



TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE -
SUBJECT TO
REVISION

TOWN COUNCIL MEETING

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

AGENDA

WEDNESDAY, SEPTEMBER 14, 2011

9:30 AM

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

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

V. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE

(Another opportunity for communications from citizens will be offered immediately after the lunch break.)

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

VI. APPROVAL OF AGENDA
VII. DEVELOPMENT REVIEWS

A. Appeals

None

B. Time Extensions & Waivers

None

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **VARIANCE #18-2011** The application of Edmiston & Company; relative to property commonly known as **333 Peruvian Avenue**; described as Lots 41 through 45, inclusive, Block 11, Revised Map of Royal Park Addition to Palm Beach, according to the map thereof as recorded in Plat Book 4, Page 1 of the Public Records of Palm Beach County, Florida; located in the C-TS Zoning District. The applicant requests a variance to permit the operation of a yacht charter and sales office containing approximately 1,237 sq. ft. on the first floor which does not meet the requirements to allow an office use on the first floor in this situation. The proposed use does not meet the special exception uses requirement in Section 134-1109(18) that there are at least 50% existing office uses on all floors in the building or the requirement that there be more than 50% existing office uses on the first floor within 300 feet of the proposed use within the same zoning district.

[Attorney: M. Timothy Hanlon]

Deferred from the August 10, 2011, Town Council Meeting.

2. New Business

- a. **SITE PLAN REVIEW #10-2011 WITH VARIANCES**
The application of Joan & Eugene Kalkin; relative to property commonly known as **170 North Ocean Blvd., PH-701**; described as Condominium Parcel No. 701 and Covered Parking Unit 1, OCEAN TOWERS NORTH, a Condominium, according to the Declaration as recorded in Official Records Book 3208, Page 1913 of the Public

Page 10

Records of Palm Beach County, Florida; located in the R-C Zoning District. The applicant requests a site plan modification with variances to allow one (1) retractable awning totaling 214.2 square feet over the terrace on the seventh floor of a seven story condominium building. Variances are requested to allow the awning at a height of 60.4 feet in lieu of the 23 ½ maximum height allowed in the R-C Zoning District; to allow at an overall height of 62.9 feet in lieu of the 31 ½ maximum height allowed; to allow on the existing seventh floor penthouse of a seven story building in lieu of the two story building maximum allowed; and to allow with a street yard setback of 114.8 feet in lieu of the 126.7 feet minimum required for multi-family use. [Attorney: Maura A. Ziska]
[ARCOM Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.]

b. **SITE PLAN REVIEW #11-2011 WITH VARIANCES**

The application of Sandra E. Garfunkel as Trustee of the Sandra E. Garfunkel Trust u/a/d 5/10/2010; relative to property commonly known as **170 North Ocean Blvd., PH 705**; described as: Unit 705 and Covered Parking Unit 6, of OCEAN TOWERS NORTH, a condominium according to the Declaration as recorded in Official Records Book 3208, Page 1913 of the Public Records of Palm Beach County, Florida together with an undivided interest in the common elements thereof; located in the R-C Zoning District. The applicant requests a site plan modification with variances to allow one (1) retractable awning totaling 214.2 square feet over the terrace on the seventh floor of a seven story condominium building. Variances are requested to allow the awning at a height of 60.4 feet in lieu of the 23 ½ maximum height allowed in the R-C Zoning District; to allow at an overall height of 62.9 feet in lieu of the 31 ½ maximum height allowed; to allow on the existing seventh floor penthouse of a seven story building in lieu of the two story building maximum allowed; and to allow with a side yard setback of 89.7 feet in lieu of the 126.7 feet minimum required for multi-family use. [Attorney: Maura A. Ziska]
[ARCOM Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.]

c. **SITE PLAN REVIEW #12-2011** The application of Susan Mercurio; relative to property commonly known as

168 Seaspray Avenue; described 471 and 473 of POINCIANA PARK SECOND ADDITION, according to the Plat thereof as recorded in Plat Book 6, Page 86, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a Site Plan Review to allow the construction of a 2,816 square foot two-story single family residence 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 square foot minimum required in the R-B Zoning District. [Attorney: Maura A. Ziska]

- d. **SPECIAL EXCEPTION #23-2011** The application of 313 Worth Ave LLC (Pier Mario Del Rosso, Manager; relative to properties commonly known as **313 ½ Worth Avenue, 405 Hibiscus Avenue, and 311 Peruvian Avenue;** described as lengthy legal descriptions on file; located in the C-TS Zoning District. The applicant requests special exceptions by new owner to continue to operate a 4800 square foot restaurant at 313 ½ Worth Avenue which contains in excess of 2,000 square feet of GLA which is the same operation as the previous owner; to allow off-site supplemental parking spaces at 405 Hibiscus Avenue and 311 Peruvian Avenue as was previously approved for the previous restaurant owner; and to allow 46 outdoor dining seats of which 20 seats exceed the maximum capacity as allowed by a previous variance granted to the restaurant in Via Bice. [Attorney: Joel P. Koeppel]
- e. **SPECIAL EXCEPTION #24-2011 WITH VARIANCES** The application of Charles S. Duncker relative to property commonly known as **120 Reef Rd.;** described as Lots 5, 5A and 35, North Shore Addition to Palm Beach, according to the map or plat thereof as recorded in Plat Book 20, Page 62, Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a special exception to construct a 200 square foot beach cabana on property across the street from the main residence, which is in the R-B Zoning District. A variance is requested to construct a beach cabana with a 3.59 foot west side yard setback in lieu of the 10 foot minimum setback required. Request a variance to also have a setback from the bulkhead line of 101.5 feet in lieu of the 118.5 foot minimum required for a house being built east of the Coastal Construction Control Line at this location. [Attorney: Maura A. Ziska]

