



# TOWN OF PALM BEACH

Town Clerk's Office

## SUMMARY OF THE ACTIONS TAKEN AT THE REGULAR TOWN COUNCIL MEETING HELD ON WEDNESDAY, JULY 13, 2016

- I. CALL TO ORDER AND ROLL CALL
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. RECOGNITIONS
- IV. COMMENTS OF MAYOR GAIL L. CONIGLIO  
**ACTION: NONE**
- V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER  
**ACTION: NONE**
- VI. COMMUNICATIONS FROM CITIZENS  
**ACTION: NONE**
- VII. APPROVAL OF AGENDA  
**ACTION: ITEM NO. VIII.C.2a., VARIANCE #12-2016, WAS DEFERRED TO THE SEPTEMBER 14, 2016, MEETING**

**ACTION: RESOLUTION NO. 121-2016, CONSIDERATION OF SUBMITTAL OF COST-SHARING GRANT APPLICATION FOR RESTORATION OF BINGHAM ISLANDS, WAS ADDED TO THE AGENDA BEFORE THE DEVELOPMENT REVIEW ITEMS**

**ACTION: APPROVED, AS AMENDED ABOVE**

*The Following Item was Added to the Agenda:*

RESOLUTION NO. 121-2016 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, in Support of the 2013 Lake Worth Lagoon Management Plan

**ACTION: APPROVED**

**ACTION: STAFF WAS DIRECTED TO PURSUE ADDITIONAL FUNDING SOURCES FOR THIS PROJECT**

- VIII. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeal from Palm Beach Atlantic Association, Inc. (PBAA) 224 Atlantic Avenue / New Plant Material  
*John S. Page, Director of Planning, Zoning and Building*  
**ACTION: APPEAL DENIED, WITHOUT PREJUDICE WITH RESPECT TO THE ONGOING LITIGATION**
2. Appeal of Administrative Decision that MacKenzie Childs Cannot Operate a Subordinate Accessory Use to a Permitted Principal Use in a Separate and Distinct Commercial Tenant Space from the Principal Use "Staff Recommendation: Refer the Issue of Accessory Storage Space to the Planning and Zoning Commission for Review and Recommendation of Potential Zoning Code Change  
*Deferred from the June 15, 2016, Town Council Meeting*  
*John S. Page, Director of Planning, Zoning and Building*  
**ACTION: REFERRED THE ISSUE OF ACCESSORY STORAGE SPACE TO THE PLANNING AND ZONING COMMISSION FOR REVIEW AND RECOMMENDATION OF POTENTIAL ZONING CODE CHANGE; STAFF WAS FURTHER DIRECTED TO RELAY MAYOR CONIGLIO'S CONCERNS REGARDING RESPECTING THE RESIDENTIAL NATURE OF EXISTING RESIDENTIAL PROPERTIES TO THE COMMISSION**  
  
**ACTION: APPROVED A STAY ON ALL CODE ENFORCEMENT PROCEDURES RELATED TO THE MACKENZIE CHILDS ADMINISTRATIVE DECISION IN THE INTERIM**

B. Time Extensions and Waivers

1. Request for One-Year Time Extension, Variance No. 17-2015, 201 Bahama Lane  
*John S. Page, Director of Planning, Zoning and Building*  
**ACTION: APPROVED A SIX (6) MONTH TIME EXTENSION**

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business
  - a. SPECIAL EXCEPTION #17-2016 WITH SITE PLAN REVIEW AND VARIANCES The application of Terry R. Taylor; relative to property commonly known as 780 S. Ocean Blvd., described as lengthy legal description on file; located in the B-A Zoning District. The applicant is requesting a Special Exception with Site Plan Review to modify an existing 500 sq. ft. beach cabana with a 500 sq. ft. addition (1,000 sq. ft. total) in the Beach Area Zoning District.

