

TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE -
SUBJECT TO
REVISION

TOWN COUNCIL MEETING

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

AGENDA

WEDNESDAY, MAY 9, 2012

9:30 AM

For information regarding procedures for monitoring or participating in Town Council Meetings, please refer to the end of this agenda.

I. CALL TO ORDER AND ROLL CALL

Mayor Gail L. Coniglio
David A. Rosow, President
Robert N. Wildrick, President Pro Tem
William J. Diamond
Richard M. Kleid
Michael J. Pucillo

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

V. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE **(Another opportunity for communications from citizens will be offered immediately after the lunch break.)**

Post Office Box 2029 * 360 South County Road * Palm Beach, Florida 33480
Telephone (561) 838-5410 * Facsimile (561) 838-5411 * townmanager@townofpalmbeach.com

VI. APPROVAL OF AGENDA

VII. PUBLIC HEARINGS

- A. RESOLUTION NO. 46-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 234 El Brillo Way Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.
[John Page, Director of Planning, Zoning, and Building]

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VIII. DEVELOPMENT REVIEWS

A. Appeals

1. Appeal of ARCOM Decision B-011-2012, 273 Tangier Avenue (per letter dated April 25, 2012, from Maura Ziska).

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B. Time Extensions & Waivers

None

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **VARIANCE #13-2012** The application of Lawrence and Judith Schlager; relative to property commonly known as **125 El Mirasol**; described as Lots 12, EL MIRASOL, according to the Plat thereof, recorded in Plat Book 28, Page 60, OF THE Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to construct a 355 square foot second story addition over the existing garage of their residence to allow a front yard setback/building height plane setback for the proposed second story addition to be 35 feet in lieu of the 49.99 foot minimum required and to allow a cubic content ratio of 4.73 in lieu of the 4.56 existing and the 3.90 maximum allowed in the R-B Zoning District.
[Attorney: Maura A. Ziska]
[ARCOM Recommendation: Implementation of the proposed variances will not cause negative architectural impacts. Carried 7-0.]

Deferred from the April 11, 2012, Town Council Meeting.

b. **SPECIAL EXCEPTION #4-2012 WITH VARIANCES**

The application of Pizza Al Fresco, LLC; relative to property commonly known as **8-14 Via Mizner**; described as Condominium Units No C-106S, C-107S, C-108S and C-109S of Via Mizner South, a Condominium according to the Declaration of Condominium thereof, as recorded in Official Records Book 7069, Page 203 of the Public Records of Palm Beach County, Florida; located in the C-WA Zoning District. The applicant requests a special exception to modify existing Special Exception No. 3-2006 to allow the existing restaurant, which is a special exception use, to add 40 additional outside restaurants seats for Pizza Al Fresco Restaurant within the Via Mizner west courtyard. Variances are also requested to increase outdoor seating by 40 seats over and above the inside capacity, which is not permitted by the outdoor seating conditions in the code and to eliminate the 14 required off-street parking spaces for the 40 additional outside seats.

[Attorney: William W. Atterbury III]

Deferred from the April 11, 2012, Town Council Meeting.

2. New Business

a. **VARIANCE #14-2012**

The application of 657 Island Drive Trust (Maura Ziska, Trustee); relative to property commonly known as **657 Island Drive**; described as The South 60 feet of Lot 61 and the North 75 feet of Lot 63 of LONE CABBAGE ISLAND DEVELOPMENT (NOW KNOWN AS EVERGLADES ISLAND), according to the Plat thereof, recorded in Plat Book 18, Page 31, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to construct a one and two story new residence on a 21,600 square foot lot that would have a 27.7% lot coverage in lieu of the 25% maximum allowed in the R-B zoning district for a lot in excess of 20,000 square feet.

[Attorney: Maura Ziska]

[ARCOM Recommendation: Variance will not cause negative architectural impact to the subject property. Carried 7-0.]

- b. **VARIANCE #15-2012** The application of Joseph M. Pizza; and Lauren E. Pizza relative to property commonly known as **50 Middle Road**; described as Lots 58 & 59, SINGER ADDITION; located in the R-B Zoning District. The applicant requests a variance to allow two additions totaling 504 square feet which increase the cubic content ratio from 4.41 to 4.43 in lieu of the 3.98 maximum allowed. [Attorney: Peter S. Broberg]
[ARCOM Recommendation: Variance will not cause negative architectural impact to the subject property. Carried 7-0.]

- c. **VARIANCE #16-2012** The application of Danielle Hickox Moore and Kelly Moore; relative to property commonly known as **277 Pendleton Avenue**; described as Lots 18 & 19, Block 1, REVERIE ADDITION TO THE TOWN OF PALM BEACH, according to the Plat thereof, recorded in Plat Book 7, Page 61, Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to allow two sliding driveway gates with an eight foot 4 inch foot setback from the edge of pavement in lieu of the eighteen foot minimum required. [Attorney: Maura A. Ziska]

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- d. **VARIANCE #17-2012** The application of 326 Via Linda, LLC (Joseph Jacobs); relative to property commonly known as **326 Via Linda**; described as Lot 13, less the East 15 feet thereof, and Lot 13A of ALLARD SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 23, Page 186, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to construct a portion of the basement (162 square feet) to be outside of the walls of the proposed residence and to allow the grade to be raised more than two feet above the natural grade in order to be hidden from view. The request is to raise the natural grade 4 feet in lieu of the 2 foot maximum allowed. [Attorney: Maura A. Ziska]

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- e. **SITE PLAN REVIEW #3-2012 WITH SPECIAL EXCEPTION AND VARIANCES** The application of The Society of the Four Arts, Inc. (Ervin Duggan, President); relative to property commonly known as **1, 2, 3, & 4 Four Arts Plaza and 240 Cocoanut Row**; described as lengthy legal description on file; located in the R-B Zoning District. The applicant requests a site plan review for non-profit

cultural use. The applicant operates as a non-profit cultural use in an R-B zoning district by Special Exception. The request is for a modification to the existing special exception to allow the applicant to construct two (2) columns at the entrance to the property on Coconut Row at a height of 13 feet 8 inches (10 feet high to the top of the pediment plus the light fixture) and allow the installation of a 300 KW generator north of the existing library. Variances are requested to allow two (2) columns 13feet 8 inches high in lieu of 8 foot maximum allowed; to allow the two columns to be 4 feet 1 inch wide in lieu of 3 foot maximum allowed; to allow a 300KW generator in the manufacturer's approved acoustical enclosure on the north side of the library in lieu of enclosing it within a building.

[Attorney: Raymond W. Royce]

[Landmark Commission Recommendation: Variance will not cause negative architectural impact to the landmarked property. Carried 7-0.]

- f. **SITE PLAN REVIEW #4-2012 WITH VARIANCE** The application of Leverett House; relative to property commonly known as **110/120 Sunset Avenue**; lengthy legal description on file; located in the R-C Zoning District. The applicant requests a site plan review to construct a 389 square foot accessory building to house a 500KW generator on the south side of the property and to convert a 580 square foot covered area under the building into a gym by enclosing the open sides with glass and walls. A variance is requested to allow the fuel tank for the proposed generator to be 19.92 feet from the street rear property line in lieu of the 25 foot minimum street yard setback required.
[Attorney: Maura A. Ziska]

D. Other

None

IX. ANY OTHER MATTERS

X. ADJOURNMENT

PLEASE TAKE NOTE:

- No written materials received after 5:00 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 5:00 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.
- The progress of this meeting may be monitored by visiting the Town's website (www.townofpalmbeach.com) and selecting "Your Government" and then selecting "Live Meeting Audio." 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 under "Agendas, Minutes, and Audio."
- 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.
- 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.
- 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.
- A summary of the actions taken at Town Council meetings can be viewed on the Town's website after 5 p.m. on the Friday following the Town Council meeting.

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.

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 on: May 9, 2012

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 46-2012 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 234 El Brillo Way Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated April 26, 2012, from John S. Page, Director of Planning, Zoning and Building
- Resolution No. 46-2012
- Designation Report for 234 El Brillo Way
- Excerpt of the Minutes of the Landmarks Preservation Commission Meeting of April 18, 2012
- Town of Palm Beach Code of Ordinances related to landmark designation

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 9, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John S. Page, Director of Planning, Zoning and Building

Re: Landmark Designation of 234 El Brillo Way
Resolution No. 46 – 2012

Date: April 26, 2012

STAFF RECOMMENDATION

Staff recommends ratification of the property known as 234 El Brillo Way as a Town landmark.

LANDMARKS PRESERVATION COMMISSION RECOMMENDATION

At the Public Hearing for Designation held during the April 18, 2012 meeting of the Landmarks Preservation Commission, the Commission voted to recommend to the Town Council that the above mentioned property be designated as a landmark. In accordance with Section 54-164 (11) of Chapter 54 of the Town of Palm Beach Code of Ordinances, the Town Council shall hold a public hearing within ninety (90) days of the final decision of the Landmarks Commission to consider ratification of the Commission's recommendation.

GENERAL INFORMATION

- The property meets the following criteria for designation as a landmark of the Town of Palm Beach.

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen; and,

Sec. 54-161 (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

Landmark Designation of 234 El Brillo Way

Resolution No. 46 - 2012

April 26, 2012

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OWNER CONSENT

While owner consent is not required for landmarking, please be advised that the property owner supports the landmark designation of 234 El Brillo Way.

FUNDING/FISCAL IMPACT

No direct funding is needed for this action.

COMPREHENSIVE PLAN

The action proposed is consistent with the goals, objectives and policies contained in the Historic Preservation Element of the Town's Comprehensive Plan.

TOWN ATTORNEY REVIEW

Please be advised that the Town Attorney has reviewed Resolution No. 46 - 2012 relating to 234 El Brillo Way, and has approved it as to legal form and sufficiency.

attachments

JSP:cmd

cc: Thomas G. Bradford, Deputy Town Manager
John C. Randolph, Town Attorney
Susan A. Owens, Town Clerk
John Lindgren, AICP, Planning Administrator
pf

RESOLUTION NO. 46 - 2012

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING AND CONFIRMING THE DETERMINATION OF THE LANDMARKS PRESERVATION COMMISSION THAT THE PROPERTY KNOWN AS 234 EL BRILLO WAY MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH; AND DESIGNATING SAID PROPERTY AS A TOWN OF PALM BEACH LANDMARK PURSUANT TO ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH.

WHEREAS, pursuant to the provisions of Ordinance No. 2-84, (Chapter 54, Article IV, Code of Ordinances of the Town of Palm Beach) the Landmarks Preservation Commission of the Town of Palm Beach held public hearings and recommended to the Town Council that certain property described herein be designated as a landmark as described in said Ordinance and Code; and

WHEREAS, after due notice to the property owner(s) affected, a public hearing was held at which all parties interested were given an opportunity to be heard and express their views and opinions with respect to the property and its designation as a landmark; and

WHEREAS, the Town Council does hereby find and determine that the property described herein meets the criteria required by the Ordinance to designate a landmark, and shall be designated as a landmark;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The recommendation and determination of the Landmarks Preservation Commission as to the property hereinafter described in Section 3 of this Resolution, being designated as a landmark is hereby ratified, approved and confirmed.

Section 3. The landmark herein designated, pursuant to the provisions of Ordinance No. 2-84, and the provisions of the Town Code described herein, is known as **234 El Brillo Way** and the property to be landmarked is legally described as follows:

SUPPLEMENTARY PLAT OF EL BRAVO PARK WEST 93.72 FEET OF LOT 36 & EAST 46.28 FEET OF LOT 37, AS RECORDED IN PLAT BOOK 9, PAGE 9, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

Section 4. The Town Clerk is hereby ordered to furnish the property owner of the landmarked property a copy of this Resolution.

Section 5. Within thirty (30) days from the date of this Resolution, the Landmarks Preservation Commission shall cause to be filed in the Office of the Recorder of Deeds in and for Palm Beach County, Florida, a certificate that the above-described property comprises a landmark, as defined in and subject to the provisions of Ordinance No. 2-84 and the Code of Ordinances of the Town of Palm Beach, Florida.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 9th day of May, 2012.

Gail L. Coniglio, Mayor

David A. Rosow, Town Council President

Robert N. Wildrick, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Susan A. Owens, Town Clerk

Michael J. Pucillo, Town Council Member

234 El Brillo Way



DESIGNATION REPORT

Wednesday, March 21, 2012

Landmarks Preservation Commission
Palm Beach, Florida

DESIGNATION REPORT

234 El Brillo Way

Table of Contents

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Report produced by Jane S. Day, Research Atlantica, Inc.

I. GENERAL INFORMATION

Location:	234 El Brillo Way Palm Beach, Florida
Date of Construction:	1940
Principal Designer:	Howard Major
Present Owner:	Marc P. Schappell and Thomas B. Anderson
Present Use:	Residential
Present Zoning:	RA
Palm Beach County Tax Folio Number:	50-43-43-27-06-000-0361
Current Legal Description:	SUPPLMNTRY PL of EL BRAVO PARK W 93.72 ft of LT 36 & E 46.28 ft of LT 37

Evaluation in the "Historic Building Survey of Palm Beach, 2010":. This Monterey style house was designed by well known architect Howard Major in 1940. It maintains its integrity.

II. ARCHITECTURAL INFORMATION

The house at 234 El Brillo Way was designed in the Monterey style of architecture by master architect Howard Major in 1940. Monterey was an eclectic style that was popular in the United States from 1925 to 1955. Adapted from the Spanish Colonial architecture of Northern California, the Monterey examples in Palm Beach often add British Colonial and French Creole details to the design prototype. In this case, Howard Major used British Colonial details in a symmetrical design that is both simple and elegant. The British Colonial style is also sometimes called the Bermuda style and was inspired by traditions of the English colonists' architectural heritage. Ornamental details are kept to a minimum and the West Indian influences include long cool verandas and small porches with upper balconies. This use of balconies make British Colonial a perfect blend with the Monterey style. Other characteristics of the British Colonial style include white roofs usually covered with flat white cement tiles, welcoming arms at the entrance, and often quoins and dormers. In Palm Beach the style was popularized by Howard Major and John L. Volk.

