



TOWN OF PALM BEACH

Planning, Zoning & Building Department

SUMMARY OF ACTIONS TAKEN AT THE DEVELOPMENT REVIEW TOWN COUNCIL MEETING HELD ON WEDNESDAY, FEBRUARY 12, 2020

- I. CALL TO ORDER AND ROLL CALL
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. COMMENTS OF MAYOR GAIL L. CONIGLIO
- IV. COMMENTS OF TOWN COUNCIL MEMBERS
- V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE
- VI. APPROVAL OF AGENDA

ACTION: APPROVED AS AMENDED

VII. DEVELOPMENT REVIEWS

A. Appeals

1. Appeal of Stop Work at 217 Via Tortuga

ACTION: APPROVED WITH CONDITION THAT IF CONTRACTOR CONTINUES ANY FURTHER WORK ON THE PROPERTY THEY WILL BE LIABLE FOR A \$5,000 FINE, PAYABLE TO THE TOWN OF PALM BEACH, AND A STOP WORK ORDER WILL BE IMMEDIATELY ISSUED.

B. Time Extensions and Waivers

1. Time Extension – 980 N Lake Way

ACTION: GRANT THE TIME EXTENSION FOR 120 DAYS WITH THE CONDITION IF THE WORK CONTINUES PAST 120 DAYS, THE OWNER WILL BE LIABLE FOR A \$5,000 FINE, PAYABLE TO THE TOWN OF PALM BEACH, AND A \$250 DAILY FINE WILL BE APPLIED UNTIL THE PERMIT IS CLOSED.

2. Authorize Waiver to Town Code for Work during Season for the Bradley Park Hotel, 280 Sunset Avenue

ACTION: APPROVED EXTENDED WORK HOURS UNTIL MARCH 6, 2020

C. Exceptions, and Site Plan Reviews

1. Old Business

- a. **Z-18-00134 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-A Estate Residential The application of Charles “Rusty” Holzer, Applicant, relative to property located at **977 S OCEAN BLVD**, legal description on file, is described below. 1) Section 134-840 and 134-893(c): Special Exception with Site Plan Review to allow the construction of a 6,546 square foot two story residence on a non-conforming lot that is 76.5 feet in depth in lieu of the 150 foot minimum required in the R-A Zoning district and 12,813 feet in area in lieu of the 20,000 square foot minimum area required in the R-A Zoning district. 2) Section 134-843(a)(5): A request for a variance to allow the proposed residence to have a front setback of 21.2 feet in lieu of the 35 foot minimum required in the R-A Zoning District. 3) Section 134-843(a)(9): A request for a variance to allow the proposed residence to have a rear setback of 10 feet in lieu of the 15 feet minimum required in the R-A Zoning District. In addition, to allow the balconies to extend 3 feet from the building in lieu of the 2 feet maximum allowed. 4) Section 134-1757: A request for a variance to allow the proposed residence to have a swimming pool rear setback of 5.3 feet in lieu of the 10-foot minimum required in the R-A Zoning District. 5) Section 134-843(a)(11): A request for a variance to allow the proposed residence to have a Lot Coverage of 33.32% in lieu of the 25%percent maximum allowed in the R-A Zoning District. 6) Section 134-843(a)(6)b: A request for a variance to allow the proposed residence to have an Angle of Vision of 136 degrees in lieu of the 116 degrees maximum allowed in the R-A Zoning District. 7) Section 134-843(a)(7): A request for a variance to allow the proposed residence to have a Building Height Plane setback range of 21.2' to 29.9' in lieu of the range of 35' to 42' 11 1/4" minimum required in the R-A Zoning District for this proposed house. [Applicant's Representative: Maura Ziska Esq] [The Architectural Commission Deferred the Project at the October 30, 2019 Meeting. Carried 7-0] Request For Deferral To The April 15, 2020 Meeting Per Letter From Maura Ziska.

ACTION: DEFERRED TO THE APRIL 15, 2020 MEETING

- b. **Z-19-00231 VARIANCE(S)** Zoning District R-B Low Density Residential The application of 1305 N OCEAN WAY LLC, Owner, relative to property located at **1305 N OCEAN WAY**, legal description on file, is described below. The applicant is requesting to construct a 700 square foot second floor addition on the northeast side

of the existing house with a side yard setback of 13.58 feet in lieu of 15 feet minimum required. [Applicant's Representative: Tim Hanlon Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project at their January 29, 2020 meeting. Carried 7-0.]