- f. **SPECIAL EXCEPTION #25-2011** The application of Johnny Meier, President, FEDCO, Inc.; relative to property commonly known as **2875 So. Ocean Blvd.**; described as lengthy legal description on file; located in the C-TS Zoning District. The applicant requests a special exception approval pursuant to Condition #2 in the original approval in 1980 to construct the existing building in the subject property (Special Exception #25-1980). The condition requires any retail applicant to contain Town Council approval for any use other than office and professional services. This request is to allow Fedco to operate a retail pharmacy in suite 103 of the first floor of the subject property containing 1,879 square feet. Site Plan Review approval is requested to convert approximately 1,879 sq. ft. of existing rentable floor area in suite 103 of the first floor to allow Fedco to operate a retail pharmacy. [Representative: Johnny Meier]
- g. **SPECIAL EXCEPTION #26-2011** The application of Pucci & Catana relative to property commonly known as **21 Via Mizner**; described as Unit C-111S, Via Mizner South Declaration, ORB 7069, P203; located in the C-WA Zoning District. The applicant requests a special exception to permit the operation of a luxury pet boutique for the sale of goods related to pets in a 411 square foot square store at 21 Via Mizner. The special exception is required for a use which is not specifically enumerated in the code but having the traffic, patronage and intensity of use characteristics similar to other permitted uses in the C-WA zoning district. [Attorney: M. Timothy Hanlon]
- h. **REVISED SPECIAL EXCEPTION #27-2011 WITH SITE PLAN REVIEW AND VARIANCE** The application of The Society of the Four Arts, Inc., relative to property commonly known as **1, 2, 3, and 4 Four Arts Plaza and 240 Cocoanut Row**; described as lengthy legal description on file; located in the R-B Zoning District. The applicant requests a special exception with site plan review for non-profit cultural use (Section 134-329, Section 134-980 (8) and Section 134-229). The applicant request is that the Town Council grant a modification to the existing special exception by allowing the applicant to construct a 1,208 square foot addition to the existing patio in the landscape island. As part of the proposed project, the existing crosswalks in the driveway connecting the parking lot to the existing patio and the existing patio to the

buildings are being modified to allow for handicap access and safer pedestrian movement from the parking lot to the buildings. These modifications to the crosswalks have already been administratively approved by Town staff as part of the proposed project; a variance is requested for the west side of Four Arts Plaza to allow the patio addition with an overall landscaped open space of 36.75% in lieu of the 37.69% existing and the 55% minimum required for a lot in the R-B zoning district over 60,000 total square feet. The subject property is 116,543.86 square feet. A variance is also requested to allow the changes to the east side of Four Arts Plaza modifying the parking lot, south driveway and patio on the north side of the Dixon Education Building (old public school building) which would decrease the landscape open space from 45.55% minimum required to 43.94%. [Attorney: Harvey E. Oyer III]

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

- i. **MODIFIED VARIANCE #19-2011** The application of Oleander Development, LLC, Alexander Hufty Griswold (Managing Partner); relative to property commonly known as **231-233 Oleander Avenue**; described as DAISY E ERBS ADD LTS 16 & 17; located in the R-C Zoning District. The applicant requests a variance to construct an entry hall and balcony within the existing footprint of the building. The current front yard setback is 15.2 feet; a variance is requested to build the new entry hall and balcony at a 15.2 foot front yard setback in lieu of the 25 foot minimum required.

[Representative: Alex Hufty Griswold]

Deferred from the August 10, 2011, Town Council Meeting.

- j. **MODIFIED VARIANCE #20-2011** The application of Oleander Development, LLC, Alexander Hufty Griswold (Managing Partner); relative to property commonly known as **237-239 Oleander Avenue**; described as DAISY E ERBS ADD LTS 14 & 15; located in the R-C Zoning District. The applicant requests a variance to construct an entry hall and balcony within the existing footprint of the building. The current front yard setback is 15.2 feet; a variance is requested to build the new entry hall and balcony at a 15.2 foot front yard setback in lieu of the 25

foot minimum required.

[Representative: Alex Hufty Griswold]

Deferred from the August 10, 2011, Town Council Meeting.

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- k. **VARIANCE #21-2011** The application of Robert Holuba relative to property commonly known as **1500 Lake Court**; described Lot B, LAKE FRONT ADDITION TO BOCA RATONE COMPANY'S INLET SUBDIVISION, according to the map or plat thereof as recorded in Plat Book 18, Page 5, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to allow the addition of a "T" shaped dock with an outside length of 34 feet with two wood mooring pile clusters that will be 62 feet from the bulkhead in lieu of the 6 foot maximum allowed and the installation of two inside boat lifts associated with an existing 6 foot marginal dock. [Attorney: Gregory S. Kino]

- l. **VARIANCE #22-2011** The application of 1111 Parters LLC (Rick and Marie Wackenhut); relative to property commonly known as **930 South Ocean Blvd.**; described as lengthy legal description on file.; located in the R-A Zoning District. The applicant requests variances to raise the floor and ceiling of the existing pool cabana and replace the flat roof with a pitched roof which will expand the height and overall height in the existing non-conforming side setback of 2.9 feet in lieu of the 15 foot minimum required and for the same modifications to the existing pool cabana with a rear setback of six (6) inches in lieu of the 15 foot minimum required. [Attorney: Maura A. Ziska]
[Landmarks Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject landmark property. Carried 7-0.]