At 234 El Brillo Way Howard Major designed a two story house that is symmetrical and balanced. The front door is centered on the north facade. It is a colonial style door with side lights and a keystone over the entrance. Small circular windows are placed on either side. The door is reached up a short rise of steps with welcoming arm railings. The exterior of the building is covered with smooth stucco and the gable roof is covered with white concrete flat tiles. The roof overhang is minimal. Chimneys are placed on the east end wall and on the western slope of the roof on the west of the structure. A double belt course visually divides the first and second floors.

The two story front facade itself is divided into three parts. The east and west sections of the house extend toward the street and are each topped with a front facing gable roof. The center, wider than either of the end sections, is set back with the door in the middle. The most distinguishing characteristic of the Monterey style is a second-story balcony which is usually cantilevered and covered under the principal roof. In this example, Major has centered the balcony on the north front facade over the entrance. Plans on file with the Town of Palm Beach show that a similar balcony was placed at the rear of the house on the south facade.¹ There are also two small cantilevered balconies on the east and west sections of the house. The central balcony has slender posts and all of the balconies have a delicate railing with a diamond design.

The fenestration of the house is regular and symmetrical. Besides the two small round windows that flank the front door, other operable windows are casement with shutters. There are two bay windows placed directly under the cantilevered balconies. There are also french doors over the front door on the second floor and over the bay windows. Comparisons with the original plans for the house by Howard Major indicate that 234 El Brillo Way maintains its architectural integrity.

¹Plans on file with the Town of Palm Beach.

III. HISTORICAL INFORMATION

Building permit # 5240 was issued on April 17, 1940 to build a residence at 234 El Brillo Way. Howard Major was listed as the architect for the project and Charles Travail was the builder. Thomas H. Wright was the original owner and the cost of construction was \$26,000.² A search of building permits indicates that most of the work done to the house since 1940 has been maintenance and repair. There have, however, been a few changes and additions. A great deal of renovations were accomplished in 1964. The roof tiles were replaced, the ceiling was raised in the master bedroom, a porch was added on the second floor over the kitchen and air conditioning was installed. A swimming pool was also added.³ In 1966, a two story addition was added to the northwest side of the property.⁴ In 1981, Steven H. Packwood, Architect, remodeled the kitchen, family room and power room.⁵ At the present time, the home is being renovated.



Renovations taking place in 2012.

²Building Permit # 5240. On file with the Town of Palm Beach.

³Building Permits: #31564, 22064 and 37464. On file with the Town of Palm Beach.

⁴Building Permit # 26466. On file with the Town of Palm Beach.

⁵Building Permit # B11456. On file with the Town of Palm Beach.

IV. STATEMENT OF SIGNIFICANCE

The house at 234 El Brillo Way is a good example of a Monterey style home designed by Howard Major in 1940. Simple and elegant in form and scale, the house exemplifies the British Colonial details that Major championed and as such deserves protection under Chapter 54 of the Town of Palm Beach Code of Ordinances.

V. CRITERIA FOR DESIGNATION

Chapter 54 of the Code of Ordinances of the Town of Palm Beach (Historic Preservation Ordinance) outlines the criteria for designation of historic structures and districts, and suggests that at least one criterion must be met to justify the designation. Listed below are criteria which relate to this property and justification for designation:

3) "Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen."

234 El Brillo Way is a good example of the Monterey style of architecture designed by Howard Major in 1940. It not only shows distinguishing characteristics of this style, but also how Major interpreted the style with British Colonial details.

(4) "Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age."

Howard Major was a well known architect who was recognized (along with John L.Volk) for breaking away from the Mediterranean Revival style of architecture that gained popularity in Palm Beach during the Boom times of the 1920s. Instead Major suggested that other styles of architecture, particularly the British Colonial style, were more suited to Florida sub-tropical climate. The house at 234 El Brillo Way is representation of this British Colonial influence on Howard Major's work and the Monterey style of architecture. It is a notable example of the architect's work and as such deserves protection.

VI. ARCHITECT'S BIOGRAPHY

Howard B. Major

Howard Brougham Major was born in 1883 and died in 1974 at the age of ninety-two. Trained at the Pratt Institute and the Atelier of the Society of Beaux-Arts Architects in New York City, Major practiced on Long Island before coming to Palm Beach in 1925. He joined Addison Mizner's firm and began his Palm Beach career by designing Spanish style houses for Nelson Odman and Richard Cowell in Palm Beach and Howard Whitney in Gulfstream.

Although Major started his Florida career in the Spanish style he soon became disenchanted with the results. In a 1926 article for **Architectural Forum** entitled "A Theory Relating to Spanish and Italian Houses in Florida," he suggested that other styles of architecture were more appropriate to the Florida climate and the "national character." Major also was the author of a book entitled **Domestic Architecture of the Early American Republic: The Greek Revival**. He favored the Greek Revival style and was also a proponent of the British Colonial style and all its variants.

In Palm Beach Howard Major is best known for designing "Major Alley", a small complex of six Bermuda style town homes on Peruvian Avenue. These homes are currently listed as Landmarks of the Town of Palm Beach. He also completed a home for Charles Merrill called "Merrill's Landing" that has been demolished. Other projects include homes for Mr. Robert Magowan, Mrs. Henry Littleton, Mrs. Arthur Gardner and Mr. Atwater Kent Jr.

Besides his work in Palm Beach, Howard Major did projects in Hobe Sound and Gulfstream, Florida. In Naples he laid out the development of Port Royal and designed the "Church of Trinity-By-The-Sea". In Nassau, Bahamas, Major designed the Porcupine Club and residences for Arthur Vining Davis and Edward Lynch.

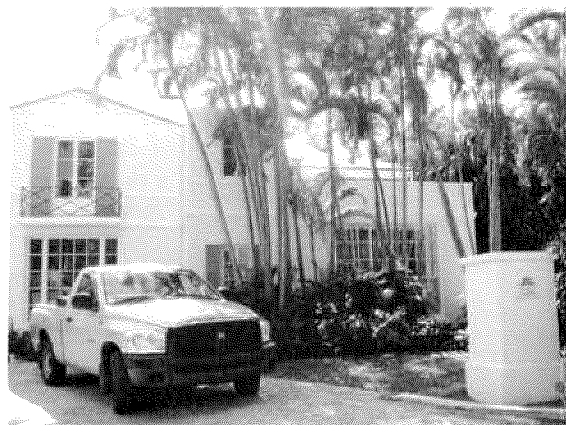
VII. SELECTED BIBLIOGRAPHY

Johnson, Shirley, Palm Beach Houses. New York: Rizzoli, International Publications, Inc, 1991.

McAlester, Virginia and Lee McAlester, A Field Guide to American Houses. New York: Alfred A. Knopf, 1984.

Palm Beach County Property Appraiser

Town of Palm Beach Building and Zoning Department.

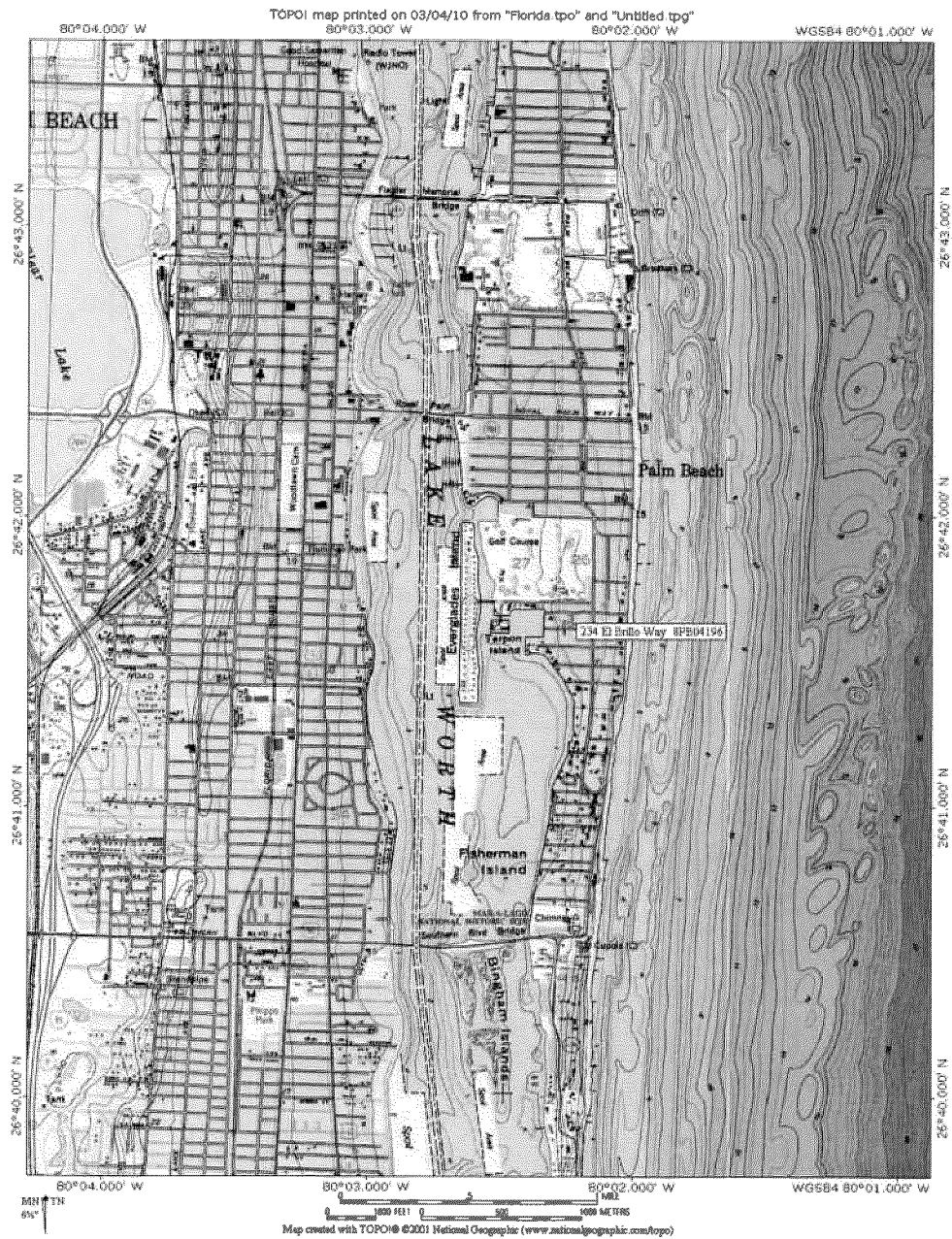


Addition on the Northwest corner of the house.

VIII. LOCATION MAPS



Palm Beach County Property Appraiser Map - 2011





HISTORICAL STRUCTURE FORM

Electronic Version 1.1.0

Site #8 PB04196
Recorder # Jane S. Day
Field Date 7/17/2010
Form Date 9/22/2010
FormNo 201007
FormNo = Field Date (YYYYMM)

First Site Form Recorded for this Site? NO

GENERAL INFORMATION

Site Name (address if none) Daniel J. Mahoney III, House Multiple Listing (DHR only)
Other Names >>
Survey or Project Name Palm Beach Historic sites Survey, Phase V Survey#
National Register Category Building(s)

LOCATION & IDENTIFICATION

Address

Street No.	Direction	Street Name	Street Type	Direction Suffix
<u>234</u>		<u>El Brillo</u>	<u>Way</u>	

Cross Streets (nearest/ between) Lake Worth and S. County Rd.
City / Town (within 3 miles) Town of Palm Beach In Current City Limits? YES
County Palm Beach Tax Parcel #(s) 50-43-43-27-06-000-0361
Subdivision Name El Bravo Park Block Lot 36
Ownership Private Individual
Name of Public Tract (e.g., park)
Route to (especially if no street address) On the south side of El Brillo Way between South County Rod. and Lake Worth. It is opposite Travers

MAPPING

USGS 7.5' Map Name Publication Date >> PAIM BEACH;1983
Township: Range: Section: 1/4 section: >> 43S ;43E ;27;UNSP
Irregular Section Name:
Landgrant
UTM: Zone Easting Northing
Plat or Other Map (map's name, location)

DESCRIPTION

Style Monterey Other Style
Exterior Plan Irregular Other Exterior Plan
Number of Stories 2
Structural System(s) >> Hollow clay tile
Other Structural System(s) concrete block
Foundation Type(s) >> Continuous
Other Foundation Types
Foundation Material(s) >> Concrete Block
Other Foundation Material(s)
Exterior Fabric(s) >> Stucco
Other Exterior Fabric(s)
Roof Type(s) >> Gable
Other Roof Type(s)
Roof Material(s) >> Concrete tile
Other Roof Material(s)
Roof Secondary Structure(s) (dormers etc) >> Shed extension
Other Roof Secondary Structure(s)
Number of Chimneys 2
Chimney Material Brick
Other Chimney Material(s) stucco on exterior
Chimney Location(s) east ridge, west ridge

HISTORICAL STRUCTURE FORM

8PB04196

DESCRIPTION (continued)

Window Descriptions casement, French doors, fixed

Main Entrance Description (stylistic details) on the north facade under the cantilevered balcony with sidelights

Porches: #open 2 #closed #incised Location(s) entry - n, (2) 2nd floor balconies - n

Porch Roof Types(s) shed extension over balcony

Exterior Ornament shutters, decorative metal railings, double belt course, columns

Interior Plan Unknown

Other Interior Plan

Condition Good

Structure Surroundings

Commercial: NONE of this category

Residential: ALL this category

Institutional: NONE of this category

Undeveloped: NONE of this category

Ancillary Features (Number / type of outbuildings, major landscape features)

Archaeological Remains (describe): none observed

If archaeological remains are present, was an Archaeological Site Form completed?

