



TOWN OF PALM BEACH

PLANNING, ZONING, & BUILDING DEPARTMENT

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

Meeting to be Held Electronically

Click here to participate:

<https://zoom.us/j/96207579765>

**AGENDA for SEPTEMBER 9, 2020
9:30 AM**

Welcome

For information regarding procedures for public participation at Town Council Meetings, please refer to the end of this agenda.

I. CALL TO ORDER AND ROLL CALL

Gail L. Coniglio, Mayor
Margaret A. Zeidman, President
Bobbie Lindsay, President Pro Tem
Julie Araskog
Lew Crampton
Danielle H. Moore

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

VII. DEVELOPMENT REVIEWS

A. Time Extensions and Waivers

- | | |
|--|--------|
| 1. Time Extension of Construction for 225 Worth Avenue | Pg. 11 |
| 2. Time Extension of Construction for 247 Worth Avenue | Pg. 21 |
| 3. Time Extension of Construction for 243B Worth Avenue | Pg. 27 |
| 4. Time Extension of Construction for 313 and 313.5 Worth Avenue | Pg. 36 |

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **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 7-0.] [The Landmarks Preservation Commission approved the project as presented with the condition that the homeowner voluntarily grants the utility easement. Carried 7-0] **Request for Deferral to the October 14, 2020 Meeting per Email Dated September 1, 2020 from Jennifer Naegele.** Pg. 42

- b. **Z-20-00260 SPECIAL EXCEPTION WITH SITE PLAN REVIEW WITH VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Matthew and Anne Iorio, Applicant, relative to property located at **131 SEAVIEW AVE**, legal description on file, is described below. Section 134-8939(c): Special Exception with Site Plan Review to allow the renovation of an existing two story residence and swimming pool by demolishing more than 50% cubic footage on portions of platted lots with a depth of 97.12 feet in lieu of the 100 foot minimum required in the R-B Zoning District and an area of 9,712 in lieu of the 10,000 square foot minimum required in the R-B Zoning District. The request is to demolish a 1 story/237 square foot exercise room in the rear of the house; a 1 story/720 square foot Florida room in the rear of the house; and add a 386 square foot two story family room (first floor) and bedroom (second floor); and a 292 square foot loggia. The following variances are being requested: 1) Section 134-893(b)(5): a front yard setback of 24.9 feet in lieu of the 30 foot minimum setback required; 2) Section 134-893(b)(7): a west side yard setback of 4.9 feet in lieu of the 4.9 feet existing and the 15 foot minimum setback required; 3) Section 134-893(b)(11): a lot coverage of 31.3% in lieu of the 30% maximum allowed; 4) Section 134-893(b)(13): a cubic content ratio of 6.90 in lieu of the 6.99 existing and the 4.03 maximum allowed; 5) Section 134-893(b)(12): a landscape open space of 33% in lieu of the 45% minimum required; 6) Section 134-1757: an east side yard setback for the swimming pool of 6 feet in lieu of the 10 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project with a condition relating to landscape. Carried 7-0.]

- c. **Z-20-000262 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-D(2) High Density Residential The application of The Ambassador Hotel Cooperative Apartments Corp., A Florida Corporation (Richard Schlesinger, President), Applicant, relative to property located at **2730 S OCEAN BLVD**, legal description on file, is described below. The following zoning relief is being requested: 1. Section 134-1055 (16.): Special Exception approval to modify the existing condo-hotel use in the R-D(2) Zoning District. 2. Section 134-327: Site plan approval for the modifications to the existing condo-hotel site as identified above. 3. Section 134-1064: Special exception approval for the new balconies on the third, fourth and fifth floors. 4. Section 134-1060 (6)(f): Variance request for the proposed redevelopment to include the addition of balconies on the south side of the building that will encroach into

