



TOWN OF PALM BEACH

Town Manager's Office

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

OCTOBER 15, 2014

9:30 AM

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

I. CALL TO ORDER AND ROLL CALL

Mayor Gail L. Coniglio
Robert N. Wildrick, President
William J. Diamond, President Pro Tem
Richard M. Kleid
Michael J. Pucillo
Penelope D. Townsend

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

VI. APPROVAL OF AGENDA

VII. DEVELOPMENT REVIEWS

A. Appeals

1. Appeal of ARCOM Decision, B-098-2014, 237 Ridgeview Drive (per Letter Dated September 3, 2014, from Mr. William O. Cooley)

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

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B. Time Extensions and Waivers

1. Request for Waiver of Section 42-199, Hours of Construction Work, at 150 Worth Avenue Per Letter Dated October 2, 2014, From James M. Crowley. Page 26
John S. Page, Director of Planning, Zoning and Building
2. Request for Extension of Time Schedule for Completion of Construction Per Town Code Chapter 18, Section 242-105.4.1.6 - 456 Worth Avenue Page 34
John S. Page, Director of Planning, Zoning and Building

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **SITE PLAN REVIEW #8-2014 WITH VARIANCE (MODIFIED)** Page 46
The application of Coral Beach Corporation; relative to property commonly known as **160 Seaview Avenue**; described as Lot 4 and the West 65' of Lot 5, THE EAST PLAZA, Plat Book 16, Page 78, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is proposing to build a 7,092 square foot (5,788 square feet enclosed) two-story home. Site Plan Review is requested to allow a single family home to be built on two (2) existing non-conforming platted lots with depths of 99.07 feet in lieu of 100 feet required. Variances requested are for a point of measurement variance for building height at 13.5 feet National Geodetic Vertical Datum (NGVD) in lieu of the 11.68 feet NVGD allowed; a point of measurement variance to allow for overall building height at 13.5 feet NGVD in lieu of the 11.68 feet NGVD maximum allowed; a point of measurement for cubic content ratio to be at 14.5 feet NGVD (proposed finished first floor) in lieu of the 11.68 feet NVGD maximum allowed; and, to allow the proposed house which is primarily designed with a flat roof to be constructed with an overall building height of 30 feet in lieu of the 25 foot maximum allowed. [Attorney: Francis X. J. Lynch]
[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 5-2, Mrs. Vanneck and Ms. Grace dissenting.]
Deferred from the August 13, 2014, and September 10, 2014, Town Council Meetings
John S. Page, Director of Planning, Zoning, and Building
- b. **VARIANCE #43-2014** Page 52
The application of Jungle Road, LLC (H. William Perry, Manager); relative to property commonly known as **120 Jungle Road**; described as Lengthy legal description on file; located in the R-A Zoning District. The Applicant is proposing to enclose a third floor balcony off the existing tower

on the residence. The following variances are being requested: a building height plane setback of 51.3 feet in lieu of the 66.5 required building height plane setback for the tower element; and, a tower element to be 4.4% of the gross floor area of the residence in lieu of the 3.1% existing and the 1% maximum allowed in the R-A Zoning District. [Attorney: Maura Ziska]
Deferred from the September 10, 2014, Town Council Meeting
Request for deferral to the November 12, 2014, Town Council Meeting Per Letter Dated October 1, 2014, from Maura A. Ziska.

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

- c. (i) **VARIANCE #44-2014** The application of Bricktop's Palm Beach (Joe Ledbetter, Owner); relative to property commonly known as **375 South County Road**; described as Lengthy legal description on file; located in the C-TS Zoning District. Request for a variance of twenty-two (22) off street parking spaces required for sixty-six (66) of the approved one hundred fifty seats in the restaurant. The applicant is required, as part of a special exception approval of all previous restaurants, to provide twenty-two (22) off street parking spaces with the Apollo parking lot. The applicant is requesting to eliminate that requirement. [Attorney: Maura Ziska]

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(ii) BrickTop's Restaurant Operations: Six Month Review, Special Exception #21-2012, 375 South County Road
Deferred from the June 11, 2014 and September 10, 2014, Town Council Meetings
Request for Deferral to the December 10, 2014, Town Council Meeting, Per Letter Dated October 1, 2014, from Maura A. Ziska.

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

2. New Business

- a. **SITE PLAN REVIEW #13-2014 WITH SPECIAL EXCEPTIONS AND VARIANCES (MODIFIED)** The application of T3 Family Investment, LLC; relative to property commonly known as **221 & 231 Royal Poinciana Way, Sunset Avenue, 214 Sunset Avenue, 216 Sunset Avenue**; described as Lengthy Legal Description on file; located in the C-TS Zoning District. The applicant is requesting site plan approval to construct a two (2) story 73,214 square foot mixed commercial and residential use condominium development with 47,331 square foot sub-basement with 100 underground parking spaces totaling 120,545 square feet, 26,204 square feet of commercial space on the first floor and six (6) residential units on the second floor.

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Special exception approvals requested are as follows:

1. to allow residential tenancy above the first floor, as required by Section 1109(a)(3) for six (6) condominium units;
2. to allow two (2) stories as required by Section 134-1113 (8)(c);
3. to allow Testa's Restaurant to occupy 3,000 square feet of gross leasable area as required by Section 134-1109 (a)(11);
4. to allow outdoor seating for 60 outdoor seats for Testa's Restaurant as required by Section 134-1109(1)(11) and 134-1111(a).

Variances being requested are as follows:

- a. to allow underground parking facilities in sub-basement to extend on the south, west, north and east sides, into required setbacks. Proposed setbacks from property line range from 0.0 feet on the east, 4.2 feet on the south, 1.2 feet on the west and 4.1 feet on the north, all in lieu of the minimum 5 feet as required in Section 134-2179(a);
- b. to allow portions of the underground parking sub-basement to be paved for walkways and equipment pads in lieu of being landscaped as required in Section 134-2179(a);
- c. to allow a total of 100 off-street parking spaces in lieu of the required 178 off street parking spaces as required by Section 134-2175;
- d. to allow parking stall width to be 8.5 feet in lieu of the 9.0 feet minimum required by Section 134-2172 due to accommodate structural columns required for the sub-basement;
- e. to allow one (1) loading bay in lieu of two (2) minimum required for the proposed 120,525 square foot building required by Section 134-2211(a);
- f. to allow for the location of a loading zone in a required front yard, contrary to Code Section 134-2211(b);
- g. to allow a building with a building height in excess of 15 feet (actual building height 30.0 feet) with front yard setbacks of 3.25 feet on Royal Poinciana Way and 3.75 feet on Sunset Avenue in lieu of 12.5 foot minimum as required by Code Section 134-1113(5)(d) in lieu of 12.5 foot minimum as required by Code Section 134-1113(5) (d);
- h. to allow a building with a building height in excess of 15 feet (actual building height 30.0 feet) with side yard setbacks of 0 feet on the west side and 0 feet on the east side in lieu of 12.5 foot minimum required by Code Section 134-1113(6)(b);
- i. to allow for the construction of a structure providing for a

proposed pedestrian walkway total width of 3 feet of the required 5.0 feet on Royal Poinciana Way and 9 feet on Sunset Avenue in lieu of 5 foot minimum required on the applicant's property of the total 10 feet of required sidewalk width, as required by Code Section 134-1113(5)(c);

- j. to allow a building height of 30.0 feet in lieu of the maximum allowed 25.0 feet as required by Section 134-1113(8)(b). The request is to have the increase in height at six specific locations over the entrances to the Via and on interior of Via;
- k. to allow an overall building height of 39.0 feet in lieu of the maximum allowed 35.0 feet as required by Section 134-1113(8)(d). The request is to obtain an increase in height at six specific locations;
- l. to allow a maximum building length of 251.75 feet in lieu of the maximum allowed 150 feet allowed per Section 134-1113(10)(b);
- m. to allow for a landscaped open space of 7.4% in lieu of the minimum 25% required by Section 134-1113(11)(b);
- n. to allow front yard landscaped open space of 14.1% along Royal Poinciana Way and 33.9% along Sunset Avenue in lieu of the minimum 35% required by Section 134-1113(11)(c);
- o. to allow a two (2) story building to be 120,525 square feet in lieu of the maximum allowed 15,000 square feet as required by Section 134-1113(12)(b);
- p. to allow a sign with a height of 18.75 feet in lieu of the first floor elevation of the building or 15 feet, whichever is lower, as required by Code Section 134-2440 (c).
- q. to allow a lot coverage of 89.5% in lieu of 70% maximum allowed by Code Section 134.1113(9)(b).

[Attorney: Francis X. J. Lynch]

Request for Deferral to the November 12, 2014, Town Council Meeting Per Letter Dated September 22, 2014, from Francis X.J. Lynch.

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

- b. **SITE PLAN REVIEW #14-2014 WITH VARIANCES** The application of Rehabilitation Center for Children and Adults, Inc.; relative to property commonly known as **300 Royal Palm Way**; described as Lots 42 and 43, LESS the south 42 feet of the north 130 feet of Lot 42, Block D, ROYAL PARK ADDITION, according to the map or plat thereof as recorded in Plat Book 4, Page 1, Public Records of Palm Beach County, Florida; located in the C-OPI Zoning District. The applicant is requesting site plan approval to allow the construction of a 1,811 sq. ft. carport/awning to provide covered parking for 9 parking spaces on the south side of the existing parking lot and

a 25 square foot one story awning at the driveway entrance. A variance is requested to allow lot coverage for the carport/awnings to be 43% in lieu of the 42.17 % existing and the 25% maximum allowed in the C-OPI Zoning District; and, for a rear yard setback of 2.5 feet in lieu of the 10 foot minimum required. [Attorney: Maura Ziska]

[Landmark Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject landmark property. Carried 7-0].

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

- c. **SITE PLAN REVIEW #15-2014 WITH VARIANCES** The application of Nancy Kozak; relative to property commonly known as **215 Seabreeze Avenue**; described as Lots 144 and 146 of Poinciana Park, an addition to the Town of Palm Beach according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida in Plat Book 6, Page 1; located in the R-B Zoning District. The applicant is requesting site plan approval to demolish an existing 2,415 sq. ft. residence and build it back in the same footprint with a 397 square foot second story addition that will result in a total square footage of 2,806 on a non-conforming platted lot which is 50 feet in width in lieu of the 100 foot minimum required and 6,125 square feet in area in lieu of the 10,000 minimum required in the R-B Zoning District. Variances are requested to allow a west side yard setback of 2.5 feet in lieu of the 12.5 foot minimum required in the R-B Zoning District for a one story enclosed stair; and, to allow a west side yard setback of 5.33 feet in lieu of the 15 feet minimum required for the proposed second story of the house. [Attorney: Maura Ziska]

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

- d. **SITE PLAN REVIEW #16-2014** The application of Casa Apava Lot 2, LLC.; Mark Timothy, Inc., Manager; Mark Pulte, President; relative to property commonly known as **Lot 2, Casa Apava (a portion of 1300 S Ocean Blvd.)**; described as Lot 2, of CASA APAVA, according to the map or plat thereof as recorded in Plat Book 62, Page 191, Public Records of Palm Beach County, Florida; located in the R-AA Zoning District. The applicant is requesting Site Plan Review to allow the construction of a 15,810 square foot two-story single family residence with proposed 150 foot long dock and associated boat lift on a non-conforming platted lot which is 39,264 square feet in area in lieu of the 60,000 square foot lot area required in the R-AA Zoning District. Further request is being made pursuant to the Subdivision Agreement Re: Condition upon Approval of Casa Apava Subdivision for authorization from the Town to use the platted mangrove area and the construction setback area to build a loggia, pool and associated deck, and a

portion of the proposed one and two story residence. [Attorney: Maura Ziska]

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

e. **SPECIAL EXCEPTION #17-2014 WITH SITE PLAN REVIEW AND VARIANCES**

The application of Palm Beach Country Club; relative to property commonly known as **228 Country Club Road**; described as Lots 13 and 14, LESS the North 4 feet of MARK RAFALSKY TRACT, Palm Beach, Florida, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County in Plat Book 11, Page 51; located in the R-B Zoning District. The applicant is requesting special exception with site plan approval to allow the construction of a tennis court adjacent to the existing two tennis courts owned by the Palm Beach Country Club and relocate an awning to center it between the existing tennis court and the proposed new court. The following variances are being requested to construct the proposed tennis court: to allow a tennis court with a front yard setback of 3 feet in lieu of the 25 foot minimum required; to allow a 10 foot tall chain link fence in the front yard in excess of the 6 foot maximum allowed; to allow landscaped open space to be 15% in lieu of the 43% existing and the 45% minimum required in the R-B Zoning District; to allow landscaped open space in the front yard to be 39% in lieu of the 40% minimum required in the R-B Zoning District; to allow 42% of landscaped open space in the 10 foot perimeter of the property in lieu of the 50% minimum required; and, to not provide the required plantings to sight screen the tennis court on the north and south side of the property as required by Code. [Attorney: Maura Ziska]
[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.]

