

1021 N. Ocean Blvd.

Exhibit A:

Reasons the site plan should be denied pursuant to section 134-329

3. Ingress and Egress to the property with respect to automotive and vehicular traffic: traffic flow and control...

Past and Present site plan provide room for two cars to park tandem in the Northern entrance drive and thereby force refuse collection onto the street.



1-13-14
EXHIBIT _____
SE 02-2014
Presented by:
David Lawrence

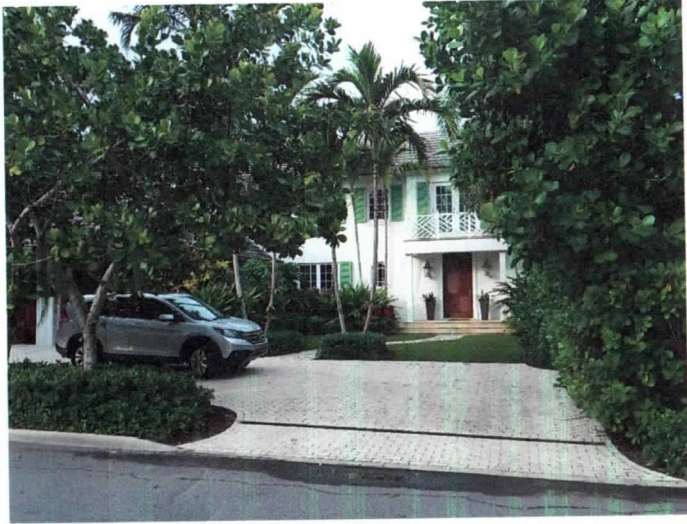
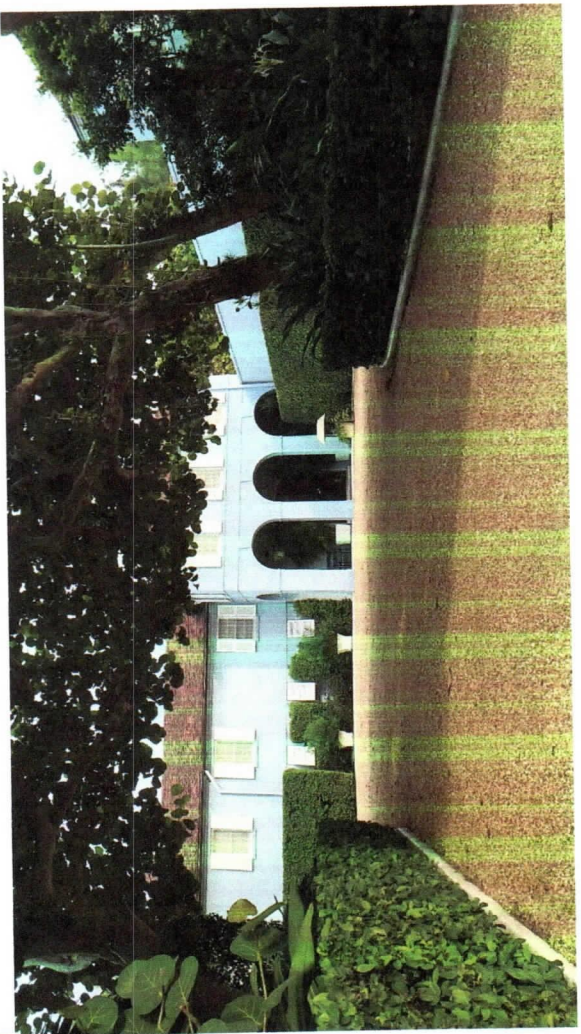


Exhibit B: Special exception requirements

- 3 The use will not cause substantial injury in the value of other properties in the neighborhood as there are other residences in this residential district.**
- 4. The use will be compatible with adjoining development and the neighborhood as it is permitted.**
 - The style of the building is not harmonious with the neighboring houses.
 - The massing is overscaled given the site relative to the adjacent properties.
 - The third floor tower could provide access to a rooftop deck that would infringe on the privacy of the neighbors.
 - The house is sited farther forward than the adjacent structures and though permitted by code is not harmonious with the adjacent properties.
 - The “basement” floor has an uncharacteristically large amount of electrical and mechanical equipment rooms. Either these room names are drafting errors or they are intended to obfuscate the true intended uses.



8. Recreation facilities and open spaces with attention to size, location and development of the areas as to the adequacy, effect on the privacy of adjacent and nearby properties and the uses on the property....

- The inadequate screening given the size of the planters (approximately 2 ½ feet) will adversely affect the privacy of the house to the south.
- The pool deck area there is a location labeled “Terrace” given the lack of labeling or explanation, is the terrace elevated? If so, there are additional privacy issues.
- The terrace on the north side of the house doesn’t provide for adequate screening for the property to the north of the subject property.
- In earlier plans, there was an elevated terrace on the Northeast corner of the property. A rectangular area is shown on the present site plan but not labeled. If this is an elevated terrace then it infringes on the privacy of the neighbor to the north.
- The “tower” is adjacent to a portion of the roof with a parapet that appears to be rail height which would allow for it to be used as a third floor deck.

5. Proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the property boundaries...

- Areas of concern based on information available:
 - Landscape plans incomplete enough to determine adequacy of the buffers.
1. The proximity of the proposed structure to the North boundary (15'-0") leaves little room for adequate planting.
 2. Closeness of house to the north boundary causes shadows and together with the harsh salt environment makes it difficult to provide adequate screening.
 3. Planters shown on the South boundary do not appear to be sufficient to screen a deck that is essentially on the second floor (below the "basement")

DONALD A. BURNS

1021 N. OCEAN BLVD.

PALM BEACH, FL 33480

561-844-2111

2015
Deferral Letter

March 2, 2015

Mr. & Mrs. John C. Oxley
1045 N. Ocean Blvd.
Palm Beach, FL 33480

1-13-16
EXHIBIT 3 of 3
SE 02-2016

Dear Neighbors (please forgive the impersonal nature of address as I am not personally acquainted with you all informed as to others meetings that take place):

I have had one direct and one indirect meeting with Carter and Afsy.

The first meeting Carter and Afsy met with Landscape Architect Keith Williams and the second was directly with me yesterday.

I struggle with the contents of my meetings being relayed in the spirit in which they took place.

Carter and I discussed the following:

1. My Staff parking on Eden Road.

I am happy to speak to whomever may be concerned on a one-on-one basis, but I believe our plan is zoning compliant with parking and there should be no need for my staff parking on Eden Road except maybe in exceptional circumstances. I am sure some accord can be reached.

2. Construction parking.

This issue is challenging with any new project. I will research how this works and be prepared to speak about it on Friday, but I am certain any contractor would be legally compliant and would carpool or bus in as necessary if practicable.

3. Privacy as to my abutting neighbors (as defined by one peering into the others property).

If you visit with me on Friday, you will learn that procedurally we had not finished the ARCOM set of plans that would incorporate final windows, exterior materials, etc. because we were anticipating a Land Use hearing that sets the site of the building and not an ARCOM-type hearing showing design as I previously wrote to you in November. There are a host of changes that can be made to the Northern exposure; as to a lesser needed extent on the Southern, that would place the overall level of glass at well below that of any traditional style home and place most all glass above eye-level. We can assure you with certainty, that without regard to Landscaping, our abutting neighbors can avoid having me peer into their yards or homes.

4. Screening (landscaping or walls between properties) that would block sight of neighboring buildings not involving privacy.

The Landscape Architect can achieve a high level of screening with plant materials between our homes. Carter and Afsy have been invited to work directly with our team to achieve the best design outcome possible. We have also offered to plant materials on the Pottash (or Hulitar) property to aid in this effort, but it is likely not needed.

Mr. & Mrs. John C. Oxley

Page 2

March 2, 2015

5. The possibility of a Covenant to keep a certain level of landscape between properties.

I explained that any reasonable and neighborly Covenant would be acceptable to me despite the fact that we have both mutually done a nice job of working together to ensure an attractive barrier between our homes. This has frankly been a frustrating issue because we both have relatively light screening between our houses now and my northern windows look easily into their yard now and have done so since 2000 without incident. I believe, while I won't speak for Carter that he believes the new house will not be attractive so that more screening is needed. You all should know that my current offer is that Carter and Afsy work with my Landscape Architect directly to achieve what they consider satisfactory, and then tender me a draft Covenant that covers maintenance. If we agree on a Covenant, then we have a host of other changes that could be made to protect privacy of neighbors.