the south side yard setback by a 30 inches thus a variance request for a setback of 27.5 feet in lieu of the 30 foot minimum required. 5. Section 134-2172: Variance to allow the proposed off-street, valet-operated parking, to be tandem and stacked in lieu of the code required off-street parking standards related to size of spaces and access. The code requires parking spaces to be designed so that a vehicle can be removed without the necessity to move another vehicle. The proposed parking is modifying and adding parking areas designed with stacked (tandem) and lift parking. 6. Section 134-1064: Variance to allow the lot coverage to be 44.9% in lieu of the 23.7% existing and the 22% maximum allowed in the R-D(2) Zoning District for 5 story buildings (the building is 7 stories with a lower level floor area). 7. Section 134-1060(6): Variance to allow a north side yard setback of 15 feet in lieu of the 30 foot minimum required for the under dune garage. 8. Section 134-1064(b)(3): Variance to allow a height of 68.96 feet in lieu of the 62.5 maximum allowed for the Penthouse additions (7th floor). [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission deferred this project to the October 28, 2020 meeting at the request of the attorney. Carried 7-0.] **Request for Deferral to the November 13, 2020 Meeting per Letter Dated August 31, 2020 from Maura Ziska.**

- d. **Z-20-00265 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of Carlos Musso, Sr., Applicant, relative to property located at **110 SEAGATE RD**, legal description on file, is described below. Special Exception with Site Plan Review to allow the construction of a 4,201 square foot two-story new residence on non-conforming portions of platted lots with a depth of 96.12 feet in lieu of the 100 foot minimum depth required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed special exception and site plan review will not cause negative architectural impact to the subject property. Motion carried 7-0.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]

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- e. **Z-20-00268 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of The Society of the Four Arts, Inc. (c/o Dr. Philip B. Rylands, President and CEO), Owner, relative to property located at **100, 101, 102 and 103 FOUR ARTS PLAZA, 240 COCOANUT ROW, AND 434 SEASPRAY AVE**, legal description on file, is described below. Section 134-890(9) - The Society of the Four Arts (Applicant) requests a modification to the existing nonprofit cultural center Special Exception (legally described in Exhibit A-1), to allow the addition of a 0.56-acre property (legally described in Exhibit A-2) located at 434

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Seaspray Avenue ("Site"), into Applicant's campus. The Site is developed with a single family house and accessory structures. The Applicant proposes to relocate its President/CEO's living quarters from the third floor of the John E. Rovensky Building ("Building") to the Site. The intent is to renovate and reconfigure the vacated 2,105 square foot (sq. ft.) living quarters to create a meeting room, archive space and storage spaces, in accordance with the Proposed Floor Plan ("Plan").

Consideration of Proposed Amendment to the Declaration of Use Agreement for the Society of the Four Arts.

[Applicant's Representative: Harvey E Oyer III Esq]

2. New Business

- a. **Z-20-00269 VARIANCES** Zoning District: R-B Low Density Residential The application of John Criddle and Franny Frisbie, Applicant, relative to property located at **143 REEF RD**, legal description on file, is described below. The applicant is proposing to construct a new 597 square foot one story garage to the west of the existing residence. The following variances are being requested: 1. Section 134-893(7): The applicant is requesting a variance for a west side yard setback of 5 feet in lieu of the 12.5 foot minimum required for a one story building. 2. Section 134-893(6): The applicant is requesting a variance for an angle of vision of 105 degrees in lieu of the 100 degrees maximum allowed. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Motion carried 4-3.] [The Architectural Review Commission approved the project as presented. Carried 4-3.] Pg. 298
- b. **Z-20-00270 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Steve Johnson, Applicant, relative to property located at **1284 N LAKE WAY**, legal description on file, is described below. Section 134-843(7): The applicant is proposing a 60 square foot staircase addition to the north side of the house that will have an 11.5 foot north side yard setback in lieu of the 15 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [The Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.] Pg. 311
- c. **Z-20-00271 VARIANCE(S)** Zoning District: C-TS Town Serving Commercial The application of Bradley Park Owner, LLC, (Applicant), relative to property located at **280 SUNSET AVE**, legal description on file, is described below. Pursuant to Section 134-1113(7)(b), the applicant is requesting a variance to Pg. 314

allow a rear setback of 2 inches in lieu of the 1 foot 5 inch existing and 10 foot minimum required setback to affix a generator exhaust pipe to the south facade of the existing non-conforming hotel structure. The applicant is also requesting a rear setback of 0 inches in lieu of the 1 foot 5 inch existing and 10 foot minimum required setback to accommodate an elevated kitchen hood that is affixed to the south facade of the existing hotel structure. The kitchen hood encroaches 2 inches into the alley to the south of the hotel structure, and an encroachment easement has been obtained from the adjacent property owner for the purpose of utilizing the alley for mechanical equipment. [Applicant's Representative: James M. Crowley Esq] [The Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]