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

f. **SPECIAL EXCEPTION #18-2014 WITH SITE PLAN REVIEW**

The application of Four Seasons Resort Palm Beach; relative to property commonly known as **2800 South Ocean Blvd.**; described as Lengthy legal description on file; located in the R-D(2) Zoning District. The applicant is requesting special exception with site plan modification approval to the hotel to add a food service access to the pool kitchen through the basement garage in lieu of the pool deck. In order to accomplish this the applicant is proposing a new pedestrian bridge at an egress stair within the basement and a 200 square foot one story service corridor to connect the south building to the kitchen on the south east corner of the hotel property. [Attorney: Maura Ziska]

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

- g. **SPECIAL EXCEPTION #19-2014 WITH SITE PLAN REVIEW**
The application of The Henry Morrison Flagler Museum; relative to property commonly known as **One Whitehall Way a/k/a 52 Cocoanut Row.**; described as Lengthy legal description on file; located in the R-B/R-C Zoning District. The applicant is requesting a modification to the special exception use with site plan to reconfigure their driveway and change driveway material from asphalt to concrete pavers. [Attorney: Maura Ziska]
John S. Page, Director of Planning, Zoning, and Building
- h. **SPECIAL EXCEPTION #20-2014** The application of Henry Harris III, Manager; relative to property commonly known as **214 El Brillo Way**; described as Lot 27, SUPPLEMENTARY PLAT OF EL BRAVO PARK, a subdivision according to the plat thereof recorded at Plat Book 9, Page 9, in the Public Records of Palm Beach County, Florida; located in the R-A Zoning District. The applicant is requesting special exception approval to allow two sliding gates (one at each entrance) on El Brillo Way (which is a dead end street) with an 8.5 foot setback from the street pavement in lieu of the 18 foot minimum required on a dead end street. [Attorney: Maura Ziska]
John S. Page, Director of Planning, Zoning, and Building
- i. **SPECIAL EXCEPTION #21-2014** The application of Nelson and Claudia Peltz; relative to property commonly known as **542 North County Road**; described as Lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting special exception approval to allow two backboards for a basketball court to be constructed on the subject property that meets all setbacks and other zoning regulations and which will have a soft cushioned surface to reduce sound. Any facility involving the use of a ball backboard or rebound wall or structure requires special exception approval. [Attorney: Maura Ziska]
John S. Page, Director of Planning, Zoning, and Building
- j. **SPECIAL EXCEPTION #22-2014 WITH SITE PLAN REVIEW**
The application of Chez L'Epicier (Veronique Deneault); relative to property commonly known as **288 South County Road**; described as Lot 35 Except South 75 feet thereof, and the East 13 feet of Lot 36, except South 75 feet thereof in Block E of Revised Map of Royal Park Addition according to the plat thereof on file in the Clerk of the Circuit Court Palm Beach County in Plat Book 4, Page 1; located in the C-TS Zoning District. The applicant is requesting special exception approval to operate a 4,454 square foot, 138 seat restaurant, which will feature farm to fork cuisine with a modern French with international influences menu. The proposed restaurant

will abide by the previous conditions of approval. The hours of operation will be Dinner Wednesday through Sunday 3:00 pm to midnight; Brunch and Dinner Saturday and Sunday 10:30 am to midnight; Occasional special events may occur during the weekdays or on a Monday or Tuesday night not to last past midnight. A Site Plan modification is requested to add a front door on the corner of the building at the intersection of South County Road and Royal Palm Way where it was previously located in prior restaurants. [Attorney: Maura Ziska]

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

- k. **SPECIAL EXCEPTION #23-2014 WITH SITE PLAN REVIEW AND VARIANCE** The application of First Republic Bank; relative to property commonly known as **241 Royal Palm Way**; described as The South 134 feet of Lot 17, Block A, ROYAL PARK ADDITION to the Town of Palm Beach, Florida, according to the plat thereof as recorded in Plat Book 4, Page 1 Public Records of Palm Beach County, Florida; located in the C-OPI Zoning District. The applicant is requesting special exception with site plan modification to expand the use of First Republic Bank by modifying the third floor rooftop parking on the south side of the building to temporarily close off three (3) parking spaces and add a 163.3 sq. ft. cantilevered awning and create a 1,622 sq. ft. bar and outside seating lounge area for occasional gatherings of a bank business and/or not for profit purpose such as a Civic Association speaker or a Palm Beach Zoo donor cocktail party. The furniture, bar and planters would be stored in the adjacent covered area when not in use. [Attorney: Maura Ziska]

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

- l. **SPECIAL EXCEPTION #24-2014 WITH SITE PLAN REVIEW** The application of Bethesda By the Sea Church (Harvey E. Oyer, Esq., Agent); relative to property commonly known as **141 South County Road**; described as Lengthy Legal Description on File; located in the R-B Zoning District. The applicant is requesting Special Exception with Site Plan Review to modify the House of Worship's existing outdoor religious ceremony area within the existing Cluett Garden. Applicant proposes to add a permanent alter, benches, decorative railing, gate and two (2) tables for flower arrangements. All outdoor religious services will not conflict with the use of the Sanctuary. Temporary seating will accommodate 104 guests during the religious ceremony. The hardscape area will be increased by 224 sq. ft. and the landscaped area will be decreased by 224 sq.ft. The slight adjustments to the hardscape/landscape areas fully comply and meet the minimum standards within the R-B Zoning district. [Attorney: Harvey E. Oyer, III]
[Landmark Commission Recommendation: Implementation of

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the special exception and site plan review will not cause negative architectural impacts to the subject property. Carried 7-0]

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

- m. **SPECIAL EXCEPTION #25-2014** The application of 150 Worth Restaurant Associates, LLC dba Worth Avenue Kitchen; relative to property commonly known as **150 Worth Avenue, Suite 234**; described as Lengthy legal description on file; located in the C-WA Zoning District. The applicant is requesting special exception approval to allow a new restaurant at 150 Worth Avenue, Suite 234, called Worth Avenue Kitchen, which will replace GiGi's Tap and Table Restaurant (formerly Cha Cha's). The new restaurant will occupy the same square footage (5,243) and have the same number of seats (151) as the prior restaurant uses at this location. The applicant agrees to be bound by all existing conditions of approval. A special exception is also requested for 14 seats outside the restaurant to be operated by and as part of the restaurant. [Attorney: James. M. Crowley]

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

- n. **VARIANCE #47-2014** The application of Chandler C. Mashek; relative to property commonly known as **132 El Brillo Way**; described as Lot 23, El Bravo Park, according to the plat thereof as recorded in Plat Book 8, Page 9 of the Public Records of Palm Beach County, Florida; located in the R-A Zoning District. Request variances to allow a 70 KW generator to be placed in the street side yard along South County Road with a setback of 20 feet in lieu of the 35 foot minimum required; and, to allow a 70 KW generator to be placed in the north side yard setback with a setback of 10.66 in lieu of the 15 foot minimum allowed. [Attorney: Maura Ziska]

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

- o. **VARIANCE #48-2014** The application of 540 South Ocean Boulevard LLC; relative to property commonly known as **101 Via Marina f/k/a 540 South Ocean Blvd.**; described as Lengthy Legal Description on file; located in the R-A Zoning District. Request variances to have a point of measurement, for the height determination of a new two story residence, not to exceed 20.5 feet NGVD in lieu of the 17.4 NGVD allowed and 21.5 feet NGVD existing; and, to allow the building height plane for a 2.5 foot projection of the framed peak of the east center architectural pediment (only) above the building height plane. [Attorney: Gregory E. Young]
[Landmark Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject property. Carried 7-0.]

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

- p. **VARIANCE #49-2014** The application of David and Jeanne Daniel; relative to property commonly known as **322 Seaspray Avenue**; described as Lots 393 and 395 of Poinciana Park, an addition to the Town of Palm Beach, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida in Plat Book 6, Page 86; located in the R-B Zoning District. The applicant is proposing to demolish a 147 sq. ft. one-story portion of the rear of the house and construct a 487 square foot first floor and 305 square foot second floor addition (totaling 792 square feet) on the rear of the house for a master bedroom/bath expansion (2nd floor) and kitchen/family room expansion (1st floor) and to demolish and rebuild an existing 436 sq. ft. one story cabana in the same location. The following variances are being requested: a lot coverage of 37.55% in lieu of the 31.1% existing and the 30% maximum allowed in the R-B Zoning District; a cubic content ratio (CCR) of 6.43 in lieu of the 4.99 existing and 4.39 maximum allowed; a west side yard setback of 2.1 feet in lieu of the 2.1 foot setback existing and the 12.5 foot minimum required in the R-B Zoning District for a one story structure (to rebuild the cabana); a rear yard setback of 3.5 feet in lieu of the 2.7 foot existing setback and the 10 foot minimum required in the R-B Zoning District for a one story structure (to rebuild the cabana); a west side yard setback of 7.9 feet in lieu of the 12.5 feet minimum required for the one story portion of the addition; a west side yard setback of 9.5 feet in lieu of the 15 foot minimum required for the two story portion of the addition; an east side yard setback of 5.1 feet in lieu of the 12.5 feet minimum required for the one story portion of the addition; an east side yard setback of 7.9 feet in lieu of the 15 foot minimum required for the two story portion of the addition. [Attorney: Maura Ziska]

[Landmark Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.]

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

- q. **VARIANCE #50-2014** The application of E. Burke Ross, Jr.; relative to property commonly known as **172 South Ocean Boulevard**; described as Lots 5 and 6 of PRIMAVERA ESTATES (OCEAN SECTION), according to the Plat thereof as recorded in Plat Book 6, Page 82, of the Public Records of Palm Beach County, Florida, EXCEPTING therefrom the South 32.66 feet of Lot 6; located in the R-B Zoning District. The applicant is proposing to demolish a 1,219 square foot one story structure and construct in a reduced footprint a 2,731 square foot addition for a total net addition of 1,512 square feet at the west end of the residence. The following variances are being requested to build the proposed addition: a side yard

setback of 15 feet (from the alley) in lieu of the 30 foot minimum required for a lot in excess of 20,000 square feet and over 200 feet wide in the R-B Zoning District; a cubic content ratio (CCR) of 4.92 in lieu of the 4.60 existing and 3.7 maximum allowed in the R-B Zoning District; a rear yard setback of 5 feet in lieu of the 15 foot minimum required for a second story addition (the first floor has an existing 5 foot rear yard setback; and, a lot coverage variance to allow 28% in lieu of the 28.1% existing and 25% maximum allowed for a lot in excess of 20,000 square feet in the R-B Zoning District (a reduction of .1%). [Attorney: Maura Ziska]
[Landmark Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject landmark property. Carried 7-0.]

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

- r. **VARIANCE #51-2014** The application of William E. James, Trustee of the William E. James Trust Agreement dated January 15, 1997 and Janet B. James, Trustee of the Janet B. James Trust Agreement dated January 15, 1997; relative to property commonly known as **10 Golfview Road**; described as Lengthy Legal Description on File; located in the R-A Zoning District. Request variance approval to permit a gate lamp with a height of 9.0 feet in lieu of 8.0 feet maximum permitted. [Attorney: M. Timothy Hanlon]
[Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject property. Carried 7-0.]

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

C. Other

1. Consideration of Zoning Study Items

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

VIII. ORDINANCES

IX. ANY OTHER MATTERS

X. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: 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.

Note 2: The progress of this meeting may be monitored by visiting the Town's website

(townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.

Note 3: If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

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

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

Note 6: 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. The public also has the opportunity to speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion.

OTHER AGENDA ITEMS:

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

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

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 15, 2014

Section of Agenda

Appeals

Agenda Title

Appeal of ARCOM Decision, B-098-2014, 237 Ridgeview Drive (per Letter Dated September 3, 2014, from Mr. William O. Cooley)

Presenter

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

Supporting Documents

- [Memorandum Dated October 1, 2014 from John S. Page](#)
- [Letter Dated September 3, 2014, from William O. Cooley](#)
- [Photographs](#)
- [Code Requirements](#)
- [ARCOM Minutes Excerpt from August 27, 2014](#)
- [Location Map](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 15, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: ARCOM Appeal from Mr. William Cooley
237 Ridgeview Drive

Date: October 1, 2014

STAFF RECOMMENDATION

Staff recommends that the Town Council consider and rule upon the appeal of William Cooley objecting to ARCOM's decision of August 27, 2014, approving a new two-story-home for property owners Paul and Rita Rampell at 237 Ridgeview Drive.

GENERAL INFORMATION

The Town's Architectural Commission, meeting on August 27, 2014, considered the application from Paul and Rita Rampell of 237 Ridgeview Drive to demolish their existing home and replace it with a new residence. Architect Jeff Smith, along with Landscape Architect Keith Williams, presented the project to the Commission. Mr. Smith explained that many homes on the street have been demolished and replaced with larger homes at higher elevations, leaving the existing Rampell home susceptible to flooding. Demolition of the existing one-story ranch home was quickly approved. The intended new home is designed as a contemporary two-story with one-story portions, surrounded by tall hedges, coquina stone walls, clear anodized aluminum finish windows and glass balconies.

Appropriateness of the architectural design was discussed at some length. As the attached excerpt from the ARCOM Minutes indicates, there were contrasting opinions about the home's similarity/dissimilarity to others nearby. Opinions were expressed in support of the home's modest scale and its respect to neighbors, while others believed it was too austere for the street. Visibility of the front-loaded garage was also an issue of discussion garnering diverse opinion.

Staff read several communications into the record. Six were supportive, one opposed and one pertained to the location of a single palm tree. A motion to approve the home's design was approved by a 4-3 vote (Gruss, Karakul, Vila and Sammons in favor / Vanneck, Knowles and Garrison opposed).

Mr. Cooley owns property at 266 Fairview Road, situated approximately 300' north and west of the Rampells. He received recent ARCOM approval to build a Mediterranean style home on said property. As his attached appeal letter explains, he believes the new home approved at 237 Ridgeview Drive is of the ultra-modern style that fails to meet ARCOM approval criteria outlined in Section 18-205 of the Town's Code of Ordinances. He also questions the consistency of this decision with past ARCOM actions, making specific mention of the recent denial of an application for a contemporary home at 167 Seagate Road.

SPECIAL CONSIDERATIONS

You will find the following materials attached for your review:

- William Cooley appeal letter
- Front elevations of intended new home at 237 Ridgeview Drive.
- Code section 18-205 (ARCOM criteria for building permit).
- Excerpt from ARCOM Minutes of the August 27, 2014 meeting.
- Locational Map

Attachments

cc: William Cooley
Paul and Rita Rampell
Jeff Smith
ARCOM members
John C. Randolph, Town Attorney

RECEIVED

SEP - 3 2014

TOWN OF PALM BEACH
PZB DEPT

WILLIAM O. COOLEY

171 El Pueblo Way
266 Fairview Road
Palm Beach, FL 33480

Susan Owens, Town Clerk
Palm Beach Town Hall
360 So. County Road
Palm Beach, FL 33480

September 3, 2014

RE: Appeal of Architectural Commission Decision on item number 098-2014 to approve Construction of a new residence at 237 Ridgeview Drive, Palm Beach, Florida.

Dear Ms. Owens,

Pursuant to Section 18-177 of the Palm Beach Code of Ordinances, I hereby file this appeal with the Town Clerk to the action of the Palm Beach Architectural Commission, at their August 27, 2014 meeting, relative to their approval by a 4 to 3 vote of the construction of a new ultra-modern residence at 237 Ridgeview Drive, Palm Beach, Florida.

My wife and I own the property at 266 Fairview Road. Our lot is 300 west of the proposed modern home at 237 Ridgeview Drive. We have recently been approved by ARCOM for the construction of a traditional Palm Beach Mediterranean style home on our lot. Being 300 feet from the proposed home at 237 Ridgeview Drive we object to this ultra-modern style structure in a neighborhood of Palm Beach traditional homes. Approval of this aberration in this traditional neighborhood will render our ARCOM ordinance moot.

Section 18-177 states that in filing my appeal I must "...set forth alleged inconsistency or nonconformity with procedures or criteria set forth in this article or standards set forth in or pursuant to this Code."

To that end, I am citing inconsistencies and nonconformities to the Code, specifically: Section 18-205 Criteria for building permit.

(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 same permit application **within 200 feet** of the proposed site in respect to one or more of the following features:

c. **Architectural compatibility**. (emphasis added)

(7) 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 (except alleys). (emphasis added)

RECEIVED

2014 SEP 3 14:08 TOWN CLERK

Page 2.

Susan Owens, Town Clerk

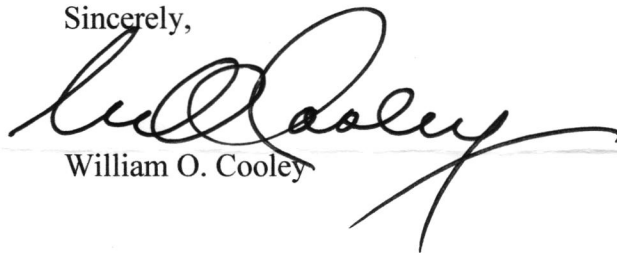
Referencing Section 18-205 (a) (6) and (7) of the Code; the proposed structure at 237 Ridgeview Drive **is excessively dissimilar** to any other existing structure within 200 feet, or for that matter, within blocks. It is **not architecturally compatible** with the structures within 200 feet, within the block, or within the neighborhood for that matter.