Narrative Description (optional)

HISTORY

Construction year 1940

Architect (last name first): Major, Howard

Builder (last name first): Trevail, Charles

Changes in Locations or Conditions

Type of Change	Year of Change	Date Change Noted	Description of Changes
>>			

Structure Use History

Use Year Use Started Year Use Ended >> Private residence; 1940;

Other Structure Uses

Ownership History (especially original owner, dates, profession, etc.)

RESEARCH METHODS

Research Methods >> Examine local property records

Other research methods

SURVEYOR'S EVALUATION OF SITE

Potentially Eligible for a Local Register? YES

Name of Local Register if Eligible Town of Palm Beach Landmark

Individually Eligible for National Register? INSUFF. INFO

Potential Contributor to NR District? INSUFF. INFO

Area(s) of historical significance >> Architecture

Other Historical Associations

Explanation of Evaluation (required) This Monterey style house was designed by well known architect Howard Major in 1940. It maintains its integrity.

HISTORICAL STRUCTURE FORM

8PB04196

DOCUMENTATION (Photos, Plans, etc.)

Photographic Negatives or Other Collections Not Filed with FMSF, Including Field Notes, Plans, other Important Documents.

Document type: _____

Maintaining Organization: _____

File or Accession #: _____

Descriptive Information: _____

>> _____

RECORDER INFORMATION

Recorder Name (Last, First) Day, Jane S.

Recorder Address / Phone 728 Granada Dr., Boca Raton, FL 33432 561-362-4473

Recorder Affiliation Research Atlantica

Other Affiliation Town of Palm Beach

Is a Text-Only Supplement File Attached (Surveyor Only)? _____

***** MASTER SITE FILE USE ONLY *****

Cultural Resource Type:

Electronic Form Used:

Form Type Code:

Form Quality Ranking:

Form Status Code:

Supplement Information Status:

Supplement File Status:

Form Comments: _____

SHPO's Evaluation of Resource

Date

FMSF Staffer:

Computer Entry Date:

REQUIRED PAPER ATTACHMENTS

- (1) USGS 7.5" MAP WITH STRUCTURE PINPOINTED IN RED
- (2) LARGE SCALE STREET OR PLAT MAP
- (3) PHOTO OF MAIN FACADE, B&W, AT LEAST 3"X5"

**EXCERPT FROM THE MINUTES OF THE LANDMARKS PRESERVATION
COMMISSION MEETING OF APRIL 18, 2012**

Item 1: 234 El Brillo Way

Owners: Marc P. Schappell and Thomas B. Anderson

Please be advised that the Notice of Hearing which was sent to the address of record for the owner was returned to the Town on March 14, 2012 and was marked Return to Sender. As such, at the March LPC meeting, staff recommended deferral of this hearing to the April meeting. There was a motion for deferral of the designation hearing for 234 El Brillo to the April meeting, with the proviso that the owner is waiving his right by ordinance requiring the commission to act within 30 days. Please note that the owners were present in the audience at the April meeting in support of the landmark designation.

Dr. Day testified to the architect, architecture and architectural history related to this 1940 Howard Major designed home in the Monterey style. Her testimony revealed that this property meets the following criteria for designation as a landmark:

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen; and,

Sec. 54-161 (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

Chairman Cooney expressed the appreciation of the Landmarks Preservation Commission to the owners for their willingness to landmark their property.

**MOTION BY MS. DIVER THAT THE DESIGNATION REPORT FOR 234 EL BRILLO WAY, AS PRESENTED, BE MADE PART OF THE RECORD.
MOTION SECONDED BY MRS. ALBARRAN.
MOTION CARRIED UNANIMOUSLY.**

**MOTION BY MS. DIVER THAT THE PROPERTY AT 234 EL BRILLO WAY BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE PART OF THE RECORD.
MOTION SECONDED BY MS. MURPHY.
MOTION CARRIED UNANIMOUSLY.**

ARTICLE IV. DESIGNATION PROCEDURE

Sec. 54-161. Criteria for landmarks and landmark sites.

A landmark or landmark site shall meet at least one of the following criteria:

- (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
- (2) Is identified with historic personages or with important events in national, state or local history.
- (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.
- (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

(Code 1982, § 16-38)

Sec. 54-162. Creation of historic districts.

(a) *Authorized.* For preservation purposes, the commission shall identify geographically defined areas within the town to be designated as historic districts and shall cite the guideline criteria upon which such designation shall be made. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the town that:

- (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
- (2) Is identified with historic personages or with important events in national, state or local history.
- (3) Embodies distinguishing characteristics of one or more architectural types, or contains specimens inherently valuable for the study of a period, style or methods of construction or use of indigenous materials or craftsmanship.
- (4) Is representative of the notable works of one or more master builders, designers or architects whose individual ability has been recognized to have influenced their age.
- (5) Constitutes a unique area of architecture, landscaping and planning.

(b) *Petition for special historic district category.* Following the designation of each landmark or landmark site, the commission may petition the town council for the categorizing of such property as special district H. Following the designation of each historic district, the commission may petition the town council for the categorizing of each property in such district to special district HD.

(Code 1982, §§ 16-38.1, 16-39)

Sec. 54-163. Commission powers with respect to landmarks, landmark sites and historic districts.

The commission has the power to:

- (1) Designate a building, together with its accessory buildings and its lot of record, or a vacant site or a district as historic and worthy of preservation as a landmark, landmark site or historic district, as the case may be, within the jurisdiction of the commission, provided such designation is ratified by the town council.
- (2) Recommend appropriate legislation for the preservation of any building, site or district which it has so designated.
- (3) Make application for public and private funds when appropriate and available for the purposes set forth in this article subject to the approval of the town council.
- (4) Review applications proposing erection, alteration, restoration or moving of any building it has so designated or any building located in a district it has so designated, and to issue or deny certificates of appropriateness accordingly.
- (5) Review applications for demolition permits proposing demolition of all or part of any landmark or any building located in an historic district, and to issue certificates of appropriateness or to deny them for one year.
- (6) Cooperate with the owner of a landmark or a property located in an historic district throughout the year following a refusal to issue a certificate of appropriateness pursuant to an application for a demolition permit, and to seek alternative economic uses for such landmark or property.
- (7) Review its denial of a certificate of appropriateness for demolition of such landmark or property annually, during a public hearing at which time the owner of the affected landmark or property shall be afforded an opportunity to appear with counsel and to present testimony.
- (8) Prohibit the issuance of building, exterior remodeling or demolition permits affecting any property under consideration for landmark designation without a certificate of appropriateness, this prohibition to remain in effect for the length of time required by the commission and the town council for final action on the proposed designation. The commission shall accomplish such prohibition by furnishing the building official a list of all property under consideration for landmark designation.

(Code 1982, § 16-42)

Sec. 54-164. Landmark, landmark site and historic district designation and undesignation procedures.

- (a) The following procedure shall be adhered to by the commission in designating any building, building site or district that is worthy of preservation:
 - (1) The commission shall consider for landmark designation any property proposed by the owner of record or by a member of the commission.
 - (2) Notice of a proposed designation shall be sent by certified mail to the owner of record of property proposed for designation as a landmark or landmark site and to each owner of record of property in a district proposed for designation as an historic district, describing the property proposed and announcing a public hearing by the commission to consider such a designation to be held not less than 30 days after the mailing of such notice.
 - (3) The commission shall also cause notice of each such proposed designation to be posted at least 30 days prior to the public hearing on the bulletin board in the lobby of the town hall, and in addition the commission shall cause such notice to be published in

a newspaper having general circulation in the town.

(4) The commission may retain or solicit expert testimony regarding the historic and architectural importance of the buildings and districts under consideration for designation.

(5) The commission may present testimony or documentary evidence of its own to establish a record regarding the historic and architectural importance of the proposed landmark, landmark site or historic district.

(6) The commission shall afford the owner of each affected property reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of such property.

(7) The owner of each affected property shall be afforded a right of representation by counsel and reasonable opportunity to cross examine witnesses presented by the commission.

(8) Any interested party may present testimony or documentary evidence regarding the designation of a proposed landmark, landmark site or historic district at the public hearing and may submit to the commission documentary evidence within three days after the hearing.

(9) Within not more than 30 days after a public hearing, the commission shall render a final decision regarding the proposed designation and give written notice of its decision to each owner of property affected by the designation, setting forth the reasons for the decision.

(10) The commission shall maintain a record of testimony and documentary evidence submitted to it for consideration of the designation of a proposed or previously designated landmark, landmark site or historic district.

(11) In accordance with section **54-163(1)**, the town council shall, within 90 days of the commission's final decision, hold a public hearing to consider ratification of the determination of the commission prior to the designation of a property as a landmark or landmark site or of a district as an historic district becoming effective. Absent ratification by the town council, the commission's determination shall be ineffective.

(12) Within 30 days of the date on which the town council ratifies the commission's designation of a landmark, landmark site or historic district, the commission shall cause to be filed in the office of the county recorder of deeds a certificate of notification that such property is designated a landmark or landmark site or is located within a district designated an historic district; and the certificate of notification shall be maintained on the public record until such time as such designation may be withdrawn by the commission and the town council.

(b) Designation and undesignation hearings before the commission shall be held only during the months of November, December, January, February, March and April.

(c) Designation of a landmark, landmark site or a historic district may be withdrawn by following the same procedure as listed above.

(Code 1982, § 16-43)

Sec. 54-165. Voluntary restrictive covenants.

The owner of any landmark or landmark site may, at any time following the designation of his property, enter into a restrictive covenant on the property after negotiation with the commission. The commission may assist the owner in preparing such a covenant in the interest of preserving the

landmark or the landmark site. The owner shall record such covenant in the office of the county recorder of deeds and shall notify the town clerk, building official and town council and may notify the office of the countyproperty appraiser of such covenant and the conditions thereof.

(Code 1982, § 16-48)

Secs. 54-166--54-195. Reserved.

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2012

Section of Agenda

Appeals

Agenda Title

Appeal of ARCOM Decision B-011-2012, 273 Tangier Avenue (per letter dated April 25, 2012, from Maura Ziska).

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum from John Page, Director of Planning, Zoning, and Building, dated April 26, 2012
- Letter from Maura Ziska dated April 25, 2012
- Minutes from ARCOM Meetings
- Architectural Plans 273 Tangier Ave

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 9, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John S. Page, Planning, Zoning & Building Director

Re: ARCOM Appeal: 273 Tangier Avenue

Date: April 26, 2012

STAFF RECOMMENDATION

Staff recommends that the Town Council review and act upon the appeal filed on behalf of property owners Ronald and Judith Ripka Berk of 273 Tangier Avenue.

GENERAL INFORMATION

Property owners at 273 Tangier Avenue hired architect Jerome Baumoehl to design a second floor addition to their single story home. Their lot is 17,300 sq. ft. in size and is zoned R-B. A cubic content ratio (CCR) of no more than 3.93 applies to the property. A full second floor addition would far exceed the allowable CCR. As such, the architect designed a partial second floor addition that “steps back” from all four sides of the home to comply with CCR and setback requirements.

ARCOM reviewed plans in February, March and April, deferring the project on each occasion. Although a number of concerns were expressed about individual architectural elements (see Minutes excerpts attached), it was the perceived “disconnect” between the first and second floors that caused the majority of concern from ARCOM. Architect Bromoehl modified plans following each deferral in response to ARCOM commentary. Commissioners generally agreed that each iteration improved the architecture, but have remained reluctant to grant approval.

When most recently reviewed by ARCOM on April 25, 2012, a vote to approve the project as revised failed by a vote of three ayes, four nays. Attorney Maura Ziska filed the attached appeal later that same day. Section 18-177 of the Town Code reads as such: “An applicant or any interested party may file an appeal to the town council on any ruling by the architectural commission.”

Selected plan sheets from the most recently revised project set have been attached illustrating the expanded home.

Attachments

cc: Maura Ziska, Esquire
Jerome Baumoehl
John Lindgren, Planning Administrator
Architectural Commissioners

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

Marvin S. Rosen, *Counsel*

*Also admitted in New York

*Also admitted in Michigan

VIA FACSIMILE AND EMAIL

Esperanté

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

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

April 25, 2012

Susan Owens, Town Clerk
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Notice of Appeal

Property Owner: Ronald Berk and Judith Ripka Berk

Arcom Review # B-011-2012

Property Address: 273 Tangier Avenue, Palm Beach, FL

Dear Ms. Owens:

On behalf of Mr. and Mrs. Berk, the property owners of 273 Tangier Avenue, this notice of appeal is filed requesting the Town Council to approve the plans that were presented to the Architectural Review Commission ("Arcom") on April 25, 2012 and eventually deferred after much discussion and a vote in favor of the project that failed by a 4 to 3 vote.

The basis for the appeal is that Arcom deviated from the criteria set forth in Section 18-205 of the Town of Palm Beach Code by not approving the proposed project. The project is a proposed second story addition to a one story home. It was originally presented to the commission in February with a deferral to make certain revisions. Although the changes were made per the commission direction, Arcom again deferred the project in March bringing up new criticism and making recommendations for revisions. After the March Arcom meeting, the architect, Jerome Baumohl, met with as many commissioners who were available and made the changes per their comments. At the April 25th meeting, after much discussion, there was a vote for approval that failed by one vote. After much more discussion, the project was again deferred with no recommendations as to how to revise the plans, which is in essence a denial and an inference that the owner is not entitled to a second story addition or that they should tear down their home and start from scratch.

Based on the foregoing and the fact that the architect repeatedly did everything that the commission asked of him, Mr. and Mrs. Berk respectfully request the Town Council to approve the plans that were presented the commission on April 25th. Please place this matter on the next Town Council agenda. Please call me if you have any questions with the foregoing. Thank you.

