



TOWN OF PALM BEACH

Town Clerk's Office

SUMMARY OF THE ACTIONS TAKEN AT THE TOWN COUNCIL MEETING HELD ON WEDNESDAY, NOVEMBER 12, 2014

- 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 AND TOWN MANAGER
- V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE
- VI. APPROVAL OF AGENDA

ACTION: ITEM NO. VII.A.1., APPEAL OF LANDMARKS PRESERVATION COMMISSION DECISION, COA-026-2014, 105 CLARENDON AVENUE (PER LETTER DATED OCTOBER 24, 2014, 2014, FROM MAURA ZISKA), WAS WITHDRAWN

ACTION: ITEM NO. VII.C.1.a., SITE PLAN REVIEW #8-2014 WITH VARIANCE (MODIFIED), WAS DEFERRED TO THE DECEMBER 10, 2014, TOWN COUNCIL MEETING.

ACTION: ITEM NO. VII.C.1.b., SITE PLAN REVIEW #13-2014 WITH SPECIAL EXCEPTIONS AND VARIANCES (MODIFIED), WAS DEFERRED TO THE DECEMBER 10, 2014, TOWN COUNCIL MEETING.

ACTION: ITEM NO. VII.C.1.c., SPECIAL EXCEPTION #17-2014 WITH SITE PLAN REVIEW AND VARIANCES, WAS WITHDRAWN.

ACTION: ITEM NO. VII.C.1.e., SITE PLAN REVIEW #20-2014, WAS DEFERRED TO THE DECEMBER 10, 2014, TOWN COUNCIL MEETING.

ACTION: ITEM NO. VII.C.1.f., SPECIAL EXCEPTION #25-2014, WAS WITHDRAWN.

ACTION: ITEM NO. VII.C.1.g., VARIANCE #43-2014, WAS DEFERRED TO THE DECEMBER 10, 2014, TOWN COUNCIL MEETING.

ACTION: APPROVED, AS AMENDED ABOVE

- VII. DEVELOPMENT REVIEWS

- A. Appeals

- 1. Appeal of Landmarks Preservation Commission Decision, COA- 026-2014, 105 Clarendon Avenue (per Letter Dated October 24, 2014, from Maura Ziska)

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

ACTION: WITHDRAWN.

B. Time Extensions and Waivers

1. Request for Extension of Time Schedule for Completion of Construction per Town Code Chapter 18, Section 242-105.4.1.6 - 1480 North Lake Way

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

ACTION: APPROVED, SUBJECT TO A \$1,060 PER DAY FINE BEYOND DECEMBER 1.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. 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.]

Request for Deferral to the December 10, 2014, Town Council Meeting Per Letter Dated November 5, 2014 from Francis X.J. Lynch

Deferred from the August 13, 2014, September 10, 2014, and October 15, 2014, Town Council Meetings

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

ACTION: DEFERRED TO THE DECEMBER 10, 2014,

TOWN COUNCIL MEETING.

- b. 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]

[Architectural Commission Recommendation: Deferred the project to the November 14, 2014 ARCOM meeting.] Request for Deferral to the December 10, 2014, Town Council Meeting Per Letter Dated October 29, 2014, from Francis X.J. Lynch
Deferred from the October 15, 2014, Town Council Meeting
John S. Page, Director of Planning, Zoning, and Building

ACTION: DEFERRED TO THE DECEMBER 10, 2014, TOWN COUNCIL MEETING.

- c. SPECIAL EXCEPTION #13-2014 WITH SITE PLAN REVIEW AND VARIANCES The application of Town of Palm Beach, Peter B. Elwell, Town Manager; relative to property commonly known as 2345 South Ocean Blvd.; described as Lengthy legal description on file; located in the R-B Zoning District. A Special Exception with Site Plan Review is being requested to modify the Par 3 Golf Course parking lot, seating and hours of operation of the Club House restaurant and proposed addition of a new patio deck. The proposed modification is to widen the north side of the parking lot by approximately eighteen (18) feet, create tandem parking in that area of the lot and add additional parking on the south side of the lot. The request also modifies the parking vehicular circulation by creating one way drive aisle. The proposal would create twenty-six (26) additional parking spaces to the parking lot and allow valet parking in designated areas. In addition, the club house restaurant hours are proposed to change from 7:00 am – 10:00 pm to 7:00 am – Midnight with the proposed additional seventeen (17) more seats on the second floor outside verandas (total of 167 seats). In addition, request is to also add a 1,837 square foot patio on the south side of the clubhouse to allow the restaurant and golf course to host golf outings and other special events; install spot lights facing east to light the dune line and ocean surf, outside of turtle nesting season. Variances are requested to allow tandem parking for the valet parking area, which is not permitted by Code. The Code requires that off-street parking be arranged so that a vehicle does not have to be moved in order to move another vehicle; and, to allow three (3) parking spaces in the required front yard setback, which is not permitted by Code. [Representative: Jay Boodheshwar]
Please note that the Town Council has acted upon all proposed elements of the application with the exception of spot lights. ARCOM, on October 22, 2014, reviewed the proposed wall-