I asked that a draft Covenant be tendered before we spent time and money making further changes (which I believe can be achieved) as a failure of the Covenant would kill all other elements of an accord.

6. The lack of desirability of a Tower feature as it relates to in being visible to abutting neighbors.

We will study the visibility of this feature from the Pottash property and report back.

7. The Eastward placement of the structure.

A reasonable neighbor can agree that there can be some movement of this eastward placement, but I have the following fears:

- a) Carter's only position this far is that the only thing that would satisfy him is the eastward limit of the building.
- b) Each new house that has been approved is materially eastward and, in my opinion, will continue to be a trend until the Town changes their setback from its current 15' from an existing seawall!

Certainly none of my neighbors on the ocean would agree to a Covenant nor to all Eastward movement of future structures.

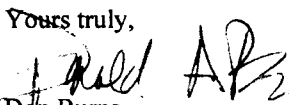
I have been looking for some guidance as to what position might be acceptable, absent "no move" since our December 24, 2014 first meeting with Carter and Afsy. I have never received any guidance.

8. Deferring our application meeting until September when we have proposed June.

I only proposed a longer deferral to have a chance to meet with neighbors and talk these issues through. Hopefully action could be taken that would help us reach an accord and there would be no need for any neighbor to show up in June. Carter reports that some neighbors would be inconvenienced in coming back to Palm Beach in June to personally appear and object and that a September deferral would be better. I would suggest that if this is an inconvenient set of circumstances for both concerned neighbors and me and that we should share this burden. Our option would be to withdraw our application and refile.

We can discuss all of these issues in detail at the meeting you are all invited to on Friday, but my notes are above.

Yours truly,


Don Burns

Home: (561) 844-2111 / Cell: (561) 222-9900

DONALD A. BURNS

1021 N. OCEAN BLVD.

PALM BEACH, FL 33480

561-844-2111

NOTE OF
2015 APPLICATION

1-13-16

EXHIBIT 203

SE 02-2016

November 25, 2014

Mr. and Mrs. John C. Oxley
1045 N Ocean Blvd
Palm Beach, FL 33480

Hello and Happy Thanksgiving,

I wanted to reach out to let you know that I have begun the process of designing a new house for 1021 North Ocean Blvd.

The primary decision to build new, as compared to substantially renovating, is that my current home doesn't comply with local or state zoning and Coastal Control laws and regulations.

The architect and landscape architect have developed a contemporary home and landscaping which provide very attractive and thoughtful screening to protect our mutual privacy. The project will benefit neighbors by a) moving the pool and recreation area from the beachfront to a new courtyard, b) making all side yard setbacks fully compliant while my current home materially intrudes into side yard setbacks, c) improving side yard landscape screening and privacy d) moving noisy mechanical units to more buffered or interior locations and e) improving Motor Court design to improve guest drop off.

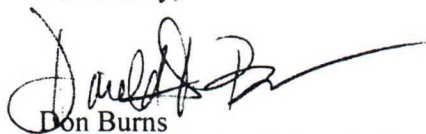
The next step in the process is Site Plan Approval at Town Council which is a requirement of the Town of Palm Beach. The new house will not require any zoning variances for either the structure or the site walls. The Site Plan Review will be reviewed in early 2015. You will all receive notification of the date via the Town of Palm Beach as part of our submission.

Final architectural plans will be filed later in the year, and neighbors will have an opportunity to view the proposed plans at that time. Construction would start toward the middle to end of 2015 after ARCOM approval and Building Permit issuance. Construction would take about two (2) years.

The intention of this letter is to reach out to you all as a courtesy as I move forward in this project. I wanted to inform you all of my intentions before you received any official notices.

Feel free to check in with any questions during the pendency of this project.

Yours truly,



Don Burns

Home: (561) 844-2111 / Cell: (561) 222-9900

NEW HOUSE MANY p.1

1021 NORTH OCEAN BOULEVARD
PALM BEACH, FL 33480

1-13-16

EXHIBIT 1 of 3

SE 02-2016

letters mailed
by owner on
post.

January 14, 2013

Mrs. Mary Hulitar
980 North Ocean Blvd.
Palm Beach, FL 33480

Dear Mary,

The purpose of this note is twofold; first to follow-up and let you know that I have not received the proposed Shared Maintenance Agreement language for our wall repair project and the second to let you know that I may have to postpone the project for our mutual benefit.

I have recently undertaken a study of either a very substantial renovation or a reconstruction of my existing house. In the event that either scope of building moves forward, then the wall that separates our property will have to be substantially modified. If, in the event that my work causes the wall to have to be materially modified, then I will agree to bear the entire cost of such work subject to my already existing conditions for cost sharing.

I will give you a status of the project study by May. In May we will either be able to move forward with our existing plan or postpone the work until such time as my plan is sufficiently developed to guide the design of a new wall at my expense.

I think it would be fair to let the existing General Contractor know that the project may have to be postponed as I have outlined above.

You are always free to proceed to repair the wall without my participation, but I hope you will be able to wait so that you can benefit from either my cost sharing promise or my offer to reconstruct the wall entirely at my expense. Please call me with any questions.

Yours truly,


Don



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U.S. Green Building Council - Member

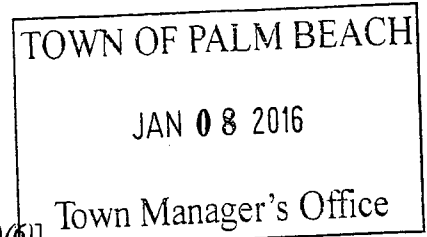
403 South Sapodilla Avenue, Suite 604, West Palm Beach, FL 33401 • Mobile: 609.577.0304 • Fax: 561.514.3549

E-mail: dchase@chaseaep.com

January 8, 2016..

Ms. Maura A. Ziska, Esq.
Kochman & Ziska, PLC
Attorneys at Law
222 Lakeview Avenue
Suite # 1500
West Palm Beach, Florida 33401

David Erik Chase, AIA
Architect Consultant and Expert Witness
Florida Supreme Court Qualified Arbitrator
Florida Supreme Court Certified Circuit Court Mediator



Matter: 1021 North Ocean Boulevard, Palm Beach, Florida
Town Council-Special Exception #2-2016 with Site Plan Review
Ordinance No.: 5-00 [Criteria for Building Permit-Section 18-205(a)(6)]
Palm Beach "International" style - Residential Architecture "White Paper"

Dear Ms. Ziska,

Please consider this correspondence a summary of the "White Paper" above referenced and also my specific opinion regarding Section 18-205(a)(6) as it applies to the #2-2016 action in process.

I am currently licensed to practice architecture in 21 states, and my professional qualifications are offered herewith:

- Since 1974, duly licensed to practice architecture in the State of Florida and current with licensure.
- Having practiced architecture for more than 50 years, knowledgeable and experienced in the field of site planning, building design and construction.
- Over the past 8 years, have served as an expert witness, arbitrator and Florida Supreme Court, Circuit Civil mediator in 100 plus foreclosure, standard of care and construction defect matters in seven states and numerous jurisdictions on the East Coast.
- Familiar with local building codes, standards and practices as I have practiced architecture in West Palm Beach since 2006.
- Currently contribute as a Palm Beach Chapter Board Member and Florida State Director of the American Institute of Architects.

"White Paper":

On January 28, 2015, The Preservation Foundation of Palm Beach offered a public exhibit to highlight fifteen recent examples of "Contemporary Modern Architecture in Palm Beach". These featured designs of residential works, displayed in the exhibit, were all approved with the exception of one by the Town of Palm Beach. The time period of these works ranged from approximately 1954 through 2015.

Although some residences have not as of yet been constructed, this sampling of designs represented the identifying characteristics of the "International" style of architecture (Modern) with typically "white" rectilinear forms, cantilevered construction, interior/exterior openness, steel, glass and concrete wall planes, horizontal linear elements, asymmetrical composition absent of ornamentation and flat roofs; all of which typify one of the predominant residential architectural style choices by owners in Palm Beach today.

In order to fully understand and appreciate the uniqueness of any residential architectural style in the Town of Palm Beach, it is important to examine the linear Town macro context, with continuous beautiful perimeter expansive natural water views and then, "in-fill" neighborhoods, where controlled property definitions drive site specific residential design solutions.