The approval of this ultra-modern structure in the center of a block, or for that matter in the center of a neighborhood, containing traditional Mediterranean style homes is in direct violation of Section 18-205 (a) (6) and (7).

If the Town allows this ultra-modern structure to be built in this traditional neighborhood, the Town will expose itself on at least two issues: (1) the Town will put its decision to deny the modern structure at 167 Seagate Road in jeopardy. In that decision the Town cited the fact that the Seagate structure was "too dissimilar" to surrounding structures. The 237 Ridgeview Drive design/structure is equal or more onerous and disruptive to the neighborhood than the Seagate design; (2) the Town will render its Architectural Review ordinance moot. If this type of dissimilar architecture is allowed, the ordinance will have been broken, and can never be enforced in the future. This action will render ARCOM irrelevant.

Enclosed is my check for \$320. I understand the appeal must be based on the record to date and it is not a de novo hearing so the pictures I have taken of the surrounding houses are not included. I would urge every member of the Town Council to drive the neighborhood and see for themselves that this proposed structure is excessively dissimilar from all houses in the neighborhood. Please advise me when this item will appear on the Town Council agenda. Thank you.

Sincerely,

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

William O. Cooley

Enclosure: check #7060

cc: Mayor and Town Council

Peter Elwell, Town Manager

John C. Randolph, Town Attorney

John Page, Director of Planning and Zoning

Paul Castro, Zoning Director

John Lindgren, Town Planner





Sec. 18-205. Criteria for building permit.

(a) The architectural commission may approve, approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction only after consideration of whether the following criteria are complied with:

- (1) The plan for the proposed building or structure is in conformity with good taste and design and in general contributes to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm and high quality.
- (2) The plan for the proposed building or structure indicates the manner in which the structures are reasonably protected against external and internal noise, vibrations, and other factors that may tend to make the environment less desirable.
- (3) The proposed building or structure is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.
- (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.
- (5) The proposed building or structure is not excessively similar to any other structure existing or for which a permit has been issued or 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 following features of exterior design and appearance:
 - a. Apparently visibly identical front or side elevations;
 - b. Substantially identical size and arrangement of either doors, windows, porticos or other openings or breaks in the elevation facing the street, including reverse arrangement; or
 - c. Other significant identical features of design such as, but not limited to, material, roof line and height of other design elements.
- (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 same permit application within 200 feet of the proposed site in respect to one or more of the following features:
 - 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 complimentary with size and massing of adjacent properties.

g. Design features that will avoid the appearance of mass through improper proportions.

h. Design elements that protect the privacy of neighboring property.

(7) 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 (except alleys).

(8) The proposed development is in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.

(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.

(10) The financial guarantee required in section 18-175 is met.

(b) If the above criteria are met, the application shall be approved. Conditions may be applied when the proposed building or structure does not comply with the above criteria and shall be such as to bring such building or structure into conformity. If an application is disapproved, the architectural commission shall detail in its findings the criterion or criteria that are not met. The action taken by the architectural commission shall be reduced to writing and signed by the chair, and a copy thereof shall be made available to the applicant upon request.

(c) A decision or order of the commission or the planning, zoning and building department director or his/her designee shall not become effective until the expiration of ten working days after the date upon which a ruling of the commission or the planning, zoning and building department director or his/her designee has been made.

(Code 1982, § 5-387; Ord. No. 3-98, § 1, 3-10-98; Ord. No. 5-00, § 1, 7-11-00; Ord. No. 32-08, §

Call for disclosure of ex parte communication: Disclosures by Mrs. Vanneck and Mr. Small

ARCHITECTURAL PRESENTATION BY: Attorney Frank Lynch

LANDSCAPE PRESENTATION BY: Chuck Yannette, Parker-Yannette Design

Mr. Lynch, on behalf of the Glazers, provided a demolition report for this two-story frame residence, built in 1937 with no architect of record. The property was considered in 2000 by the Landmarks Preservation Commission for landmarking, but was turned down. Mr. Vila asked that the photos of this “perfectly beautiful Monterey style house” be shown on screen. Mr. Vila asked Mr. Lynch to characterize the condition of the house, to which Mr. Lynch responded: “very good”. Chuck Yannette stated that the landscape is also in very good shape. He indicated that the plan is to retain as much landscape material as possible, but to remove that which is adjacent to the structures being demolished and any invasives.

MR. SAMMONS: “THIS IS AN UNTENABLE SITUATION WHERE WE HAVE TO APPROVE THINGS WHICH WE KNOW ARE WRONG, SO I REGRETFULLY SUPPLY THE MOTION TO APPROVE THE DEMOLITION OF THIS WONDERFUL HOUSE.”

MOTION SECONDED BY MRS. VANNECK.

MOTION CARRIED 5-2, WITH MR. VILA AND MR. GARRISON OPPOSED.

B - 098 - 2014 Demolition and New Residence

Address: 237 Ridgeview Drive

Applicant: Paul & Rita Rampell

Architect: Smith Architectural Group

Project Description: Demolition of existing one story residence. Construction of new two story 3394 sq. ft. residence with pool, landscape, hardscape and site lighting. Building Color-White; Roof-Flat

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

ARCHITECTURAL PRESENTATION BY: Jeffery W. Smith

LANDSCAPE PRESENTATION BY: Keith Williams, Nievera Williams Design

Mr. Smith explained that the Rampells are upset that their entire street has been redeveloped and built up causing their home to flood. Mr. Smith provided the demolition report for the existing one-story Ranch, built in 1954. There are no historic trees on the property.

MOTION BY MRS. VANNECK FOR APPROVAL OF THE DEMOLITION WITH THE TYPICAL CAVEATS FOR SODDING AND IRRIGATING WITHIN 30 DAYS.

MOTION SECONDED BY MR. SAMMONS.

MOTION CARRIED UNANIMOUSLY.

Mr. Smith continued with the new house in accordance with the submitted plans and as described above. The goal of the project was to preserve as much green space as possible and to create a garden-like setting for a modestly sized home on the lot, which is small in comparison to the newer homes being built on the street. Design elements include: Contemporary two-story home, with one-story portions, surrounded by tall hedges; coquina stone walls; clear anodized aluminum finish windows; glass balconies.

Commission Comments: This house does not fit into the neighborhood 18-205 (5) (b); very modern and does not fit 18-205 (4) ; be careful not to misinterpret the code...there is room for Contemporary design...it is more about finishes and scale and the way it fits onto the lot...they have the support of their neighbors; the design is respectful to the surrounding houses and neighborhood...it is not overwhelming and "in your face"...not "excessively dissimilar."; excellent design, but it looks like a house that cars live in because the only thing you see from the street is the garage; can you reduce the driveway opening to 12 ft.?; the front facing garage is an issue...you have a blank slate...change the position of the garage; make it more charming...too austere for the neighborhood; we approve many front facing garages; change the landscaping...perhaps pavers with grass between and a smaller curb cut; and, elegant design which is nicely small.

Mr. Lindgren read several letter/e-mails into the record: (1) Letter of support from David J. Thomas III; (2) letter of support from Constance Thomas; (3) e-mail in support from Brian and Jane Hurley at 210 Ridgeview Drive; (4) e-mail in support from Chris Condon at 236 Fairview Drive; (5) e-mail in opposition from Dr. Maurice Belkin; (6) e-mail in support from Nicholas Coniglio; (7) e-mail in support from the Whitakers, 234 Ridgeview; and (8) another e-mail from Dr. Maurice Belkin expressing concerns relative to the proposed removal of a Royal Palm.

Mr. Vila stated that because one of the letters references 167 Seagate Road, he felt obliged to draw a distinction between that project and this one. The 167 Seagate site was very oriented toward North Lake Way and was also of a much larger volume.

Keith Williams continued with the landscape/hardscape plans. He first stated that the Royal Palm tree mentioned in Dr. Belkin's letter will remain in its existing location. Other design elements include: Hedges to remain on the east, west and north sides; minimalist landscape plan to create garden views of open green lawn and green walls; flat and clean; little hardscape; and, 37 ft. x 8 ft. pool. Mr. Williams agreed to reduce the driveway apron and add more landscape at the garage area.

MOTION BY MR. GRUSS TO APPROVE THE DESIGN AS PRESENTED.

MOTION SECONDED BY MR. KARAKUL.

MOTION CARRIED 4-3, WITH MRS. VANNECK, MR. KNOWLES AND MR. GARRISON OPPOSED.

B - 099 - 2014 Demolition and New Residence

ARCOM TO MAKE RECOMMENDATION RELATIVE TO VARIANCE(S)

Address: 1053 N. Lake Way

Applicant: Mr. & Mrs. Naveja-Diebold

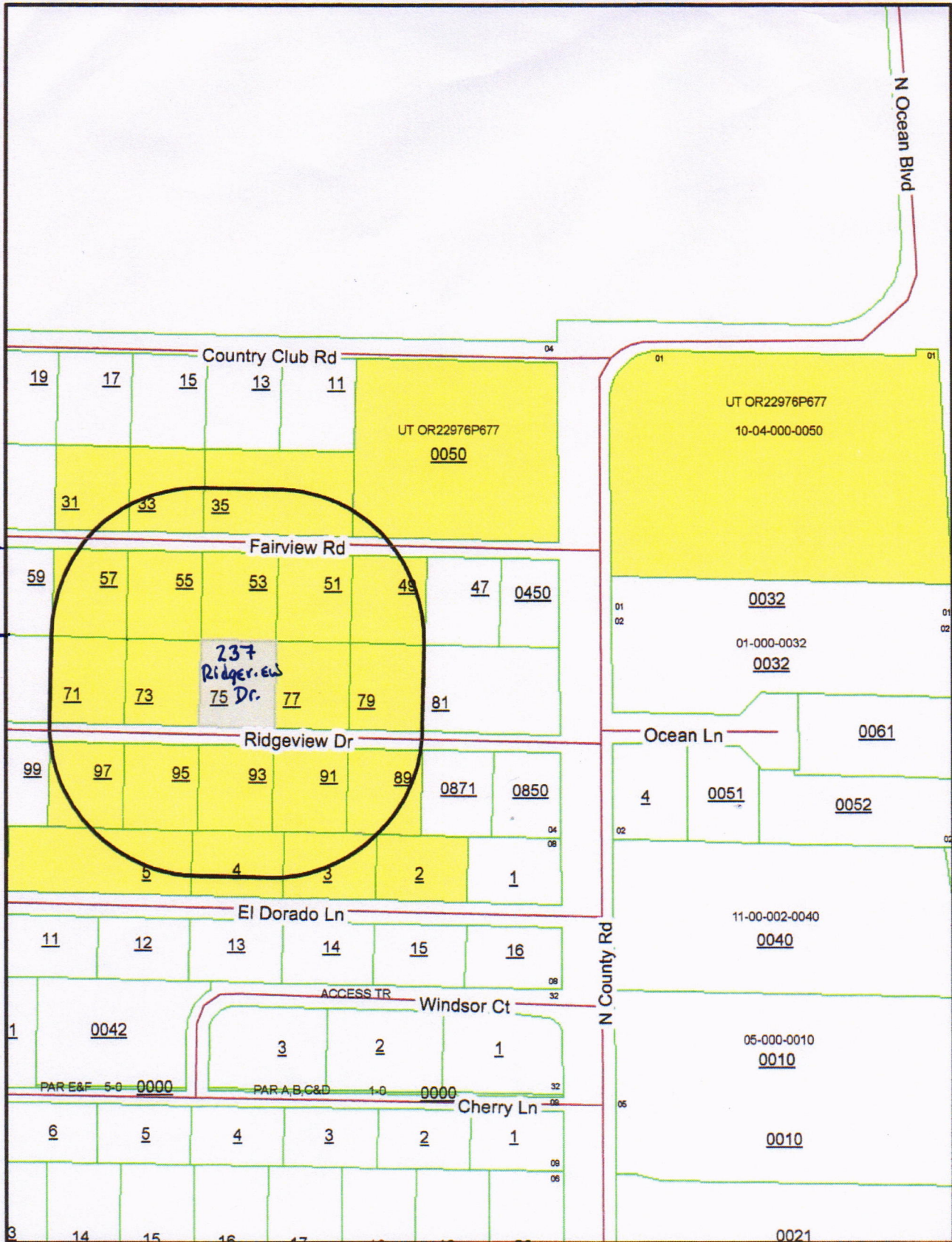
Architect: MP Design and Architecture, Inc.

Project Description: Demolition of existing residence. New two-story residence, guest house, pool, landscape and hardscape. Building Color-Off White; Trim Color-White; Roof-Light Grey Flat Cement Tile

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

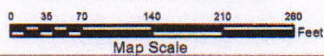
ARCHITECTURAL PRESENTATION BY: Michael Perry, MP Design and Architecture

LANDSCAPE PRESENTATION BY: Keith Williams, Nievera Williams Design



Gary R. Nikolits, CFA
Palm Beach County
Property Appraiser

Location: Downtown Service Center



Notes:

Produced on: 6/11/2014

Key

Selected Parcels

 100	 300	 500
 Others	 200	 400

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 15, 2014

Section of Agenda

Time Extensions

Agenda Title

Request for Waiver of Section 42-199, Hours of Construction Work, at 150 Worth Avenue Per Letter Dated October 2, 2014, From James M. Crowley.

Presenter

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

Supporting Documents

- [Memorandum Dated September 30, 2014 from John S. Page](#)
- [Letter dated October 2, 2014 from James M. Crowley](#)
- [Notice dated October 3, 2014](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 15, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Waiver of Town Code Section 42-199, Hours of Construction Work
150 Worth Avenue, Suite 113A

Date: September 30, 2014

STAFF RECOMMENDATION

Staff recommends that the Town Council consider an extension of the hours for construction work after October 31st, for 150 Worth Avenue, within the C-WA Worth Avenue Zoning District. Construction work on Worth Avenue is prohibited from November 1 through April 30. Approval, if granted, should be conditioned as follows:

- Work hours will be allowed from 9:00 am to 5:00 pm Monday through Friday.
- No work will be allowed on Saturdays or Sundays or Town of Palm Beach legal holidays.
- Approval of the Worth Avenue Association is required (and has been received).
- Provision of a construction schedule to the satisfaction of the Building Official.
- All windows shall be screened per Town Code Section 22-58.
- All deliveries will be made between the hours of 8:00 am and 10:00 am.
- No construction related parking will be allowed on Worth Avenue.
- No workers shall congregate or loiter on Worth Avenue.
- A right of way permit is required for use of the sidewalk.
- Any verified complaints from neighbors may cause the town to revoke extended work hours.
- Submission of an affidavit that all property owners, businesses and residents (Condominium Association if a condominium) within a 200 foot radius of the subject property have been notified of this request by mail 10 days prior to the scheduled meeting date.
- Contractor will provide a copy of the notification affidavit and a copy of the notice to the Building Official no later than 5 days prior to the scheduled hearing date.

Staff has notified the applicant that granting of extended work hours on Worth Avenue is the sole discretion of the Town Council, and past discussions have indicated that it would not necessarily be in favor of granting any extensions beyond the October 31st deadline for work to be completed on Worth Avenue. Regardless, applicant has opted to present this request.