- m. **VARIANCE #23-2011** The application of Stephen & Anne Marie Haymes; relative to property commonly known as **146 Seminole Avenue**; described as The West 40 feet of Lot 9, all of Lot 10, and the East 10 feet of Lot 3, OCEAN PARK H.W. ROBBINS ADDITION TO PALM BEACH, according to the plat thereof, recorded in Plat Book 6, Page 78, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to construct a second story addition that would enclose a 169 square foot balcony and

Page 19

would result in a cubic content ratio of 4.32 in lieu of the 4.3 existing and the 3.98 maximum allowed in the R-B Zoning District. [Attorney: Maura A. Ziska]

Request for Deferral to the October 12, 2011, Town Council Meeting Per Letter Dated August 24, 2011, from Maura A. Ziska (Special Circumstances).

- n. **VARIANCE #24-2011** The application of Earle Mack; relative to property commonly known as **1950 South Ocean Blvd.**; described as Lot 107, PALM BEACH ESTATES, a subdivision in the Town of 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, Florida as recorded in Plat Book 8, Page 3.; located in the R-AA Zoning District. The applicant requests a variance to replace a three story guest house, which is non-conforming, with a two story guest house with an 11.4 foot side yard setback in lieu of the 30 foot minimum required in the R-AA Zoning District. The proposed guest house is 1,140 square feet.
[Attorney: Maura A. Ziska]

3. Other

- a. Regulating the Renovation or Replacement of Nonconforming Accessory Structures.
[John Page, Director of Planning, Zoning, and Building]

Page 21

VIII. ANY OTHER MATTERS

IX. ADJOURNMENT

PLEASE TAKE NOTE:

- No written materials received after 5:00 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 5:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.
- The progress of this meeting may be monitored by visiting the Town's website (www.townofpalmbeach.com) and selecting "Your Government" and then selecting "Live Meeting Audio." If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting under "Agendas, Minutes, and Audio."
- If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
- Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.
- Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.
- A summary of the actions taken at Town Council meetings can be viewed on the Town's website after 5 p.m. on the Friday following the Town Council meeting.

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

COMMUNICATIONS FROM CITIZENS: Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation.

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

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

TOWN OF PALM BEACH

Town Council Meeting on: September 14, 2011

Section of Agenda

Old Business - < 15 Minutes

Agenda Title

VARIANCE #18-2011 The application of Edmiston & Company; relative to property commonly known as **333 Peruvian Avenue**; described as Lots 41 through 45, inclusive, Block 11, Revised Map of Royal Park Addition to Palm Beach, according to the map thereof as recorded in Plat Book 4, Page 1 of the Public Records of Palm Beach County, Florida; located in the C-TS Zoning District. The applicant requests a variance to permit the operation of a yacht charter and sales office containing approximately 1,237 sq. ft. on the first floor which does not meet the requirements to allow an office use on the first floor in this situation. The proposed use does not meet the special exception uses requirement in Section 134-1109(18) that there are at least 50% existing office uses on all floors in the building or the requirement that there be more than 50% existing office uses on the first floor within 300 feet of the proposed use within the same zoning district. [Attorney: M. Timothy Hanlon]***Deferred from the August 10, 2011, Town Council Meeting.***

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter dated August 24, 2011, 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

August 24, 2011

VIA FACSIMILE: 561-835-4621

RECEIVED

By Deborah Morakis at 6:32 pm, Aug 25, 2011

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



RE: Variance #23/2011/ 146 Seminole Avenue

Dear Mayor and Town Council:

On behalf of the property owner, I would like to request a deferral of the above-referenced matter from the September 14, 2011 until the October 12, 2011 Town Council meeting. The reason for the deferral is that the project was deferred at ARCOM.

Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely yours,

Maura A. Ziska

MAZ/mr

cc: Paul Castro

00011644

TOWN OF PALM BEACH

Town Council Meeting on: September 14, 2011

Section of Agenda

New Business - < 15 Minutes

Agenda Title

SPECIAL EXCEPTION #25-2011 The application of Johnny Meier, President, FEDCO, Inc.; relative to property commonly known as **2875 So. Ocean Blvd.**; described as lengthy legal description on file; located in the C-TS Zoning District. The applicant requests a special exception approval pursuant to Condition #2 in the original approval in 1980 to construct the existing building in the subject property (Special Exception #25-1980). The condition requires any retail applicant to contain Town Council approval for any use other than office and professional services. This request is to allow Fedco to operate a retail pharmacy in suite 103 of the first floor of the subject property containing 1,879 square feet. Site Plan Review approval is requested to convert approximately 1,879 sq. ft. of existing rentable floor area in suite 103 of the first floor to allow Fedco to operate a retail pharmacy. [Representative: Johnny Meier]

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter dated September 8, 2011, from Jimmy Ryan, Chairman, Citizens' Association of Palm Beach



CITIZENS' ASSOCIATION

of Palm Beach
Established in 1976



Town of Palm Beach
Received
Sept. 8, 2011
Town Manager's Office

Officers

Chairman

Jimmy Ryan

Vice Chairman

Jack Cohen

Secretary

Harold Epstein

Treasurer

Bernard R. Panfel, CPA

Board of Directors

Tommie H. Bosniak

Jack D. Cohen

Lewis S. W. Crampton

Harold Epstein

Gerald A. Frank

Alan S. Golboro

Bruce M. Heyman

Alan S. Horwitz

Robert M. Keats

William P. King

Roberta F. Mambrino

Harold Nectow

Bernard R. Panfel

E. James Ryan

Donald D. Singer

Rita S. Taca

Ellen K. Tansey

Leo A. Wurtzel

Ex Officio Director

Lee D. Goldstein

September 8, 2011

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

Dear Mayor and Town Council:

The Citizens' Association of Palm Beach is supporting Fedco Pharmacy opening a store at 2875 South Ocean Boulevard.

We have spent a considerable amount of time reviewing this request and have found it to be favorable to those who live in the area.

Our understanding, for support of this tenant, it will remain a Town serving prestigious outlet of no more than 2,000 sq. ft. and we can be confident it will not become a large chain store.

