning over the terrace on the seventh floor of a seven story condominium building. The following variances are being requested: 1. Section 134-948(8): To allow the awning at a height of 61.5 feet in lieu of the 23 1/2 foot maximum height allowed in the R-C Zoning District. Section 134- 948(8): To allow the awning at an overall height of 63.66 feet in lieu of the 26 1/2 foot maximum height allowed in the R-C Zoning District. Section 134-948(8): To allow the awning on the existing seventh floor penthouse of a seven story building in lieu of the two story building maximum allowed in the R-C Zoning District. Section 134-948(6): To allow a west side yard setback of 50.1 feet in lieu of the 61.5 foot minimum required. Section 134- 948(7): To allow a rear street yard setback of 106.5 feet in lieu of the 123.16 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the

February 24, 2021 meeting. Carried 7-0.]

Request to Withdraw the Project per Letter from Maura Ziska

ACTION: WITHDRAWN

- d. **Z-20-00299 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R A Estate Residential The application of 1015 SOUTH OCEAN LLC (MAURA ZISKA, MANAGER), applicant, relative to property located at **1015 S OCEAN BLVD**, legal description on file, is described below. 1) Section 134 840: Special Exception with Site Plan Review to allow the construction of an 11,031 square foot two story residence on a non-conforming lot that is 97.97 feet in depth in lieu of the 150 foot minimum required In the R A Zoning District. 2) Section 134 843(a)(5): A request for a variance to allow a front setback of 16 feet 7.5 inches in lieu of the 35 foot minimum required in the R A Zoning District. 3) Section 134 843(a)(9): A request for a variance to allow a rear setback of 2 feet 7 inches in lieu of the 15 foot minimum required in the R A Zoning District. 4) Section 134 843(a)(6)b: A request for a variance to allow an Angle of Vision of 133.74 degrees in lieu of the 120 degrees maximum allowed in the R A Zoning District. 5) Section 134 843(a)(7): A request for a variance to have a building height plane setback ranging as close to the front property line as 16.8 feet (one story element) to 29.25 feet (two story element) in lieu of the minimum 35 foot (one story element) to 47.6 foot (two- story element) minimum required by Code in the R-A Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the February 24, 2021 meeting. Carried 7-0.] Request to Deferral to the April 14, 2021 Meeting Per Letter from Maura Ziska

ACTION: DEFERRED TO APRIL 14, 2021

- e. **Z-20-00307 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-B Low Density Residential The application of JOHN MENDELL & MARA RAPHAEL, applicant, relative to property located at **250 QUEENS LN**, legal description on file, is described below. 1) Section 134 229; Section 134 329 and Section 134 893(b): Special Exception with Site Plan Review to allow the renovation of an existing one story residence by demolishing more than 50% cubic on a lot with a width of 77 feet in lieu of the 100 foot minimum required; a depth of 94 feet in lieu of the 100 foot minimum required; and an area of 7,238 square feet in lieu of the 10,000 square foot minimum required in the R B Zoning District. Additionally, the applicant is proposing to construct a 409 square foot one story master bedroom addition and add a cabana and swimming pool. The following variances are being requested: 2) Section 134 893(7): to allow a west side yard setback for the addition and to allow the house to remain non conforming with both having a setback of 5.3 feet in lieu of the

12.5 foot minimum required. 3) Section 134 893(12): to allow the non conforming landscape open space to remain at 28.5% in lieu of the 45% minimum required. 4) Section 134 1757: to allow a swimming pool with a 5.2 foot rear yard setback in lieu of the 10 foot minimum required. 5) Section 134 2179: To eliminate the requirement for the two car garage that is required for a demolition of more than 50% cubic footage of a house on a lot over 75 feet wide. [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]

ACTION: APPROVED WITH CONDITIONS RELATING TO UTILITY EASEMENT, THAT STAFF WILL APPROVE THE NEW DRIVEWAY CONFIGURATION AND THAT THE 41% LANDSCAPE OPEN SPACE REMAINS