This "Whitepaper" examined fifteen (15) residential ARCOM applications from 1979-2015 which represented a sampling of contemporary "International" style (Modern) architectural projects in the Town of Palm Beach. Additionally, the 1021 North Ocean Boulevard property, pending Application before the Town Council, Special Exception with Site Plan Review, was analyzed based on the fact pattern of the fifteen (15) previously examined Modern projects.

The process provided an appreciation of the "difficulty-of-the-dive" for ARCOM Commission members to fairly and consistently deliberate on each application. Not only do Commissioners have to consider a Town-wide role in achieving a pleasant and comprehensive cohesiveness in residential development-HARMONY-but also...Commissioners are challenged to insure the architectural stylistic integrity for each proposal in the statute summary of styles, as stated in ARCOM Guidelines. However, the independent context of each site-specific proposal, considered within the framework of Section 18-205(a)(6), is the core requirement for ARCOM's deliberation of the approval or non-approval of each application.

A finding of the "White Paper" was that the typology of residential sites in the Town of Palm Beach is characterized by two (2) very differing orientations to the natural beauty of Palm Beach, "Water-View" and "In-Fill". First, "Water-View" sites have a commanding vista of the Atlantic Ocean or Lake Worth and Intracoastal Waterway. These sites are of varying sizes but usually are defined by only three (3) adjoining property boundaries with neighbors and the fourth being the vista view. This matters because the architectural parti, volumetric compositions and lifestyle preferences can be focused toward these vistas. There is more freedom to be creative and play with the context of the site and surrounding elements. Second are "In-Fill" sites which are constrained to smaller sizes defined by four (4) adjoining property boundaries with neighbors. These sites require a greater sensitivity in relation to the established character of other residences in the immediate area or neighboring areas, respecting significant design features, visual perspectives, where the parti is driven inward as vistas are not in this paradigm.

This typology model concept is supported by the fifteen site reviews. For instance, the findings demonstrated that of the eight "Water-View" applications, all eight were approved and actually six (6) received six or more total Commissioner votes. In contrast, the seven "In-Fill" sites included one denial and only four (4) of the approvals received six (6) or more Commissioner votes. In other words, "In-Fill" sites have more interested parties within 200 feet, smaller sites within which to design, streetscape issues where perspectives from almost every direction need to be considered and also complimentary massing considerations with neighbors. Although the consistent application of Section 18-205(a)(6) is required Town-wide, "In-Fill" sites, by the nature of this typology, require broader ARCOM due care.

Town Ordinance-Article III: "The essential foundation of beauty in communities is harmony". This phrase is often misused regarding ARCOM building permit applications. Although in a general sense, it is agreed that harmony is a foundation of beauty, however in the context of architectural adjacencies and larger constructs, harmony is not the only qualifier for beauty, in my opinion. Cohesiveness in site development, proportion, scale, materials, detail, balance, fitness, charm and quality are all elements to be included in consideration of beauty in residential architecture ... considerations required in Sect.18-205(a)(6). Consequently, harmony is not the only default idea for the consideration of acceptance or denial of a particular design or style.

"Criteria for Building Permit":

Section 18-205 (a)(6) is the "core" governing standard which frames ARCOM's due care in my architectural opinion. Although there are generalized overarching themes to guide deliberations, the key is whether or not any of the eight (8) features identified are "excessively" dissimilar or not, to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the eight (8) features listed. The operative word is "excessively" and it is noted that of the fifteen (15) applications reviewed in the "White Paper", all but one were approved with "International" style designs, successfully sited in and among other varying neighboring residential styles. ARCOM consistently found each of these applications as not excessively dissimilar and approvable.

Architectural compatibility and style are confused ideas, in my opinion, when considering the appropriateness of an application of a residential project in the Town of Palm Beach. There is nothing in the language of Section 18-205 (a)(6) which states architectural "style" is a consideration...only **compatibility** (c). My interpretation of compatibility in this context is satisfactory evidence and acceptance of the other seven (7) features in Section 18-205 (a)(6), not referencing styles of architecture. So going forward, the compatibility issue is defined by a new project and its relationship to the existing structures and directly to the adjoining properties and within 200 feet.

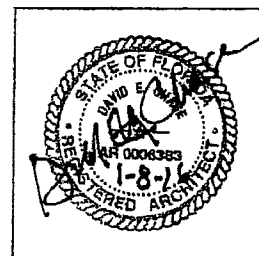
"1021 North Ocean Boulevard residential property": "International" style design

For 1021 North Ocean Boulevard's Application #2-2016 due diligence, regarding ARCOM and the Town of Palm Beach's duty, the statutory features to be evaluated **which are or are not excessively dissimilar** are: (a) Height of building or height of roof; (b) Other significant design features including, but not limited to, materials or quality of architectural design; (c) Architectural compatibility; (d) Arrangement of the components of the structure; (e) Appearance of mass from the street or from any perspective visible to the public or adjoining property owners; (f) Diversity of design that is complementary with size and massing of adjacent properties; (g) Design features that will avoid the appearance of mass through improper proportions; and (h) Design elements that protect the privacy of neighboring property.

Based on the July 2015 "White Paper" findings and the submitted #2-2016 documentation to the Town of Palm Beach by the Applicant, it is my considered professional opinion at this time, that the proposed 1021 North Ocean Boulevard "International" style conceptual residential "Water-View" property designs, are not excessively dissimilar to any other structure(s) within 200 feet regarding the eight (8) statutorily required features in Section 18-205 (a)(6).

Very truly yours,


David Erik Chase, AIA, LEED®GA
President
cc: File





Fw: Objection to 150% Increase in Size of House at 1021 North Ocean Blvd.

Cheryl Kleen to: John Page, Susan Owens, jrandolph

01/11/2016 08:41 AM

Cc: Patricia Gayle-Gordon

History: This message has been forwarded.

----- Forwarded by Cheryl Kleen/PalmBeach on 01/11/2016 08:41 AM -----

From: Thomas G. Bradford/PalmBeach
To: Cheryl Kleen/PalmBeach@palmbeach
Date: 01/09/2016 05:52 PM
Subject: Fwd: Objection to 150% Increase in Size of House at 1021 North Ocean Blvd.

Purple folder
Tom Bradford

Sent from my iPad

Begin forwarded message:

From: "Derek Limbocker" <dlindl545@gmail.com>
Date: January 9, 2016 at 6:56:30 AM EST
To: dukies85@aol.com
Cc: tbradford@townofpalmbeach.com, clerk@townofpalmbeach.com,
pcastro@townofpalmbeach.com, northoceangroup@gmail.com
Subject: **Objection to 150% Increase in Size of House at 1021 North Ocean Blvd.**

Nicole and Derek Limbocker
977 North Ocean Blvd., Palm Beach, FL 33480
561-848-0489

January 8, 2016

Dear Dani

RE: Objection to Special Exception #2-2016 for 1021 North Ocean Boulevard

Nicole and I have been coming to Palm Beach and specifically 977 North Ocean Blvd. since 1960 when her parents, Nick and Bunnie duPont built this house, "Casuarina," on the old Dodge Estate. We now own this house and have been Florida residents for 5 years. We have always been very active in the community and want to preserve this beautiful island and all it has to offer.

We have received notification from the Town of Palm Beach that once again our neighbor, Mr. Burns, (whom we have not met) wants to tear down his existing house at 1021 North Ocean

Blvd. of approximately 10,000 square feet and build a new glass box house of approximately 25,200 square feet, a 150% larger building. To cram a new house of this size and proportions onto a 100 foot wide, non-conforming lot, is totally out of context with the existing neighborhood. This is a perfect example of OVER DEVELOPMENT in the extreme and want you to know that we object most strenuously to the application. It just doesn't work.

Here are our concerns:

1. We live in a house directly on the ocean, and we have a unique arrangement between neighbors in this stretch of homes going from our home and up to, and including 1031 North Ocean Boulevard. By a combination of luck and good sense, no one has built out their homes as far toward the ocean as they are permitted under current rules. No one has built a wall or hedge all the way to ocean bulkheads which are quite low. This leaves a wide-open vista of rolling lawn for everyone to enjoy. We are next to the Eden Road beach access, and so many other beachgoers are also the beneficiaries of this beautiful and unique expanse of lawn. A unique neighborhood has been created along this ocean front of Palm Beach.