mounted spot lights aimed to the east and recommended against their installation.

Deferred from the July 16, 2014, and September 10, 2014 Town Council Meetings

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

ACTION: APPROVED ALTERNATIVE OF UPLIGHTING OF LANDSCAPING.

- d. 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.]

Deferred from the October 15, 2014, Town Council Meeting

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

ACTION: WITHDRAWN.

- e. 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]

Request for Deferral to the December 10, 2014, Town Council Meeting
Per Letter Dated October 31, 2014, from Maura A. Ziska

Deferred from the October 15, 2014, Town Council Meeting

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

ACTION: DEFERRED TO THE DECEMBER 10, 2014, TOWN COUNCIL MEETING.

- f. 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] Deferred from the October 15, 2014, Town Council Meeting
John S. Page, Director of Planning, Zoning, and Building

ACTION: WITHDRAWN.

- g. 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] [Architectural Commission Recommendation: Deferred the project to the November 14, 2014 ARCOM meeting.]
Request for Deferral to the December 10, 2014, Town Council Meeting
Per Letter Dated November 5, 2014, from Maura A. Ziska
Deferred from the September 10, 2014, and October 15, 2014, Town Council Meetings
John S. Page, Director of Planning, Zoning, and Building

ACTION: DEFERRED TO THE DECEMBER 10, 2014, TOWN COUNCIL MEETING.

- h. 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.]
Request for Deferral to the December 10, 2014, Town Council Meeting
Per Letter Dated November 3, 2014 from Maura A. Ziska.
Deferred from the October 15, 2014, Town Council Meeting
John S. Page, Director of Planning, Zoning, and Building

ACTION: APPROVAL OF DEFERRAL TO THE DECEMBER 10, 2014, TOWN COUNCIL MEETING.

- i. 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.] Request for Deferral to the December 10, 2014, Town Council Meeting Per Letter Dated November 3, 2014, from Maura A. Ziska

Deferred from the October 15, 2014, Town Council Meeting

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

ACTION: APPROVAL OF DEFERRAL TO THE DECEMBER 10, 2014, TOWN COUNCIL MEETING.

2. New Business

a. SPECIAL EXCEPTION #26-2014 WITH SITE PLAN REVIEW

The application of Palm Beach County (Palm Beach County Capital Improvement Division, Miradieu Auboura); relative to property commonly known as 2882 S. Ocean Blvd.: described as 2882 S. Ocean Blvd.; described as Lengthy legal description on file; located in the C-TS Zoning District. Requests approval of a Site Plan application and a Special Exception application to allow the following:

- a. replacement of existing 755 square foot public restroom structure (built in 1979) with an expanded 1,360 square foot restroom and life guard break room/storage structure;
- b. expansion of the western ingress/egress point from 20 feet to 25 feet to allow for two-circulation (currently one-way circulation);
- c. additional recreational amenities including:
 1. a future proposed children's playground with up to 1,500 square feet of shade canopies;
 2. additional benches, trash receptacles and showers; and,
 3. outdoor shower at center beach cross over.

- d. temporary structures during the construction of the replacement structure which is estimated to take 12 to 15 months:
 1. one (1) temporary contractor portable restroom;
 2. three (3) temporary public portable restrooms;
 3. one (1) temporary construction and lifeguard operation trailer;
 4. one (1) temporary contractor storage trailer for the storage of construction materials;
 5. one (1) temporary lifeguard storage trailer for the storage of lifeguard equipment; and
 6. temporary construction barrier fencing.
 7. add gates to the entrance and exit. [Attorney: Denise M. Nieman]

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

ACTION: APPROVED, SUBJECT TO THE COUNTY WORKING WITH THE HOLDERS OF THE EASEMENTS AND THE PALM WORTH CONDOMINIUM TO EITHER MOVE THE EASEMENT OR SECURE IT IN A WAY THAT IS ACCEPTABLE TO THE HOLDERS OF THE EASEMENT.