GENERAL INFORMATION

The applicant is requesting an extension of time to complete work in the CWA Zoning District, beyond the date of October 31, 2014 when all construction work in the CWA district must cease. They are requesting to be allowed to work from November 1st to November 7th, during the hours of 8:00 am to 8:00 pm Monday through Friday. This work includes interior work only. The permit for this work was issued on August 13, 2014.

Attached is the written request from the applicant that describes the nature of the work and the time extension that is being requested. The main basis for this request is to allow interior finishes to be completed and the set-up and connection of custom fabricated furnishings and fixtures.

Attachments

JP/wcb

cc: James M. Crowley, Esq., Gunster
Jerome Baumoehl, Architect
Scott Sloane, Sloane Construction Company
Bill Bucklew, Building Official
Paul W. Castro, Zoning Administrator
H. Paul Brazil, Public Works Director
Raychel Houston, Code Enforcement

Our File Number: 38910.00001
Writer's Direct Dial Number: (561) 650-0633
Writer's E-Mail Address: jcrowley@gunster.com

October 2, 2014

VIA HAND DELIVERY

Mr. Bill Bucklew
Building Official
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Re: Construction Work at 150 Worth Avenue after November 1st
(Code Section 42-199)

Dear Mr. Bucklew:

The purpose of this letter is to request a waiver of Section 42-199 of the Town Code so that Akris, Inc. can complete interior tenant improvements at 150 Worth Avenue, Suite 113A, after November 1. The work will be complete by November 7, 2014. Sloane Construction Company ("Sloane") has already obtained a permit and begun work. Sloane will be doing some interior plastering, painting and installation of Akris's custom fixtures, which is the only work requiring a permit which will take place after November 1. A detailed description of the work is attached hereto as Exhibit "A".

It has been the Town's policy for at least the past 20 years to allow such work within 150 Worth Avenue (f/k/a The Esplanade) so long as reasonable conditions are placed upon the contractors conducting the work. Because of the location of the work and the ability to have construction vehicles and deliveries occur within the parking garage of the building, we are not aware of any complaints which have arisen from this type of interior work at 150 Worth Avenue in the past.

Akris proposes the following conditions regarding work after November 1:

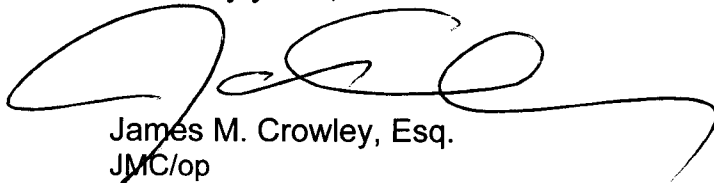
- Construction vehicles will be parked in and operated from within the 150 Worth Avenue garage, not on the public streets;
- No exterior construction will occur;
- Construction deliveries will take place in the garage and not on the public streets;
- All work will be done during the Town's regular construction hours for Worth Avenue of 8:00am to 8:00pm through November 7, with Saturday construction hours of 9:00am to 5:00pm; and
- No work will occur on Sunday.

Sloane will be finished by November 7. The work cannot be completed sooner because Akris uses custom-fabricated furnishings and fixtures which are in transit from Europe and may be delayed. Approval of this request will allow Akris to be open for the 2014-2015 season.

The Goodman Company, the property manager at 150 Worth Avenue, has already contacted The Worth Avenue Association and obtained their support. The letter of no objection from The Worth Avenue Association is attached as Exhibit "B".

It is our understanding that this item has been placed on the October 15, 2014 Town Council agenda for a decision. We appreciate your cooperation thus far and your consideration of this matter.

Sincerely yours,



James M. Crowley, Esq.

JMC/op

Enclosures

cc: Shienni Houlzet
Peter Elwell, Town Manager
John Page, Planning, Building, & Zoning Director
Paul Castro, Zoning Administrator
Robert Saffran
Jerome Baumoehl
Scott Sloane

WPB_ACTIVE 6080063.1



Mr. Bill Bucklew:

We are requesting a waiver of Town Ordinance 42-199 from November 1st through November 7th.

All work at the main entrance to the store from Worth Avenue will be complete however we will have some interior plaster, painting and installation of owner's fixtures to complete. The fixtures are scheduled to arrive via container from Switzerland during the week of October 20th in Miami and then when cleared through customs will be transferred to Palm Beach for installation. As designed, the fixtures must be installed prior to completing the custom hand rubbed wall finish and therefore the reason for our extension request.

We have parking available for our employees in the Esplanade lot and access to the store from the interior courtyard.

Respectfully

A handwritten signature in black ink, appearing to read 'Scott Sloane', written in a cursive style.

Scott Sloane
President

1804 N. Dixie Hwy, Suite D
West Palm Beach, Florida 33407-6570
(561) 655-9277 FAX (561) 655-9283
License # CG CO18315
E-mail: scott@sloaneconstruction.com



October 1, 2014

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

RE: AKRIS, 150 Worth Avenue

Dear Town Council:

On behalf of the Worth Avenue Association, this letter will serve to notify the Town of Palm Beach that the Association does not object to the construction build-out at 150 Worth Avenue (Akris) by Sloane Construction. It is our understanding that the construction project will run approximately a week late in order for the storefront glass to be replaced.

Yours truly,

Robin L. Miller
General Manager



FT. LAUDERDALE
JACKSONVILLE
MIAMI
PALM BEACH
STUART
TALLAHASSEE
VERO BEACH
WEST PALM BEACH

October 3, 2014

To Whom It May Concern:

A waiver of Town Ordinance 42-199, Hours of Construction, is being requested by The Goodman Company and their tenant, Akris, for work after November 1, 2014. The applicants would like to be able to work until November 7, 2014. The work will consist of internal tenant improvements in Suite 113A on the first floor at 150 Worth Avenue. Construction vehicles will be parked in, and deliveries will take place in the 150 Worth Avenue garage, not on the public streets. The following additional work hours are requested:

- All work will be done during the Town's regular construction hours for Worth Avenue of 8:00 am to 8:00 pm through November 7, 2014, with Saturday construction hours of 9:00 am to 5:00 pm.
- No construction work will be done on Sunday.

These work hours will allow the applicants to complete the work in time for the 2014-2015 Season.

This matter will be presented to the Palm Beach Town Council at the regularly scheduled Development Review meeting on October 15, 2014. Any concerns regarding this matter should be expressed at this meeting.

This notice is required to be postmarked no later than 10 days prior to the regularly scheduled meeting.

Please feel free to call Jerome Baumohl at Jerome Baumohl Architect, Incorporated, phone number (561) 689-2000 if you have any questions about this request.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 15,
2014

Section of Agenda

Time Extensions

Agenda Title

Request for Extension of Time Schedule for Completion of Construction
Per Town Code Chapter 18, Section 242-105.4.1.6 - 456 Worth Avenue

Presenter

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

Supporting Documents

- [Memorandum Dated October 3, 2014 from John S. Page](#)
- [Letter Dated August 21, 2014 from David E. Klein](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 15, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Extension of Time Schedule for Completion of Construction per Town Code
Chapter 18, Section 242-105.4.1.6
456 Worth Avenue

Date: October 3, 2014

STAFF RECOMMENDATION

Staff recommends that the Town Council consider an extension of the Code-specified time limit for construction for the project located at 456 Worth Avenue (renovation of landmarked existing single family dwelling).

GENERAL INFORMATION

The applicant is requesting an extension of the time limit for the “renovation with additions” of a landmarked single family residence of approximately 8,209 square feet. The initial permit was issued on April 5, 2012. Per Code the project is to be completed in 30 months. This property is not located within the C-WA Worth Avenue Zoning District

This limit imposes a completion date for the construction of October 31, 2014. See attachments from the owner’s Attorney and the contractor outlining their plan to complete. As outlined therein, a series of unusual circumstances have occurred at the project site. The applicant is proposing to finish the project by April 30, 2015.

As outlined within the Code, the Council may impose conditions on the extension which may include the implementation of mitigation measures deemed appropriate by the Council and imposition of a fee for each day of the extension beyond the 30 month term imposed. The fee established is 10 cents per square foot with a minimum of \$500.00/per day. From the Town’s record drawings, the project square footage is 8,209 square feet. This means that the maximum fee that the Council could opt to impose is \$820.09 per day (which would accrue until the Planning, Zoning and Building Department issues a Certificate of Occupancy).

Attachments

JP/wcb

cc: David E. Klein, Attorney for Owner
Paul Maloney, Worth Builders
Paul W. Castro, Zoning Administrator
H. Paul Brazil, Public Works Director
Raychel Houston, Code Enforcement Unit

P A L M B E A C H

David E. Klein, Esq.
direct: 561.402.7412
dklein@rabideau-law.com

August 21, 2014

Via Hand Delivery and e-mail: BBucklew@TownofPalmBeach.com

Mr. Bill Bucklew
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Re: Permit Extension Request – Permit B-12-23615
Property: 456 Worth Avenue

Dear Mr. Bucklew:

In connection with the above-referenced matter, I represent, 456 WA, LLC, the owner of 456 Worth Avenue (the "Property"). In accordance with Section 105.4.1.6 A. of the Code of Ordinances Town of Palm Beach, Florida, this letter is the requisite request for an extension of Permit B-12-23615 (the "Permit") which is currently due to expire on October 31, 2014. The Permit entails both interior and exterior work to the Property.

The extension is necessary because there have been numerous delays in construction as a result of several significant engineering obstacles that were encountered after the construction initiated:

- The Property owner's architect, engineer, and builder determined that the exterior structural walls were unsafe and not compliant with Town Code; therefore, they would need to be demolished and rebuilt. These findings were presented to the Landmarks Preservation Commission (the "LPC"); however, the LPC did not agree with these findings and the matter was deferred for further study. The Building Department then mandated an independent evaluation from its own structural engineer, Kimley-Horn. Although Kimley-Horn's conclusion coincided with that of my client's engineer, the recent findings had to be presented to the LPC again. It was only after that next appearance before the LPC that we were given permission to proceed.
- As demolition and reconstruction developed, there was a significant problem with the soil condition which required re-engineering of the foundation. Three buried seawalls were discovered under the existing structure, meaning that a large portion of the structure was built on reclaimed Intracoastal Waterway, i.e. muck.

- Part of the work to the Property consisted of work to the wall along Worth Avenue. Subsequent to obtaining the permit in question, it was determined that a portion of the wall was located in the Town's right-of-way. As such, it was necessary to petition the Town Council to abandon a strip of the right-of-way. While the petition was successful, the process further delayed construction by several months.

In order to complete the remainder of the work to the Property, my client requests a six month extension, which would provide for a new termination date of April 30, 2015. I have enclosed the revised construction schedule for your review.

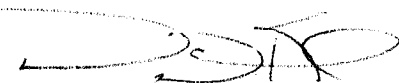
The revised construction schedule effectively mitigates nuisance related to the extension in that the majority of the work to the Property occurring subsequent to the original completion date will be interior work. Although there will be some exterior work occurring subsequent to October 31, 2014, that proposed work is mostly decorative in nature. As such, the work occurring after October 31, 2014 will not require any heavy machinery, will be relatively quiet in nature, and will not result in substantial dust or debris outside of the Property.

In order to further mitigate any nuisance to the owners of the properties that border my client's Property (452 Worth Avenue and 460 Worth Avenue), the project manager has communicated with the representatives of the two owners to note when the owners would be in Town, and then will continue to modify the construction schedule accordingly to reduce the effects of the construction during that time.

I hereby certify that the surrounding neighbors within 200 feet of the Property will be provided notice at least twenty-five days prior to the meeting at which the extension is to be considered.

Please let me know if there is anything else you need at this time.

Sincerely,



David E. Klein

Enclosure

[REDACTED]
P A L M B E A C H

RECEIVED

AUG 28 2014

TOWN OF PALM BEACH

PZB DEPT
David E. Klein, Esq.

direct: 561.402.7412

dklein@rabideau-law.com

August 27, 2014

NOTIFICATION TO PROPERTY OWNER OF PERMIT EXTENSION REQUEST

Re: 456 Worth Avenue, Palm Beach, Florida

To Whom It May Concern:

In connection with the above-referenced matter, I represent the owner of 456 Worth Avenue (the "Property"). This notice is to make you aware that the owner has requested a permit extension in connection with work being done on the Property. Town Council will consider this matter on October 15, 2014 in the Council Chambers located at 360 S. County Road, Palm Beach, Florida.

Sincerely,



David E. Klein



WOOLEMS, INC
GENERAL CONTRACTOR

456 WORTH AVENUE

ID	Task Name	Duration	Start	Finish	Calendar
1	PHASE-INTERIOR BUILDING CONSTRUCTION	181 days	Mon 8/18/14	Mon 4/27/15	Aug 3, '14 T M F T S Aug 31, '14 T M F T S Sep 28, '14 T M F T S Oct 26, '14 T M F T S Nov 23, '14 T M F T S Dec 21, '14 T M F T S Jan 18, '15 T M F T S Feb 15, '15 T M F T S Mar 15, '15 T M F T S Apr 12, '15 T M F T S
2	Interior Doors	5 days	Mon 8/18/14	Fri 8/22/14	
3	Finish Wood Floors Main House	10 days	Mon 8/25/14	Fri 9/5/14	
4	Appliance - install	5 days	Mon 9/8/14	Fri 9/12/14	
5	Closets / Shelving	3 days	Mon 9/15/14	Wed 9/17/14	
6	Plaster Molding / Venusian	15 days	Thu 9/18/14	Wed 10/8/14	
7	2nd fl - Master Bed Rm Plaster Molding/ Ceiling/Beams - Install (Less	15 days	Thu 10/9/14	Wed 10/29/14	
8	Paint / Faux / Venusian Plaster - install	20 days	Thu 10/30/14	Wed 11/26/14	
9	Fireplace - Hearth / Mantle - install	5 days	Thu 11/27/14	Wed 12/3/14	
10	Shower Door/Enclosure- install	10 days	Thu 12/4/14	Wed 12/17/14	
11	Mirrors install	10 days	Thu 12/18/14	Wed 12/31/14	

Project: 081814 Town Completion	Task Split	External Tasks	Manual Task	Finish-only
	Milestone	External Milestone	Duration-only	Deadline
	Summary	Inactive Task	Manual Summary Rollup	Progress
	Project Summary	Inactive Milestone	Manual Summary	Manual Progress
		Inactive Summary	Start-only	



WOOLEMS, INC
GENERAL CONTRACTOR

456 WORTH AVENUE

ID	Task Name	Duration	Start	Finish	Aug 3, '14	Aug 31, '14	Sep 28, '14	Oct 26, '14	Nov 23, '14	Dec 21, '14	Jan 18, '15	Feb 15, '15	Mar 15, '15	Apr 12, '15	May 10, '15
12	Interior Door Hardware - install	10 days	Thu 1/1/15	Wed 1/14/15											
13	Exterior Door/Window Hardware - install	10 days	Thu 1/15/15	Wed 1/28/15											
14	HVAC - Trim out grills / Diffusers & T-Stat's	5 days	Thu 1/29/15	Wed 2/4/15											
15	Plumbing fixture / Bath Accessories install	10 days	Thu 2/5/15	Wed 2/18/15											
16	Gas - Install valves & trim	3 days	Thu 2/19/15	Mon 2/23/15											
17	Electrical - Fixture trim out Walls & Ceilings	20 days	Tue 2/24/15	Mon 3/23/15											
18	Low Voltage trim out Walls & Ceilings	10 days	Tue 3/24/15	Mon 4/6/15											
19	Security - trim out Walls & Ceilings	5 days	Tue 4/7/15	Mon 4/13/15											
20	Sub Punch List / Paint touch-up	10 days	Tue 4/14/15	Mon 4/27/15											
21	PHASE-BUILDING EXTERIOR / GARAGE	123 days	Mon 8/18/14	Wed 2/4/15											
22	Entry - Stone installation	20 days	Mon 8/18/14	Fri 9/12/14											