Sincerely yours,



Maura Ziska, Esq.

cc: Mr. and Mrs. Berk
Peter Elwell, Town Manager
John C. Randolph, Esq., Town Attorney
John Page, Director, Planning Zoning & Building

A Florida Professional Limited Liability Company Including Professional Associations

After consideration of last month's critique of the plans, the project has been revised not to raise the parapet at all in the front; and, to redesign in order to eliminate the need for the space between the floors. Mr. Kino noted that the front setback variance has been withdrawn, but the other two variance requests remain.

MOTION BY MR. KARAKUL THAT IMPLEMENTATION OF THE PROPOSED VARIANCES WILL NOT CAUSE NEGATIVE ARCHITECTURAL IMPACTS.

MOTION SECONDED BY MR. ZUKOV.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. KARAKUL FOR APPROVAL OF THE ARCHITECTURE AS PRESENTED.

MOTION SECONDED BY MR. VILA.

MOTION CARRIED UNANIMOUSLY.

B - 010 - 2012 New residence

Address: 1348 North Lake Way

Applicant: Patrick Carney

Architect: Smith and Moore Architects

Project Description: New two-story residence in the Bermuda Georgian style: White concrete tile roof, Building Color - Yellow, Trim Color - White, Shutter Color - white. Preliminary landscape plan.

Please be advised that Mr. Smith has previously declared a Voting Conflict with regard to this project.

Please note that this project was heard at the January meeting. At that time, there was a motion for deferral to the February meeting. There was also a motion for "Approval" of the variance (i.e., ARCOM recommends that the Town Council approve the variance.)

MOTION BY MR. ZUKOV FOR DEFERRAL TO THE MARCH MEETING.

MOTION SECONDED BY MR. VILA.

MOTION CARRIED UNANIMOUSLY. (Mr. Gruss voting.)

B. MAJOR PROJECTS - NEW BUSINESS (9:37:59 a.m.)

B - 011 - 2012 Addition, Landscape/Hardscape

Address: 273 Tangier Avenue

Applicant: Judith and Ronald Berk

Architect: Jerome Baumoechl, AIA

Project Description: Partial renovation of existing perimeter walls, removal of entire roof structure to accommodate the construction of a new second floor. Pool, hardscape and landscape

Call for disclosure of ex parte communication: Disclosures by several members

ARCHITECTURAL PRESENTATION BY: Jerome Baumoechl, Architect

LANDSCAPE PRESENTATION BY: Frank Meroney, Environment Design Group

ALSO PRESENT: Property owners and their designer

Mr. Baumoechl stated that the project received variance approval for side setback last week. He explained that the plans include removal of the bay "bump" in the master bedroom area on the ground floor; a general "clean up" of the existing one-story home; recess of the front loading garages another 8"; plans to remove the entire roof structure in preparation for the second story addition centered on the first floor; and, site changes. Materials include Herpel pre-cast smooth stone for the window sills surrounds and quoins, Pella custom impact windows with larger muntins, pre-cast columns; rubbed oil bronze railings with stone cap; and, dark roof tiles. Mr. Meroney, Landscape Architect, indicated that the existing perimeter Ficus hedge (on three sides) is very healthy and will be retained; the existing semi-circular driveway (to be re-paved) will be bisected for a new pedestrian walkway; new columns and double gates; landscape with simple, formal appeal; rear yard with new pool with spa pushed back on the property, and flanked by expanses of lawn; eight (8) Royal Palms in the rear yard.

Under comments: Simplification needed...too much going on here.

Let the record show, (at 10:03 a.m.), there was a power failure at this point; all systems went down; there was a short recess in order to re-establish connectivity to all technological components in the Chambers.

Under comments: Nice project; eliminate all the quoins; you don't need elaborate gates; front door and railings are fine; amount of detail is overwhelming in the front; second story roofline does not add to the house; existing Ficus hedges are not in great shape; gates are too big; nice mix in the neighborhood...not overbearing; with regard to garage, guest parking and forecourt, it is dangerous to force cars to back out of a driveway; overall massing is good; overhang on banding is exaggerated; re-study the hip roof over the window; whole second story is popped up in middle of flat roof; second floor does not relate to first floor; and, windows are out of proportion.

**MOTION BY MR. KARAKUL TO DEFER (TO MARCH) FOR RE-STUDY.
MOTION SECONDED BY MRS. VANNECK.
MOTION CARRIED UNANIMOUSLY.**

B - 012 - 2012 Gates

Address: 131 East Inlet Drive

Applicant: Bryson Cook

Architect: Mario Nievera

Project Description: New vehicular gate design

Call for disclosure of ex parte communication: Disclosures by Mr. Homes and Mr. Vila

ARCHITECTURAL PRESENTATION BY: Keith Williams, Nievera Williams Design

Mr. Williams explained that a variance has been approved to place the proposed entry gate 10 feet from the edge of the road. It will be a white aluminum gate matching the aluminum house railings. The sliding gate is 3 ft. 6 in. in height, but the overall height from the road to the top of the gate is approximately 5 ft. The gate is requested to protect pets and to prevent persons from using the driveway as a turnaround.

Under comments: It is so rigid and one long piece...no style...detracting; would rather have no gate, but understands the owner's reasons for requesting the gate; good solution.

ARCORN 3/28/12

B - 011 - 2012 Addition, Landscape/Hardscape

Address: 273 Tangier Avenue

Applicant: Judith and Ronald Berk

Architect: Jerome Baumohl, AIA

Project Description: Partial renovation of existing perimeter walls, removal of entire roof structure to accommodate the construction of a new second floor. Pool, hardscape and landscape

Please note that after hearing the project at the February meeting, it was deferred to the March meeting for re-study.

Call for disclosure of ex parte communication: Disclosures by several members

ARCHITECTURAL PRESENTATION BY: Jerome Baumohl, AIA

LANDSCAPE PRESENTATION BY: Dustin Mizell, Environment Design Group

Mr. Baumohl presented revised plans in response to the commission's comments at the February meeting. Mr. Mizell likewise presented revised plans showing revisions to the columns and pedestrian gate. Tiered landscaping has been added to the plans. Though the commission agreed that the project was improved since last month's presentation, concerns remained regarding the stepped back second floor, the double gates, the condition of the hedges, and color choices for materials.

MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED.

MOTION DIED FOR LACK OF A SECOND.

MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED, WITH THE OVERHANG REDUCED.

MOTION DIED FOR LACK OF A SECOND.

MOTION BY MR. HOMES FOR DEFERRAL TO THE APRIL MEETING.

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED UNANIMOUSLY.

It was recommended that the architect study a second floor which is flush with the first floor front facade and a design with less ornamentation. It was suggested that the renderings clearly indicate the color choices for materials; and, that perhaps more landscaping be added to the front.

Maura Ziska, on behalf of the property owners, indicated that a redesigned project may require variances.

Let the record show that Mrs. Delp administered the Oath of Office to Mr. Sammons at this time.

Chairman Vila welcomed Mr. Sammons, a Florida registered architect, into service.

EXCERPT FROM THE MINUTES OF THE ARCHITECTURAL COMMISSION MEETING OF
APRIL 25, 2012

B - 011 - 2012 Addition, Landscape/Hardscape

Address: 273 Tangier Avenue

Applicant: Judith and Ronald Berk

Architect: Jerome Baumoechl, AIA

Project Description: Partial renovation of existing perimeter walls, removal of entire roof structure to accommodate the construction of a new second floor. Pool, hardscape and landscape

Please note that after hearing the project at the February meeting, it was deferred to the March meeting for re-study. At the March meeting, the project was deferred to the April meeting.

Call for disclosure of ex parte communication: Disclosures by all members present

ARCHITECTURAL PRESENTATION BY: Jerome Baumoechl, AIA

COMMENTS BY: Tristan Harstan, Interior Designer

LANDSCAPE PRESENTATION BY: Frank Meroney, Environment Design Group

COMMENTS BY APPLICANT'S ATTORNEY: Maura Ziska, Attorney

Mr. Baumoechl stated that the project has been significantly revised based upon the comments from the last two meetings. Some of those changes include: Simplified the design; lowered the railing; lowered the massing of the windows; eliminated front pedestrian gates; and changed the pre-cast panels. Mr. Meroney discussed the revisions to the landscape and hardscape, especially at the front of the house, eliminating the proposed pedestrian gates and substituting landscaping in that location. Ficus hedging will be removed and replaced with Clusia hedge. In the rear, lower level trees have been introduced beneath the Royals. At the master bedroom, additional shrubs have been added. Staff noted that the crushed rock areas on the sides cannot be counted as landscaped open space; grass or mulch must be used in these areas.

Under commission comments, while some members were very pleased with the revisions, others still had serious concerns regarding the design. Comments expressed included: A pre-cast parapet overhangs the building; porch in rear cantilevers over the building; does not see this treatment as an improvement of the existing house; calling attention to Plan CA-4, concern with what the neighbors will see...the east and west elevations; ARCOM is to judge the architecture...keep our standards; this is not successful; the architect has made quite an effort to address previous criticisms, but the design still has a fundamental problem with a second story addition which is set back and "pops up" out of the base of the house; he is faced with keeping the bottom of the building and then "CCR-ing", i.e., taking a slice here and there, until he meets the CCR, and that, to me, is not architecture; some of the elements work; the owners would like a second floor, but because of the code restrictions, this is the best solution; the front was my problem before, and he's worked so hard on it, and this is what the people want.

MOTION BY MR. ZUKOV FOR APPROVAL AS PRESENTED.

MOTION SECONDED BY MR. KNOWLES.

MOTION FAILED, 3-4, WITH MRS. VANNECK, AND MESSRS. HOMES, SAMMONS AND VILA OPPOSED.

Additional commission comments: Problem with perspective on all four elevations...it's much better from the street, but we are responsible to protect the neighborhood; the issue is not the pop up...it is that the second floor has no relation to the first floor; no amount of detailing will fix the initial plan choice; it is insulting to owner and architect to use the term "pop up"; where are the constructive ideas to fix this?; from a general aesthetic standpoint, it is fine and fits into the neighborhood; if this is being turned down the third

time, the commission should be very specific as to what they want the architect and the owners to do or this is not fair to the owners; this is the best solution to add a second floor; we are not here to design it for him.

Tristan Harstan, the Interior Designer, expressed his frustration with the code limitations and requested concrete feedback from the commission.

In continuing discussion, Mr. Baumoehl reviewed the various design options that were attempted for this project. Ms. Ziska added that a design option to turn second floor flat roofs into terraces created setback problems. The applicant, after having met with staff several times, believes they would not be successful in obtaining variances for this project.

MOTION BY MRS. VANNECK FOR DEFERRAL (TO THE APRIL MEETING).

MOTION SECONDED BY MR. HOMES.

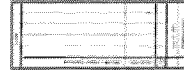
MOTION CARRIED 6-1, WITH MR. ZUKOV OPPOSED.



Tangier Avenue - "Aerial View", (Showing Existing Adjacent Property Relationships)



APR-2



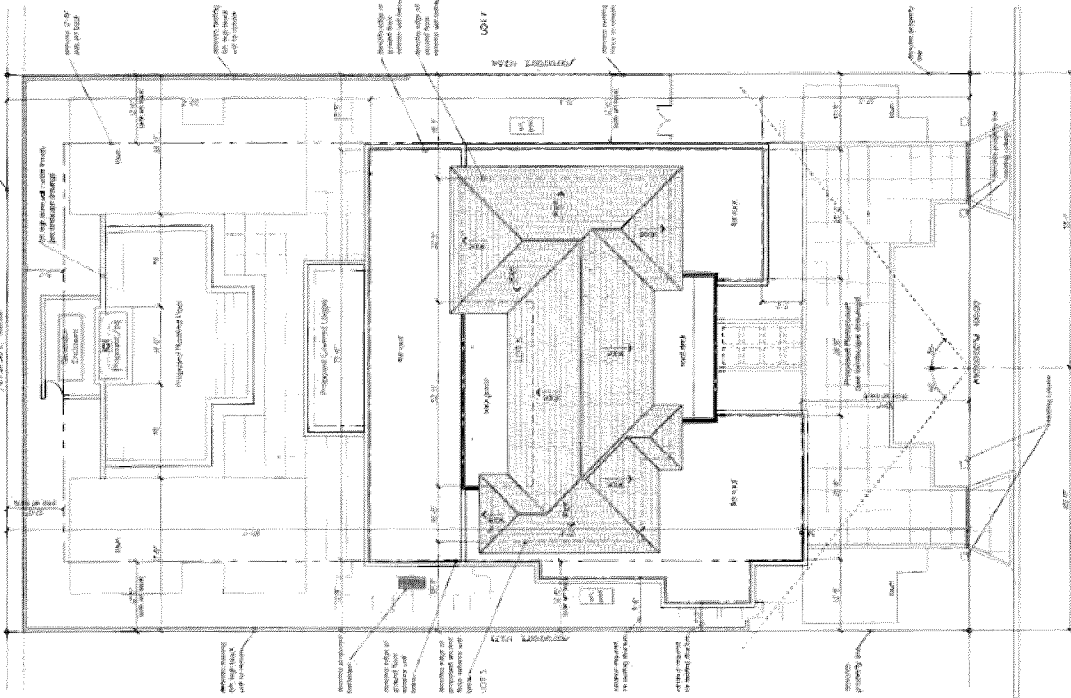
Renovations and Additions to the Residence for
Judith and Ronald Berk
101 North Avenue
Tampa, Florida 33604
Tel: 813.241.1111
Fax: 813.241.1112
www.jrb.com



2. License
Professional
Architect
Tampa, Florida
101 North Avenue
Tampa, Florida 33604
Tel: 813.241.1111
Fax: 813.241.1112
www.jrb.com