- d. **Z-20-00272 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Mr. and Mrs. Mark Sanderson, Applicant, relative to property located at **2315 IBIS ISLE RD**, legal description on file, is described below. The applicant is proposing to construct a new 6,898 square foot two-story home. The following variances are being requested: 1. Section 134-893(5): The applicant is requesting a variance for a front yard setback of 3.5 feet in lieu of 30 feet minimum required for a two-story residence. 2. Section 134-893(6): The applicant is requesting a variance for an angle of vision of 154 degrees in lieu of the 100 degrees maximum allowed for a two-story residence. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried 6-1.] [The Architectural Review Commission approved the project with a few architectural features returning to the September 23, 2020 meeting. Carried 7-0.]

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- e. **Z-20-00274 VARIANCE(S)** Zoning District: R-A Estate Residential The application of Laetitia M. Perais-Han and Ben Han, Applicants, relative to property located at **61 MIDDLE RD**, legal description on file, is described below. The applicant is proposing a new 317 square foot pool pavilion to the rear of the property, a 198 square foot awning and an 86 square foot porch addition to the rear of the landmarked residence. The following variances are being requested: 1) a north side yard setback of 8.4 feet in lieu of the 15 foot minimum required; 2) a rear yard setback of 12 feet in lieu of the 15 foot minimum required; 3) a lot coverage of 26% in lieu of the 25% maximum allowed; 4) a landscaped open space of 45% in lieu of the 50% minimum required. [Applicant's Representative: Maura Ziska Esq] [The Landmarks Preservation Commission Recommendation:

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Implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]

- f. **Z-20-00275 VARIANCE(S)** Zoning District: R-A Estate Residential The application of 171 Via Bellaria LLC (Dan Swanson, Manager), relative to property located at **171 VIA BELLARIA**, legal description on file, is described below. Pg. 324
Section 134-843 (7): The Applicant is proposing a new 9,416 square foot two story residence on Via Bellaria that would have a building height plane setback of 37 feet in lieu of the required minimum setback ranging from 51.2 to 69.5 feet. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the September 23, 2020 meeting. Carried 6-1.] **Request for Deferral to the October 14, 2020 Meeting per Letter Dated August 31, 2020 from Maura Ziska.**
- g. **Z-20-00276 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-A Estate Residential The application of 1742, LLC (Anthony Lomangio, Manager), Applicant, relative to property located at **1742 S OCEAN BLVD**, legal description on file, is described below. Section 134-843(a) and (b) Special Exception with Site Plan Review to allow the construction of a new 9,604 square foot, two-story residence on an unplatted non-conforming lot that has an area of 19,918 square feet in lieu of the 20,000 square feet minimum and a depth of 97.52 in lieu of the 150 foot minimum depth required in the R-A Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the September 23, 2020 meeting. Carried 7-0.] **Request for Deferral to the October 14, 2020 Meeting per Letter Dated August 31, 2020 from Maura Ziska.** Pg. 328
- h. **Z-20-00277 SITE PLAN REVIEW WITH VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of Robert and Barbara Satterfield, Applicants, relative to property located at **200 EVERGLADE AVE SUITE: A-2**, legal description on file, is described below. Site Plan Review and variance request to add a third story addition by enclosing a balcony on the south side on a non-conforming three-story multi-family building. The variances being requested are to enclose the balcony are as follows: 1. Section 134-948(8)c: A third story addition where only two stories maximum is allowed. 2. Section 134-948(8)c: A building height of 26.5 feet in lieu of the 23.5 foot maximum allowed. [Applicant's Representative: David E. Klein Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried 7-0.] Pg. 336

[The Architectural Review Commission approved the project as presented. Carried 7-0.]