Project: 081814 Town Completion	Task	External Tasks	Manual Task	Finish-only
	Split	External Milestone	Duration-only	Deadline
	Milestone	Inactive Task	Manual Summary Rollup	Progress
	Summary	Inactive Milestone	Manual Summary	Manual Progress
	Project Summary	Inactive Summary	Start-only	



WOOLEMS, INC
GENERAL CONTRACTOR

456 WORTH AVENUE

ID	Task Name	Duration	Start	Finish	Aug 3, '14	Aug 31, '14	Sep 28, '14	Oct 26, '14	Nov 23, '14	Dec 21, '14	Jan 18, '15	Feb 15, '15	Mar 15, '15	Apr 12, '15	May 10, '15
23	Plaster finish - Exterior of Building	15 days	Mon 9/15/14	Fri 10/3/14											
24	Loggia - Wall/Floors/Ceilings	30 days	Mon 10/6/14	Fri 11/14/14											
25	Entry Door - Installation	5 days	Mon 11/17/14	Fri 11/21/14											
26	Garage Doors - Installation	5 days	Mon 11/24/14	Fri 11/28/14											
27	Exterior - Lighting Fixture installation	15 days	Mon 12/1/14	Fri 12/19/14											
28	Loggia - Ornamental Gates installation	3 days	Mon 12/22/14	Wed 12/24/14											
29	Balcony Railing - installation	20 days	Thu 12/25/14	Wed 1/21/15											
30	Building Exterior - Sub Punch list	10 days	Thu 1/22/15	Wed 2/4/15											
31	PHASE - MOTOR COURT / GROUNDS	150 days	Mon 8/18/14	Fri 3/13/15											
32	Landscape - Large Planting	5 days	Mon 8/18/14	Fri 8/22/14											
33	Driveway Structure	40 days	Mon 8/25/14	Fri 10/17/14											

Project: 081814 Town Completion	Task	External Tasks	Manual Task	Finish-only
	Split	External Milestone	Duration-only	Deadline
	Milestone	Inactive Task	Manual Summary Rollup	Progress
	Summary	Inactive Milestone	Manual Summary	Manual Progress
	Project Summary	Inactive Summary	Start-only	



WOOLEMS, INC
GENERAL CONTRACTOR

456 WORTH AVENUE

ID	Task Name	Duration	Start	Finish	Aug 3, '14	Aug 31, '14	Sep 28, '14	Oct 26, '14	Nov 23, '14	Dec 21, '14	Jan 18, '15	Feb 15, '15	Mar 15, '15	Apr 12, '15	Ma
34	Stucco - at New & repaired site walls & Structure	5 days	Mon 10/20/14	Fri 10/24/14											
35	West-Sea Wall & Steps install	5 days	Mon 10/27/14	Fri 10/31/14											
36	Plaster/Paint - at New & repaired site walls & Structure	10 days	Mon 11/3/14	Fri 11/14/14											
37	Irrigation- main piping install	3 days	Mon 11/17/14	Wed 11/19/14											
38	West side yard - stone install-patio & walkway & steps	10 days	Thu 11/20/14	Wed 12/3/14											
39	South Patio & walkway stone install	5 days	Thu 12/4/14	Wed 12/10/14											
40	Courtyard Fountain install	10 days	Thu 12/11/14	Wed 12/24/14											
41	Tile at Courtyard Benches	3 days	Thu 12/25/14	Mon 12/29/14											
42	Generator /HVAC Equipment/Pool Equipment - install	3 days	Tue 12/30/14	Thu 1/1/15											
43	Driveway/Courtyard/Pedestrian walk, Paver Stone install	10 days	Fri 1/2/15	Thu 1/15/15											
44	Driveway Trench drain install at street	2 days	Fri 1/16/15	Mon 1/19/15											

Project: 081814 Town Completion	Task Split	External Tasks	Manual Task	Finish-only
	Milestone	External Milestone	Duration-only	Deadline
	Summary	Inactive Task	Manual Summary Rollup	Progress
	Project Summary	Inactive Milestone	Manual Summary	Manual Progress
		Inactive Summary	Start-only	



WOOLEMS, INC
GENERAL CONTRACTOR

456 WORTH AVENUE

ID	Task Name	Duration	Start	Finish	Aug 3, '14	Aug 31, '14	Sep 28, '14	Oct 26, '14	Nov 23, '14	Dec 21, '14	Jan 18, '15	Feb 15, '15	Mar 15, '15	Apr 12, '15	May 10, '15
45	Out Door Kitchen (BBQ) install	3 days	Tue 1/20/15	Thu 1/22/15											
46	Landscape - Small Planting/Sod	5 days	Fri 1/23/15	Thu 1/29/15											
47	Site Drainage - install Area drain & set to Grade	3 days	Fri 1/30/15	Tue 2/3/15											
48	Landscape Lighting install fixtures	15 days	Wed 2/4/15	Tue 2/24/15											
49	Irrigation- spray Heads install & Adjustment	3 days	Wed 2/25/15	Fri 2/27/15											
50	Driveway Entry Gates & Pedestrian Gate install	5 days	Mon 3/2/15	Fri 3/6/15											
51	Site - Sub Punch list & Clean	5 days	Mon 3/9/15	Fri 3/13/15											
52	PHASE - FINAL - PROJECT COMPLETION	91 days	Thu 12/25/14	Thu 4/30/15											
53	Final - Pool / Fountain - Inspection	1 day	Thu 12/25/14	Thu 12/25/14											
54	Final - Site Drainage Inspection	1 day	Wed 2/4/15	Wed 2/4/15											
55	Final - HVAC - Inspection	1 day	Fri 1/2/15	Fri 1/2/15											

Task	Task Split	External Tasks	Manual Task	Finish-only
Project: 081814 Town Completion	Milestone	External Milestone	Duration-only	Deadline
	Summary	Inactive Task	Manual Summary Rollup	Progress
	Project Summary	Inactive Milestone	Manual Summary	Manual Progress
		Inactive Summary	Start-only	



WOOLEMS, INC
GENERAL CONTRACTOR

456 WORTH AVENUE

ID	Task Name	Duration	Start	Finish	Aug 3, '14	Aug 31, '14	Sep 28, '14	Oct 26, '14	Nov 23, '14	Dec 21, '14	Jan 18, '15	Feb 15, '15	Mar 15, '15	Apr 12, '15	May 10, '15
56	Final - Electrical - Inspection	1 day	Mon 1/5/15	Mon 1/5/15											
57	Final - Low Voltage - Inspection	1 day	Tue 1/6/15	Tue 1/6/15											
58	Final - Plumbing - Inspection	1 day	Thu 2/19/15	Thu 2/19/15											
59	Final - Gas - Inspection	1 day	Tue 2/24/15	Tue 2/24/15											
60	Final - Irrigation - Inspection	1 day	Mon 3/2/15	Mon 3/2/15											
61	Final - Landscape - Inspection	1 day	Mon 3/2/15	Mon 3/2/15											
62	Final - Site Structure/Hardscape	1 day	Tue 1/20/15	Tue 1/20/15											
63	Final - Building - Inspection	2 days	Tue 4/14/15	Wed 4/15/15											
64	Owner Walk-Through	1 day	Thu 4/16/15	Thu 4/16/15											
65	Punch List	5 days	Fri 4/17/15	Thu 4/23/15											
66	Town Of Palm Beach Certificate Of Completion	5 days	Fri 4/24/15	Thu 4/30/15											

Task	Task Split	External Tasks	Manual Task	Finish-only
Project: 081814 Town Completion	Milestone	External Milestone	Duration-only	Deadline
	Summary	Inactive Task	Manual Summary Rollup	Progress
	Project Summary	Inactive Milestone	Manual Summary	Manual Progress
		Inactive Summary	Start-only	

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 15, 2014

Section of Agenda

Development Review - Old Business

Agenda Title

SITE PLAN REVIEW #8-2014 WITH VARIANCE (MODIFIED)

The application of Coral Beach Corporation; relative to property commonly known as **160 Seaview Avenue**; described as Lot 4 and the West 65' of Lot 5, THE EAST PLAZA, Plat Book 16, Page 78, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant is proposing to build a 7,092 square foot (5,788 square feet enclosed) two-story home. Site Plan Review is requested to allow a single family home to be built on two (2) existing non-conforming platted lots with depths of 99.07 feet in lieu of 100 feet required. Variances requested are for a point of measurement variance for building height at 13.5 feet National Geodetic Vertical Datum (NGVD) in lieu of the 11.68 feet NVGD allowed; a point of measurement variance to allow for overall building height at 13.5 feet NGVD in lieu of the 11.68 feet NGVD maximum allowed; a point of measurement for cubic content ratio to be at 14.5 feet NGVD (proposed finished first floor) in lieu of the 11.68 feet NVGD maximum allowed; and, to allow the proposed house which is primarily designed with a flat roof to be constructed with an overall building height of 30 feet in lieu of the 25 foot maximum allowed. [Attorney: Francis X. J. Lynch]

[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 5-2, Mrs. Vanneck and Ms. Grace dissenting.]
Deferred from the August 13, 2014, and September 10, 2014, Town Council Meetings

Presenter

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

Supporting Documents

- [E-mail Dated October 9, 2014, from Francis X.J. Lynch, Esq.](#)

From: Francis Lynch <flynch@blesmlaw.com>
To: "gconiglio@townofpalmbeach.com" <gconiglio@townofpalmbeach.com>
Date: 10/09/2014 08:50 AM
Subject: Site Plan Review # 08-2014 With Variances / 160 Seaview Avenue

Dear Gail:

I am contacting you on behalf of my client, Coral Beach Corporation, the owner of the above-referenced property, which has filed the zoning application indicated above. This application is to be heard at the 10/15/14 Town Council meeting.

The property is located in the middle of the south side of the ocean block of Seaview Avenue. Adjacent to the south of the property is the parking lot for First National in Palm Beach. The property is zoned R-B.

We are seeking the Site Plan Approval to allow a single family residence to be built on a lot with a depth of less than 100 feet. I am enclosing an enlarged copy of the survey of the subject property with the lot dimensions highlighted in pink. I am also enclosing a copy of the plat, as recorded, along with an enlargement of same with the depth also highlighted in pink. The lots were platted in 1936 with original lot depths of 99.07 feet. That lot depth continues to exist today and is the basis for the site plan review request. The lot is approximately 13,870 square feet in area (well in excess of the 10,000 square feet required by the code) and has a lot width of 140 feet (again, well in excess of the 100 foot minimum required by the code). No other zoning approvals are being sought related to lot dimension or setbacks.

We are also seeking four (4) variances, three (3) of which are related and the hardship is the same. These requests are as follow:

1. a point of measurement variance to allow for a building height of 13.5 feet National Geodectic Vertical Datum (N.G.V.D.) in lieu of 11.68 feet N.G.V.D. allowed,
2. a point of measurement variance to allow for an overall building height of 13.5 feet N.G.V.D. in lieu of 11.68 feet allowed and
3. a point of measurement for Cubic Content Ratio (CCR) to be at 14.5 feet N.G.V.D (proposed finished first floor) in lieu of the 11.68 feet N.G.V.D. foot maximum allowed.

The hardship for the foregoing requests is found in the definitions set forth in the zoning ordinance for the terms "building height" and "overall building height", each of which commences the point of measurement from a point 18 inches above the highest street elevation adjacent to the property. In this particular instance, the highest street elevation adjacent to the property is 10.18 feet N.G.V.D. This is reflected on the attached survey and highlighted in yellow. 18 inches above that point would be 11.68 feet N.G.V.D. Hardship exists because the height of the subject property in the area of the building envelop (the area within the various setbacks), which height is again highlighted in yellow, ranges from 13.4 feet to 15.0 feet N.G.V.D., or from approximately 3.2 feet to almost 5 feet above the highest point of the street adjacent to the subject property. This, absent a variance, significantly reduces the building height and overall building height at which a structure can be built. This hardship is the result of a coral ridge that runs along the property from east to west and is not a result of the actions of the applicant. Other properties on the south side of Seaview Avenue are similarly affected.

As to the CCR variance, CCR is calculated using "building height as stated in the definition of the term" and, again, is measured using the highest elevation of the adjacent road, which, as previously indicated, is at least 3.2 feet below the current lot elevation. It is this height that once again creates the hardship related to CCR, is not a result of the applicant's actions and other properties on the south side of the street are similarly affected.

The final variance seeks to construct a residence containing both flat and pitched roof elements. The flat roofed areas consist primarily of balcony areas above a first floor living area. Mr. Castro has interpreted the proposed plans such that, when calculating balcony areas as flat roof, more than 50% of the roof is a flat roof, and, therefore, we are subject to the code provisions regarding flat roofs rather than pitched

roofs. This interpretation is significant in that the maximum allowable height for a flat roof is 25 feet, while the maximum height for a pitched roof is 30 feet. The areas of flat roof are actually one story elements and their height is actually lower than the pitched roof elements of the house. The height of the pitched roof elements conform to the overall building height elements of the code. Further, the height of the proposed structure is consistent with that of other properties on the street.

If you would like to discuss this application in greater detail or have any questions or comments, please feel free to contact me.

Sincerely,
Frank Lynch

Francis X. J. Lynch, Esq.
Breton, Lynch, Eubanks & Suarez- Murias, P. A.
605 North Olive Avenue, 2nd Floor
West Palm Beach, FL 33401
(561) 721-4000 main line
(561) 721-4004 direct line
(561) 721-4001 fax
flynch@blesmlaw.com

PLEASE NOTE OUR NEW ADDRESS EFFECTIVE 10/06/14

Tax Advice Disclosure: To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein.

The information contained in this electronic mail transmission may be attorney/client privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone collect at 561-721-4000. Thank you.

SEAVIEW AVENUE (PUBLIC)

250.04'

140'

PARCEL "B"
13,870 S.F.

INTERIOR IMPROVEMENTS
NOT SHOWN

TOTAL AREA=24,242 S.F.
(0.557 ACRE,±)

198.94'

CONC. CURB

E.O.P.

ASPHALT

PRIVATE ROAD

WOOD FENCE

140'

4

+13.4

EAST LINE LOT 4
WEST LINE LOT 5

5

+15.0

WALL CORNER 0.1'E

CONC.

WALL CORNER 0.3'E

CONC. CORNER 0.5'E

10

6

EAST LINE LOT 5
WEST LINE LOT 6
EAST 10' OF LOT 5
NOT INCLUDED

99.07'

CONC. WALL

WALL AND COLUMN
CORNER 0.3'E

90°

65'

CONC. WALL AND COLUMNS (TYP.)