- f. **Z-20-00310 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-A Estate Residential The application of 310 MEDITERRANEAN RD LLC (JOHN SHAW, MANAGER), applicant, relative to property located at **310 MEDITERRANEAN RD**, legal description on file, is described below. Sections 134-229, 134 329, and 134 843(b): Special Exception and Site Plan Review to allow the renovation of a two story, single family house, including raising the existing house to 7.0 ft NAVD and demolishing more than 50% of the house by cubic square footage, on a non conforming lot, comprised of a portion of platted lots, which is 113.5 feet in depth in lieu of the 150 foot depth required in the R A Zoning District. In connection with the renovation, the following variances are being requested: 1) Section 134 843(a)(5): Request for redevelopment of a single family home with a front yard setback of 26.0 feet in lieu of the 35 foot minimum required. 2) Section 134 1757: Request for installation of a swimming pool with a rear setback of 4.0 feet in lieu of the 10 foot minimum requirement. 3) Section 134 843(a)(7): Request for redevelopment of the house with a building height plane setback ranging from 26.0 to 32.35 feet in lieu of the range of 30.5 to 43.0 feet minimum required. [Applicant's Representative: David E. Klein Esq] [The Architectural Review Commission deferred the project to the February 24, 2021 meeting. Carried 7-0.]

ACTION: APPROVED WITH CONDITIONS RELATING TO UTILITY EASEMENT

- g. **Z-20-00311 SPECIAL EXCEPTION WITH VARIANCE(S)** Zoning District: C-TS Town Serving Commercial The application of Bricktop's Palm Beach, applicant, relative to property located at **375 S COUNTY RD**, legal description on

file, is described below. Section 134 1109 (14): Modification to previously approved Special Exception with Site Plan Review is being requested for Bricktop's restaurant to add 40 outdoor seats for lunch and dinner in the north courtyard adjacent to the existing restaurant. The additional seating will increase the seating from 150 indoor and patio seats to 190 seats. The current approval allows 52 seats of the 150 seats to be outside on the south patio. Section 134 2176: a variance is being requested to provide zero (0) on site parking spaces in lieu of the 13 parking spaces that are required for the additional 40 outdoor seats. [Applicant's Representative: Maura Ziska Esq]

ACTION: DEFERRED TO APRIL 14, 2021

- h. **Z-20-00313 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of MATTHEW AND ALEXANDRA MURPHY, applicant, relative to property located at **113 ATLANTIC AVE**, legal description on file, is described below. Section 134 893(b)(13): Request for a variance to allow the construction of a 210 square foot awning on the east side of the existing residence and a 644 square foot awning on the west side of the existing residence which will result in a cubic content ratio of 4.499 cubic feet in lieu of 3.998 existing and the 4.148 maximum allowed. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the February 24, 2021 meeting. Carried 7-0.] Request for Deferral to the April 14, 2021 Meeting Per Letter from Maura Ziska

ACTION: DEFERRED TO APRIL 14, 2021

- i. **Z-20-00314 SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of CASTELO, MANUEL J., Applicants, relative to property located at **1464 N OCEAN BLVD**, legal description on file, is described below. Section 134 893: Site Plan Review to allow the construction of a 4,140 square foot two story, single family residence on a non conforming platted lot which is 9,770 in area in lieu of the 10,000 square foot minimum required in the R-B Zoning District and 90 feet in width in lieu of the 100 foot minimum width required In the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the February 24, 2021 meeting. Carried 7-0.]