SITE DATA	
ZONING DISTRICT:	D-6
Use and lot coverage based on D-6 district, lot area depth and width are greater than min. required in D-6 district.	
EXISTING LOT AREA:	
Proposed lot coverage by building:	11,500 / square feet = 100%
Maximum lot coverage allowed: 50%	9,154 / square feet = 22.68%
LANDSCAPE OPEN SPACE:	
Existing:	7,395 / square feet = 42.88%
Proposed:	(8,555 / square feet) = (45.48%)
Required:	7,772 / square feet = 43.00%
Plant yard open space required:	
Existing:	1,000 / square feet = 48.00%
Proposed:	890 / square feet = (45.68%)
Required:	8,610 / square feet = (45.68%)
Building FLOOR:	
Building FLOOR:	2.54
Building FLOOR:	15.19 = 61.98% / square feet
Building FLOOR:	5,400 cubic feet
Building FLOOR:	0.9846 cubic feet
Building FLOOR:	3,825 / square feet
Building FLOOR:	1,900 / square feet
Building FLOOR:	0.8750 / square feet
Building FLOOR:	140 / square feet
Building FLOOR:	220 / square feet
Building FLOOR:	488 / square feet
Variance Required for:	
existing adjacent setback, laundry room, existing adjacent setback, bedroom 21:	4.99 feet of 12.5 feet required
existing adjacent setback, bedroom 21:	9.49 feet of 12.5 feet required
Setback:	front = 25 feet
Setback:	side = 12.5 feet (ground floor)
Setback:	rear = 10 feet
SYMBOL LEGEND	
Existing Elevations	
Proposed Elevations	
Gravel Drainage Direction	
LAND/CAPE NOTE	
refer to landscape and landscape plans by landscape architect for all landscape and landscape information	
LEGAL DESCRIPTION	
PROPERTY ADDRESS: 270 Tanger Ave., Palm Beach, FL 33480	
FLOOD ZONE: AT 1504 150220-0002 C 09/08/21	
FLOOD ZONE: AT 1504 150220-0002 C 09/08/21	
Book 12, Page 16, of the Public Records of Palm Beach County, Florida	



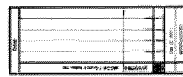
Site Plan (showing proposed second floor/roof plan)

RECORDING BOOK 12, PAGE 16

SP2

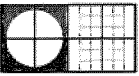
Judith and Ronald Berk
Renovations and Additions to the Residence for:

177 Tanger Avenue
Palm Beach, Florida 33480



Jerome Baunach
Architect
Palm Beach, Florida
177 Tanger Avenue
Palm Beach, Florida 33480
Tel: 561.833.1111
Fax: 561.833.1112
www.jeromebaunach.com





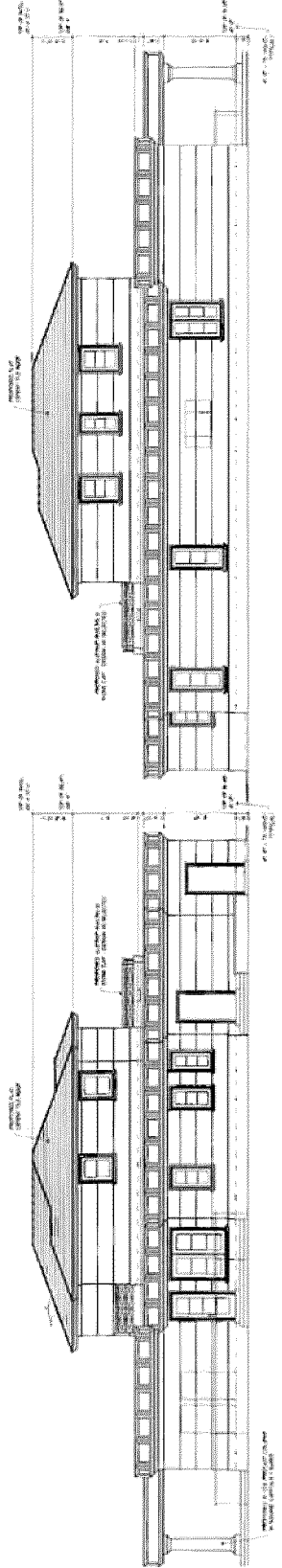
Jerome Baumachl
Architect
177 Taylor Avenue
New York, NY 10012
Tel: 212-255-1000
Fax: 212-255-1001
www.jeromebaumachl.com



Judith and Ronald Berk
Renovations and Additions to the Residence for
177 Taylor Avenue
New York, NY 10012

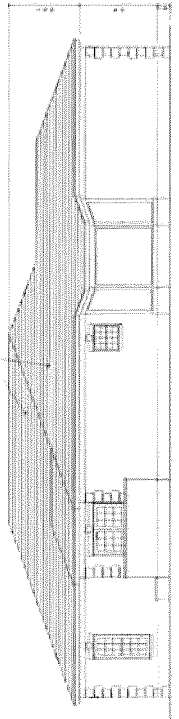


ARCHITECTURE B-01000
REVISION 01

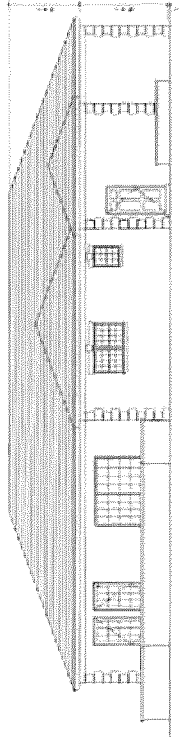


Proposed Left Side/West Elevation
1/8" = 1'-0"

Proposed Right Side/East Elevation
1/8" = 1'-0"



Existing Right Side/East Elevation
1/8" = 1'-0"



Existing Left Side/West Elevation
1/8" = 1'-0"

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2012

Section of Agenda

Old Business - < 15 Minutes

Agenda Title

SPECIAL EXCEPTION #4-2012 WITH VARIANCESThe application of Pizza Al Fresco, LLC; relative to property commonly known as **8-14 Via Mizner**; described as Condominium Units No C-106S, C-107S, C-108S and C-109S of Via Mizner South, a Condominium according to the Declaration of Condominium thereof, as recorded in Official Records Book 7069, Page 203 of the Public Records of Palm Beach County, Florida; located in the C-WA Zoning District. The applicant requests a special exception to modify existing Special Exception No. 3-2006 to allow the existing restaurant, which is a special exception use, to add 40 additional outside restaurants seats for Pizza Al Fresco Restaurant within the Via Mizner west courtyard. Variances are also requested to increase outdoor seating by 40 seats over and above the inside capacity, which is not permitted by the outdoor seating conditions in the code and to eliminate the 14 required off-street parking spaces for the 40 additional outside seats. [Attorney: William W. Atterbury III]

Deferred from the April 11, 2012, Town Council Meeting.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter dated April 30, 2012, from William Atterbury III with support letters
- Various Support Letters

LAW OFFICES
ALLEY, MAASS, ROGERS & LINDSAY, P.A.

340 ROYAL POINCIANA WAY, SUITE 321

POST OFFICE BOX 431

PALM BEACH, FLORIDA 33480-0431

(561) 659-1770

FACSIMILE (561) 833-2261

DOYLE ROGERS
ALAN LINDSAY
PAUL B. ERICKSON
DAVID H. BAKER
WILLIAM W. ATTERBURY III
LOUIS L. HAMBY III
ROBB R. MAASS
M. TIMOTHY HANLON
WARREN D. HAYES, SR.
STUART J. HAFT
BRUCE A. McALLISTER

RAYMOND C. ALLEY (1893-1975)
HAROLD G. MAASS (1923-2006)
DWIGHT A. MILLER (1945-2010)
KAREN S. MARX (1964-1994)

EDWARD D. LEWIS (OF COUNSEL)

CAROL S. WAXLER
1331 SE OCEAN BOULEVARD
STUART, FLORIDA 34996
P (772) 287-4404
F (772) 287-4044

April 30, 2012

Paul Castro
Zoning Administrator
Planning, Zoning & Building Department
Town of Palm Beach
360 S. County Road
Palm Beach, Florida 33480

Via Hand Delivery

Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

Dear Mr. Castro:

In response to your letter of April 24, 2012, and at the request of the Town Council, I enclose original of letters of support for this application from each of the following occupants of Via Mizner:

Jennifer Miller	(5 Via Mizner)
Pucci & Catana	(21 Via Mizner)
D. Dream Atelier	(23 Via Mizner)
Trinity Collection	(27 Via Mizner)
Diane Firsten	(28 Via Mizner)
Caryna Nina	(32 Via Mizner)
Blue Caribe	(33 Via Mizner)
Tomas Maier	(38 Via Mizner)
Leta Foster	(64 Via Mizner)
Barzina, Inc.	(66 Via Mizner)
Pomponner	(88 Via Mizner)
S. Thompson Galleries	(90 Via Mizner)
Angela Moore	(335 Via Mizner)
Style Paris	(337 Via Mizner)
Select Fine Art	(339 Via Mizner)
DEA	(341 Via Mizner)
Winston Lighting	(343 Via Mizner)

Paul Castro
April 30, 2012
Page Two

Prior to the April 11, 2012 Town Council Meeting, letter of supports were sent to the Town Council by the following property owners in Via Mizner, additional copies of which are also enclosed herewith:

Ian M. Kean	(48 Via Mizner)
Robb R. Maass	(75 Via Mizner)
Nick Adams	(1 Via Mizner)
Gretchen E. Bentley	(66 Via Mizner)

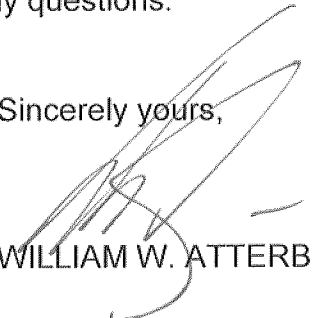
Further, I am enclosing for your reference a copy of the April 5, 2012 letter of support from the Worth Avenue Association, the original of which was previously furnished.

Finally, I am enclosing original letters of support from over twenty (20) regular customers of Pizza Al Fresco restaurant.

I have investigated the code violations to which you refer in your letter. Other than the seating issue, the prior violations had been resolved well prior to the April 11, 2012 meeting and were not then and are not now issues. The seating issue has now been rectified.

Please let me know if you have any questions.

Sincerely yours,



WILLIAM W. ATTERBURY III

cc: John S. Page (Letter Only)

April 18, 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

I am a tenant at 5 Via Mizner. I am aware of the application of Pizza Al Fresco for 40 additional outside restaurant seats in the Via Mizner west courtyard, and am writing to support that application.

Pizza Al Fresco is an asset to Via Mizner. The owners have always been respectful of other businesses and residents alike with regard to noise, odors and hours of operation.

The additional outside courtyard seating requested by Pizza Al Fresco is necessary to serve the needs of their existing customers and we urge the Council to approve the application.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Kelly Murray".A handwritten signature in cursive script, appearing to read "Jennifer Miller".

April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

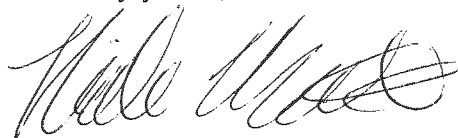
Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

I am a tenant at 21 Via Mizner. I am aware of the application of Pizza Al Fresco for 40 additional outside restaurant seats in the Via Mizner west courtyard, and am writing to support that application.

Pizza Al Fresco is an asset to Via Mizner. The owners have always been respectful of other businesses and residents alike with regard to noise, odors and hours of operation.

The additional outside courtyard seating requested by Pizza Al Fresco is necessary to serve the needs of their existing customers and we urge the Council to approve the application.

Sincerely yours,



April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

I am a tenant at 23 Via Mizner. I am aware of the application of Pizza Al Fresco for 40 additional outside restaurant seats in the Via Mizner west courtyard, and am writing to support that application.

Pizza Al Fresco is an asset to Via Mizner. The owners have always been respectful of other businesses and residents alike with regard to noise, odors and hours of operation.

The additional outside courtyard seating requested by Pizza Al Fresco is necessary to serve the needs of their existing customers and we urge the Council to approve the application.

Sincerely yours,



April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

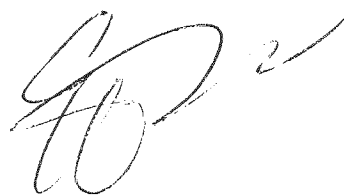
Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

I am a tenant at 27 Via Mizner. I am aware of the application of Pizza Al Fresco for 40 additional outside restaurant seats in the Via Mizner west courtyard, and am writing to support that application.

Pizza Al Fresco is an asset to Via Mizner. The owners have always been respectful of other businesses and residents alike with regard to noise, odors and hours of operation.

The additional outside courtyard seating requested by Pizza Al Fresco is necessary to serve the needs of their existing customers and we urge the Council to approve the application.

Sincerely yours,

A handwritten signature in dark ink, appearing to be 'Gail Coniglio', with a checkmark to the right.

April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

I am a tenant at 28 Via Mizner. I am aware of the application of Pizza Al Fresco for 40 additional outside restaurant seats in the Via Mizner west courtyard, and am writing to support that application.

Pizza Al Fresco is an asset to Via Mizner. The owners have always been respectful of other businesses and residents alike with regard to noise, odors and hours of operation.

The additional outside courtyard seating requested by Pizza Al Fresco is necessary to serve the needs of their existing customers and we urge the Council to approve the application.

Sincerely yours,

Michael Altman
For Diane Fuster

April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

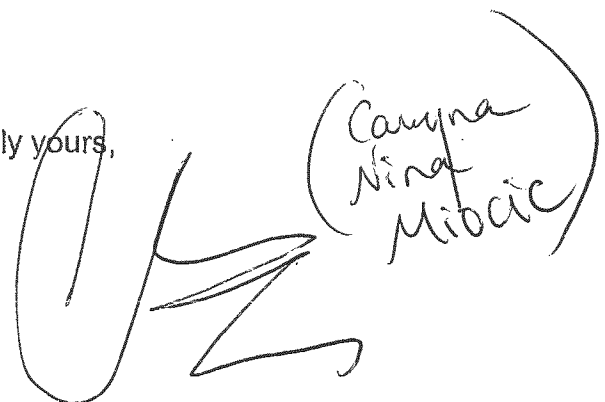
Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

I am a tenant at 32 Via Mizner. I am aware of the application of Pizza Al Fresco for 40 additional outside restaurant seats in the Via Mizner west courtyard, and am writing to support that application.