The following Variances are being requested in order to expand and modify the existing beach cabana: 1) to allow a front yard setback of 22.5 feet in lieu of the 35 ft minimum setback required; to allow a 16.25 ft roof height in lieu of 16 ft maximum allowed, to retain the existing 43 inch wall in lieu of a wall at the required height of 30 inches in the beach vista area. The vista is required to be 75% of the lot width in this case. [Attorney: Peter S. Broberg, Esq.] [Landmark Commission Recommendation - Implementation of the proposed variances will not cause negative architectural impact to the subject landmark property. Carried 7-0]

*Deferred from the June 15, 2016, Town Council Meeting*

*John S. Page, Director of Planning, Zoning & Building*

**ACTION: DEFERRED TO THE SEPTEMBER 14, 2016, MEETING**

2. New Business

- a. VARIANCE #12-2016 The application of Mitchell and Victoria Evans; relative to property commonly known as 168 East Inlet Dr., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to add a 1,595 square foot second story addition onto the existing one story residence. The proposed addition will not require the demolition of more than 50% cubic footage of the existing house. The following variances are being requested: 1) lot coverage of 37.8% in lieu of the 30% maximum allowed for a two story structure.; 2) cubic content ratio ("CCR") of 4.92 in lieu of the 3.21 existing and 3.99 maximum allowed. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variance will cause negative architectural impact to the subject property. Carried 4-3.]

Request for Deferral to the August 16, 2016, Town Council Meeting  
Per Letter Dated July 5, 2016, from Maura Ziska

*John S. Page, Director of Planning, Zoning & Building – **Deferred to the September 14, 2016, meeting***

- b. VARIANCE #14-2016 The application of Gary Pohrer, Managing Member of 412 Brazilian Partners LLC; relative to property commonly known as 412 Brazilian Ave., described as lengthy legal description on file; located in the R-C Zoning District. The applicant is requesting to construct a new 5,098 square foot, two story residence on a lot with a width of 50 feet in lieu of the 75 minimum required and a lot area of 8,560 sq. ft. in lieu of the 10,000 sq. ft. minimum required. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject

property. Carried 7-0.]

*John S. Page, Director of Planning, Zoning & Building*

**ACTION: APPROVED**

- c. VARIANCE #15-2016 The application of Molly and Patrick Ryan; relative to property commonly known as 341 Brazilian Ave., described as lengthy legal description on file; located in the R-C Zoning District. The applicant is proposing to demolish a 750 square foot one story garage/cabana in the rear of the property and construct a new 1,836 square foot two story cabana/guest house/garage addition in the same general location. The following variances are being requested: 1) rear yard setback of 8 feet in lieu of the 15 foot minimum required for a two story structure; 2) west side yard setback of 5.3 feet in lieu of the 15 foot minimum required for a two story structure; 3) lot coverage of 35.5% in lieu of the 33.4% existing and the 30% maximum allowed for two story structures; 4) a drive aisle width to the garage to be 18.2 feet in lieu of 25 foot minimum for back up space. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.]

*John S. Page, Director of Planning, Zoning & Building*

**ACTION: APPROVED**

3. Other

- a. Planning & Zoning Commission Record and Report: Proposed Modifications and Changes to Chapter 134, Zoning

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

- Item #7:

**ACTION: APPROVED A PROVISION ALLOWING ACCESSORY STRUCTURES TO BE REBUILT ON THE SAME/SIMILAR FOOTPRINT**

**ACTION: APPROVED A PROVISION STATING THAT NO VARIANCES SHALL RESULT IN A NET INCREASE TO THE SQUARE FOOTAGE OR CUBIC CONTENT RATIO OF THE ORIGINAL STRUCTURE**

- Item #8:

**ACTION: RECOMMENDATION APPROVED**

- Item #9A (Linear Building Dimensions):

**ACTION: RECOMMENDATION APPROVED**

- Item #9B (Lot Coverage):  
**ACTION: RECOMMENDATION APPROVED**
- Item #10:  
**ACTION: RECOMMENDATION APPROVED**
- Item #14:  
**ACTION: RECOMMENDATION APPROVED**
- Item #15:  
**ACTION: RECOMMENDATION APPROVED**

Calculation of Maximum Building Area

**ACTION: REFERRED TO THE PLANNING AND ZONING COMMISSION THE MATTER OF WHETHER OR NOT SUB-BASEMENTS SHOULD COUNT WHEN CALCULATING THE MAXIMUM BUILDING AREA**

IX. ORDINANCES

X. ANY OTHER MATTERS

- A. Request to Allow Development Prior to Town Council Approval  
**ACTION: DENIED**

XI. ADJOURNMENT