This application threatens our neighborhood. Not only is this new proposed home being built out closer to the ocean, but it also is being built up so high that it is higher than the top of the chimneys of the houses around it. The plans show a raising of the ground at the base of the house before it is built, along with two floors of large windows running right up to a flat roof. Then, there is a third floor tower, as well as what looks like a third floor deck or party space with a parapet. This will extinguish much of our privacy, and the house will stick out like a "White Castle Hamburger Joint." The idea that landscaping will hide the house is preposterous. From our first-hand experience, it is impossible to install landscaping in a location on or near the ocean with heavy salt spray that will cover a three story house. It just doesn't work.

2. Because the lot is small, currently there are only two spaces used for staff parking, and those spaces are front-to-back, and not side-by-side. When vendors come, the staff park on Eden Road, disturbing our neighbors there. The proposed new house is 150% larger than the size of the current house. It will take numerous people to take care of a structure of this size on the Ocean. There is not sufficient parking for more than two cars. The spill-over of automobiles and trucks will be in front of neighbor's houses. It just doesn't work.

3. It is implausible that the application has been revised to call the "basement" square footage "uninhabitable." There are just an "AV Room" and "storage rooms" in the "uninhabited space." There must be some other reason for all of that space. It just doesn't work.

4. This contemporary, rectangular, three story house is not compatible with this neighborhood. It looks like a huge, glass bunker. With our experience, even with the most fastidious attention to cleaning, it will be covered with salt spray most of the time.

My grandfather, who was in the tobacco business, used to say about over-building in our small village, Glendale, Ohio 45246, that it was like trying to stuff 25 pounds of tobacco into a 10 pound sack, "it just doesn't work."

Nicole and I are very much against this application from the owner of 1021 North Ocean Blvd. and request that the Palm Beach Town Council deny his Application.

Sincerely yours,

Signed – Nicole and Derek



Fw: Neighbor in opposition to Special Exception Application of Donald Burns at 1021 North Ocean Boulevard

Cheryl Kleen to: John Page, Susan Owens, jrandolph
Cc: Patricia Gayle-Gordon

01/11/2016 08:42 AM

----- Forwarded by Cheryl Kleen/PalmBeach on 01/11/2016 08:42 AM -----

From: Thomas G. Bradford/PalmBeach
To: Cheryl Kleen/PalmBeach@palmbeach
Date: 01/10/2016 06:23 PM
Subject: Fwd: Neighbor in opposition to Special Exception Application of Donald Burns at 1021 North Ocean Boulevard

TGB

Sent from my iPad

Begin forwarded message:

From: "Carter P" <northoceangroup@gmail.com>
Date: January 10, 2016 at 5:46:35 PM EST
To: gconiglio@townofpalmbeach.com
Cc: tbradford@townofpalmbeach.com, clerk@townofpalmbeach.com, pcastro@townofpalmbeach.com, northoceangroup@gmail.com
Subject: Neighbor in opposition to Special Exception Application of Donald Burns at 1021 North Ocean Boulevard

Mr and Mrs. John Oxley
1045 North Ocean Boulevard
Palm Beach, Florida 33480

January 10, 2016

Dear Member of Town Council:

In the Matter of the application of Donald Burns at 1021 North Ocean Boulevard

We are the affected neighbors two doors away from this project. We are writing to oppose, in the strongest possible fashion, this application to destroy a beautiful traditional home and replace it with a boxy contemporary flat roof very tall, over-25,000 sq ft house TWO AND A HALF TIMES

LARGER, AND TALLER THAN ALL NEIGHBORING HOMES (INCLUDING HOMES WITHIN THE STATUTORY RADIUS) on a lot less than 100 ft wide.

When we built our new home, our architect, Jeff Smith, discussed with us, at length, the need to design a home compatible with, and in harmony with, our neighbors, as required by Town rules.

It is very clear to us that this proposed building is not in compliance with numerous rules, policies, and plans.

We appreciate that you have to make a decision strictly following the rules and regulations, and not merely emotions or even common sense. For that reason, we will limit almost all of our comments to specific elements of published rules and regulations. Our comments will be in italics after the quoted sections:

ARCOM

Sec 18-146 (e) “The essential foundation of beauty in communities is harmony. The plan for achieving beauty must grow out of special local characteristics of site, aesthetic tradition and development potential. Some local areas of natural beauty are the beaches, ocean, and Intracoastal Waterway. The vistas and visual delight of these should only be allowed to be enhanced. It is the intent of this article to achieve a pleasant and comprehensive cohesiveness in community development.”

There is nothing whatsoever harmonious about this design as it relates to its neighbors, and it is clearly not in the aesthetic tradition of our specific area. Furthermore, in that the design expands the house both eastward toward to the ocean, and westward toward the street, it decreases the vistas of its neighbors. There is nothing that makes this house part of a comprehensive cohesiveness. In fact, by starting the destruction of the unique section of homes we are in— which have a long rolling expanse of beautiful lawn directly on the ocean, with houses set back from the ocean’s edge, to permit beachgoers and owners to enjoy the open space, we are witnessing a potential developmental tragedy.

Sec 18-205

“The architectural commission may approve, approve with conditions, or

disapprove.. only after consideration of whether the following criteria are complied with:

(a) (4) "The proposed building or structure is in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town, and with any precise plans adopted pursuant to the comprehensive plan."...

It is absurd to suggest that this plan is in harmony with the general area, or with the comprehensive plan (see below). Some may claim that "harmony" is a vague word. This becomes a bit like the practice of constitutional law. As Justice Potter Stewart once famously said about obscenity, "I know it when I see it." There is no reasonable person, or jurist, who would claim that this proposed house is "in harmony" with its neighbors.

(a) (6) "The proposed building or structure is not excessively dissimilar in relation to any other structure existing or for which a permit has been issued or to any other structure included in the the same permit application within 20 feet of the proposed site in respect to one or more of the following features:

(a) height of the building or height of the roof. ***This house is higher than the highest houses in the immediate affected neighborhood and because of its flat roof, its second floor bedrooms are higher than the second floor of neighboring homes. Due to its tower, and the fact that the ground will be raised before construction, this is, in comparison to its neighbors, a 3 1/2 to 4 story building.***

(b) other significant design features including, but not limited to, material or quality of architectural design

(c) architectural compatibility. ***See the above comments about "harmony." No reasonable person could claim this plan shows architectural compatibility.***

(d) arrangement of the components of the structure

(e) appearance of mass from the street or from any perspective visible to the public or adjoining property owners ***Because this building is so high, and because it moves closer to both the road and the ocean, it simply cannot be hidden by landscaping from any direction.***

(f) diversity of design that is complimentary with size or massing of adjacent properties ***This building is not complimentary in any fashion both with regard to size and massing as it relates to adjacent properties. and***

that should be obvious from the plans

(g) design elements that protect the privacy of neighboring property...
Because this building is so massive, and will loom high over all its neighbors, and move both eastward and westward, there is no way to protect the privacy of the neighbors.

(a) (8) “The proposed building or structure is appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality or architectural design as viewed from any public or private way. ***Obviously, the building is inappropriate in relation to neighboring areas with regard to architectural design as viewed from the street or its neighbors, and that cannot be hidden by landscaping due to the massive size.***

(a) (9) “The project’s location and design adequately protects unique site characteristics such as those related to scenic views, rock outcroppings, natural vistas, waterways, and similar features.”... ***Natural and scenic views of the ocean will be diminished for neighbors, and the loss of some of the open rolling lawn of a number of the neighbors— a vista unique for all of Palm Beach, would be a tragedy.***

ARCOM GUIDELINES APPROVED 1/25/95, Modified by staff 2/10/97

“...The Town Council clearly sets out the responsibility of ARCOM to ensure that projects are contextual, that they create harmony and do not disrupt the aesthetic quality of their surroundings, that they achieve a balance with the neighboring properties. ***Regardless of how you define it, this house would destroy harmony, not ensure it, and there would be negative balance with its neighbors.***

The Guidelines then go on to discuss or refer to 10 different styles in Palm Beach. None of them are “contemporary”, although it does say:

“International is one of the prevalent contemporary styles found in Palm Beach.. since the style can appear quite diverse from other styles prominent in Palm Beach, it is suggested that the proposed project be of comparable scale to other houses in order to maintain the harmony and balance of the neighborhood. When neighborhood styles are very diverse, careful attention

should be paid by the project's architect to blend the project's building height and gross square footage with neighboring structures, and to create a drought resistant, comparable landscaping and site plan to decrease the impact of an incompatible style."