PAVERS
WALL

75'

FND. LEAD PLUG AND TACK
(0.1' WALK ENC.)

17.31'

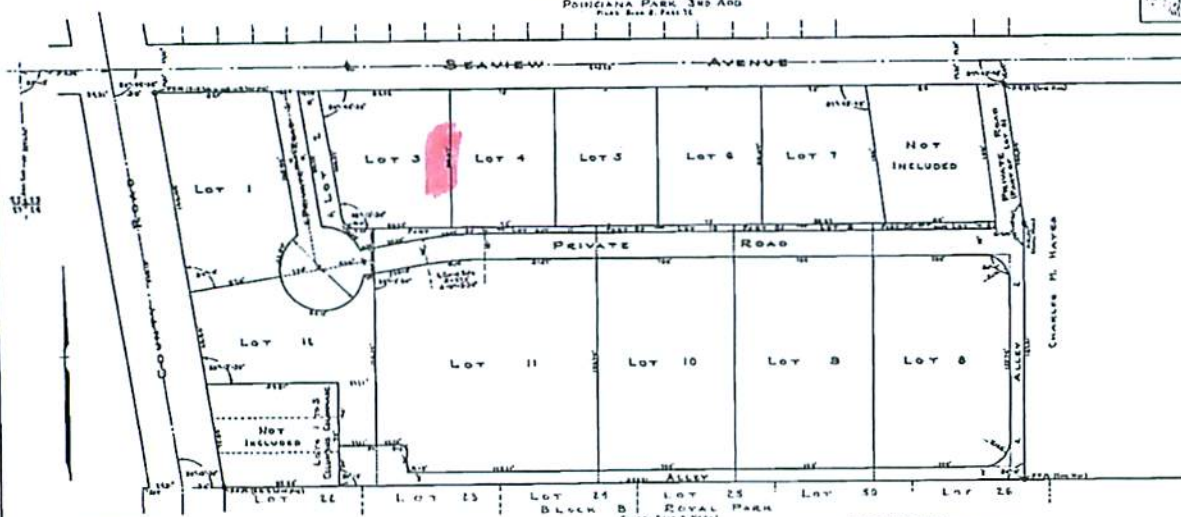
10.18'

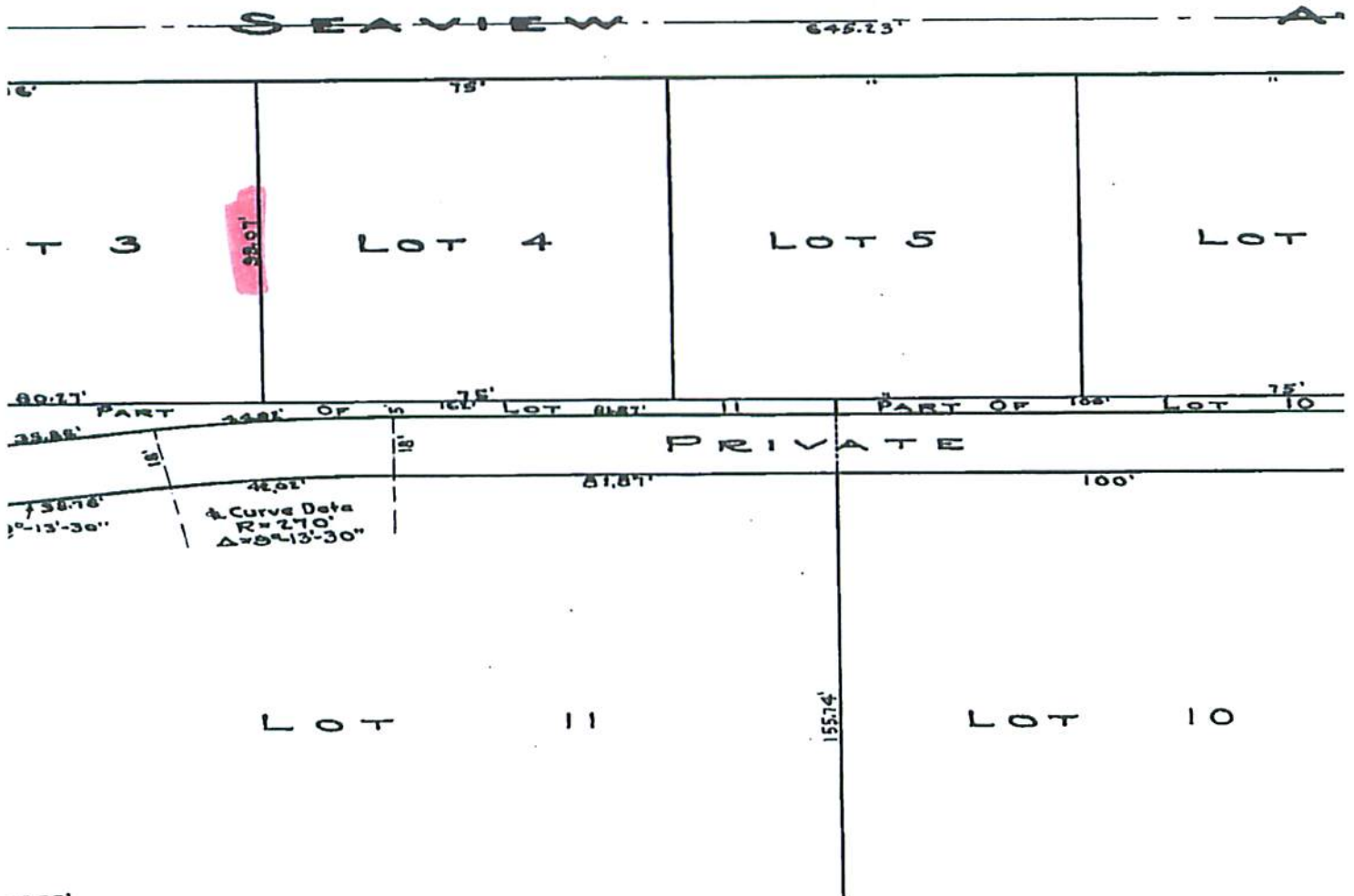
9.95'

9.95'

IN SECTION 13, T43S, R43E, PALM BEACH COUNTY, FLA.
MARCH, 1938 SCALE 1"=30' FUGATE & BREEKWAY

POINCIANA PARK 3RD A

[illegible][illegible][illegible]



TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 15, 2014

Section of Agenda

Development Review - Old Business

Agenda Title

VARIANCE #43-2014 The application of Jungle Road, LLC (H. William Perry, Manager); relative to property commonly known as **120 Jungle Road**; described as Lengthy legal description on file; located in the R-A Zoning District. The Applicant is proposing to enclose a third floor balcony off the existing tower on the residence. The following variances are being requested: a building height plane setback of 51.3 feet in lieu of the 66.5 required building height plane setback for the tower element; and, a tower element to be 4.4% of the gross floor area of the residence in lieu of the 3.1% existing and the 1% maximum allowed in the R-A Zoning District. [Attorney: Maura Ziska]

Deferred from the September 10, 2014, Town Council Meeting

Request for deferral to the November 12, 2014, Town Council Meeting Per Letter Dated October 1, 2014, from Maura A. Ziska.

Presenter

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

Supporting Documents

- [Letter Dated October 1, 2014, 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: 561-838-5411****October 1, 2014****Mayor and Town Council
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480****TOWN OF PALM BEACH****OCT 01 2014****Town Manager's Office****RE: Variance 43-2014 – 120 Jungle Road, Palm Beach, Florida****Dear Mayor and Town Council:**

Please defer the above referenced matter from the **October 15, 2014** Town Council agenda to the **November 12, 2014** Town Council agenda. ARCOM derred the request at it August 27th, 2014 meeting to allow time to make changes to the plans. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,**Maura A. Ziska****MAZ/jch****cc: Paul Castro
client
00025390**

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 15, 2014

Section of Agenda

Development Review - Old Business

Agenda Title

(i) **VARIANCE #44-2014** The application of Bricktop's Palm Beach (Joe Ledbetter, Owner); relative to property commonly known as **375 South County Road**; described as Lengthy legal description on file; located in the C-TS Zoning District. Request for a variance of twenty-two (22) off street parking spaces required for sixty-six (66) of the approved one hundred fifty seats in the restaurant. The applicant is required, as part of a special exception approval of all previous restaurants, to provide twenty-two (22) off street parking spaces with the Apollo parking lot. The applicant is requesting to eliminate that requirement. [Attorney: Maura Ziska]

(ii) BrickTop's Restaurant Operations: Six Month Review, Special Exception #21-2012, 375 South County Road
Deferred from the June 11, 2014 and September 10, 2014, Town Council Meetings
Request for Deferral to the December 10, 2014, Town Council Meeting, Per Letter Dated October 1, 2014, from Maura A. Ziska.

Presenter

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

Supporting Documents

- [Letter Dated October 1, 2014, 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: 561-838-5411****October 1, 2014****Mayor and Town Council
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480****TOWN OF PALM BEACH****OCT 01 2014****Town Manager's Office****RE: Variance 44-2014 – 375 S County Road, Palm Beach, Florida****Dear Mayor and Town Council:**

Please defer the above referenced matter from the **October 15, 2014** Town Council agenda to the **December 10, 2014** Town Council agenda. The reason for the deferral is to allow time to modify the zoning application to include a request to allow supplemental offsite shared parking. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,
Maura A. Ziska**MAZ/jch****cc: Paul Castro
client
00025389**

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 15, 2014

Section of Agenda

Development Review - New Business

Agenda Title

SITE PLAN REVIEW #13-2014 WITH SPECIAL EXCEPTIONS AND VARIANCES (MODIFIED)

The application of T3 Family Investment, LLC; relative to property commonly known as **221 & 231 Royal Poinciana Way, Sunset Avenue, 214 Sunset Avenue, 216 Sunset Avenue**; described as Lengthy Legal Description on file; located in the C-TS Zoning District. The applicant is requesting site plan approval to construct a two (2) story 73,214 square foot mixed commercial and residential use condominium development with 47,331 square foot sub-basement with 100 underground parking spaces totaling 120,545 square feet, 26,204 square feet of commercial space on the first floor and six (6) residential units on the second floor.

Special exception approvals requested are as follows:

1. to allow residential tenancy above the first floor, as required by Section 1109(a)(3) for six (6) condominium units;
2. to allow two (2) stories as required by Section 134-1113(8)(c);
3. to allow Testa's Restaurant to occupy 3,000 square feet of gross leasable area as required by Section 134-1109 (a)(11);
4. to allow outdoor seating for 60 outdoor seats for Testa's Restaurant as required by Section 134-1109(1)(11) and 134-1111(a).

Variances being requested are as follows:

- a. to allow underground parking facilities in sub-basement to extend on the south, west, north and east sides, into required setbacks. Proposed setbacks from property line range from 0.0 feet on the east, 4.2 feet on the south, 1.2 feet on the west and 4.1 feet on the north, all in lieu of the minimum 5 feet as required in Section 134-2179(a);
- b. to allow portions of the underground parking sub-basement to be paved for walkways and equipment pads in lieu of being landscaped as required in Section 1324-2179(a);
- c. to allow a total of 100 off-street parking spaces in lieu of the required

- 178 off street parking spaces as required by Section 134-2175;
- d. to allow parking stall width to be 8.5 feet in lieu of the 9.0 feet minimum required by Section 1324-2172 due to accommodate structural columns required for the sub-basement;
 - e. to allow one (1) loading bay in lieu of two (2) minimum required for the proposed 120,525 square foot building required by Section 134-2211(a);
 - f. to allow for the location of a loading zone in a required front yard, contrary to Code Section 134-2211(b);
 - g. to allow a building with a building height in excess of 15 feet (actual building height 30.0 feet) with front yard setbacks of 3.25 feet on Royal Poinciana Way and 3.75 feet on Sunset Avenue in lieu of 12.5 foot minimum as required by Code Section 134-1113(5)(d) in lieu of 12.5 foot minimum as required by Code Section 134-1113(5)(d);
 - h. to allow a building with a building height in excess of 15 feet (actual building height 30.0 feet) with side yard setbacks of 0 feet on the west side and 0 feet on the east side in lieu of 12.5 foot minimum required by Code Section 134-1113(6)(b);
 - i. to allow for the construction of a structure providing for a proposed pedestrian walkway total width of 3 feet of the required 5.0 feet on Royal Poinciana Way and 9 feet on Sunset Avenue in lieu of 5 foot minimum required on the applicant's property of the total 10 feet of required sidewalk width, as required by Code Section 134-1113(5)(c);
 - j. to allow a building height of 30.0 feet in lieu of the maximum allowed 25.0 feet as required by Section 134-1113(8)(b). The request is to have the increase in height at six specific locations over the entrances to the Via and on interior of Via;
 - k. to allow an overall building height of 39.0 feet in lieu of the maximum allowed 35.0 feet as required by Section 134-1113(8)(d). The request is to obtain an increase in height at six specific locations;
 - l. to allow a maximum building length of 251.75 feet in lieu of the maximum allowed 150 feet allowed per Section 134-1113(10)(b);
 - m. to allow for a landscaped open space of 7.4% in lieu of the minimum 25% required by Section 134-1113(11)(b);
 - n. to allow front yard landscaped open space of 14.1% along Royal Poinciana Way and 33.9% along Sunset Avenue in lieu of the minimum 35% required by Section 134-1113(11)(c);
 - o. to allow a two (2) story building to be 120,525 square feet in lieu of the maximum allowed 15,000 square feet as required by Section 134-1113(12)(b);
 - p. to allow a sign with a height of 18.75 feet in lieu of the first floor

elevation of the building or 15 feet, whichever is lower, as required by Code Section 134-2440 (c).

- q. to allow a lot coverage of 89.5% in lieu of 70% maximum allowed by Code Section 134.1113(9)(b).

[Attorney: Francis X. J. Lynch]

Request for Deferral to the November 12, 2014, Town Council Meeting Per Letter Dated September 22, 2014, from Francis X.J. Lynch.

Presenter

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

Supporting Documents

- [Letter Dated September 22, 2014, from Francis X.J. Lynch](#)

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

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

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

1209 North Olive Avenue
West Palm Beach, FL 33401
Phone: (561) 721-4000
Facsimile: (561) 721-4001

September 22, 2014

VIA E-MAIL

Mr. Paul Castro
Town of Palm Beach
360 South County Road
Palm Beach, Florida 33480

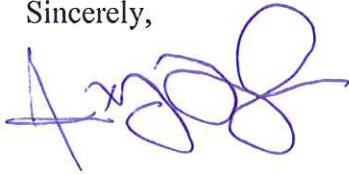
Re: T3 Family Investments LLC

Dear Paul:

With regard to the above, T3 Family Investments would like to defer this application to the November 12, 2014, Town Council meeting. The basis for this request is that ARCOM has deferred this matter to its next meeting and has not made its recommendation to Town Council.

Thank you for your assistance in this matter. Should you have any questions or comments in this regard, please feel free to contact me.