ACTION: APPROVED WITH CONDITION THAT SCREENING AND BUFFERING HEDGE WILL REMAIN

- j. **Z-20-00318 REPLAT** Zoning District: R-AA Large Estate Residential The application of BLOSSOM WAY HOLDINGS LLC (GERALD A. BEESON, MANAGER), applicant, relative to property located at **1265 S OCEAN BLVD**, legal description

on file, is described below. An application to replat lots 1 through 6 and lot 10 of the Blossom Estate Subdivision, 60 Blossom Way, and 1290 S Ocean Blvd into 2 (two) buildable lots. The proposed replat will abandon in total the Blossom Way right-of-way; abandon the current beach access and dedicate a new 8-ft wide beach access along the north side of the proposed replat; terminate the Limited Access Easement along the east side of S Ocean Blvd which provides access to all of the Blossom Estate platted properties via Blossom Way; and incorporate 60 Blossom Way and 1290 S Ocean Blvd properties into the new Lots 1 and 2 of Blossom Estate subdivision. [Applicant's Representative: Maura Ziska Esq]

ACTION: DEFERRED TO APRIL 14, 2021

- k. **Z-20-00289 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: C-B Commercial The application of LR PALM HOUSE LLC (IAN LIVINGSTON, EXECUTIVE CHAIRMAN), applicant, relative to property located at **160 ROYAL PALM WAY**, legal description on file, is described below. The Town Council conditionally approved the Special Exceptions, Site Plan Review and Variances at the January 13, 2021 meeting and the February 10, 2021 meeting. [Applicant's Representative: Maura Ziska Esq] Town Council Consideration of the proposed Declaration of Use Agreement and Construction Management Agreement relative to the conditions of approval.

ACTION: APPROVED WITH THE FOLLOWING CONDITIONS: ACCEPT STAFF RECOMMENDATIONS IN PARAGRAPH ONE TO INCLUDE A CHANGE TO TOWN MANAGER IN SENTENCE TWO (STRIKE POLICE CHIEF) AND A CHANGE FROM 5 YEARS TO 3 YEARS IN SENTENCE 10; PARAGRAPH 4 - CHANGE INTENT TO CLARIFY ALL BUILDING ROOFS; PARAGRAPH 5 - THE HOURS 9 AM TO 12:30 AM WILL BE ADDED FOR NEW YEARS EVE ONLY; PARAGRAPH 7 - APPROVED FOR 175 SEATS IN THE FUNCTION ROOM WITH THE ABILITY TO RETURN IN 3 MONTHS TO DETERMINE THE SEATING AND TO REVIEW ANY ISSUES; PARAGRAPH 11 - CHANGE THE DATE OF SHUTTLE SERVICE TO BEGIN THE MONDAY PRIOR TO THANKSGIVING; PARAGRAPH 12 - STAFF WILL APPROVE PHASE 1 OF THE CONSTRUCTION MANAGEMENT AGREEMENT WITH ATTORNEYS LUNNY AND EUBANKS, WHILE PHASE 2 OF THE CONSTRUCTION MANAGEMENT AGREEMENT IS DEFERRED TO THE JULY 14, 2021 MEETING

2. New Business

- a. **Z-21-00324 VARIANCE(S)** Zoning District: R B Low Density

Residential The application of PETER & BEVERLY BROBERG, Applicants, relative to property located at **220 MONTEREY RD**, legal description on file, is described below. Sec. 134-893(12)(a) A variance to add 151 square foot bathroom addition on the southeast corner of the house with a landscape open space of 41.1% in lieu of the 42.3% existing and the 45% minimum required by Code. [Applicant's Representative: Peter Broberg] [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Carried 6-1.] [The Landmarks Preservation Commission approved the generator and addition portion of the project, while the garage door alteration will return to the March 17, 2021 meeting. Motion carried 6-1.]