The house, even if it is "international" (which we don't believe it to be), is NOT of comparable scale to its neighbors, and is not in harmony or in balance. The height and size do NOT blend in with neighbors, and its impact overall will be disastrous.

COMPREHENSIVE PLAN

"...encourage development and redevelopment at lower density levels than existing zoning allows."

□ "To prevent.. damage to its historical character and to overall property values of the community, the Town will take all technical and administrative measures legally available, including the use of this Comprehensive Plan, to minimize the change or transition of existing low-density areas or structures to more intensive use patterns, and thereby lower the pattern of density.

This project is as high a density as he can get away with without applying for variances.

TOWN COUNCIL RULES FOR SPECIAL EXCEPTIONS

Sec 134-229: "Requirements for granting a special exception use under this chapter are as follows:....

(3) The use will not cause substantial injury to the value of other property in the neighborhood where it is located... ***We will have, at the least, one or more well-respected appraisers comment on the loss of value of the immediately adjacent homes, and that cannot be rejected as subjective.***

(4) The use will be compatible with adjoining development ***see above: not compatible in the least.***

(6) The use will comply with all elements of the comprehensive plan ***see above, not in compliance.***

(7) The use will not result in substantial economic, noise, glare or odor impacts on adjoining properties... ***Increased glare from the large windows in many areas, especially the large floor to ceiling windows on the ocean are issues.***

(8) Adequate... parking and loading areas will be provided where required, with particular reference to....traffic flow and control...*He already has inadequate parking on-site for there to be on-site parking for many of his staff and vendors, who are sure to increase in number when he goes up 250% in size.*

(11) Refuse and service areas for the use shall not adversely affect automotive and pedestrian safety and convenience, traffic flow and control...*He already has too little space for on-site trash pickup, so Town trash trucks are required to shut down one lane of busy North Ocean Blvd (which has only one lane in each direction) to do trash pick up. His employees park head to head in the only space left, and his new plans show no increase in staff parking, and perhaps even a decrease.*

(13) ...adequate landscaping, screening... shall be... provided. *How do you screen out a 3 1/1 story house of over 25,000 sf on a substandard sized lot? It is physically impossible to screen that high, and, on the ocean, additional challenges of screening landscaping are present.*

We thank you for considering our opposition to this application. We urge you to vote no, and not to simply shift this to ARCOM.

Sincerely,

Debby and John Oxley



Fw: Special Exception/Site Planned Application #2-2016 Donald Burns 1021 North Ocean Blvd.

Gail Coniglio to: John Page, Patricia Gayle-Gordon, Susan Owens, jrandolph

01/11/2016 08:39 AM

Sent by: Cheryl Kleen

----- Forwarded by Cheryl Kleen/PalmBeach on 01/11/2016 08:39 AM -----

From: Michelle.J <Michelle.J@cardendodson.com>
To: "gconiglio@townofpalmbeach.com" <gconiglio@townofpalmbeach.com>
Date: 01/08/2016 11:15 AM
Subject: Re: Special Exception/Site Planned Application #2-2016 Donald Burns 1021 North Ocean Blvd.

**G. Alexander Carden, M.D.
1411 North Flagler, Suite 7900
West Palm Beach, FL 33401**

1/8/2016

Re: Special Exception/Site Planned Application #2-2016 Donald Burns 1021 North Ocean Blvd.

Dear Gail,

I have lived in Palm Beach for 25 years and am an active member of our community. I thank you for the time you spend on town affairs, and ask for your assistance in the matter outlined below.

I have been apprised of and familiarized with the plans of the proposed new residential construction at the above-referenced address which is just across N. Ocean Blvd. from our house at 211 Garden Rd. The size, architectural style and orientation of the proposed construction on the undersized lot associated with this address would be regrettable should construction of this new edifice be allowed. The expansion upward to 3 stories (due to the tower and roof deck), and eastward to the ocean as well as is clearly incompatible and out of character with, and would be a serious architectural detriment to, the neighborhood in which it is planned. As such it would clearly diminish the value of the surrounding properties and the Eden-Dodge subdivision as a whole.

An architectural development of this sort seems to depart drastically from the Comprehensive Plan previously approved for development guidelines in the town.

As it is there is inadequate space on the property for trash pickup which occurs while blocking traffic on N. Ocean Blvd. and the property size increase in the manner proposed would only make this problem worse.

My family and I have long enjoyed the picturesque flowing lungs currently existing on the ocean in this unique neighborhood. The proposed house plan would unquestionably disrupt that idyllic view as well.

I encourage the Town Council to vote against the proposed construction as is been presented and to request that a more appropriately sized and athletically conforming plan be submitted before construction on this nonconforming lot is permitted.

With my thanks in advance for your consideration of this matter,

Yours sincerely,

G Alexander Carden

**Anil Narang
202 Garden Road
Palm Beach, FL 33480**

January 8, 2016

Dear Town of Palm Beach Representative

My family lives directly across the street from the home of Donald Burns, who is applying under Special Exception #2-2016 with Site Plan Review to demolish a traditional home of around 8,000 square feet and replace it with a 25,000+ square feet home, on a lot that is simply too small to accommodate this structure, which is why he is seeking your approval to even consider it.

We strongly object to the prospect of such a large home directly across the street from us.

We live in a beautiful neighborhood of traditional homes, and the proposed Burns residence will be a contemporary, boxy, flat roof style home that, in the words of the actual Code of Ordinances, is... "incompatible with adjoining development."

In addition to its style being incompatible, it is clear that its height, after the land is raised as described in the plans, will be destructive in many ways to the value of surrounding homes, and will, to quote again, "result in substantial economic, noise, glare... impact."

Although the plans submitted describe the new building as 2-story, it is in fact 3-story, and possibly 4-story, comparing it to neighboring homes, once you take into account the new higher elevation of the new ground even before construction starts, and the tower floor at the top, with what appears to be a deck with a parapet all around. This is not an example of the North-end issue of two story homes being built next to one story homes. This is an example of a home higher than all the other neighboring homes, including the quite large two story home immediately to its north. The only homes this height are located quite far away from this proposed home, and on land far larger than this non-conforming lot. The height alone will dramatically decrease our privacy and quiet enjoyment of our home and our property value.

The proposed landscaping is also a major issue. The problem is that the house is designed to be as large and tall as permitted without variance, and so it fills so much of the land that there is not enough set-back to allow landscaping to disguise the North Ocean view of the house. The Special Exception requirement for "adequate landscaping" is not possible given the height, as plantings that close to the building cannot go high enough to hide it.

My family and I particularly enjoy our time on the beach, which we access via the Eden Road access one home away from Mr. Burns' home. We often sit on the beach directly in front of his house. We enjoy the beautiful unique neighborhood of open lawns and low bulkheads. His plans call for expansion of the home further forward toward the ocean than those other homes in that section, and that would be most undesirable from my perspective.

The application calls for over 25,000 square feet, but it claims 8,202 of that is "uninhabitable underground basement/garage," but presumably all under-air. It seems possible if not likely that much of this "uninhabitable" space may be quite "habitable" in that it could be used as a media room and fitness

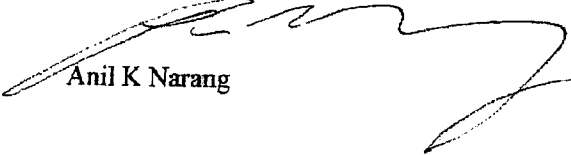
room, as well as other typical spaces in a "habitable" home which are not shown on the plans, which is also of concern to me.

The conditions in the Special Exception Code require that "refuse and service areas for use shall not adversely affect automotive and pedestrian safety." The homes in our neighborhood all have trash pick up on-site, or in a quiet alleyway; Mr. Burns' lot is so small, and the parking so inadequate, that Town trucks have to block busy North Ocean Boulevard when the large Town trucks come to pick up his trash. He should be required to revise his plans to allow for greater space for truck access, but claiming the two small spaces he uses for staff parking every day are somehow not going to be continuously occupied by his staff cars is simply not realistic, and on the plans that is what appears to be the case, as the underground garage is clearly only going to be used for his personal cars, and his courtyard in the entrance to his garage and will not be filled with trash cans.

- It is clear that in many ways this proposed home does not comply with the Comprehensive Plan, although it is required to do so by the Special Exception Code that says "use will comply with ALL elements of the comprehensive plan."