With every good wish,

Jimmy Ryan, Chairman

TOWN OF PALM BEACH

Town Council Meeting on: September 14, 2011

Section of Agenda

New Business - < 15 Minutes

Agenda Title

VARIANCE #21-2011 The application of Robert Holuba relative to property commonly known as **1500 Lake Court**; described Lot B, LAKE FRONT ADDITION TO BOCA RATONE COMPANY'S INLET SUBDIVISION, according to the map or plat thereof as recorded in Plat Book 18, Page 5, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to allow the addition of a "T" shaped dock with an outside length of 34 feet with two wood mooring pile clusters that will be 62 feet from the bulkhead in lieu of the 6 foot maximum allowed and the installation of two inside boat lifts associated with an existing 6 foot marginal dock. [Attorney: Gregory S. Kino]

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Email dated September 7, 2011, from Gregory S. Kino with Support Letters Attached



**Pw: 9/14/11 Council Agenda Item- Request of Robert Holuba for Dock
Variance (Var. No. 21-2011) for 1500 Lake Court**
Paul Castro to: Anne Boyles

09/07/2011 10:51 AM

From: "Kino, Gregory S." <GKino@caseyciklin.com>
To: "pcastro@townofpalmbeach.com" <pcastro@townofpalmbeach.com>
Date: 09/07/2011 10:04 AM
Subject: 9/14/11 Council Agenda Item- Request of Robert Holuba for Dock Variance (Var. No. 21-2011) for 1500 Lake Court

Good morning Paul. Attached are letters of support from the waterfront neighbor to the north and the two waterfront neighbors to the south of Mr. Holuba. I thought that you should have this information as you consider your recommendation for this variance to be heard next Thursday. I firmly believe that a true, legal hardship has been demonstrated and respectfully request that you support the request as well. Regardless, thank you for your time and attention to this application.

Blessings,
Greg

Gregory S. Kino, Esquire
Casey Ciklin Lubitz Martens & O'Connell
515 North Flagler Drive, 20th Floor
West Palm Beach, Florida 33401
(561) 820-0329; fax (561) 833-4209
Email reply to gkino@caseyciklin.com

THE INFORMATION CONTAINED IN THIS EMAIL MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION 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 ARE NOT THE INTENDED ADDRESSEE, PLEASE DELETE IT. NOTIFY THE SENDER, AND DO NOT DISCLOSE OR REPRODUCE ANY PART OF IT WITHOUT EXPRESS WRITTEN CONSENT. THANK YOU.



SKMBT_42111090709540.pdf

ROBERT C. AND SUZANNE W. WRIGHT

400 Arabian Road
Palm Beach, Florida 33480

August 31, 2011

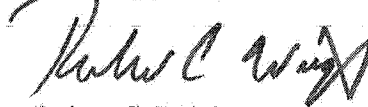
Mayor Gail L. Coniglio
David A. Rosow, President
Robert N. Wildrick, President Pro Tem
William J. Diamond
Richard M. Kleid
Michael J. Pucillo
Town Of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Re: Variance No. 21-2011: Application for Variance to Allow Dock at 1500 Lake Court
(Robert Holuba, owner)

Dear Madam Mayor and Town Council:

My wife and I own the home located at 400 Arabian Road, located immediately south of the property owned by Robert Holuba. Mr. Holuba is requesting a variance for a new dock for his property located at 1500 Lake Court. We have reviewed the application and plans for Variance No. 21-2011. Our properties are certainly unique due to the configuration of the land in that immediate vicinity and the close proximity of the Pierhead and Bulkhead lines. We want you to know that we support Mr. Holuba's request and ask you to approve his variance on September 14th.

Sincerely yours,



Robert C. Wright



Suzanne W. Wright

Cc: Paul Castro, Zoning Administrator

JOSEPH W. III AND KARIN LUTER

1000 Indian Road
Palm Beach, Florida 33480

August 11, 2011

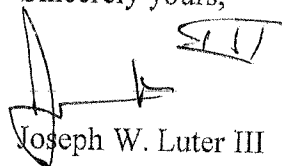
Mayor Gail L. Coniglio
David A. Rosow, President
Robert N. Wildrick, President Pro Tem
William J. Diamond
Richard M. Kleid
Michael J. Pucillo
Town Of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Re: Variance No. 21-2011: Application for Dock Approval for Robert Holuba (1500 Lake Court) to be heard September 14, 2011

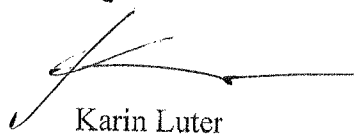
Dear Mayor and Town Council:

My wife and I are the owners of the property located immediately north of the property located at 1500 Lake Court owned by Robert Holuba. Mr. Holuba is requesting a variance for a new dock for his property. We have reviewed a copy of the application for Variance No. 21-2011 and we wanted to go on record as supporting our neighbor's request.

Sincerely yours,



Joseph W. Luter III



Karin Luter

Cc: Paul Castro, Zoning Administrator

DR. RICHARD J. LAZZARA

318 Arabian Road
Palm Beach, Florida 33480

August 16, 2011

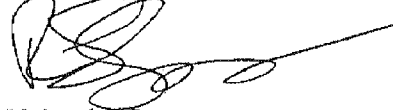
Gregory S. Kino, Esq.
Casey Ciklin Lubitz Martens & O'Connell
515 N. Flagler Drive, 20th Floor
West Palm Beach, FL 33401

Re: Robert Holuba Request for Dock Approval for 1500 Lake Court (Variance No. 21-2011)

Dear Mr. Kino:

I am the owner of a waterfront lot located at 318 Arabian Road, in close proximity to 1500 Lake Court. The owner of that property, Robert Holuba, is requesting the above-referenced variance for the construction of a dock. After review of the application, I am in support of the request and ask that you inform the Mayor and the Town Council of that support when they hear it on September 14, 2011.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Richard J. Lazzara', with a long horizontal flourish extending to the right.