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- i. **Z-20-00278 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of 346 Seaspray Avenue Trust dated May 9, 2020 (Guy Rabideau, Trustee), Applicant, relative to property located at **346 SEASPRAY AVE**, legal description on file, is described below. Applicant is proposing a 161 square foot addition to the existing loggia (which will be enclosed into a/c space); an 877 square foot two story addition to the northeast side of the property for a new garage and an upper level studio; and a 443 square foot pool loggia addition to the east side of the property. The following variances are being requested: Section 134-893(11): to allow a lot coverage of 30.3% in lieu of the 26.1% existing and the 30 percent maximum allowed in the R-B Zoning District. Section 134-893(13): to allow a cubic content ratio ("CCR") of 4.23 in lieu of the 3.57 existing CCR and the 4.11 CCR maximum allowed. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances, including the flood plain variance, will not cause negative architectural impact to the subject property. Motion carried 7-0.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]

- j. **Z-20-00279 SITE PLAN REVIEW** Zoning District: R-D(2) High Density Residential The application of The Cove Condominium Association, Inc., Applicant, relative to property located at **2784 S OCEAN BLVD**, legal description on file, is described below. The applicant is requesting site plan approval to install a 250 kW generator that will be located within an existing building. The proposed exhaust and towers are located on the front of the building (east elevation). Site plan review is required pursuant to 134-1729(2) (c) because the generator's output exceeds 100kW. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission approved the minor project as presented. Carried 7-0.]

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- k. **Z-20-00281 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-D(2) High Density Residential and R-C Medium Density Residential The application of CH HOTEL, LLC (Andrew and Sarah Wetenhall and Family), relative to property located at **135 HAMMON AVE, 152 HAMMON AVE, AND 155 HAMMON AVE**, legal description on file, is described below. Request for a modification to the previously approved Special Exception for the Colony hotel use to allow the relocation of the previously held events on the west side of the ballroom building to the new east garden. The use of the garden area east of the ballroom building shall be primarily used as a pre-function space such as wedding ceremonies and cocktail receptions -all to be used in conjunction with the ballroom building that was approved by the Town Council In 1986. The Colony Hotel is

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requesting the following terms to be approved: 1) All pre-function events or ceremonies in the garden will be concluded by 10:00 p.m. 2) There shall be only background music allowed or live music of no more four instruments. 3) There shall be no DJ music 4) Microphone use shall be allowed for officiant for wedding services or an individual making remarks. 5) The hotel will agree to install a custom designed in-ground sound system to abate noise. 6) The hotel will install a mutually agreeable privacy/landscape buffer along the eastern property line.
[Applicant's Representative: Maura Ziska Esq]

VIII. ORDINANCES

A. Second Reading

1. ORDINANCE 12-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 54, Historical Preservation, Town Code Of Ordinances, Article III, Certificate Of Appropriateness, Division 1, Generally, Section 54-71, Required, Subsection (f), Removing The Value Threshold For Minor Projects; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

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IX. ANY OTHER MATTERS

- A. Request to Suspend Annual Town-Serving Submittal Required for a Limited Number of Businesses and Clubs in the Town
- B. Discussion of the Planning & Zoning Commission's request to review zoning regulations for commercial and retail businesses
- C. Conflicts of Interest for ARCOM and LPC Commissioners

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X. ADJOURNMENT

- Note 1:** 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.
- Note 2:** 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.
- Note 3:** 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.
- Note 4:** All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday

before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website (townofpalmbeach.com).

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. The public also has the opportunity to speak to any item listed on the agenda, including the consent agenda, at the time the agenda item comes up for discussion.

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 Development Review on: September 9, 2020

Section of Agenda

Time Extensions

Agenda Title

Time Extension of Construction for 225 Worth Avenue

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated August 20, 2020 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Letter Dated August 7, 2020 from Maura Ziska**
- ▣ **Backup Relating to Time Extension for 225 Worth Avenue**

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 9, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building

Re: Waiver of Town Code Section 42-199, For Extended Working Hours at 225 Worth Avenue

Date: August 20, 2020

STAFF RECOMMENDATION

Staff recommends that the Town Council consider a request for an extension of the days for construction work that is underway at 225 Worth Avenue (owner - Love Is Next Door, LLC). If approved, staff recommends that it is conditioned upon the August 7, 2020 letter and attachments from Maura Ziska, Esq., in which she describes the details of the request.

Staff has notified the applicant that granting of extended working hours is the sole discretion of the Town Council.

GENERAL INFORMATION

The applicant is requesting an extension of time to complete renovations at 225 Worth Avenue. The project is currently at the framing stage. The applicant is requesting work hours throughout the prohibited winter season, which begins on November 1, through the beginning of January, 2021.

Ordinance 03-2018, passed by the Town Council on second reading on February 13, 2018, modified the construction working hours in the Town as follows:

Sec. 42-199. - Hours for construction work.