My family and I would very much appreciate your careful consideration of my letter and ask you to vote against approval of this 25,000+ sq ft home on a small non-conforming lot. It just seems fair and reasonable to do so. Please protect our unique neighborhood and do not let threats by the homeowner persuade you to vote against what is fair and reasonable, as we have too much to lose.

Respectfully yours,


Anil K Narang



Fw: Objection to 150% Increase in Size of House at 1021 North Ocean Blvd.
Cheryl Kleen to: John Page, Susan Owens, jrandolph 01/11/2016 08:41 AM
Cc: Patricia Gayle-Gordon

—— Forwarded by Cheryl Kleen/PalmBeach on 01/11/2016 08:41 AM ——

From: Thomas G. Bradford/PalmBeach
To: Cheryl Kleen/PalmBeach@palmbeach
Date: 01/09/2016 05:52 PM
Subject: Fwd: Objection to 150% Increase in Size of House at 1021 North Ocean Blvd.

Purple folder
Tom Bradford

Sent from my iPad

Begin forwarded message:

From: "Derek Limbocker" <dlindl545@gmail.com>
Date: January 9, 2016 at 6:56:30 AM EST
To: [REDACTED]
Cc: tbradford@townofpalmbeach.com, clerk@townofpalmbeach.com,
pcastro@townofpalmbeach.com, northoceangroup@gmail.com
Subject: **Objection to 150% Increase in Size of House at 1021 North Ocean Blvd.**

Nicole and Derek Limbocker
977 North Ocean Blvd., Palm Beach, FL 33480
561-848-0489

January 8, 2016

Dear Dani

RE: Objection to Special Exception #2-2016 for 1021 North Ocean Boulevard

Nicole and I have been coming to Palm Beach and specifically 977 North Ocean Blvd. since 1960 when her parents, Nick and Bunnie duPont built this house, "Casuarina," on the old Dodge Estate. We now own this house and have been Florida residents for 5 years. We have always been very active in the community and want to preserve this beautiful island and all it has to offer.

We have received notification from the Town of Palm Beach that once again our neighbor, Mr. Burns, (whom we have not met) wants to tear down his existing house at 1021 North Ocean Blvd. of approximately 10,000 square feet and build a new glass box house of approximately 25,200 square feet, a 150% larger building. To cram a new house of this size and proportions onto a

100 foot wide, non-conforming lot, is totally out of context with the existing neighborhood. This is a perfect example of OVER DEVELOPMENT in the extreme and want you to know that we object most strenuously to the application. It just doesn't work.

Here are our concerns:

1. We live in a house directly on the ocean, and we have a unique arrangement between neighbors in this stretch of homes going from our home and up to, and including 1031 North Ocean Boulevard. By a combination of luck and good sense, no one has built out their homes as far toward the ocean as they are permitted under current rules. No one has built a wall or hedge all the way to ocean bulkheads which are quite low. This leaves a wide-open vista of rolling lawn for everyone to enjoy. We are next to the Eden Road beach access, and so many other beachgoers are also the beneficiaries of this beautiful and unique expanse of lawn. A unique neighborhood has been created along this ocean front of Palm Beach.

This application threatens our neighborhood. Not only is this new proposed home being built out closer to the ocean, but it also is being built up so high that it is higher than the top of the chimneys of the houses around it. The plans show a raising of the ground at the base of the house before it is built, along with two floors of large windows running right up to a flat roof. Then, there is a third floor tower, as well as what looks like a third floor deck or party space with a parapet. This will extinguish much of our privacy, and the house will stick out like a "White Castle Hamburger Joint." The idea that landscaping will hide the house is preposterous. From our first-hand experience, it is impossible to install landscaping in a location on or near the ocean with heavy salt spray that will cover a three story house. It just doesn't work.

2. Because the lot is small, currently there are only two spaces used for staff parking, and those spaces are front-to-back, and not side-by-side. When vendors come, the staff park on Eden Road, disturbing our neighbors there. The proposed new house is 150% larger than the size of the current house. It will take numerous people to take care of a structure of this size on the Ocean. There is not sufficient parking for more than two cars. The spill-over of automobiles and trucks will be in front of neighbor's houses. It just doesn't work.

3. It is implausible that the application has been revised to call the "basement" square footage "uninhabitable." There are just an "AV Room" and "storage rooms" in the "uninhabited space." There must be some other reason for all of that space. It just doesn't work.

4. This contemporary, rectangular, three story house is not compatible with this neighborhood. It looks like a huge, glass bunker. With our experience, even with the most fastidious attention to cleaning, it will be covered with salt spray most of the time.

My grandfather, who was in the tobacco business, used to say about over-building in our small village, Glendale, Ohio 45246, that it was like trying to stuff 25 pounds of tobacco

into a 10 pound sack, "it just doesn't work."

Nicole and I are very much against this application from the owner of 1021 North Ocean Blvd.
and request that the Palm Beach Town Council deny his Application.

Sincerely yours,

Signed – Nicole and Derek

**Mary Hulitar
980 North Ocean Boulevard
Palm Beach, FL 33480
January 8, 2016**

To Whom It May Concern,

I am writing concerning application #2-2016, an application for Special Exception and Site Plan Review filed by Donald Burns for 1021 North Ocean Boulevard— to OPPOSE it.

I am his next-door neighbor, at 980 North Ocean Blvd, to the immediate south of his home.

I have lived in my home in peace for over 44 years. I was very disturbed to read Mr. Burns' application to replace a perfectly fine traditional one- and two-story home with what is the equivalent of at least a three-story home, in a contemporary style which is totally at odds with, and disharmonious with, the neighborhood. I am one of a number of neighbors very upset about this.

(a) My own lot is 240 ft. wide— over 240% bigger than the non-conforming lot at 1021 N. Ocean. Yet, Mr. Burns wants to build a home around 250% bigger than my large 10,000 sf home, while my lot is 240% bigger. It boggles the mind to imagine a house that big on a lot that small. It is incompatible based on density, style, and location closer to the ocean, than its neighbors, and is not in harmony at all with our neighborhood.

(b) By expanding the home closer to the ocean, and by building it higher than all other homes in the immediate neighborhood, it is very clear that I will suffer financially, as experts tell me my property will decrease in value. His glass contemporary design is disharmonious, and its gargantuan size will decrease my view, and significantly decrease my privacy, and those factors, among others, will contribute to this substantial decrease in the value of my property.

(c) I can't imagine why he would even need to top it all off with a tower, on a third floor, with what looks like a party deck on top of the flat roof home; he calls this a two-story house, even though he has a tower room on the third floor (really almost a fourth floor in a normal house, as he is raising the

ground floor before building). His bedroom windows will run far higher than even a typical two story house, and will be looking down on my property, and his pool parties will be right next to my home and cause disturbances as well. Noise from his pool located immediately next to my home, and glare from his many large contemporary windows, will be of substantial negative impact.

(d) I understand he has been trying, without success, to sell his home, and I therefore assume the purpose of this application is to get approvals and sell them to someone else. He should not be rewarded as he departs.

(e) Unlike my home, his current lot leaves inadequate open parking space, as it is a non-conforming small lot, to even have trash pick up by the Town of Palm Beach on his actual property, as his staff park in what little space is left. Instead, he forces the Town to block our very busy highway, North Ocean Blvd, while trash is picked up on the road, rather than on his property. This will only get worse when he markedly expands the size of the house.

(f) I see that this is a new application, but for exactly the same sq. footage, and exactly the same layout, as his application from early 2015. The only difference I can see is that he now considers the basement of over 8,000 sq. ft. to be "non-inhabitable." This is truly disingenuous. Does he really think that Town Council will not see that the missing rooms such McMansions always have, eg a gym and a home theater—among other things— will be in there— since they are nowhere else upstairs in the plans?

(g) I have seen the drawings for landscaping, and I know, having long lived on the ocean, that claiming that landscaping can provide total privacy to your neighbors is an impossibility. Salt spray makes it difficult for most landscaping to remain very dense very long, and the only thing that clearly thrives is sea grape (although that gets space during the periods of wind and spray), and he has little space left for large plantings, and, even then, they are too low in height. How, I ask you, can he landscape what is a three story house (and, to my way of thinking, almost a four story house) to hide the house from view from North Ocean Blvd and from my property, when it even includes a tower at the top? It is impossible. His plan shows coconut palms, for example, and shows a nice view looking down from above. We all know, however, that those palms have a long trunk and only at the top some leaves. Looking down, it appears to be providing privacy. Looking from the side, all you see is trunk, and there is no privacy at all. Other plantings on the sides of

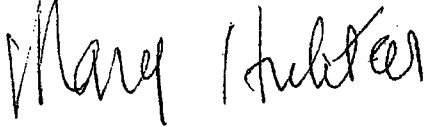
his lot appear to be non-continuous and inadequate. Glare from his many large windows will also be a problem.