Sincerely,



FRANCIS X. J. LYNCH

FXJL/kh

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 15, 2014

Section of Agenda

Development Review - New Business

Agenda Title

SPECIAL EXCEPTION #24-2014 WITH SITE PLAN REVIEW The application of Bethesda By the Sea Church (Harvey E. Oyer, Esq., Agent); relative to property commonly known as **141 South County Road**; described as Lengthy Legal Description on File; located in the R-B Zoning District. The applicant is requesting Special Exception with Site Plan Review to modify the House of Worship's existing outdoor religious ceremony area within the existing Cluett Garden. Applicant proposes to add a permanent alter, benches, decorative railing, gate and two (2) tables for flower arrangements. All outdoor religious services will not conflict with the use of the Sanctuary. Temporary seating will accommodate 104 guests during the religious ceremony. The hardscape area will be increased by 224 sq. ft. and the landscaped area will be decreased by 224 sq.ft. The slight adjustments to the hardscape/landscape areas fully comply and meet the minimum standards within the R-B Zoning district. [Attorney: Harvey E. Oyer, III]
[Landmark Commission Recommendation: Implementation of the special exception and site plan review will not cause negative architectural impacts to the subject property. Carried 7-0]

Presenter

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

Supporting Documents

- [E-mail Dated October 9, 2014, from Susan Gibson](#)



To:
Cc:
Bcc:
Subject: **Fw: Regarding SPECIAL EXCEPTION #24-2014, Bethesda By-The-Sea Church**
From: **Cheryl Kleen/PalmBeach - Thursday 10/09/2014 10:56 AM**

----- Forwarded by Cheryl Kleen/PalmBeach on 10/09/2014 10:55 AM -----

From: Sue Gibson <plaidjunk@gmail.com>
To: council@townofpalmbeach.com
Cc: mayor@townofpalmbeach.com, pelwell@townofpalmbeach.com
Date: 10/09/2014 09:29 AM
Subject: Regarding SPECIAL EXCEPTION #24-2014, Bethesda By-The-Sea Church

Dear Honorable Mayor Coniglio, Honorable Town Council Members, and Town Manager Elwell:

I am writing to comment about and express my **non-endorsement of Bethesda By The Sea's application for special exception**, to be heard on October 15th, 2014. I ask that the council reject the proposal, or defer it for further study by the town and consideration by the several residents of Pendleton Avenue who are seasonal, who have not returned to town yet, and who have not viewed the impact of recent parking changes in the neighborhood and their direct impact to Pendleton Avenue.

I understand that there is limited scope of authority the town has to govern the church's right to perform religious activities, that the church is a long-term element in our community, (I myself was baptized at Bethesda,) it does much good for our community, and in whole is an asset to our town. **But, since the town implemented 24/7 permit parking only parking to Barton Avenue, the town has turned Pendleton Avenue into a de facto Parking Lot for Bethesda.**

Bethesda's application states that the enhancements they seek to the Cluett garden will not conflict with its standard worship schedule. The garden traditionally is a contemplative place, host to an annual Easter egg hunt, but not a site of regular worship service to my knowledge. What the application doesn't say is just how does the church intends to use a permanent alter, tables, benches, folding chairs, etc. in the garden. I infer from the application that the garden could then be used as a supplemental/alternative site for additional private church events and parties, e.g. as an outdoor wedding and baptism chapel... or a place for church barbecues and other festive events. Bethesda needs to clarify just what

these enhancements are truly sought for. If they intend to market this project to parishioners as an additional or special event venue, then it's reasonable to expect that possibly 100+ attendees, staff, and vendors for any of these events will need to park their car to attend and or set up. Where can they park besides the limited spaces on Bethesda property most days of the week? Pendleton Avenue. **Without further information I cannot endorse this proposal; it may compromise quality of life levels for Pendleton Avenue residents further, and our safety, and so I ask you to turn down or defer the application.**

Bethesda hosts a myriad of weekly community meetings, recovery meetings, outreach programs, Palm Beach Civic Association special events (where already valet parkers park the cars on Pendleton Avenue all the way up to Coconut Row). Now there is no place to "legally" park overflow visitor vehicles except on our narrow, one-way street, or as the town has casually allowed, on County Road on Sundays.

We will be tested on October 20th when the Civic Association hosts at Bethesda its first community forum of the season at lunchtime. I urge the town to send representatives to observe the situation and see where cars are parked and see if a fire rescue vehicle can navigate at ease on Pendleton Avenue. We've at times had a church employee or two park at the end of Pendleton Avenue; now they park there every day. Since the first 24/7 permit signs went up on the 300 block of Barton, I have seen more and more non-resident cars park on Pendleton for church functions. It's even worse since the 200 block's signs went up last month. The permit parking 24/7 signs on Barton have placed a chokehold on midtown Avenue parking and church parking and created more problems than needed solving. Pendleton Avenue is now the only full free-parking street in all of midtown to my estimation, and will be affected greatly as "season" becomes more active and church activities and attendance pick back up. (Make no mistake-- I do not want permit parking to be established on Pendleton Avenue, either!)

If the town were to readdress and "tweak" the parking regulations and signage implemented on Barton Avenue, even Clarke Avenue, esp. in the 200-300 blocks, and the church revealed their true intent for the application, then what Bethesda asks for may not be such a burden to the neighborhood, Pendleton Avenue in particular. Why place 24/7 signs on Barton, when Clarke has daytime permit parking only? At least change Barton to partial permit parking on one side, or

daytime permit parking--they do not lack parking--most Barton Avenue properties are larger and feature ample parking courts, while Pendleton Avenue homes do not. So again, I ask you to at least defer this application. To "add" visitor capacity to the church at this time makes no sense and could create a logistics nightmare for pedestrian traffic, vehicle traffic, public safety, and diminish property accessibility for Pendleton Avenue residents and their visitors' parking on Pendleton Avenue. **The town needs to address the neighborhood parking plan again before approving Bethesda's proposal.**

Sincerely,

Susan Gibson

Pendleton Avenue

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 15, 2014

Section of Agenda

Development Review - New Business

Agenda Title

VARIANCE #49-2014 The application of David and Jeanne Daniel; relative to property commonly known as **322 Seaspray Avenue**; described as Lots 393 and 395 of Poinciana Park, an addition to the Town of Palm Beach, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida in Plat Book 6, Page 86; located in the R-B Zoning District. The applicant is proposing to demolish a 147 sq. ft. one-story portion of the rear of the house and construct a 487 square foot first floor and 305 square foot second floor addition (totaling 792 square feet) on the rear of the house for a master bedroom/bath expansion (2nd floor) and kitchen/family room expansion (1st floor) and to demolish and rebuild an existing 436 sq. ft. one story cabana in the same location. The following variances are being requested: a lot coverage of 37.55% in lieu of the 31.1% existing and the 30% maximum allowed in the R-B Zoning District; a cubic content ratio (CCR) of 6.43 in lieu of the 4.99 existing and 4.39 maximum allowed; a west side yard setback of 2.1 feet in lieu of the 2.1 foot setback existing and the 12.5 foot minimum required in the R-B Zoning District for a one story structure (to rebuild the cabana); a rear yard setback of 3.5 feet in lieu of the 2.7 foot existing setback and the 10 foot minimum required in the R-B Zoning District for a one story structure (to rebuild the cabana); a west side yard setback of 7.9 feet in lieu of the 12.5 feet minimum required for the one story portion of the addition; a west side yard setback of 9.5 feet in lieu of the 15 foot minimum required for the two story portion of the addition; an east side yard setback of 5.1 feet in lieu of the 12.5 feet minimum required for the one story portion of the addition; an east side yard setback of 7.9 feet in lieu of the 15 foot minimum required for the two story portion of the addition. [Attorney: Maura Ziska]
[Landmark Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.]

Presenter

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

Supporting Documents

- [E-mail Dated September 30, 2014, from Barbara Stoia Chevallard](#)

From: Barbara Stoia Chevallard <stoiaart@mac.com>
To: jpage@townofpalmbeach.com
Cc: pcastro@townofpalmbeach.com, jlindgren@townofpalmbeach.com, cool3003@bellsouth.net, Robert Wildrick <robertwildrick@hotmail.com>, PEIwell@townofpalmbeach.com
Date: 09/30/2014 03:26 PM
Subject: Objection to Variance-322 Seaspray Avenue

Dear Mr. Page,

I am writing to you and the Planning, Zoning and Building Department respectfully stating my objections to the proposed Variance. My name is Barbara Stoia Chevallard, I am a Town resident, long time property tax payer and owner of 330 Seaspray Avenue. This is the residence immediately adjacent to the West of the subject address, 322 Seaspray Avenue.

The Applicant's Zoning Application seeks a Variance from The Code, which is to remove and rebuild the existing Guest House that is more or less the narrow distance of one foot from my property line.

I respectfully object to this requested Variance for the following reasons:

While demolition took place of 322 Seaspray's pool and the interior of the house, my property was covered with unnecessary dust and debris. This production resulted in having to go through the expense of cleaning up the mess which was disrespectful, unfair, timely and costly. The noise and commotion was such a burden it was impossible to leisurely use my property during their working weeks and hours.

Demolishing and reconstructing the Guest House at 322 Seaspray Avenue, which is extremely close to my property line, will clearly damage vegetation, landscaping, filth my property and disturb my peace. The passage that is so very narrow between the two properties makes it nearly impossible to prevent encroaching onto my land, which for obvious reasons is concerning.

Furthermore, I maintain a wildlife habitat where many species of birds and butterflies seek refuge. I provide the required landscaping, host plants, food and water, for this environment to thrive. This ecosystem is fragile. I am an advocate who respects and helps protect the nature/habitat of the Island of Palm Beach, therefore setting an honorable example.

I appreciate your time and effort in assisting to find a Win Win solution to this delicate situation.

Thanking you for your consideration in advance.

Note: I never received the notice in the mail and because of this I did not appear to object at the original Landmark meeting. From my understanding, two of my neighbors also did not receive this notice.

Sincerely,
Barbara Stoia Chevallard

Barbara Stoia Chevallard
330 Seaspray Avenue
Palm Beach, FL 33480
561-351-7814

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 15, 2014

Section of Agenda

Development Review - New Business

Agenda Title

VARIANCE #51-2014 The application of William E. James, Trustee of the William E. James Trust Agreement dated January 15, 1997 and Janet B. James, Trustee of the Janet B. James Trust Agreement dated January 15, 1997; relative to property commonly known as **10 Golfview Road**; described as Lengthy Legal Description on File; located in the R-A Zoning District. Request variance approval to permit a gate lamp with a height of 9.0 feet in lieu of 8.0 feet maximum permitted. [Attorney: M. Timothy Hanlon]

[Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impacts to the subject property. Carried 7-0.]

Presenter

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

Supporting Documents

- [Letter Dated September 8, 2014, from John C. Whelton](#)

John C. Whelton
12 Golfview Road
Palm Beach, Florida 33480

RECEIVED

SEP 09 2014

TOWN OF PALM BEACH
PZB SEPT

September 8, 2014

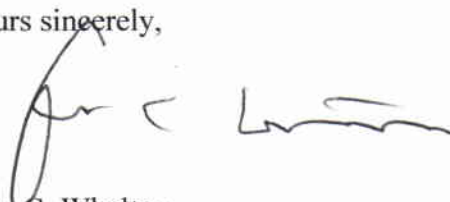
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Variance #51-2014

TO WHOM IT MAY CONCERN:

As immediate neighbors to the west of 10 Golfview Road, we support the zoning application to replace the pedestrian gate with a new gate and decorative lamp with a height of 9 feet.

Yours sincerely,



John C. Whelton

JCW/mh

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 15,
2014

Section of Agenda

Development Review - Other

Agenda Title

Consideration of Zoning Study Items

Presenter

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

Supporting Documents

- [Memorandum dated October 3, 2014 from John S. Page](#)
- [Letter from Gregory Kino dated October 2, 2014](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 15, 2014

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Consideration of Zoning Study Items

Date: October 3, 2014

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the proposed study items identified herein and provide direction to the Planning and Zoning Commission.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission, at its September 23, 2014 meeting, discussed several zoning issues. After lengthy discussion, members voted to recommend that the Town Council consider and approve two items as follows:

1. Study a proposal revising Chapter 134, Zoning, to require a Town Council super majority vote (4 in the affirmative) on certain land use and zoning changes that would impact Town character, including changes to the Town's Comprehensive Plan. The Commission would work with staff to identify specified instances that merit a super majority vote and to thereafter draft Zoning Code text changes and possible Comprehensive Plan amendments for Town Council consideration.
2. Review parking regulations with the intent of formulating recommendations to alleviate a variety of parking problems throughout town. Recommended parking solutions may reach beyond off-street parking regulations and on-street regulations (Arlington and Gainesville Plan) in the Zoning Ordinance, if Town Council authorizes that broader scope of review.

Staff also identified one house-keeping item relative to non-conforming buildings and structures:

In 2011, the Town changed several Code provisions to allow for the reconstruction of a non-conforming building or structure at its original location, to its original size and configuration if said building or structure were unintentionally damaged or destroyed. One Zoning Code section (now outdated) was inadvertently left unchanged. Staff is requesting to modify that provision to be consistent with the other 2011 changes.

ADDITIONAL ZONING TEXT AMENDMENT REQUEST

The public at large can propose text amendments to the Zoning Ordinance. The process requires an applicant to submit a preliminary written request for Town Council consideration. The fee is nominal (\$100). If the Council decides to direct staff and the Commission to study the zoning issue, the applicant must thereafter submit a zoning text amendment application and filing fee (\$4,000). The process was created to determine whether the Town Council believed a proposed study item had merit before proceeding too far. The intent was to discourage frivolous zoning requests and save applicants time and money.

Subsequent to the last Planning and Zoning Commission meeting, staff received a proposed zoning text amendment. On October 2, 2014, a request was received from Gregory Kino, attorney for the Palm House Hotel, asking the Council to consider studying a proposed zoning text amendment that would allow the hotel to apply for a special exception to use an off-site location (Wells Fargo parking lot) for off-site, shared parking (copy of request attached). The hotel is in the C-B zoning district. This proposed study item will only go to the Planning and Commission if the Council chooses to study Mr. Kino's proposal.

The background that follows helps to frame the consequences of the request. Prior to 1995, the Code had very broad language that allowed for the collective use of parking among different buildings or structures in the same zoning district. During the 1994-1995 Zoning Season, the Zoning Commission (now the Planning and Zoning Commission) and the Town Council considered a study item that controlled on-site and off-site, required, and supplemental shared parking in commercial zoning districts. At that time, residents voiced concern over the possible effects shared parking might have on neighboring properties. The item was deferred to the following year for further study.

During 1995-1996 Season, staff drafted a zoning proposal to allow on-site shared required parking, off-site required parking, or shared supplemental off-site parking for commercial uses, provided that said parking was separated from residentially zoned property and met other stated conditions. The Council eventually adopted new off-street parking provisions in 1996 for only three of the five commercial zoning districts (C-TS, C-WA and C-OPI) in Town. During the adoption process, the Council eliminated the staff proposed residential separation requirement.

Existing off-site parking is allowed by Code only if specific conditions are met and special exception approval is granted by the Town Council. There are basically three types of off-site parking allowed. They are as follows:

1. Required off-site parking at another location within which available parking is not used to satisfy off-street parking requirements for another land use. In such instances, the off-site parking cannot be sold separately from the use it was intended to serve.