Pizza Al Fresco is an asset to Via Mizner. The owners have always been respectful of other businesses and residents alike with regard to noise, odors and hours of operation.

The additional outside courtyard seating requested by Pizza Al Fresco is necessary to serve the needs of their existing customers and we urge the Council to approve the application.

Sincerely yours,

A large, stylized handwritten signature in black ink, appearing to read 'Camyna Nina Miodic'. The signature is written in a cursive, flowing style with a large initial 'C'.

April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

I am a tenant at 33 Via Mizner. I am aware of the application of Pizza Al Fresco for 40 additional outside restaurant seats in the Via Mizner west courtyard, and am writing to support that application.

Pizza Al Fresco is an asset to Via Mizner. The owners have always been respectful of other businesses and residents alike with regard to noise, odors and hours of operation.

The additional outside courtyard seating requested by Pizza Al Fresco is necessary to serve the needs of their existing customers and we urge the Council to approve the application.

Sincerely yours,

Diana O'Brien
BLUE CARIBE

April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

I am a tenant at 38 Via Mizner. I am aware of the application of Pizza Al Fresco for 40 additional outside restaurant seats in the Via Mizner west courtyard, and am writing to support that application.

Pizza Al Fresco is an asset to Via Mizner. The owners have always been respectful of other businesses and residents alike with regard to noise, odors and hours of operation.

The additional outside courtyard seating requested by Pizza Al Fresco is necessary to serve the needs of their existing customers and we urge the Council to approve the application.

Sincerely yours,

J. Peterson

April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

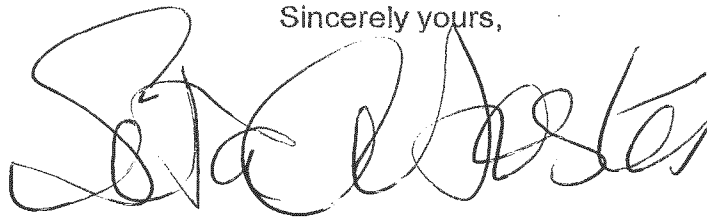
Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

I am a tenant at 64 Via Mizner. I am aware of the application of Pizza Al Fresco for 40 additional outside restaurant seats in the Via Mizner west courtyard, and am writing to support that application.

Pizza Al Fresco is an asset to Via Mizner. The owners have always been respectful of other businesses and residents alike with regard to noise, odors and hours of operation.

The additional outside courtyard seating requested by Pizza Al Fresco is necessary to serve the needs of their existing customers and we urge the Council to approve the application.

Sincerely yours,

A large, stylized handwritten signature in black ink, appearing to read "Joe Foster".A smaller, more legible handwritten signature in black ink, appearing to read "Joe Foster".

April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

I am a tenant at 66 Via Mizner. I am aware of the application of Pizza Al Fresco for 40 additional outside restaurant seats in the Via Mizner west courtyard, and am writing to support that application.

Pizza Al Fresco is an asset to Via Mizner. The owners have always been respectful of other businesses and residents alike with regard to noise, odors and hours of operation.

The additional outside courtyard seating requested by Pizza Al Fresco is necessary to serve the needs of their existing customers and we urge the Council to approve the application.

Sincerely yours,

Dutchman C. Bentley
BARZINA, INC.

April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

I am a tenant at 89 Via Mizner. I am aware of the application of Pizza Al Fresco for 40 additional outside restaurant seats in the Via Mizner west courtyard, and am writing to support that application.

Pizza Al Fresco is an asset to Via Mizner. The owners have always been respectful of other businesses and residents alike with regard to noise, odors and hours of operation.

The additional outside courtyard seating requested by Pizza Al Fresco is necessary to serve the needs of their existing customers and we urge the Council to approve the application.

Sincerely yours,



ARIELLE STRATTON
POMPONNER

April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

I am a tenant at 90 Via Mizner. I am aware of the application of Pizza Al Fresco for 40 additional outside restaurant seats in the Via Mizner west courtyard, and am writing to support that application.

Pizza Al Fresco is an asset to Via Mizner. The owners have always been respectful of other businesses and residents alike with regard to noise, odors and hours of operation.

The additional outside courtyard seating requested by Pizza Al Fresco is necessary to serve the needs of their existing customers and we urge the Council to approve the application.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'S. Thompson', with a long horizontal flourish extending to the right.

S. Thompson Gallery

April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

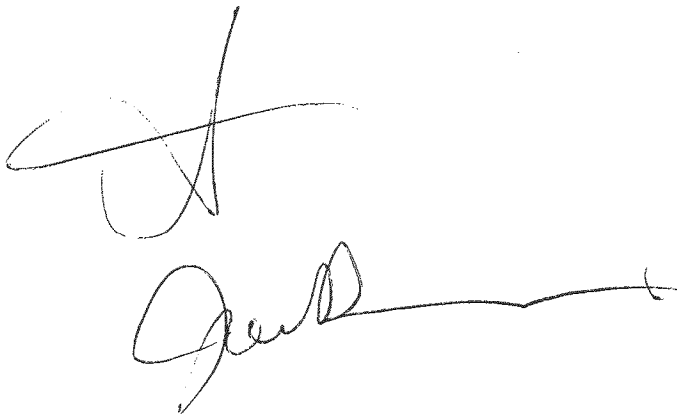
Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

I am a tenant at 335 Via Mizner. I am aware of the application of Pizza Al Fresco for 40 additional outside restaurant seats in the Via Mizner west courtyard, and am writing to support that application.

Pizza Al Fresco is an asset to Via Mizner. The owners have always been respectful of other businesses and residents alike with regard to noise, odors and hours of operation.

The additional outside courtyard seating requested by Pizza Al Fresco is necessary to serve the needs of their existing customers and we urge the Council to approve the application.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Angela Moore', with a long horizontal flourish extending to the right.

April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

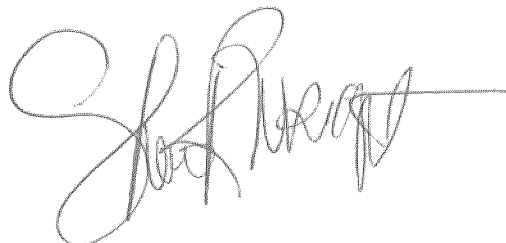
Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

I am a tenant at 337 Via Mizner. I am aware of the application of Pizza Al Fresco for 40 additional outside restaurant seats in the Via Mizner west courtyard, and am writing to support that application.

Pizza Al Fresco is an asset to Via Mizner. The owners have always been respectful of other businesses and residents alike with regard to noise, odors and hours of operation.

The additional outside courtyard seating requested by Pizza Al Fresco is necessary to serve the needs of their existing customers and we urge the Council to approve the application.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "John P. [unclear]", with a long horizontal flourish extending to the right.

April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

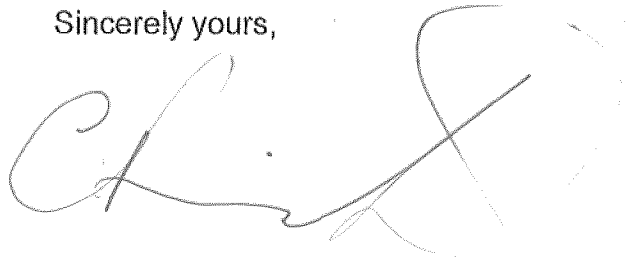
Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

I am a tenant at 339 Via Mizner. I am aware of the application of Pizza Al Fresco for 40 additional outside restaurant seats in the Via Mizner west courtyard, and am writing to support that application.

Pizza Al Fresco is an asset to Via Mizner. The owners have always been respectful of other businesses and residents alike with regard to noise, odors and hours of operation.

The additional outside courtyard seating requested by Pizza Al Fresco is necessary to serve the needs of their existing customers and we urge the Council to approve the application.

Sincerely yours,

A handwritten signature in dark ink, appearing to be 'C. L. S.', written over a faint circular stamp.

April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

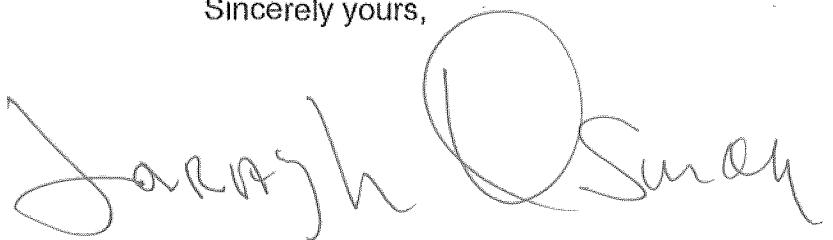
Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

I am a tenant at 339 Via Mizner. I am aware of the application of Pizza Al
Fresco for 40 additional outside restaurant seats in the Via Mizner west
courtyard, and am writing to support that application.

Pizza Al Fresco is an asset to Via Mizner. The owners have always been
respectful of other businesses and residents alike with regard to noise, odors and
hours of operation.

The additional outside courtyard seating requested by Pizza Al Fresco is
necessary to serve the needs of their existing customers and we urge the
Council to approve the application.

Sincerely yours,

A handwritten signature in cursive script, reading "Jaragh O'Sunay". The signature is written in dark ink on a white background.

April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

I am a tenant at 339 Via Mizner. I am aware of the application of Pizza Al Fresco for 40 additional outside restaurant seats in the Via Mizner west courtyard, and am writing to support that application.

Pizza Al Fresco is an asset to Via Mizner. The owners have always been respectful of other businesses and residents alike with regard to noise, odors and hours of operation.

The additional outside courtyard seating requested by Pizza Al Fresco is necessary to serve the needs of their existing customers and we urge the Council to approve the application.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "E. Paul", written in a cursive style.

April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

I am a tenant at 341 Via Mizner. I am aware of the application of Pizza Al Fresco for 40 additional outside restaurant seats in the Via Mizner west courtyard, and am writing to support that application.

Pizza Al Fresco is an asset to Via Mizner. The owners have always been respectful of other businesses and residents alike with regard to noise, odors and hours of operation.

The additional outside courtyard seating requested by Pizza Al Fresco is necessary to serve the needs of their existing customers and we urge the Council to approve the application.

Sincerely yours,

A handwritten signature in black ink, appearing to read "K. Green". The signature is fluid and cursive, with a long horizontal stroke at the end.

April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

I am a tenant at 343 Via Mizner. I am aware of the application of Pizza Al Fresco for 40 additional outside restaurant seats in the Via Mizner west courtyard, and am writing to support that application.

Pizza Al Fresco is an asset to Via Mizner. The owners have always been respectful of other businesses and residents alike with regard to noise, odors and hours of operation.

The additional outside courtyard seating requested by Pizza Al Fresco is necessary to serve the needs of their existing customers and we urge the Council to approve the application.

Sincerely yours,

Jaqueline A. Bloom

**IAN M. KEAN
PO BOX 3341
PALM BEACH, FL 33480
561-832-0705**

March 21, 2012

The Mayor and Members of the Town Council
360 South County Road
Palm Beach, FL 33480

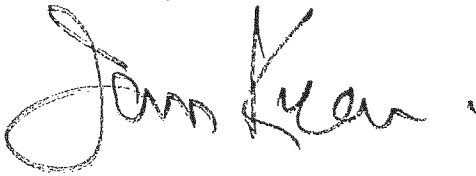
re: Pizza al Fresco, Via Mizner

Dear Mayor Coniglio and Members of the Town Council,

My apartment, known as Two Via Mizner which is above the southeast courtyard of Via Mizner and fronting on Worth Avenue. It is a near neighbor of Pizza al Fresco. This very attractive and successful restaurant is a great asset and enhancement to the ambience of Via Mizner giving it a vitality and charm which it has not before enjoyed. It is my request that you give favorable consideration to the proposal to permit 40 additional outside seats for service by the restaurant, within the west courtyard of Via Mizner.

Thank you for your consideration in this matter.

Sincerely

A handwritten signature in dark ink, appearing to read "Ian Kean", with a stylized flourish at the end.

Ian M. Kean

ROBB R. MAASS
75 VIA MIZNER
PALM BEACH, FLORIDA 33480

March 15, 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

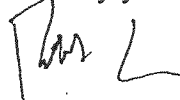
Dear Mayor Coniglio and Members of the Town Council:

My wife Liz and I are owners of Unit R-2N, Via Mizner Condominium, where we now reside. We have seen the application of Pizza Al Fresco for 40 additional outside restaurant seats in the Via Mizner west courtyard, and we fully support that application.

My wife and I moved to our apartment in large part because of the ambiance of the Via, and Pizza Al Fresco enhances that ambiance in the best European tradition. Pizza Al Fresco has been in operation under the same family ownership for several years, and the owners have always been respectful of residents and businesses alike, with regard to noise, odors, and hours of operation.

The additional outside courtyard seating requested by Pizza Al Fresco is necessary to serve the needs of their existing customers (including ourselves), and we urge the Council to approve the application.

Sincerely yours,



Robb R. Maass

SE 4-2012
8-14 Via Mizner

February 20, 2012

Mayor Gail Coniglio and Members of The Town Council:

I'm writing you to express my support for Pizza al Fresco in their request for additional seating. My home is directly adjacent to Pizza al Fresco, and I have no issues whatsoever with the restaurant having additional seats. I would ask that you consider approving their request, as the additional seats would be most welcome.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Nick Adams', followed by a long horizontal flourish line.

Nick Adams

1 Via Mizner

Palm Beach, FL 33480

BARZINA

66 Via Mizner

Worth Ave

Palm Beach, Florida 33480

Ph: (561) 833-5834 E-mail: barzina@aol.com

February 22, 2012

Town of Palm Beach

TO WHOM IT MAY CONCERN:

I am a business and property owner in the Via Mizner. I am most appreciative of the presence of Pizza al Fresco in the Via as it contributes greatly to my business traffic.