(h) It is a remarkable that the series of houses surrounding me on the ocean have kept their lawns open to one another and have not run a wall, or landscaping, even sea grapes, all the way to the water, allowing an open rolling lawn for all to enjoy, including the beachgoers from nearby homes. Mr. Burns has told me that the end of this is approaching, and that "everyone" will build out as far as they can to the ocean. That may be, but in this case he needs approval from Town Council, and so there is a unique opportunity for Town Council to save this unique neighborhood. Because Mr. Burns' lot is so small, and his proposed house so large, he will be left with little lawn, and his only views of green lawn will be of his neighbors properties. That seems like an attempt for a free ride on his neighbors' generosity.

(i) Because of the factors above, to quote from the rules for contemplation of this application by Town Council, this proposal clearly does not "comply with all elements of the comprehensive plan" nor does it comply with the rules for Town Council approvals of Special Exceptions, and as a result should be rejected.

Town Council has the authority and right to reject this application. Please forgive my lengthy and passionate letter. My current state of health precludes my attendance at the meeting, although I will see if the person who attends to my affairs, Mr. Edward T. Holt, can attend for me. I beseech you to reject this application.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Hulitar". The signature is written in a cursive, flowing style.

Mary Hulitar



Fw: Special Exception #2-2016 With Site Plan Review for 1021 North Ocean Boulevard

Gail Coniglio to: John Page, Patricia Gayle-Gordon
Sent by: Cheryl Kleen

01/11/2016 08:31 AM

----- Forwarded by Cheryl Kleen/PalmBeach on 01/11/2016 08:31 AM -----

From: Bill Finneran <bfinneran@exopcap.com>
To: "gconiglio@townofpalmbeach.com" <gconiglio@townofpalmbeach.com>
Cc: "tbradford@townofpalmbeach.com" <tbradford@townofpalmbeach.com>, "clerk@townofpalmbeach.com" <clerk@townofpalmbeach.com>, "pcastro@townofpalmbeach.com" <pcastro@townofpalmbeach.com>, "northoceangroup@gmail.com" <northoceangroup@gmail.com>
Date: 01/08/2016 02:18 PM
Subject: Special Exception #2-2016 With Site Plan Review for 1021 North Ocean Boulevard

William B. Finneran

5 Via Los Incas

Palm Beach, FL 33480

Dear Gail,

I have lived in Palm Beach for 9 years and currently own two homes on the Island. One located at 5 Via Los Incas and the other at 210 Eden Road. I am active in Town affairs and very much care about the future direction of our Town.

I am one of the neighbors given formal notice of, and directly affected by, the application of Mr. Burns to almost triple the size of his current traditional style home and replace it with a contemporary home, in a lot that is too small to even do it without special approval by the Town Council.

There is a reason Town Council has been granted the authority to approve applications like this that are on small-sized lots, and I ask that you use that authority to deny this application.

On the North Ocean Boulevard side of the current house closest to my property, there is a one story former garage, which I am informed was turned into a fitness area. The current attractive traditional

house, and this one story area, would be demolished, and an elevated two story house with a third floor tower and a roof deck, in a contemporary style, would replace it. In terms of height, it would be higher than all homes in my area, and it's second floor alone will be reach a height higher than the peaked roof of larger homes in the immediate area, destroying privacy. Such a massive, tall home cannot be hidden by landscaping, and so the view from North Ocean Boulevard will be affected, and it will be obvious to all that too much house was crammed into too small a lot.

I am also directly affected by the parking situation and trash pick-up. As it is, staff from Mr. Burn's current home park on my street, which is already busy with beach goers, due to the Eden Road beach access. A home triple the size of his current home will have to cause even more staff to be employed, with increased staff parking all day on Eden, in front of my home. Trash pick up is not even done on his property currently, due to lack of space. He forces the Town trucks to block North Ocean Boulevard on this busy section, while they do pick up.

The application also says that there is enough parking for all construction staff on Mr. Burns' property, even though he will be constructing a 25,000 sq ft home. This is preposterous, as he doesn't have enough space for more than two employees currently. Again, Eden Road will take the brunt of the parking spaces required for the numerous cars and trucks and inspection vehicles necessary for the lengthy construction.

I respectfully ask you not to allow such a disastrous outcome, and to deny this application.

Sincerely,

William B. Finneran

DONALD A. BURNS

1021 N. OCEAN BLVD.

PALM BEACH, FL 33480

561-844-2111

March 2, 2015

Mr. & Mrs. John C. Oxley
1045 N. Ocean Blvd.
Palm Beach, FL 33480

Dear Neighbors (please forgive the impersonal nature of address as I am doing my best to keep you all informed as to others meetings that take place):

I have had one direct and one indirect meeting with Carter and Afsy.

The first meeting Carter and Afsy met with Landscape Architect Keith Williams and the second was directly with me yesterday.

I struggle with the contents of my meetings being relayed in the spirit in which they took place.

Carter and I discussed the following:

1. My Staff parking on Eden Road.

I am happy to speak to whomever may be concerned on a one-on-one basis, but I believe our plan is zoning compliant with parking and there should be no need for my staff parking on Eden Road except maybe in exceptional circumstances. I am sure some accord can be reached.

2. Construction parking.

This issue is challenging with any new project. I will research how this works and be prepared to speak about it on Friday, but I am certain any contractor would be legally compliant and would carpool or bus in as necessary if practicable.

3. Privacy as to my abutting neighbors (as defined by one peering into the others property).

If you visit with me on Friday, you will learn that procedurally we had not finished the ARCOM set of plans that would incorporate final windows, exterior materials, etc. because we were anticipating a Land Use hearing that sets the site of the building and not an ARCOM-type hearing showing design as I previously wrote to you in November. There are a host of changes that can be made to the Northern exposure, as to a lesser needed extent on the Southern, that would place the overall level of glass at well below that of any traditional style home and place most all glass above eye-level. We can assure you with certainty, that without regard to Landscaping, our abutting neighbors can avoid having me peer into their yards or homes.

4. Screening (landscaping or walls between properties) that would block sight of neighboring buildings not involving privacy.

The Landscape Architect can achieve a high level of screening with plant materials between our homes. Carter and Afsy have been invited to work directly with our team to achieve the best design outcome possible. We have also offered to plant materials on the Pottash (or Hulitar) property to aid in this effort, but it is likely not needed.

Mr. & Mrs. John C. Oxley

Page 2

March 2, 2015

5. The possibility of a Covenant to keep a certain level of landscape between properties.

I explained that any reasonable and neighborly Covenant would be acceptable to me despite the fact that we have both mutually done a nice job of working together to ensure an attractive barrier between our homes. This has frankly been a frustrating issue because we both have relatively light screening between our houses now and my northern windows look easily into their yard now and have done so since 2000 without incident. I believe, while I won't speak for Carter that he believes the new house will not be attractive so that more screening is needed. You all should know that my current offer is that Carter and Afsy work with my Landscape Architect directly to achieve what they consider satisfactory, and then tender me a draft Covenant that covers maintenance. If we agree on a Covenant, then we have a host of other changes that could be made to protect privacy of neighbors.

I asked that a draft Covenant be tendered before we spent time and money making further changes (which I believe can be achieved) as a failure of the Covenant would kill all other elements of an accord.

6. The lack of desirability of a Tower feature as it relates to in being visible to abutting neighbors.

We will study the visibility of this feature from the Pottash property and report back.

7. The Eastward placement of the structure.

A reasonable neighbor can agree that there can be some movement of this eastward placement, but I have the following fears:

- a) Carter's only position this far is that the only thing that would satisfy him is the eastward limit of the building.
- b) Each new house that has been approved is materially eastward and, in my opinion, will continue to be a trend until the Town changes their setback from its current 15' from an existing seawall!

Certainly none of my neighbors on the ocean would agree to a Covenant nor to all Eastward movement of future structures.