- (b) Limited. Beginning on the Monday preceding Thanksgiving, and during the months of December, January, February, March, and April of each year, construction work not otherwise prohibited by section 42-198 or other work resulting in noise tending to disturb the people in the vicinity thereof shall not begin until the hour of 8:00 a.m., and shall cease at the hour of 5:00 p.m., except Saturday, Sunday, and legal holidays, when all construction work is prohibited. In no event shall heavy equipment or other construction-related noise be permitted before 9:00 a.m. At all other times such work may commence at 8:00 a.m. and cease at the hour of 6:00 p.m., except Saturdays, Sundays and legal holidays, including the Friday immediately after Thanksgiving, when all construction work is restricted or prohibited. Construction work is permissible on Saturdays from May through the Monday preceding Thanksgiving, but subject to the following restrictions: work shall not begin until the hour of 9:00 a.m.*

and shall cease at the hour of 5:00 p.m.; all work must be quiet in nature during which all of the noise and machinery prohibitions identified in section 42-198 are applicable; material deliveries are prohibited in all cases unless the Building Official waives such restriction due to compelling circumstances; concrete pours and concrete sawing is prohibited unless the Building Official waives such restriction due to compelling circumstances; and the razing of buildings is prohibited, with the exception of non-mechanized debris clean-up. The permitted hours for construction work in the C-WA zoning district shall be from 8:00 a.m. until 8:00 p.m. during the months commencing May 1 and ending on October 31, except Sundays and legal holidays, when all construction work is prohibited.

(c) **Exceptions.**

- (5) The town council, in its discretion, for the benefit of the health, safety and welfare of the residents of the town may, by resolution, temporarily amend the hours for construction work referenced herein.

The applicant is requesting an extension of these working days to complete the restaurant renovation. The applicant was asked to notify surrounding property owners of the request and of the date of this meeting.

Staff recommends the Town Council consider the construction hour extension, as requested.

Attachment – Letter, with attachments, from Maura Ziska, Esq., dated August 7, 2020

WRB

cc: Ben Alma, Police Department

TOWN OF PALM BEACH

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and shall cease at the hour of 5:00 p.m.; all work must be quiet in nature during which all of the noise and machinery prohibitions identified in section 42-198 are applicable; material deliveries are prohibited in all cases unless the Building Official waives such restriction due to compelling circumstances; concrete pours and concrete sawing is prohibited unless the Building Official waives such restriction due to compelling circumstances; and the razing of buildings is prohibited, with the exception of non-mechanized debris clean-up. The permitted hours for construction work in the C-WA zoning district shall be from 8:00 a.m. until 8:00 p.m. during the months commencing May 1 and ending on October 31, except Sundays and legal holidays, when all construction work is prohibited.

(c) **Exceptions.**

- (5) The town council, in its discretion, for the benefit of the health, safety and welfare of the residents of the town may, by resolution, temporarily amend the hours for construction work referenced herein.

The applicant is requesting an extension of these working days to complete the restaurant renovation. The applicant was asked to notify surrounding property owners of the request and of the date of this meeting.

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WRB

cc: Ben Alma, Police Department

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Amy D. Bahl

*Also admitted in New York

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

August 7, 2020

VIA EMAIL

wbergman@townofpalmbeach.com

Mr. Wayne Bergman, Building Official
Town of Palm Beach
360 S County Road
Palm Beach, FL 33480

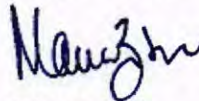
Re: Extension for construction time frame /225 Worth Avenue, Palm Beach, FL

Dear Wayne,

This letter shall serve as formal notice of the request for a waiver of the time schedule for completion of construction by the owner of 225 Worth Avenue, Palm Beach, Florida. Also enclosed is a construction schedule from Batten Construction. The reason for the delay and request for an extension is due to unforeseen due to COVID-19. The new completion date would be the beginning of January 2021. I have also included a copy of the letter that will be sent notifying the abutting property owners and the owners across the street from the project.

Please place this request on the September 9, 2020 Town Council agenda.