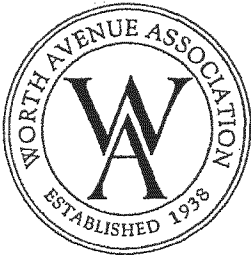
I am in complete agreement that the number of authorized tables and chairs be increased as per the application of Mrs. Arlene Desiderio.

Yours truly,



Gretchen E. Bentley

Worth Avenue Association



P.O. Box 2126, Palm Beach, FL 33480
Phone: 561-659-6909 Fax: 561-659-9898

WWW.WORTH-AVENUE.COM

Email: info@worth-avenue.com

Quality - Integrity - Service

April 5, 2012

Mr. John Page, Director
Planning, Building and Zoning Department
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Pizza al Fresco Restaurant
14 Via Mizner

Dear John:

On behalf of the Board of Directors of the Worth Avenue Association, please accept this letter in support of the expanded outdoor seating request filed by Pizza al Fresco in Via Mizner.

If you feel our presence is important at any Town meeting to address this, please let us know so that we can send a representative in support of Ms. Desiderio.

Kindest regards,

Sherry Frankel,
President

C: Arlene Desiderio
Bob Moore

SE 4-2012
8-14 Via Mizner

Office address: 256 Worth Avenue, Suite 312, Palm Beach, FL 33480

April 18th, 2012

Mayor Gail Coniglio and Town Council Members,

This letter is to support the extra 40 additional seats requested by Arlene Desiderio owner of Pizza al Fresco. I have been in the Palm Beach community and have known the Avenue very well since 1941, and I have lived in Via Mizner as well. My name is Rose Sachs and I wish to respectfully ask your favorable consideration for this petition. Pizza al Fresco is a great asset to the town and a well run business, which people of all ages can enjoy with their families.

Sincerely,

A handwritten signature in cursive script that reads "Rose Sachs". The signature is fluid and elegant, with the first letters of "Rose" and "Sachs" being capitalized and prominent.

Rose Sachs

Herb Kocumel
300 So Ocean Blvd-3F
Palm Beach, FL 33480

To Whom It May Concern:

I've enjoyed great meals and
wonderful times over 15 times during
the past 6 months at Pizzeria AL
Fresco, 14 Via Mizner, Palm Beach.

For whatever reason, I was
denied admission on two occasions
during the past week, April 11 & April 17.

Let's keep Worth Ave businesses
alive & well as we enjoy the
shopping and then the good food
at Pizzeria AL Fresco.

There was never any problems
and the staff was always a
pleasure to deal with. I never

(2)

Witnessed any difficult situations
And found the patrons to be fun
Loving to one another. Needless to
say, the food was great - hence
the popularity of this great South
Avenue restaurant.

Let's renew the great meals
And good times!!

Yours truly,

Art Pennell

Franklin & Emeline Haney
1100 South Ocean Blvd.
Manalapan, Fl. 33462

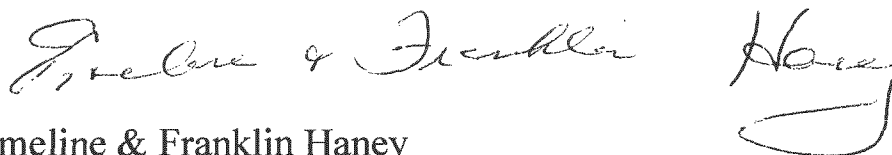
The Honorable Gail Coniglio
Members of the Town Council
April 22, 2012

RE: Pizza Al Fresco; Application for Special Exception No. 4-2012,
with Variances

My husband and I, along with our 5 children, are all patrons of Pizza al Fresco in Via Mizner and aware of their application for 40 additional outside restaurant seats in the Via Mizner west courtyard. We are writing to **STRONGLY** support that application. The Pizza al Fresco has been an outstanding asset for the Worth Ave crowds and they do an outstanding job in serving their customers. The restaurant has become one of the best places to be in Palm Beach...mainly for the great food and service.

The additional outside court yard seating requested by Pizza Al Fresco is necessary to serve the needs of their existing customers and we urge the Council to approve the application.

Sincerely yours,

A handwritten signature in cursive script that reads "Emeline & Franklin Haney". The signature is written in dark ink and is positioned to the left of a large, stylized, handwritten flourish or initial that resembles a large "J" or "H".

Emeline & Franklin Haney

April 17, 2012

The Honorable Gail Coniglio
Members of the Town Council

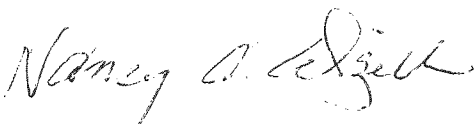
Re: Pizza Alfresco
Application for Special Exception No. 4-2012 with variances.

As a patron of Pizza Alfresco, I am writing this letter to support their application for additional seating in the east courtyard of Via Mizner. Pizza Alfresco is one of the few "family friendly" restaurants in town and is often put in the awkward position of having to turn mom, dad and kids away from a delightful outdoor eating experience. Mrs. Desiderio can absolutely be relied on to provide a venue that will serve the needs of her customers as well as the Town.

Mrs. Desiderio's restaurants are exemplary Corporate Citizens. Perhaps it is time for the Council to revisit the Code requirements.

Please consider this application favorably.

Respectfully,

A handwritten signature in cursive script, reading "Nancy A. Mizelle". The signature is written in dark ink and is positioned above the printed name.

Nancy A. Mizelle

April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

I am a regular customer of Pizza Al Fresco Restaurant and a resident of
the Town of Palm Beach.

I was disappointed to read in the Shiny Sheet recently that the Town
Council deferred the restaurant's application for additional seating in the Via
Mizner west courtyard. I am even more discouraged by the difficulty of obtaining
a reservation at the restaurant, given the limited number of seats currently
available in the west courtyard.

Pizza Al Fresco affords a valuable service to residents of the Town by
providing casual, family-orientated dining in an outdoor setting which is an
important part of why we live in Palm Beach. The additional seats are necessary
for the restaurant to adequately meet this customer need, and I urge the Council
to approve their request for additional seats.

Sincerely yours,

304 ATLANTIC AVE
Palm Beach, FL
33480

570-972-9002

April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

I am a regular customer of Pizza Al Fresco Restaurant and a resident of the Town of Palm Beach.

I was disappointed to read in the Shiny Sheet recently that the Town Council deferred the restaurant's application for additional seating in the Via Mizner west courtyard. I am even more discouraged by the difficulty of obtaining a reservation at the restaurant, given the limited number of seats currently available in the west courtyard.

Pizza Al Fresco affords a valuable service to residents of the Town by providing casual, family-orientated dining in an outdoor setting which is an important part of why we live in Palm Beach. The additional seats are necessary for the restaurant to adequately meet this customer need, and I urge the Council to approve their request for additional seats.

Sincerely yours,

Christine Milner
304 Atlantic Ave.
Palm Beach, FL.
33480.

April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

I am a regular customer of Pizza Al Fresco Restaurant and a resident of
the Town of Palm Beach.

I was disappointed to read in the Shiny Sheet recently that the Town
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a reservation at the restaurant, given the limited number of seats currently
available in the west courtyard.

Pizza Al Fresco affords a valuable service to residents of the Town by
providing casual, family-orientated dining in an outdoor setting which is an
important part of why we live in Palm Beach. The additional seats are necessary
for the restaurant to adequately meet this customer need, and I urge the Council
to approve their request for additional seats.

Sincerely yours,

Katherine Rose
2338 So Ocean Blvd #190
Palm Beach FL 33480
(Katherine Rose)

P.S. We want more outdoor seating --- everywhere in town
This is such a happy appet place ---

April 27, 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

I am a regular customer of Pizza Al Fresco Restaurant and a resident of
the Town of Palm Beach.

I was disappointed to read in the Shiny Sheet recently that the Town
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providing casual, family-orientated dining in an outdoor setting which is an
important part of why we live in Palm Beach. The additional seats are necessary
for the restaurant to adequately meet this customer need, and I urge the Council
to approve their request for additional seats.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Walter Stepan', with a stylized, cursive-like flourish at the end.

WALTER STEPAN

April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

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the Town of Palm Beach.

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important part of why we live in Palm Beach. The additional seats are necessary
for the restaurant to adequately meet this customer need, and I urge the Council
to approve their request for additional seats.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Axel Stepan', written in a cursive style.

AXEL STEPAN

April 21, 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

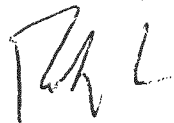
Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

I am a regular customer of Pizza Al Fresco Restaurant and a resident of
the Town of Palm Beach.

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important part of why we live in Palm Beach. The additional seats are necessary
for the restaurant to adequately meet this customer need, and I urge the Council
to approve their request for additional seats.

Sincerely yours,



ROBB MARKS

75 VIA MIZNER
PALM BEACH

April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

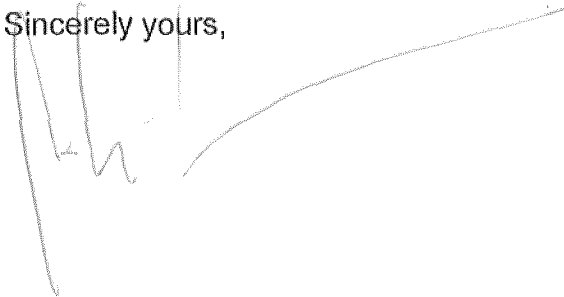
Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
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I am a regular customer of Pizza Al Fresco Restaurant and a resident of the Town of Palm Beach.

I was disappointed to read in the Shiny Sheet recently that the Town Council deferred the restaurant's application for additional seating in the Via Mizner west courtyard. I am even more discouraged by the difficulty of obtaining a reservation at the restaurant, given the limited number of seats currently available in the west courtyard.

Pizza Al Fresco affords a valuable service to residents of the Town by providing casual, family-orientated dining in an outdoor setting which is an important part of why we live in Palm Beach. The additional seats are necessary for the restaurant to adequately meet this customer need, and I urge the Council to approve their request for additional seats.

Sincerely yours,



April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

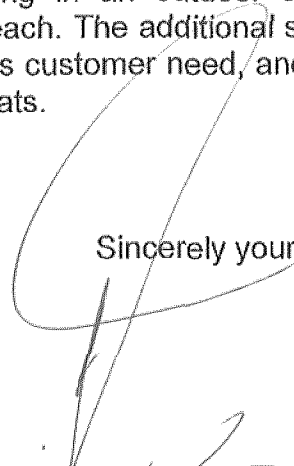
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for the restaurant to adequately meet this customer need, and I urge the Council
to approve their request for additional seats.

Sincerely yours,


JAMES KERWIN
3895 LAKE DR
PALM BEACH

April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
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for the restaurant to adequately meet this customer need, and I urge the Council
to approve their request for additional seats.

Sincerely yours,

My Allen J. J. J.
333 Coconut Row
Palm Beach, FL

April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

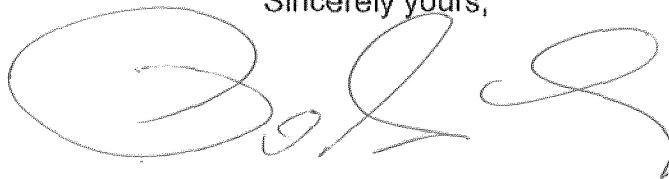
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to approve their request for additional seats.

Sincerely yours,



Peter Louismore

333 Coconut Row

April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

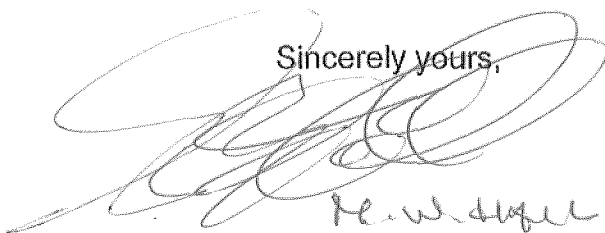
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important part of why we live in Palm Beach. The additional seats are necessary
for the restaurant to adequately meet this customer need, and I urge the Council
to approve their request for additional seats.

Sincerely yours,



Re. W. H. H. H.

1494 N. LAKE WAY
P.B.

33480.

4/20/12

April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

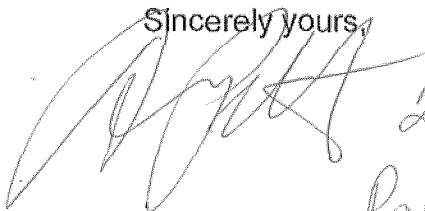
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important part of why we live in Palm Beach. The additional seats are necessary
for the restaurant to adequately meet this customer need, and I urge the Council
to approve their request for additional seats.

Sincerely yours,


2335 S. Ocean Blvd
#19E
Palm Beach FL
33480

April 22, 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

I am a regular customer of Pizza Al Fresco Restaurant and a resident of the Town of Palm Beach.

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Sincerely yours,

A handwritten signature in cursive script, appearing to read "Carol Smith".

April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

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providing casual, family-orientated dining in an outdoor setting which is an
important part of why we live in Palm Beach. The additional seats are necessary
for the restaurant to adequately meet this customer need, and I urge the Council
to approve their request for additional seats.

Sincerely yours,

Lorraine Wall
1494 NTH LAKE WAY
Palm Beach FL 33480
4/22/12.

April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

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for the restaurant to adequately meet this customer need, and I urge the Council
to approve their request for additional seats.

Sincerely yours,

John L. Jones
4534 Clear Ave
P.B., FL

April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

Re: Pizza Al Fresco; Application for Special Exception No. 4-2012, with
Variances

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Pizza Al Fresco affords a valuable service to residents of the Town by providing casual, family-orientated dining in an outdoor setting which is an important part of why we live in Palm Beach. The additional seats are necessary for the restaurant to adequately meet this customer need, and I urge the Council to approve their request for additional seats.