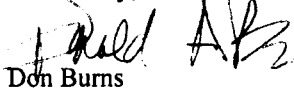
I have been looking for some guidance as to what position might be acceptable, absent "no move" since our December 24, 2014 first meeting with Carter and Afsy. I have never received any guidance.

8. Deferring our application meeting until September when we have proposed June.

I only proposed a longer deferral to have a chance to meet with neighbors and talk these issues through. Hopefully action could be taken that would help us reach an accord and there would be no need for any neighbor to show up in June. Carter reports that some neighbors would be inconvenienced in coming back to Palm Beach in June to personally appear and object and that a September deferral would be better. I would suggest that if this is an inconvenient set of circumstances for both concerned neighbors and me and that we should share this burden. Our option would be to withdraw our application and refile.

We can discuss all of these issues in detail at the meeting you are all invited to on Friday, but my notes are above.

Yours truly,



Don Burns

Home: (561) 844-2111 / Cell: (561) 222-9900

1021 NORTH OCEAN BOULEVARD
PALM BEACH, FLORIDA 33480

January 14, 2013

Mrs. Mary Hulitar
980 North Ocean Blvd.
Palm Beach, FL 33480

Dear Mary,

The purpose of this note is twofold; first to follow-up and let you know that I have not received the proposed Shared Maintenance Agreement language for our wall repair project and the second to let you know that I may have to postpone the project for our mutual benefit.

I have recently undertaken a study of either a very substantial renovation or a reconstruction of my existing house. In the event that either scope of building moves forward, then the wall that separates our property will have to be substantially modified. If, in the event that my work causes the wall to have to be materially modified, then I will agree to bear the entire cost of such work subject to my already existing conditions for cost sharing.

I will give you a status of the project study by May. In May we will either be able to move forward with our existing plan or postpone the work until such time as my plan is sufficiently developed to guide the design of a new wall at my expense.

I think it would be fair to let the existing General Contractor know that the project may have to be postponed as I have outlined above.

You are always free to proceed to repair the wall without my participation, but I hope you will be able to wait so that you can benefit from either my cost sharing promise or my offer to reconstruct the wall entirely at my expense. Please call me with any questions.

Yours truly,



Don

DONALD A. BURNS

1021 N. OCEAN BLVD.

PALM BEACH, FL 33480

561-844-2111

November 25, 2014

Mr. and Mrs. John C. Oxley
1045 N Ocean Blvd
Palm Beach, FL 33480

Hello and Happy Thanksgiving,

I wanted to reach out to let you know that I have begun the process of designing a new house for 1021 North Ocean Blvd.

The primary decision to build new, as compared to substantially renovating, is that my current home doesn't comply with local or state zoning and Coastal Control laws and regulations.

The architect and landscape architect have developed a contemporary home and landscaping which provide very attractive and thoughtful screening to protect our mutual privacy. The project will benefit neighbors by a) moving the pool and recreation area from the beachfront to a new courtyard, b) making all side yard setbacks fully compliant while my current home materially intrudes into side yard setbacks, c) improving side yard landscape screening and privacy d) moving noisy mechanical units to more buffered or interior locations and e) improving Motor Court design to improve guest drop off.

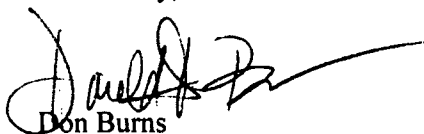
The next step in the process is Site Plan Approval at Town Council which is a requirement of the Town of Palm Beach. The new house will not require any zoning variances for either the structure or the site walls. The Site Plan Review will be reviewed in early 2015. You will all receive notification of the date via the Town of Palm Beach as part of our submission.

Final architectural plans will be filed later in the year, and neighbors will have an opportunity to view the proposed plans at that time. Construction would start toward the middle to end of 2015 after ARCOM approval and Building Permit issuance. Construction would take about two (2) years.

The intention of this letter is to reach out to you all as a courtesy as I move forward in this project. I wanted to inform you all of my intentions before you received any official notices.

Feel free to check in with any questions during the pendency of this project.

Yours truly,

A handwritten signature in black ink, appearing to read 'Donald A. Burns', with a long, sweeping horizontal line extending to the right.

Don Burns

Home: (561) 844-2111 / Cell: (561) 222-9900

To: Dave Moran <dave@marketingdrivensolutions.com>

Cc: Steve Finch <SFinch@amesbury.cz>; aprilgfinch@gmail.com; dkbkm5@aol.com; Harold Smith <Harold@smithmoorearchitects.com>; Maura Ziska <MZiska@floridawills.com>

Subject: Re: Introduction and Plans for 265 Orange Grove

Dave,

We don't have a problem with the change to the house as designed so have no objection to the variance.

Regards
SGF

On Nov 19, 2015, at 11:50 PM, Dave Moran <dave@marketingdrivensolutions.com> wrote:

April and Steve,

Hi, wanted to introduce ourselves, Kem and Dave Moran, your new next door neighbors. We also wanted to share with you some plans for a minor addition to our home before it goes out broadly to all the neighbors and to the Town Council in January. The plan is for a small(59 sq ft) low profile single story addition which will "square off" the back Northwest corner of the house. It will align with the West wall of the garage and the back wall of the house. You will see on the elevations that we have minimized the height to keep the scale of the addition between the height of the garage and the height of the master bedroom. This should minimize any visual impact and should be entirely screened with the existing ficus hedges.

The reason for the addition and other floor plan changes is to make the current house more livable and address a very unusual design flaw. Currently, the only entrance from the garage into the house is through the master bedroom. The proposed plan relocates the master bath and incorporates a new entrance from the garage into the house that does not go through the bedroom. We understand that several neighbors are justifiably upset with the tall 2 story spec house being built right down the street. We love our small single story beach cottage and have no intention of adding a second floor. We rejected the idea from a builder to level the current home and build a two story spec house. Attached for your review is a complete set of plans from Smith and Moore Architects. Harold Smith(561-835-1888) is available to review them if you wish. Let us know if you have any questions or concerns. The Coopers are moving out in December. Please let us know if there are other neighbors that you suggest we contact personally. We look forward to meeting you in person. Happy Thanksgiving.

Sincerely,

Kem and Dave Moran

203.561.0988(cell)

<http://www.marketingdrivensolutions.com>



Application for Special Exception of Mr Donald Burns for 1021 North Ocean Blvd

Carter P

to:

clerk, pcastro, tbradford

01/12/2016 09:28 AM

Hide Details

From: Carter P <drarterp@gmail.com>

To: clerk@townofpalmbeach.com, pcastro@townofpalmbeach.com,
tbradford@townofpalmbeach.com

History: This message has been forwarded.

Dear Members of Town Council:

I have been a resident of Palm Beach since 1982. I am writing formally for the record to state my strongest opposition to the application by the owner of 1021 North Ocean Blvd for a Special Exception and Site Plan Review. I will keep my comments as short as possible:

1. A building this tall and this large on this substandard-sized lot will cause substantial financial injury and economic impact to the value of my property, as I am the immediate neighbor to the north of Mr. Burns' home. Approvals for an over 25,000 sq ft new house might help him sell his property (it has been on the market for sale for almost a year), but would decrease the value of my home. A decrease of my scenic views of the water and the unique flowing lawns of this neighborhood would be just one of the reasons for this. In addition, the privacy of my family of two 8 year olds, one 11 year old, and my wife and me, would be dramatically reduced. It is simply impossible to hide or shield a building this large which is directly on the ocean through landscaping (height and regular sea spray are just two of the factors; his use of the minimum setback from our property line will also make plantings limited due to narrow width of any space left to install them on his property).
2. This is not in compliance with the Comprehensive Plan, as it destroys "compatibility and harmony." This is obvious to even a casual viewer. There are no such flat roof boxy large glass contemporary homes in this whole stretch of North Ocean Blvd, from the Palm Beach Country Club north to the next curve.
3. Current inadequate parking and space for access by Town trash-trucks will continue, and worsen, and such refuse service adversely affects automotive safety and convenience, because one lane of North Ocean Blvd must be blocked when trash is picked up, as his home has left inadequate space for on-site pickup-- a situation unchanged in his new plans.

There are other obvious reasons that this application should be rejected, but I have provided only some of them in this brief note.

I appreciate your service to our Town.

Carter Pottash

--

Carter A. Pottash, MD, DLFAPA

Distinguished Life Fellow, the American Psychiatric Association

Clinical Professor of Psychiatry, New York University School of Medicine

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Email Address: drarterp@gmail.com