Respectfully,



Maura Ziska

MZ/jc
Enclosures
cc: Client

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

Amy D. Bahl

*Also admitted in New York

Esperanté

222 Lakeview Avenue, Suite 1500

West Palm Beach, Florida 33401

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

August 7, 2020

RE: 225 Worth Avenue, Palm Beach

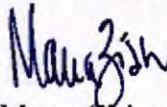
To Whom It May Concern:

A waiver of Town Ordinance 42-199, Hours of Construction, is being requested by 225 Worth Avenue, to allow work to continue during normal seasonal hours from November 1, 2020 through January 6, 2021. We would discontinue work during peak holiday times which include November 26-29, 2020; December 23-27, 2020, and from December 30, 2020-January 3, 2021.

This matter will be presented to the Town Council at the regularly-scheduled meeting on September 9, 2020. Any concerns regarding this matter should be expressed at this meeting.

This notice is required to be postmarked no later than 10 days prior to the regularly scheduled meeting.

Respectfully,



Maura Ziska



To: Town of Palm Beach Building Department
From: Greg Batten
Subject: 225 Worth Avenue Construction Schedule
Date: August 3, 2020

Demolition	4 Weeks	7/20/2020 - 8/14/2020
Framing	3 Weeks	9/01/2020 - 9/18/2020
Rough MEP	4 Weeks	9/07/2020 - 10/02/2020
Skylights/Roofing	1 Week	9/17/2020 - 9/21/2020
Storefronts	2 Weeks	10/12/2020 - 10/23/2020
Drywall Finishing	4 Weeks	10/05/2020 - 10/30/2020
Finishes	5 Weeks	11/01/2020 - 12/04/2020
Interior Doors	1 Weeks	12/5/2020 - 12/10/2020
Painting	3 Weeks	12/07/2020 - 12/24/2020
Final Mep	1 Week	12/28/2020 - 1/01/2021
Final Inspections	2 Days	1/04/2021 - 1/06/2021

Building upon a lifetime of experience

Batten Construction, Inc. • CGC #037317 • 1400 Clare Avenue • West Palm Beach, FL 33401 • T: 561-820-0027 • F: 561-820-1510 • www.battenco.com

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August 7, 2020

RE: 225 Worth Avenue, Palm Beach

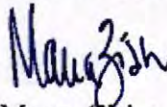
To Whom It May Concern:

A waiver of Town Ordinance 42-199, Hours of Construction, is being requested by 225 Worth Avenue, to allow work to continue during normal seasonal hours from November 1, 2020 through January 6, 2021. We would discontinue work during peak holiday times which include November 26-29, 2020; December 23-27, 2020, and from December 30, 2020-January 3, 2021.

This matter will be presented to the Town Council at the regularly-scheduled meeting on September 9, 2020. Any concerns regarding this matter should be expressed at this meeting.

This notice is required to be postmarked no later than 10 days prior to the regularly scheduled meeting.

Respectfully,



Maura Ziska



To: Town of Palm Beach Building Department
From: Greg Batten
Subject: 225 Worth Avenue Construction Schedule
Date: August 3, 2020

Demolition	4 Weeks	7/20/2020 - 8/14/2020
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TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 9, 2020

Section of Agenda

Time Extensions

Agenda Title

Time Extension of Construction for 247 Worth Avenue

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated August 20, 2020 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Letter Dated August 17, 2020 from Maura Ziska**
- ▣ **Backup Relating to Time Extension for 247 Worth Avenue**

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 9, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building

Re: Waiver of Town Code Section 42-199, For Extended Working Hours at 247 Worth Avenue

Date: August 20, 2020

STAFF RECOMMENDATION

Staff recommends that the Town Council consider a request for an extension of the days for construction work that is underway at 247 Worth Avenue (Le Bilboquet Restaurant). If approved, staff recommends that it is conditioned upon the August 17, 2020 letter and attachments from Maura Ziska, Esq., in which she describes the details of the request.

Staff has notified the applicant that granting of extended working hours is the sole discretion of the Town Council.

GENERAL INFORMATION

The applicant is requesting an extension of time to complete renovations at the new Le Bilboquet Restaurant, 247 Worth Avenue. The applicant is requesting work hours throughout the prohibited winter season, which begins on November 1, through the beginning of January, 2021. The restaurant renovation will continued to be accessed by the contractors only from the Apollo Parking Lot and no construction should be visible from Worth Avenue, or from the small Via leading back to the building.

Ordinance 03-2018, passed by the Town Council on second reading on February 13, 2018, modified the construction working hours in the Town as follows:

Sec. 42-199. - Hours for construction work.