Richard J. Lazzara

TOWN OF PALM BEACH

Town Council Meeting on: September 14, 2011

Section of Agenda

New Business - < 15 Minutes

Agenda Title

VARIANCE #23-2011 The application of Stephen & Anne Marie Haymes; relative to property commonly known as **146 Seminole Avenue**; described as The West 40 feet of Lot 9, all of Lot 10, and the East 10 feet of Lot 3, OCEAN PARK H.W. ROBBINS ADDITION TO PALM BEACH, according to the plat thereof, recorded in Plat Book 6, Page 78, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to construct a second story addition that would enclose a 169 square foot balcony and would result in a cubic content ratio of 4.32 in lieu of the 4.3 existing and the 3.98 maximum allowed in the R-B Zoning District. [Attorney: Maura A. Ziska] ***Request for Deferral to the October 12, 2011, Town Council Meeting Per Letter Dated August 24, 2011, from Maura A. Ziska (Special Circumstances).***

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter dated August 24, 2011, 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

August 24, 2011

VIA FACSIMILE: 561-835-4621

RECEIVED

By Deborah Morakis at 6:32 pm, Aug 25, 2011

Mayor and Town Council

Town of Palm Beach

360 South County Road

Palm Beach, FL 33480



RE: Variance #23/2011/ 146 Seminole Avenue

Dear Mayor and Town Council:

On behalf of the property owner, I would like to request a deferral of the above-referenced matter from the September 14, 2011 until the October 12, 2011 Town Council meeting. The reason for the deferral is that the project was deferred at ARCOM.

Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely yours,

Maura A. Ziska

MAZ/mr

cc: Paul Castro

00011644

TOWN OF PALM BEACH

Town Council Meeting on: September 14, 2011

Section of Agenda

Development Review - Other

Agenda Title

Regulating the Renovation or Replacement of Non Conforming Accessory Structures.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum from John Page dated August 30, 2011

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 14, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Regulating the Renovation or Replacement of Nonconforming Accessory Structures

Date: August 30, 2011

STAFF RECOMMENDATION

The Planning, Zoning and Building Department recommends that the Council give further consideration whether to make zoning code modifications to allow nonconforming accessory structures to be replaced in noncompliant yard areas.

GENERAL INFORMATION

The Town Council, at its August 10, 2011 meeting, asked staff to explain the regulations for replacement of cooling towers and replacement or repair of other accessory structures. The question arose from two separate variance requests to replace cooling towers in required side and/or rear yard setbacks.

Staff uses the sections of the zoning code identified below for guidance in how to regulate all nonconforming structures. The pertinent language within those sections of the Code have been highlighted in bold, underlined italics.

Sec. 134-2 Definitions and rules of construction.

Structure means anything constructed, placed or erected on land, submerged land or over water, **the use of which requires permanent or temporary location on the land**, submerged land or over water, or attachment to something having permanent or temporary location on or over the land, submerged land or water.

Sec. 134-416 Continuation, definition; intent.

(c) **The intent of this division is that**, by the provisions of this chapter or by amendments that may be adopted, **there may exist buildings or structures which were lawful before this chapter was adopted or amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendments thereto. It is the intent of this chapter to permit**

*these nonconforming buildings and structures to exist until they are voluntarily removed, removed by abandonment, or otherwise removed as required by this chapter, **but not to encourage their survival.***

(d) *It is further the intent of this chapter that nonconforming buildings and structures are allowed to be enlarged, expanded or extended, provided that said enlargement, expansion or extension meets all of the lot yard and bulk regulations for the zoning district in which the building or **structure is located** and provided that said enlargement, expansion or extension is not used as grounds for adding other buildings or structures prohibited elsewhere, in the same district.*

Sec. 134-417. Extension or expansion.

*A building or **structure which is nonconforming with any of the lot, yard and bulk regulations may be enlarged, expanded or extended to occupy a greater area of land provided that the enlargement, expansion or extension complies with all lot, yard and bulk regulations for the zoning district in which the building or structure is located. This section shall not apply to a building or structure which is demolished by more than 50 percent, as determined by cubic footage, in preparation for any proposed enlargement, expansion, or extension of a building or structure.***

Sec. 134-418. Conversion to conforming building or structure.

*For any building or structure or part thereof, in which a nonconformity of the building or structure or part thereof is altered, changed or replaced by a conforming building or **structure, the terminated nonconformity shall not thereafter be resumed nor shall any additional nonconformity be permitted.***

Sec. 134-419. Enlargement, extension, reconstruction or alteration.

*No nonconforming building or **structure shall be** enlarged, extended, **reconstructed or structurally altered except as provided for in section 134-416, 134-417 and 134-418, or when required to do so by law.***

Staff customarily requires nonconforming structures, including accessory structures such as air conditioning compressors, cooling towers, generators, fences, walls and swimming pools, to meet today's zoning code when they are completely removed (Sec. 134-416 and 134-417) and replaced. If a cooling tower, for example, is in a required setback and is being replaced, the contractor is required to meet today's required setbacks unless a previously approved variance allows otherwise. If the cooling tower is bigger than the previously approved variance granted, it also has to meet the setback requirements because the variance was based on the size of the piece of equipment that was placed at that location.

Recently, staff has become more flexible in allowing the replacement of nonconforming air conditioning compressor units, despite being in a setback or exceeding the number of units allowed. This is because that type of equipment is typically quieter than the older equipment it is replacing and compressors are typically low in profile. However, the replacement of nonconforming cooling towers, generators and pool heaters has not been allowed because of the possible negative impacts this type of equipment (structure) might have on neighbors. In the past, Staff has received numerous complaints about the size and noise created by this type of equipment. For those reasons and the specific code provisions which are intended to address these types of nonconforming structures, the replacement of that type of nonconforming equipment is not allowed. The equipment is required to be moved to a conforming location or the property owner is required to obtain whatever required variances are applicable.