ACTION: APPROVED

2. New Business

- a. **Z-19-00234 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: C-OPI Office, Professional and Institutional The application of BWREFI Royal Palm Way, LLC a Delaware Limited Liability Company (Alex Griswold, Manager), Applicant, relative to property located at **440/450 ROYAL PALM WAY**, legal description on file, is described below. Section 134- 226, 134-227, 134-229, and 134-329. Request to modify previously-approved Special Exception 8-84 with Site Plan Review to allow the subject property to be split into two separate commercial properties. The property located at 440 Royal Palm Way and 450 Royal Palm Way would continue to allow for cross access and cross parking between both properties through a proposed cross parking/cross access agreement. If approved, the existing Unity of Title Agreement which was required as part of the zoning approval for 440 Royal Palm Way would be terminated. The existing Unity of Title Agreement and draft Termination of Unity of Title Agreement are attached as part of this zoning application and are on file at the Town of Palm Beach Planning, Zoning and Building Department. [Applicant's Representative: Maura Ziska Esq]

ACTION: APPROVED WITH CONDITION RELATED TO UTILITY EASEMENT

- b. **Z-19-00235 VARIANCE(S)** Zoning District: B-A Beach Area The application of Anthony and Lynda Lomangino, Applicant, relative to property located at **1620 S OCEAN BLVD**, legal description on file, is described below. The applicant is requesting to construct a 118.8 square entry portico and loggia balcony additions and a 254.4 square foot second floor covered terrace/loggia addition which will require the following variances being requested: 1) Sec. 134-843(11): a variance for lot coverage of 25.37% in lieu of the 24.9% existing and the 25% maximum allowed. 2) Sec. 134-843{7}: a request to have a building height plane setback of 44' -8" in lieu of the 53 foot minimum setback required for the architectural feature of a second floor covered loggia. [Applicant's Representative: Maura Ziska Esq]

ACTION: APPROVED WITH CONDITION RELATED TO

UTILITY EASEMENT

- c. **Z-19-00236 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Jennifer J. Naegele, Applicant, relative to property located at **70 MIDDLE RD**, legal description on file, is described below. The applicant is undertaking a renovation of a 3 story landmarked residence located in the R-B Zoning District. The renovation includes a 91 square foot laundry room addition to the northwest corner of the house; a 191 square foot covered terrace addition on the north side of the house; and a 60 KW generator proposed in the street side yard along Via Marina. The following variances are being requested: 1) Sec. 134-1729: a variance to allow a 60 KW generator to be placed in the street side yard along Via Marina with a setback of 8.5 feet in lieu of the 25 foot minimum required. 2) Sec. 134-893(11): a variance for lot coverage for the laundry room addition of 34.47% in lieu of the 33.07% existing and the 30% maximum allowed. 3) Sec. 134-893(13): a variance for a cubic content ratio ("CCR") for the laundry room and covered terrace of 8.85 in lieu of the 8.32 existing and the 3.95 maximum allowed. 4) Sec. 134-893(7): a variance for a north side yard setback of 7.6 feet in lieu of the 12.5 feet minimum required for the laundry room addition. 5) Sec. 134- 893(7): a variance to convert the existing flat roof to a covered balcony with railing that will have a north side yard setback of 7.6 feet in lieu of the 15 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [Landmarks Preservation Foundation Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Carried 6-1. The Landmarks Preservation Commission approved the project with conditions relating to the landscape and hardscape plans. Carried 6-1.] Request For Deferral To The April 15, 2020 Meeting Per Letter From Maura Ziska

ACTION: DEFERRED TO THE APRIL 15, 2020 MEETING

- d. **Z- 19-00237 SPECIAL EXCEPTION WITH VARIANCE(S)** Zoning District: R-B/B-A Low Density Residential/Beach Area The application of Jolene Sarkis and Katherine Henry, Applicant, relative to property located at **1360 N OCEAN BLVD SUITE: BEACH CABANA**, legal description on file, is described below. Section 134-890(3}: Request a special exception with site plan review and variance to allow construction of a new 200 square foot beach cabana in the R-B/B-A Zoning District with a west/front setback of 3.5 feet from the property line in lieu of the 10 foot minimum required. [Applicant's Representative: Maura Ziska Esq]

ACTION: APPROVED WITH CONDITION RELATED

TO UTILITY EASEMENT

3. Other
 - a. Request by Flagler Holdings North Carolina, Inc. Property Owner, to Name the New Via located at 221, 223, 225, 227 and 229 Royal Poinciana Way and 216 Sunset Avenue as Via Flagler

ACTION: APPROVED

VIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 01-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, As Follows: At Article V, Planned Unit Development Procedure, Section 134-622 Permitted Land Uses In The PUD-A Zoning District, To Allow Hotels As A Permitted Use And Administrative Site Plan Review For Permitted And Accessory Uses That Do Not Exceed 2,500 Square Feet; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

ACTION: ADOPTED ON SECOND READING

IX. ANY OTHER MATTERS

X. ADJOURNMENT