2. Supplemental off-site parking which is parking over and above what the Zoning Code requires and is not used as grounds to expand, enlarge, alter, renovate or modify the use of a structure except as allowed by Code.
3. Supplemental off-site shared parking, which is parking over and above what the Zoning Code requires and is not used as grounds for new construction or expansion or additions to existing floor area.

If the off-street parking regulations were modified to allow off-site parking in the C-B district, that would not allow the Palm House to request off-site parking to expand the hotel. While the above regulations have allowed a restaurant use to apply for a variance and proffer a special exception for supplemental parking to add more outdoor seating, a commercial property owner does not have that same ability for new construction or expanded floor area. As written, the existing off-site parking regulations would only allow the Palm House to use the Wells Fargo Bank parking lot as shared parking if the hotel had all of its required on-site parking. Any authorized off-site parking is required to be supplemental and cannot be used as grounds for allowing new construction, expansion or addition to existing floor area.

Staff has serious concerns with zoning code changes necessary to allow shared parking in the C-B district in the method Mr. Kino requests. The Code would have to change to allow supplemental off-site shared parking to be used as grounds to allow for new construction, expansion or floor area in other commercial districts as well (C-TS, C-WA and C-OPI districts). That has serious implications. What happens if a commercial property owner who is allowing the supplemental shared parking decides to remove the use of that parking and/or redevelops? What negative effect will spill over parking have on other residential and commercial areas?

The Planning and Zoning Commission has requested that the Council allow it to study parking solutions. However, staff does not believe their intent is to relax off-street parking regulations to allow intensification of commercial uses. The Commission's interest is to mitigate existing parking pressure.

If you have any questions about any of these proposed study items please contact me at your convenience.

Attachment

cc: Thomas G. Bradford, Deputy Town Manager
John C. Randolph, Town Attorney
Paul W. Castro, AICP, Zoning Administrator
Planning and Zoning Commission
Gregory Kino
Susan Owens, Town Clerk
zf

CIKLIN LUBITZ MARTENS & O'CONNELL

A PARTNERSHIP INCLUDING PROFESSIONAL ASSOCIATIONS

BRUCE G. ALEXANDER, P.A.
JERALD S. BEER, P.A.
JOHN D. BOYKIN, P.A.
WHITNEY CARROLL
RICHARD R. CHAVES, P.A.
PATRICIA M. CHRISTIANSEN, P.A.
ALAN J. CIKLIN, P.A.
ROBERT L. CRANE, P.A.
RONALD E. CRESCENZO, P.A.
ASHLEY N. CRISPIN
JOIELLE A. FOGLIETTA
JEFFREY M. GARBER, P.A.
MICHAEL J. GORE
ROBERT J. HARVEY, P.A.
JASON S. HASELKORN, P.A.

CHRISTINE M. HOKE, P.A.
W. JAY HUNSTON, III, P.A.
DEBRA A. JENKS, P.A.
BRIAN B. JOSLYN, P.A.
GREGORY S. KINO, P.A.
MELISSA D. LAZARCHICK
CHARLES A. LUBITZ, P.A.
RICHARD L. MARTENS, P.A.
BRIAN M. O'CONNELL, P.A.
PHIL D. O'CONNELL, P.A.
CHARLES L. PICKETT, P.A.
MATTHEW N. THIBAUT, P.A.
DEAN VEGOSEN, P.L.
GARY WALK, P.A.

PHILLIP D. O'CONNELL, SR. (1907-1987)

OF COUNSEL
MICHAEL J. KENNEDY, P.A.
MICHAEL J. MONCHICK, P.A.
KEVIN D. WILKINSON, P.A.

515 NORTH FLAGLER DRIVE, 20TH FLOOR
WEST PALM BEACH, FLORIDA 33401-4343
TELEPHONE: (561) 832-5900
FACSIMILE: (561) 833-4209

October 2, 2014

RECEIVED

OCT - 2 2014

**TOWN OF PALM BEACH
PZB DEPT**

Via Email pcastro@townofpalmbeach.com and U.S. Mail

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

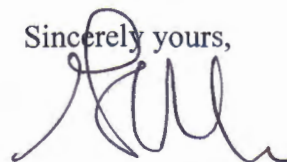
Re: Proposed Text Amendment to allow Shared Parking in C-B Zoning District

Dear Paul:

As we discussed on several occasions and as discussed before the Town Council at the September 10, 2014 hearing on the Palm House application, we respectfully request that the Council give further direction for the staff to study a proposed text amendment that would allow shared parking in the C-B Zoning District. As you know, there are only four properties within the Town which have that zoning district and include three adjacent properties on the south side of Royal Palm Way, including the Palm House Hotel, and one property immediately to the north which includes a historically underutilized large commercial parking lot with multiple access points. I have included an aerial which depicts the properties and a copy of the Town's Zoning Map which identifies them as the only properties in the Town that are zoned C-B. Currently, the Town allows with special exception approval, shared parking in all other commercial zoning districts and we see no planning principle which would justify the exclusion of the C-B Zoning District from shared parking, particularly since there is only one very limited area of application for shared parking in the C-B Zoning District and that further special exception approval is required which would allow further evaluation of the appropriateness of shared parking on these properties.

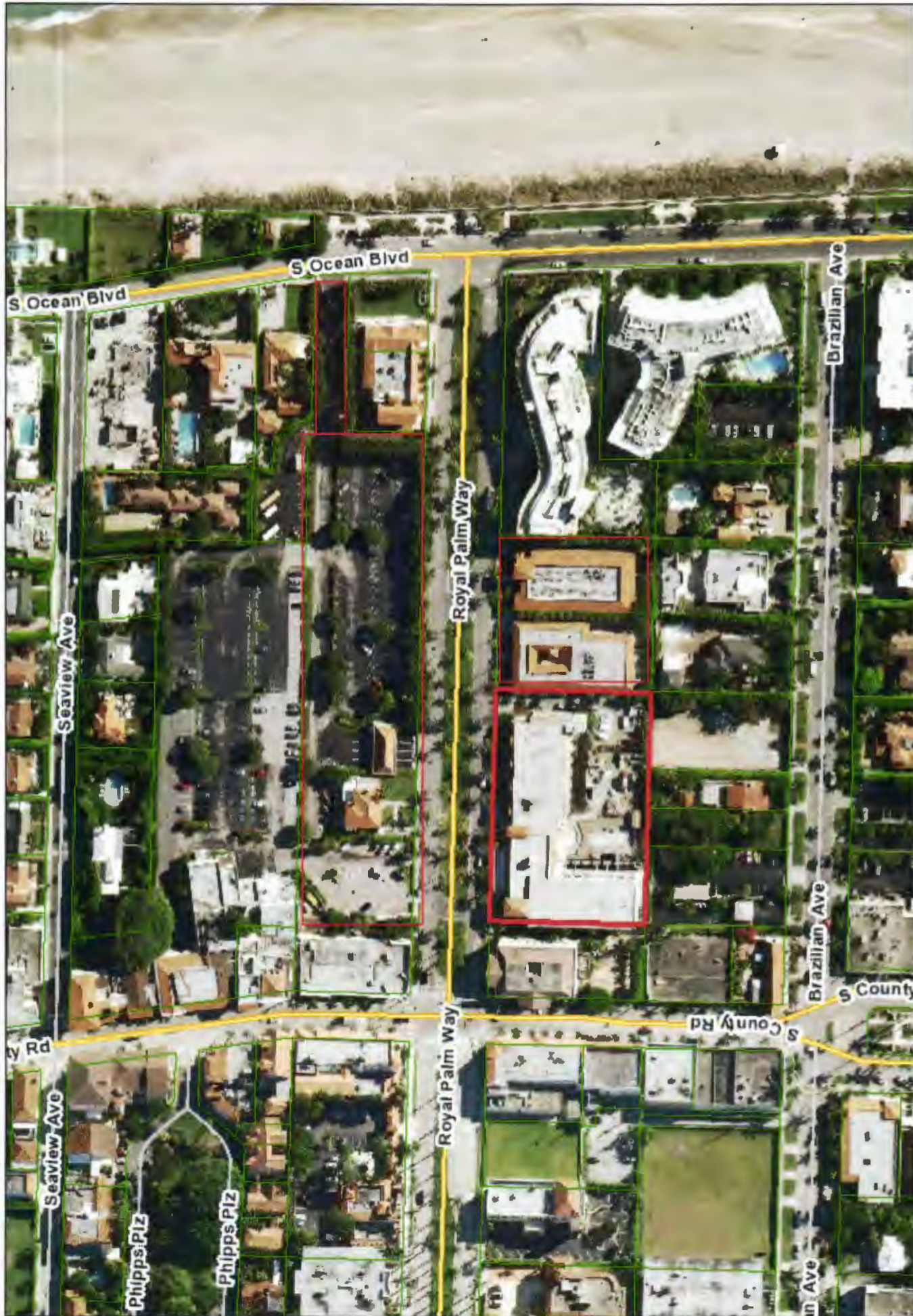
Enclosed is a check in the amount of \$100.00 which I understand is the review fee. We look forward to further discussing this concept at the October 13th Town Council meeting in conjunction with the Palm House Hotel application.

Sincerely yours,



Gregory S. Kino

GSK:sfd
Enclosures

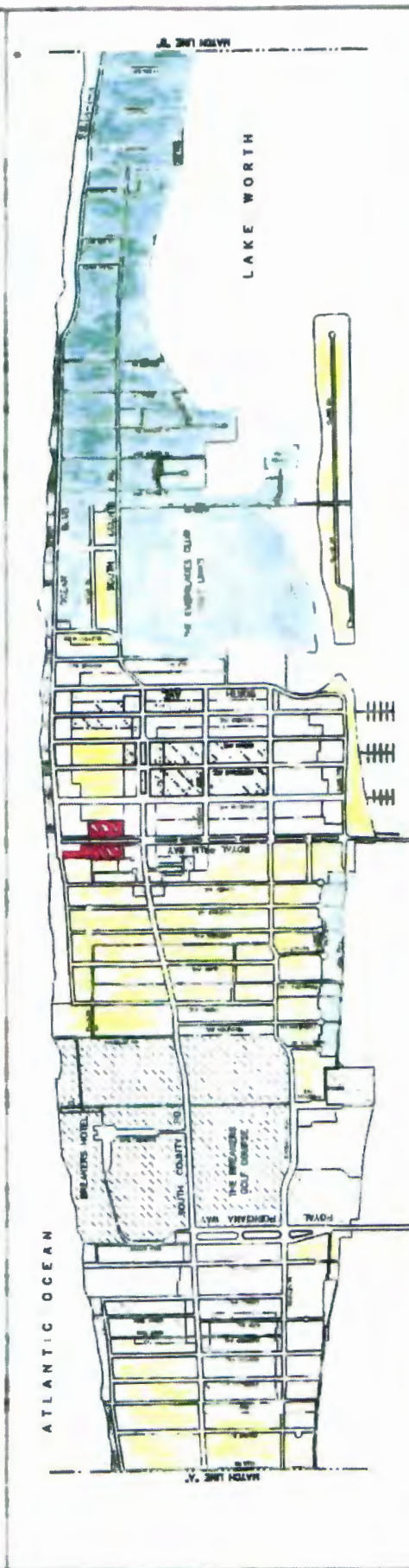
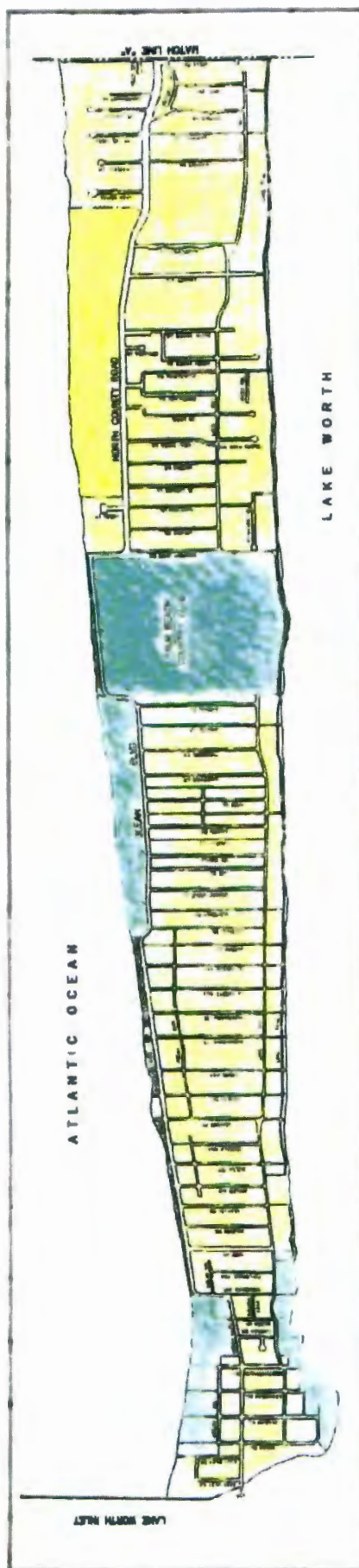


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0 0.0275 0.055 0.11 km
October 2, 2014

50434323050260310



created by: PBC Property Appraiser



PREPARED BY:
Adley Associates, Inc.
SARASOTA FLORIDA
SEPTEMBER, 1989

THE TOWN OF PALM BEACH

ZONING MAP

NOTE: THIS ZONING MAP IS SUBJECT TO THE 2014-2016 ANNUAL BUDGET AND IS SUBJECT TO THE TOWN OF PALM BEACH'S ANNUAL BUDGET. THE TOWN OF PALM BEACH'S ANNUAL BUDGET IS SUBJECT TO THE TOWN OF PALM BEACH'S ANNUAL BUDGET. THE TOWN OF PALM BEACH'S ANNUAL BUDGET IS SUBJECT TO THE TOWN OF PALM BEACH'S ANNUAL BUDGET.

DESIGNATION	NAME	DISTRICT	SUMMARY	DESIGNATION	NAME	DATE	ORD. NO.
R-AA	LARGE ESTATE RESIDENTIAL		C-15	COMMERCIAL-TOWN SERVING	1-2-79	4-79	
R-A	ESTATE RESIDENTIAL		C-WA	COMMERCIAL-NORTH AVENUE	1-2-79	1-79	
R-B	LOW DENSITY RESIDENTIAL		C-B	COMMERCIAL-OFFICES	1-2-79	1-79	
R-C	MEDIUM DENSITY RESIDENTIAL		PUD-A	PLANNED UNIT DEVELOPMENT	1-2-79	1-79	
R-D(1)	MODERATE DENSITY RESIDENTIAL		PUD-B	PLANNED UNIT DEVELOPMENT	1-2-79	1-79	
R-D(2)	HEAVY DENSITY RESIDENTIAL		PUD-C	PLANNED UNIT DEVELOPMENT	1-2-79	1-79	
C-OP	COMMERCIAL-OFFICE, PROF. & INST.			CONSERVATION DISTRICT	1-2-79	1-79	
C-PC	COMMERCIAL-PLANNED CENTER			BEACH AREA	1-2-79	1-79	

SHEET 1 OF 2