For accessory structures that are being repaired or partially replaced, such as pools, fences and walls, staff does allow the property owner to replace, repair or renovate provided the work does not require the removal of more than 50 percent of the cubic footage of those accessory structures. Staff also allows those accessory structures to be enlarged or expanded provided the enlarged or expanded portion meets current zoning code requirements.

If you have any further questions or need clarification on the regulation of nonconforming accessory structures, please contact Paul Castro at 227-6406.

cc: John C. Randolph, Town Attorney
Veronica B. Close, Asst. Director, Planning, Zoning & Building
Susan A. Owens, Town Clerk
Paul W. Castro, Zoning Administrator
John Lindgren, Planning Administrator
zf

WEDNESDAY, SEPTEMBER 14, 2011, TOWN COUNCIL MEETING

“APPROVAL OF AGENDA” INFORMATION SHEET

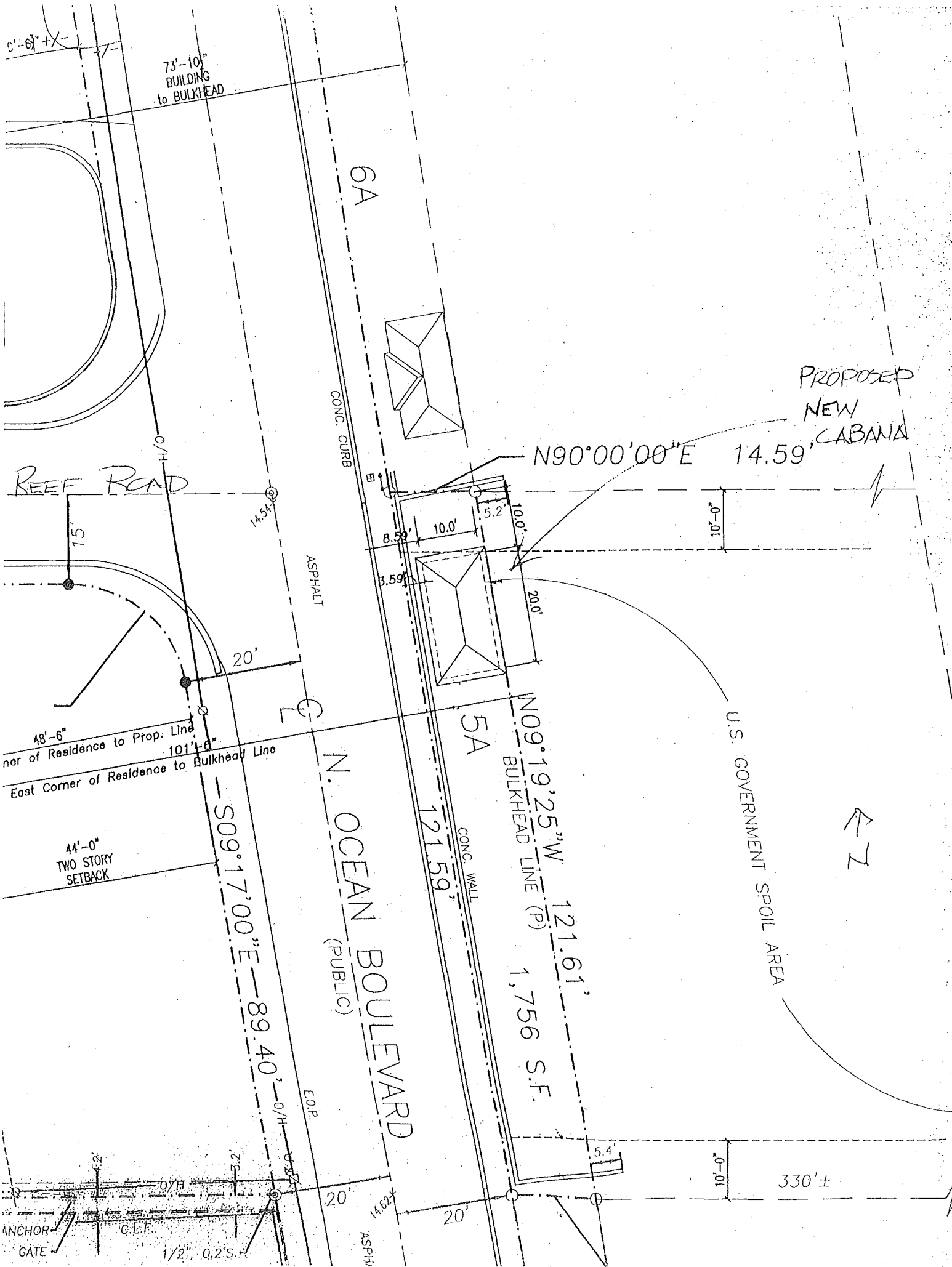
VII. DEVELOPMENT REVIEWS

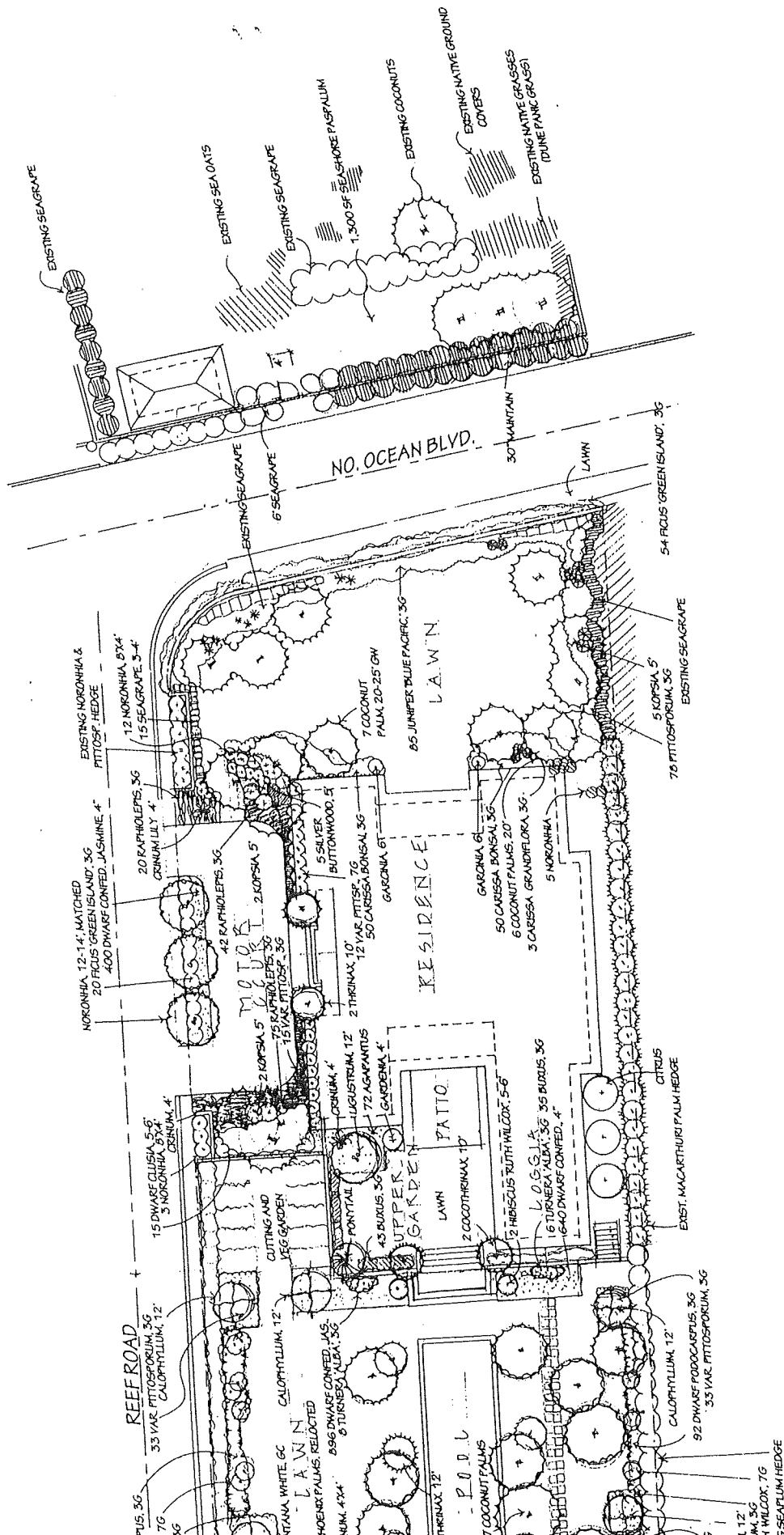