- (b) Limited. Beginning on the Monday preceding Thanksgiving, and during the months of December, January, February, March, and April of each year, construction work not otherwise prohibited by section 42-198 or other work resulting in noise tending to disturb the people in the vicinity thereof shall not begin until the hour of 8:00 a.m., and shall cease at the hour of 5:00 p.m., except Saturday, Sunday, and legal holidays, when all construction work is prohibited. In no event shall heavy equipment or other construction-related noise be permitted before 9:00 a.m. At all other times such work may commence at 8:00 a.m. and cease at the hour of 6:00 p.m., except Saturdays, Sundays and legal holidays,*

including the Friday immediately after Thanksgiving, when all construction work is restricted or prohibited. Construction work is permissible on Saturdays from May through the Monday preceding Thanksgiving, but subject to the following restrictions: work shall not begin until the hour of 9:00 a.m. and shall cease at the hour of 5:00 p.m.; all work must be quiet in nature during which all of the noise and machinery prohibitions identified in section 42-198 are applicable; material deliveries are prohibited in all cases unless the Building Official waives such restriction due to compelling circumstances; concrete pours and concrete sawing is prohibited unless the Building Official waives such restriction due to compelling circumstances; and the razing of buildings is prohibited, with the exception of non-mechanized debris clean-up. The permitted hours for construction work in the C-WA zoning district shall be from 8:00 a.m. until 8:00 p.m. during the months commencing May 1 and ending on October 31, except Sundays and legal holidays, when all construction work is prohibited.

(c) **Exceptions.**

- (5) The town council, in its discretion, for the benefit of the health, safety and welfare of the residents of the town may, by resolution, temporarily amend the hours for construction work referenced herein.

The applicant is requesting an extension of these working days to complete the restaurant renovation. The applicant was asked to notify surrounding property owners of the request and of the date of this meeting.

Staff recommends the Town Council consider the construction hour extension, as requested.

Attachment – Letter, with attachments, from Maura Ziska, Esq., dated August 17, 2020

WRB

cc: Ben Alma, Police Department

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Amy D. Bahl
*Also admitted in New York

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

August 17, 2020

VIA EMAIL

wbergman@townofpalmbeach.com

Mr. Wayne Bergman, Building Official
Town of Palm Beach
360 S County Road
Palm Beach, FL 33480

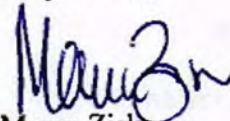
Re: Extension for construction time frame /247 Worth Avenue, Palm Beach, FL

Dear Wayne,

This letter shall serve as formal notice of the request for a waiver of the time schedule for completion of construction by the owner of 247 Worth Avenue, Palm Beach, Florida. Also enclosed is a construction schedule from Batten Construction. The reason for the delay and request for an extension is due to unforeseen events due to COVID-19. The new completion date would be the beginning of January 2021. I have also included a copy of the letter that will be sent notifying the abutting property owners and the owners across the street from the project.

Please place this request on the September 9, 2020 Town Council agenda.

Respectfully,



Maura Ziska

MZ/jc
Enclosures
cc: Client



To: Town of Palm Beach Building Department
From: Greg Batten
Subject: 247 Worth Ave "Le Bilboquet" Construction Schedule
Date: August 7, 2020

Elevator Shell and Structural modifications	4 Weeks	6/20/2020 - 8/10/2020
Interior Framing	2 Weeks	9/01/2020 - 9/11/2020
Rough Mechanical- Electrical- Plumbing	4 Weeks	9/07/2020 - 10/02/2020

Monday September 7th Labor Day No Work

Windows and Storefronts	2 Weeks	10/3/2020 - 10/16/2020
Drywall Finishing	4 Weeks	10/05/2020 - 10/30/2020
Finish Carpentry and Flooring	5 Weeks	11/01/2020 - 12/04/2020
Landscaping	2 Weeks	11/9/2020 - 11/20/2020

Wednesday Nov 11th Veterans Day No Work

Exterior Substantial Completion November 21

Thursday and Friday Nov 26th & 27th TOPB Holidays No Work

Interior Doors and Millwork	1 Weeks	12/5/2020 - 12/10/2020
Painting and Interior Decoration	3 Weeks	12/07/2020 - 12/24/2020
Kitchen Equipment Install	2 Weeks	12/7/2020 - 12/21/2020