- b. VARIANCE #52-2014 The application of Stuart Kapp, Manager of North County Oceanview, LLC; relative to property commonly known as 589 North County Road; described as The North 150 feet of that part of the South 263.8 feet of Governmental Lot 2, in Section 11, Township 43 South, Range 43 East, lying East of the County Road, a public street in the Town of Palm Beach, Florida, as now laid out and in use, together with the littoral rights appertaining thereto; located in the R-AA Zoning District. Requests a variance to construct a 220 square foot one story cabana with a 10 foot south side yard setback in lieu of the 30 foot minimum required in the R- AA zoning district. [Attorney: Maura Ziska]
John S. Page, Director of Planning, Zoning, and Building
ACTION: DEFERRED TO THE DECEMBER 10, 2014, TOWN COUNCIL MEETING.
- c. VARIANCE #53-2014 The application of Ronald Alvarez and Alice Ruth; relative to property commonly known as 210 Orange Grove Road;

described as The East 62.5 feet of Lot 33 and the West 60 feet of Lot 34, NEW SIEARS TRACT, 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 16, Page 86; located in the R-B Zoning District. A variance is requested to convert a two-car garage into a family room that was done by a prior owner without zoning approval and without a building permit. If the above variance is granted, the applicant requests the following: the applicant is proposing to construct a 712 square foot one story, one-car garage addition. The following variances are being requested to build the proposed addition: to allow the construction of a one car garage in lieu of the required two car garage for a lot in the R-B Zoning District; a rear yard setback of 6.4 feet in lieu of the 10 foot minimum setback required in the R-B Zoning District; a side yard setback of 5 feet in lieu of the 12.5 foot minimum setback required in the R-B Zoning District. [Attorney: Maura Ziska]

[Architectural Commission Recommendation: Implementation of the proposed variance to enclose the garage will not negatively impact the architecture of the house. Carried 6-1 (Mrs. Vanneck dissenting). The proposed new two car garage which requires variances can be designed in an architecturally suitable manner on another portion of the subject property and conform to the zoning code without the need for the variances. Carried 7-0]

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

ACTION: DENIED VARIANCES TO BUILD NEW GARAGE. DEFERRED TO THE DECEMBER 10, 2014, TOWN COUNCIL MEETING THE VARIANCE TO CONVERT THE TWO-CAR GARAGE TO A FAMILY ROOM.

- d. VARIANCE #54-2014 The application of Thomas Maier; Other relative to property commonly known as 102 Jungle Road; described as A part of Government Lot 2, Section 26, Township 43, Range 43 East less the right-of-way for Ocean Blvd. and Jungle Road; located in the R-A Zoning District. Variances are requested to allow for expansion of the raised terrace with a front yard setback of 22.9 feet in lieu of the 35 foot minimum required for a lot in the R-A District; to install a square foot awning over the proposed raised terrace with a front yard setback of 24 feet in lieu of the 35 foot minimum required; to add a balcony to the second story with a front yard (north) setback of 26.9 feet in lieu of the 33 foot minimum required; and, to maintain the existing non-conforming lot coverage. The request is for a variance for lot coverage with the changes of 28.4% in lieu of the existing 28.4% and the 25% maximum allowed by code. [Attorney: David E. Klein] [Landmark Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmark property. Carried 7-0]

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

ACTION: APPROVED.

D. Other

1. Proposed Declaration of Use Agreement for Chez L'Epicier Restaurant, 288 South County Road, Special Exception #22-2014 with Site Plan Review
John S. Page, Director of Planning, Zoning, and Building
ACTION: APPROVED.
2. Proposed Declaration of Use Agreement for Bethesda by the Sea Episcopal Church-Special Exception #24-2014 with Site Plan Review- 141 South County Road
John S. Page, Director of Planning, Zoning, and Building
ACTION: DETERMINED NO CONDITIONS OF APPROVAL WERE NECESSARY AND, THEREFORE, NO DECLARATION OF USE AGREEMENT WAS REQUIRED.
3. Palm House Update
John S. Page, Director of Planning, Zoning, and Building
NO ACTION TAKEN.

VIII. ORDINANCES

IX. ANY OTHER MATTERS

X. ADJOURNMENT