C. Variances, Special Exceptions, and Site Plan Reviews

2. New Business

- m. **VARIANCE #23-2011** The application of Stephen & Anne Marie Haymes; relative to property commonly known as **146 Seminole Avenue**; described as The West 40 feet of Lot 9, all of Lot 10, and the East 10 feet of Lot 3, OCEAN PARK H.W. ROBBINS ADDITION TO PALM BEACH, according to the plat thereof, recorded in Plat Book 6, Page 78, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to construct a second story addition that would enclose a 169 square foot balcony and would result in a cubic content ratio of 4.32 in lieu of the 4.3 existing and the 3.98 maximum allowed in the R-B Zoning District. [Attorney: Maura A. Ziska]
Request for Deferral to the October 12, 2011, Town Council Meeting Per Letter Dated August 24, 2011, from Maura A. Ziska (Special Circumstances).
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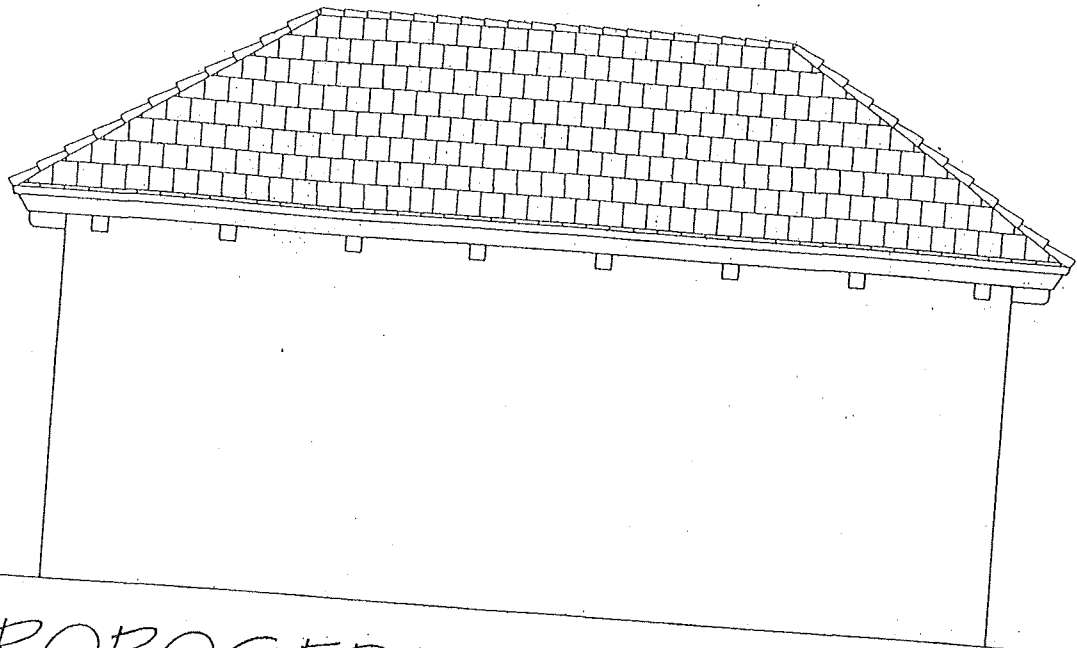
ARE THERE ANY OTHER CHANGES TO THE AGENDA?