Sincerely yours,

Shirley Kerwin
389 S. Lake Dr.
Palm Beach

April , 2012

The Honorable Gail Coniglio
Members of the Town Council
360 South County Road
Palm Beach, Florida 33480

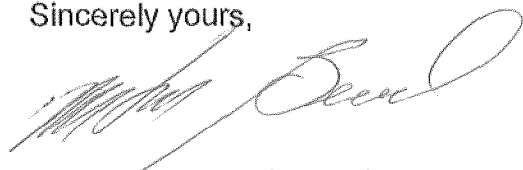
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for the restaurant to adequately meet this customer need, and I urge the Council
to approve their request for additional seats.

Sincerely yours,


3300 E. Ocean Blvd
Palm Beach, FL

**Marley's Palm Beach Collection
256 Worth Avenue, Ste R
Palm Beach, FL 33480
(561) 721-1022
(561) 721-1025 fax**

April 25, 2012

Mrs. Arlene Desiderio
Renato's
87 Via Mizner
Palm Beach, FL 33480

Dear Arlene:

After hearing about your plight regarding seating at Pizza Al Fresco, I understand why my husband and I were unable to get a table a few weeks ago. I was quite unhappy as a big part of the charm of Palm Beach is dining al fresco. You would think the town council would be more agreeable since residents and business owners alike enjoy in town dining especially, when we can sit outside and enjoy fabulous food under the stars. Isn't that what it's all about.

If there is anything I can do to help convince the powers that be to grant you additional outdoor seating, please let me know.

Warmest regards,



Marley Herting
President
Marley's Palm Beach Collection

Sherry Frankel's Melangerie
256 Worth Avenue
Palm Beach, FL 33480
(561) 655-1996

April 25, 2012

Mrs. Arlene Desiderio
Renato's
87 Via Mizner
Palm Beach, FL 33480

Dear Arlene:

It seems so unrealistic to decrease seating at Pizza Al Fresco since there was a survey done by the Chamber of Commerce and the outcome was that people wanted more cafes. Since there is no space for that, you'd think everyone would be agreeable to allow more seating in the existing cafes.

I find it difficult to believe that we are catering to a code as opposed to catering to our residents who so enjoy dining outdoors in these magical courtyards.

Big Hugs,



Sherry Frankel

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2012

Section of Agenda

New Business - < 15 Minutes

Agenda Title

VARIANCE #14-2012The application of 657 Island Drive Trust (Maura Ziska, Trustee); relative to property commonly known as **657 Island Drive**; described as The South 60 feet of Lot 61 and the North 75 feet of Lot 63 of LONE CABBAGE ISLAND DEVELOPMENT (NOW KNOWN AS EVERGLADES ISLAND), according to the Plat thereof, recorded in Plat Book 18, Page 31, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to construct a one and two story new residence on a 21,600 square foot lot that would have a 27.7% lot coverage in lieu of the 25% maximum allowed in the R-B zoning district for a lot in excess of 20,000 square feet. [Attorney: Maura Ziska]

[ARCOM Recommendation: Variance will not cause negative architectural impact to the subject property. Carried 7-0.]

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter dated April 23, 2012, from James E. Mattei
- Email dated April 24, 2012, from Stanley M. Rumbough, Jr.
- Letter dated April 27, 2012, from Harold J. Baxter

James E. Mattei
650 Island Drive
Palm Beach, FL 33480

April 23, 2012

Mayor, Town Council &
Members of the Architectural Review Commission
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Variance Number 14-2012/ARCOM #B34-2012
657 Island Drive, Palm Beach, FL 33480

Dear Madam Mayor, Town Council members and ARCOM members:

I reside at 650 Island Drive in Palm Beach, FL. My neighbor, across the street to the west, is planning to build a new single family residence at 657 Island Drive and has requested a minor variance in lot coverage to accommodate their household and design needs. I have reviewed the plans for the proposed residence and would like to offer my complete support for their variance request and architectural design. I believe the new residence will be a great asset to our neighborhood. Hopefully, you and your staff will agree and approve the proposed project. We look forward to having the new owners as our neighbors.

Thank you for your consideration and please call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'James E. Mattei', with a stylized, cursive script.

James E. Mattei

cc: Maura A. Ziska, Esq.



To:
Cc:
Bcc:
Subject: Fw: 657 Island Drive, Palm Beach, FL 33480

From: smrumb@aol.com [mailto:smrumb@aol.com]
Sent: Tuesday, April 24, 2012 11:48 AM
To: mayor@townofpalmbeach.com; council@townofpalmbeach.com; jlindgren@townofpalmbeach.com; Maura Ziska
Subject: 657 Island Drive, Palm Beach, FL 33480

*Mayor and Town Council
Members of the Architectural Review Commission
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480*

RE: Variance #14-2012/ARCOM #B34-2012 - 657 Island Drive, Palm Beach, FL 33480

Dear Madam Mayor, Town Council Members and ARCOM Members,

I reside at 655 Island Drive in Palm Beach. My neighbor to the south is planning to build a single family residence at 657 Island Drive and has requested a minor variance for lot coverage to accommodate their household and design needs. I have reviewed the plans for the proposed residence and fully support their variance request and architectural design. I believe that the new residence will be a fine improvement to our neighborhood. Hopefully, you and your staff will agree with me and will approve the proposed project.

Thank you for your consideration and please call me at 561-655-4886 if you have any questions.

*Sincerely,
Stanley M. Rumbough, Jr.*

Harold J. Baxter
663 Island Drive
Palm Beach, Florida 33480

April 27, 2012

VIA Facsimile 561-838-5411

Mayor and Town Council and
Members of the Architectural Review Commission
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Variance Number 14-2012/ARCOM #B34-2012
657 Island Drive, Palm Beach, Florida

Dear Madam Mayor, Town Council members and ARCOM members:

I reside at 663 Island Drive in Palm Beach. My neighbor to the north is planning to build a new single family residence at 657 Island Drive and have requested a minor variance for lot coverage To accommodate their household and design needs. I have reviewed the plans for the proposed residence and fully support their variance request and architectural design. Hopefully, you and your staff will agree with me and will approve the proposed project.

Thank you for your consideration and please call me if you have any questions.

Sincerely,



Harold J. Baxter
Neighbor

Cc: Arcom staff: John Lindgren: Fax 561-835-4621
Maura Ziska: Fax 561-802-8995

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2012

Section of Agenda

New Business - < 15 Minutes

Agenda Title

VARIANCE #16-2012The application of Danielle Hickox Moore and Kelly Moore; relative to property commonly known as **277 Pendleton Avenue**; described as Lots 18 & 19, Block 1, REVERIE ADDITION TO THE TOWN OF PALM BEACH, according to the Plat thereof, recorded in Plat Book 7, Page 61, Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to allow two sliding driveway gates with an eight foot 4 inch foot setback from the edge of pavement in lieu of the eighteen foot minimum required. [Attorney: Maura A. Ziska]

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter dated April 9, 2012, from Alan Ciklin and Lynn Ciklin
- Letter dated April 25, 2012, from Camille Kassatly

Alan and Lynn Ciklin
260 Pendleton Avenue
Palm Beach, Florida 33480

TOWN OF PALM BEACH
APR 12 2012
Town Manager's Office

VIA FACSIMILE: 561-838-5411

April 9, 2012

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

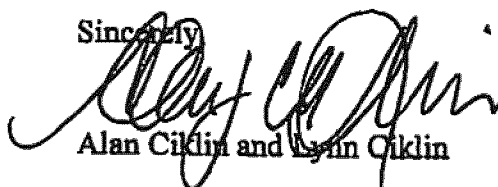
RE: Variance # 16-2012/277 Pendleton Avenue, Palm Beach, Florida

Dear Mayor and members of the Town Council:

We reside at 260 Pendleton Avenue in Palm Beach. Mr. and Mrs. Kelly Moore, who live across the street from us, have requested the Town to grant a variance for two sets of driveway gates that do not meet the required setback. We fully support their request and think the gates will protect their young children and dogs from running out into the street. Also, since Pendleton is a one-way street, having gates will not interrupt traffic flow. There is ample room for a car to go around a car that may be momentarily stopped in front of their house. We believe that the proposed gates are acceptable to both our neighbor's property and our neighborhood.

Thank you for your consideration.

Sincerely,



Alan Ciklin and Lynn Ciklin

cc: Mr. and Mrs. Moore
Maura A. Ziska, Esq.

cami | kassatly

April 25, 2012

Mayor and Town Council Members
Town of Palm Beach
360 South County Road
Palm Beach, Florida 33480

TOWN OF PALM BEACH

APR 26 2012

Town Manager's Office

RE: Variance 16-2012/277 Pendleton Avenue,
Palm Beach, Florida 33480

Dear Mayor and Members of the Town Council:

We have owned property on Pendleton Avenue for over 50 years. Our first property was 239 Pendleton and our second property is our guest house which is across the street from Mr. and Mrs. Kelly Moore.

Mr. and Mrs. Moore have requested the Town to grant a variance for two sets of driveway gates that do not meet the required setback. Mr. and Mrs. Moore have two young children and for their safety please grant their request. Pendleton is a one way street and we have see automobiles, especially taxis going very fast and not paying any attention to what is going on. Pendleton also has a lot of traffic because people are on their way to church.

My husband and I are in full support of adding the gates in front of the house.
Thank You for Your Time and Attention,
Camille Kassatly

TOWN OF PALM BEACH

Town Council Meeting on: May 9, 2012

Section of Agenda

New Business - < 15 Minutes

Agenda Title

VARIANCE #17-2012The application of 326 Via Linda, LLC (Joseph Jacobs); relative to property commonly known as **326 Via Linda**; described as Lot 13, less the East 15 feet thereof, and Lot 13A of ALLARD SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 23, Page 186, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to construct a portion of the basement (162 square feet) to be outside of the walls of the proposed residence and to allow the grade to be raised more than two feet above the natural grade in order to be hidden from view. The request is to raise the natural grade 4 feet in lieu of the 2 foot maximum allowed. [Attorney: Maura A. Ziska]

Request for Withdrawal per Letter Dated May 2, 2012, from Maura A. Ziska.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter dated May 2, 2012, from Maura A. Ziska

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

Marvin S. Rosen, *Counsel*•

*Also admitted in New York

•Also admitted in Michigan

Esperanté

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

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

VIA FACSIMILE: 561-835-4621

May 2, 2012

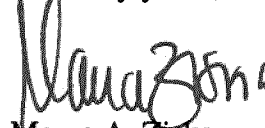
Mayor and Town Council
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Variance #17-2012/326 via Linda, Palm Beach

Dear Mayor and Town Council:

Please **withdraw** the above referenced matter from the May 9, 2010 Town Council agenda. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely yours,



Maura A. Ziska

MAZ/mr

cc: Paul Castro

Jeff Smith

Joseph Jacobs

00014087

WEDNESDAY, MAY 9, 2012, TOWN COUNCIL MEETING

“APPROVAL OF AGENDA” INFORMATION SHEET

VIII. DEVELOPMENT REVIEWS

C. Variances, Special Exceptions, and Site Plan Reviews

2. New Business

- d. **VARIANCE #17-2012** The application of 326 Via Linda, LLC (Joseph Jacobs); relative to property commonly known as **326 Via Linda**; described as Lot 13, less the East 15 feet thereof, and Lot 13A of ALLARD SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 23, Page 186, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to construct a portion of the basement (162 square feet) to be outside of the walls of the proposed residence and to allow the grade to be raised more than two feet above the natural grade in order to be hidden from view. The request is to raise the natural grade 4 feet in lieu of the 2 foot maximum allowed.

[Attorney: Maura A. Ziska]

Request for Withdrawal per Letter Dated May 2, 2012, from Maura A. Ziska.

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ARE THERE ANY OTHER CHANGES TO THE AGENDA?

ADD- settlement agreement

TOWN OF PALM BEACH

MAY 07 2012

Town Manager's Office

AJIT ASRANI
443 SEAVIEW AVENUE
PALM BEACH, FLORIDA 33480

7 May 2012

TO:

The Honorable Gail L. Coniglio, Mayor
The Honorable David A. Rosow, President
The Honorable Robert N. Wildrick, President Pro Tem
The Honorable William J. Diamond
The Honorable Richard M. Kleid
The Honorable Michael J. Pucillo

FROM:

Ajit Asrani

Sent via fax #561 838-5411

RE: Four Arts Site Plan Review No. 3-2012 with Special Exception and Variances

I am writing on behalf of Ms. Jane Baker, 235 Cocoanut Row, and myself, 443 Seaview Avenue. In view of the continuous construction projects undertaken by the Society of the Four Arts, currently and in the past, it is important to take into perspective the impact it has had on the residents on Seaview Avenue.

Ms. Baker's property is located diagonally and directly across from the Four Arts site. I believe that because of the ongoing construction for the past several years it has affected the quality of her life and diminished the value of her property. Although Ms. Baker has had her property on the market for more than two years it is very unlikely that she has a chance of selling it with all the construction related noises and traffic. She was unable to lease it this season due to the current loud construction noise starting at 8 am daily. As a result, she was not afforded the quiet enjoyment of her home. She already knows the extreme noise made by the Recreation Center generators at night and has great concerns regarding the impact of additional generators in the immediate area.

My objection pertains to the generators. While the generators might meet the acceptable standards they should not be allowed to be located on the north side, they have managed without them before. It might be pertinent to mention that

Page 2.-

the Town granted permission to my neighbor at 14 South Lake Trail to place a generator to the east of his property. This generator sits practically under my bedroom. The noise level at night is unbearable and I have had to call the police to resolve the situation. In my opinion, the enormity and the invasive nature of the project demands that the applicant should have liaised with the affected property owners prior to the application. In my past experience, the Town has always required an owner seeking variances and special exceptions to do so.

In view of the foregoing, I am requesting that Variance 3, Section 134-1729 of the Zoning Application be denied until a more suitable location can be found to install the generators.