



TOWN OF PALM BEACH

Town Clerk's Office

SUMMARY OF THE ACTIONS TAKEN AT THE TOWN COUNCIL MEETING HELD ON WEDNESDAY, OCTOBER 15, 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 VII.C.1.b. VARIANCE #43-2014, WAS DEFERRED TO THE NOVEMBER 12, 2014, TOWN COUNCIL MEETING.

ACTION: ITEM VII.C.2.a. SITE PLAN REVIEW #13-2014 WITH SPECIAL EXCEPTIONS AND VARIANCES (MODIFIED), WAS DEFERRED TO THE NOVEMBER 12, 2014, TOWN COUNCIL MEETING.

ACTION: ITEM VII.C.2.m., SPECIAL EXCEPTION #25-2014, WAS DEFERRED TO THE NOVEMBER 12, 2014, TOWN COUNCIL MEETING.

ACTION: ITEM VII.C.2.p., VARIANCE #49-2014, WAS DEFERRED TO THE NOVEMBER 12, 2014, TOWN COUNCIL MEETING.

ACTION: ITEM VII.C.2.q., VARIANCE #50-2014, WAS DEFERRED TO THE NOVEMBER 12, 2014, TOWN COUNCIL MEETING.

ACTION: ITEM VII.C.1., CONSIDERATION OF ZONING STUDY ITEMS, WAS MOVED UP ON THE AGENDA TO AFTER ITEM VII.A, APPEALS.

ACTION: APPROVED, AS AMENDED ABOVE

- 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

**ACTION: AGREED WILLIAM COOLEY HAD SUFFICIENT
STANDING TO ARGUE THE APPEAL.**

**ACTION: UPHELD WILLIAM COOLEY'S APPEAL OF ARCOM
DECISION B-98-2014, 237 RIDGEVIEW DRIVE.**

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.

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

ACTION: APPROVED, SUBJECT TO STAFF CONDITONS.

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

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

ACTION: APPROVED, WITH NO FEE IMPOSITION.

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.]

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

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

ACTION: DEFERRED TO NOVEMBER 12, 2014, TOWN COUNCIL MEETING.

- b. 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.

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

ACTION: DEFERRED TO NOVEMBER 12, 2014, TOWN COUNCIL MEETING.

- 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]

(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

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

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.

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

ACTION: DEFERRED TO NOVEMBER 12, 2014, TOWN COUNCIL MEETING.

- 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

ACTION: APPROVED, SUBJECT TO APPLICANT SPEAKING TO NEIGHBOR REGARDING A FENCE.

- 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

ACTION: APPROVED, WITH REDUCTION OF FIRST FLOOR ELEMENT (STAIRCASE) TO INCREASE THE SIDE YARD SETBACK.

- 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

ACTION: APPROVED.

- 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

ACTION: DEFERRED TO THE NOVEMBER 12, 2014, TOWN COUNCIL MEETING, WITH REQUIREMENT THAT IF AN ACCOMODATION IS NOT REACHED WITH THE NEIGHBOR, THE APPLICATION WILL BE WITHDRAWN.

- 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

ACTION: APPROVED.

- 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 Coconut 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

ACTION: APPROVED.

- 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

ACTION: DEFERRED TO NOVEMBER 12, 2014, TOWN COUNCIL MEETING, AND THE APPLICATION BE TAKEN TO ARCOM.

- 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

ACTION: APPROVED, SUBJECT TO CONDITION THAT THE USE BE RESTRICTED TO THE HOURS OF 9:00 AM TO 8:00 PM.

- 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

ACTION: APPROVED, SUBJECT TO ELIMINATION OF NEW FRONT DOOR AND COMING BACK TO THE TOWN COUNCIL IN ONE YEAR TO PROVE THAT THEY ARE TOWN SERVING. ADDITIONALLY, THE DECLARATION OF USE AGREEMENT WILL BE MODIFIED TO INCLUDE HOURS OF OPERATION AND CHANGE OF ADDRESS

AND WILL BE BROUGHT BACK TO TOWN COUNCIL ON NOVEMBER 12, 2014.

- 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

ACTION: DENIED.

- 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 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

ACTION: APPROVED, SUBJECT TO A DECLARATION OF USE AGREEMENT

- 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

ACTION: DEFERRED TO NOVEMBER 12, 2014, TOWN COUNCIL MEETING.

- 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

ACTION: APPROVED.

- 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

ACTION: APPROVED.

- 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

ACTION: DEFERRED TO NOVEMBER 12, 2014, TOWN COUNCIL MEETING.

- 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

ACTION: DEFERRED TO NOVEMBER 12, 2014, TOWN COUNCIL MEETING.

- 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.]

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

ACTION: APPROVED.

C. Other

1. Consideration of Zoning Study Items

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

ACTION: CONSENSUS APPROVAL OF ZONING STUDY ITEMS AND HOUSEKEEPING ISSUE RELATIVE TO NON-CONFORMING BUILDINGS AND STRUCTURES. THE ZONING TEXT AMENDMENT REQUEST FOR OFFSITE PARKING TO BE SENT TO THE PLANNING AND ZONING COMMISSION FOR CONSIDERATION.

VIII. ORDINANCES

IX. ANY OTHER MATTERS

X. ADJOURNMENT