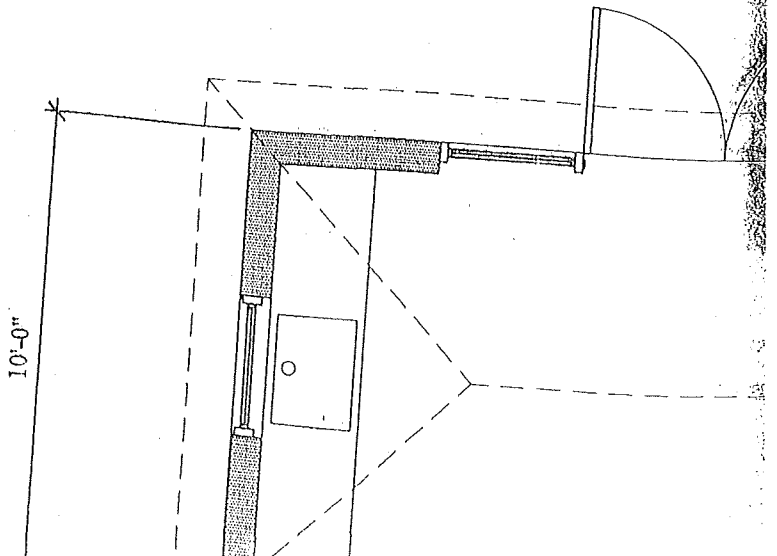




PROPOSED EAST ELEVATION



PROPOSED WEST ELEVATION



120 Reef Road

From: **Bradford Hack** (humblehack@hotmail.com)

Sent: Fri 9/09/11 7:20 AM

To: jpage@townofpalmbeach.com

Dear City Council, Mr. John Page, Mr. John Lindgren, and Mr. Paul Castro,

We own 111 Reef Road, directly across from the subject property. After receiving a site plan, we became very concerned about the variance requests for the beach cabana.

To drive into town down Reef Road, you will be in the right lane and curve south at the junction of Reef Road and North Ocean Blvd. At this junction you have to stop at a stop sign. With the cabana at the present siting, the view of the ocean, the breezes, airflow and open feeling will be blocked. This is especially true due to its close proximity to the adjacent cabana just to the North.

The variance request states the "Ocean vistas will not be negatively impacted 'along North Ocean Blvd.'" However, the vistas will be severely impacted for people walking along Reef Road. This is not a "borrowed view" by Reef Road because most of the building sits within the street side set back. We feel it is contrary to the public interest to totally block off the open feeling, breezes and scenic views down Reef Road (air flow and breezes from a public road to a public beach).

I am personally taking time off to attend the Council Meeting in an effort to try to come to a friendly agreement with our new neighbors. We suggest to Mr. Seagrave, the architect, that maybe a cabana could be placed on the south end of the lot. This is where the cabanas on either side of the subject lot are placed.

Obviously, we leave the decision to City Council and other neighbors, if the lot supports even this compromise and meets variance rules.

We request that Carol Hack be placed on the comments agenda for the September 14 meeting. We appreciate your help in this matter.

Please pass this letter on to City Council.

Carol Hack,M.D.

Bradford Hack,M.D.

RECEIVED

SEP 13 2011

September 4, 2011

TOWN OF PALM BEACH
PZB DEPT

Attention: The Mayor and Town Council

Reference: Zoning Case # 25 - 2011

Special Exception

We the undersigned, residing at 2840 South Ocean Blvd., Palm Beach, Florida are opposed to any zoning change which would permit a Fedco Drug Store at 2875 South Ocean Blvd., Palm Beach, Florida.

Our main concern are the trucks that would be delivering goods on a daily basis from their many purveyors. This added traffic would be a detriment to our serene area.

Thank you for your consideration.

Mary Cloninger - 119

Anna Zee - 125

Isabelle - 203

Roni Helms - 216

Paul R. - 106

R. E. O'Connell - 223

Prerna Singh - 209

Hyper - 423

Jack - 323

Mike Amico - 110

Steve Elsworth - 4515

William D. - 219

Joann Eisenberg - 222

James M. Judson - 325

Harriet Schuch - 307

Marion O'Beir - 511

William - 416

Paul R. - 106

Elizabeth Dyer - 605

Charlotte - 510

There is a drug store 1/4 mile of 2875 South Ocean Blvd.



To:
Cc:
Bcc:
Subject: Fw: 120 Reef Road Palm Beach Project

Subject: 120 Reef Road Palm Beach Project
From: "Diane Poli" <diane@wittmannbuilding.com>
Date: Tue, September 13, 2011 1:22 pm
To: <pat@skaarchitect.com>

Dear Mayor Coniglio and Town of Palm Beach Town Council Members:

I am writing this letter in support of the Duncker's new home at 120 Reef Road and the minimal variances needed. I have reviewed the plans and elevations for the home as well as the beach cabana and I like the plans very much. The Island style design will fit very well with Reef Road.

Warm Regards,

Diane Poli

Owner 127 Reef Road