ACTION: APPROVED

- b. **Z-21-00325 VARIANCE(S)** Zoning District: R B Low Density Residential The application of JON & LIZA MAUCK, Applicants, relative to property located at **201 QUEENS LN & 221 QUEENS LN**, legal description on file, is described below. The applicant owns two adjacent properties (201 Queens Ln & 221 Queens Ln) in the R B Zoning District and is requesting to combine the properties to add a two story guest house on the new west parcel and a two story pool cabana on the north side of the existing house. Once combined, the resulting lot would have an area of 23,140 square feet and a depth in excess of 150 feet. Furthermore, the residence at 201 Queens Lane has been designated historically significant for purposes of this application. The following variances are being requested: 1) Section 134 893 (1)c.: To allow a new two story pool cabana to have a 10.16 foot rear yard setback in lieu of the 15 foot minimum setback required for lots with an area in excess of 20,000 square feet and a depth in excess of 150 feet. 2) Section 134 893(1)d.: To allow the new two story guest house to have a building height plane setback of 35 feet in lieu of the 47.5 foot minimum required for lots in excess of 20,000 square feet and a depth in excess of 150 feet. 3) Section 134 893 (6): To allow an angle of vision to be 130 degrees in lieu of the 120 degrees maximum allowed. 4) Section 134 893 (1)c: To allow the front yard setback to remain at 24.83 feet in lieu of the 35 foot minimum required when combining parcels to result in a lot in excess of 20,000 square feet. [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject historically significant building. Carried 7-0.] [The Landmarks Preservation Commission approved the project with 3 items to return to the March 24, 2021 meeting. Carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATING

TO UTILITY EASEMENT AND THAT ADEQUATE SCREENING OF THE CARS FROM THE STREET WILL BE PROVIDED

- c. **Z-21-00326 VARIANCE(S)** Zoning District: R B Low Density Residential The application of ARMEN A. MANOOGIAN, AS TRUSTEE OF THE ARMEN A. MANOOGIAN 2020 DYNASTY TRUST U/A/D OCTOBER 22, 2020 AS TO 65.64% AND CLAUDIA B. MANOOGIAN AS TO A 34.36%, Applicant, relative to property located at **110 SEASPRAY AVE & 224 S OCEAN BLVD**, legal description on file, is described below. Section 134 893 (b)(1)c: The applicant owns two adjacent properties (110 Seaspray Ave & 224 S Ocean Blvd) in the R B Zoning District and is requesting to combine the properties, resulting in one lot which would have an area in excess of 20,000 square feet (25,765 square feet) and a depth in excess of 200 feet. The following variance is being requested: 1) To allow the existing house to remain with a current building height plane setback of 39.2 feet In lieu of the 48 foot setback required for a building that is 42.22 feet in overall height. [Applicant's Representative: Maura Ziska Esq]

ACTION: APPROVED WITH CONDITION RELATED TO UTILITY EASEMENT

- d. **Z-21-00327 VARIANCE(S)** Zoning District: R C Medium Density Residential The application of JUSTIN B. BESIKOF, Applicant, relative to property located at **218 EVERGLADE AVE**, legal description on file, is described below. Section 134 948(1) & (2): A request for a variance to construct a new 3,700 square foot, two story residence on a lot with a width of 50 feet in lieu of the 75 foot minimum required and a lot area of 5,902 sq. ft. in lieu of the 10,000 sq. ft. minimum required in the R C Zoning District. Section 134 948(6): Request for a variance to have an 8 foot east side yard setback in lieu of the 10 foot minimum required in the R C Zoning District. Section 134 1757: Request for a variance to construct a swimming pool (11' by 27') along the south of the property that would have a 7.5 foot rear yard setback in lieu of the 10 foot minimum setback required. Section 134 948(9): Request for a variance for lot coverage to be 34.92% in lieu of the 30% maximum allowed in the R C Zoning District. [Applicant's Representative: Maura Ziska Esq]

ACTION: DEFERRED TO APRIL 14, 2021

CLOSED DOOR SESSION AT 4 PM

Case Number: 50-2017-CA-008420-XXXX-MB

Kosberg, Scharf vs. TOPB, Dorothy Jacks, Anne Gannon

ACTION: ACCEPT PLAINTIFFS' PROPOSAL OF A DISMISSAL OF ALL CLAIMS WITH PREDUDICE, WITH EACH SIDE TO BEAR ITS OWN FEES AND COSTS

X. ANY OTHER MATTERS

A. ARCOM's Request to Consider Demolitions

**ACTION: NO ACTION TAKEN TO AMEND THE ARCOM
ORDINANCE REGARDING DEMOLITIONS**

B. Discussion on Landmark Incentives

ACTION: NO ACTION TAKEN

XI. ADJOURNMENT