December 24th Quiet Work and December 25th No Work

Final Trim-Out & Final Inspections	1 Week	12/28/2020 - 1/01/2021
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KOCHMAN & ZISKA PLC

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Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

August 17, 2020

RE: 247 Worth Avenue, Palm Beach

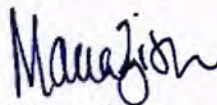
To Whom It May Concern:

A waiver of Town Ordinance 42-199, Hours of Construction, is being requested by 247 Worth Avenue, to allow work to continue during normal seasonal hours from November 1, 2020 through December 30, 2020. We would discontinue work during peak holiday times which include September 7, 2020; November 11, 2020; November 26-29, 2020; and from December 25-27, 2020.

This matter will be presented to the Town Council at the regularly-scheduled meeting on September 9, 2020. Any concerns regarding this matter should be expressed at this meeting.

This notice is required to be postmarked no later than 10 days prior to the regularly scheduled meeting.

Respectfully,



Maura Ziska

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 9, 2020

Section of Agenda

Time Extensions

Agenda Title

Time Extension of Construction for 243B Worth Avenue

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated August 27, 2020 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Letter Dated August 27, 2020 from Maura Ziska**

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 9, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building

Re: Waiver of Town Code Section 42-199, For Extended Working Hours
at 243B Worth Avenue

Date: August 27, 2020

STAFF RECOMMENDATION

Staff recommends that the Town Council consider a request for an extension of the days for construction work that is underway at 243B Worth Avenue (owner - 237-243 Worth Avenue LTD Partnership). If approved, staff recommends that it is conditioned upon the August 27, 2020 letter and attachments from Maura Ziska, Esq., in which she describes the details of the request.

Staff has notified the applicant that granting of extended working hours is the sole discretion of the Town Council.

GENERAL INFORMATION

The applicant is requesting an extension of time to complete renovations at 243B Worth Avenue. The project is currently at the framing stage. The applicant is requesting work hours throughout the prohibited winter season, which begins on November 1, through the beginning of January, 2021. The proposed completion date is mid-December, 2020.

Ordinance 03-2018, passed by the Town Council on second reading on February 13, 2018, modified the construction working hours in the Town as follows:

Sec. 42-199. - Hours for construction work.

- (b) *Limited. Beginning on the Monday preceding Thanksgiving, and during the months of December, January, February, March, and April of each year, construction work not otherwise prohibited by section 42-198 or other work resulting in noise tending to disturb the people in the vicinity thereof shall not begin until the hour of 8:00 a.m., and shall cease at the hour of 5:00 p.m., except Saturday, Sunday, and legal holidays, when all construction work is prohibited. In no event shall heavy equipment or other construction-related noise be permitted before 9:00 a.m. At all other times such work may commence at 8:00 a.m. and cease at the hour of 6:00 p.m., except Saturdays, Sundays and legal holidays, including the Friday immediately after Thanksgiving, when all construction work is restricted or prohibited. Construction work is permissible on Saturdays from May through the Monday preceding*

Thanksgiving, but subject to the following restrictions: work shall not begin until the hour of 9:00 a.m. and shall cease at the hour of 5:00 p.m.; all work must be quiet in nature during which all of the noise and machinery prohibitions identified in section 42-198 are applicable; material deliveries are prohibited in all cases unless the Building Official waives such restriction due to compelling circumstances; concrete pours and concrete sawing is prohibited unless the Building Official waives such restriction due to compelling circumstances; and the razing of buildings is prohibited, with the exception of non-mechanized debris clean-up. The permitted hours for construction work in the C-WA zoning district shall be from 8:00 a.m. until 8:00 p.m. during the months commencing May 1 and ending on October 31, except Sundays and legal holidays, when all construction work is prohibited.

(c) **Exceptions.**

- (5) The town council, in its discretion, for the benefit of the health, safety and welfare of the residents of the town may, by resolution, temporarily amend the hours for construction work referenced herein.

The applicant is requesting an extension of these working days to complete the renovation. The applicant was asked to notify surrounding property owners of the request and of the date of this meeting.

Staff recommends the Town Council consider the construction hour extension, as requested.

Attachment – Letter, with attachments, from Maura Ziska, Esq., dated August 27, 2020

WRB

cc: Ben Alma, Police Department

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Amy D. Bahl

*Also admitted in New York

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

August 27, 2020

VIA EMAIL

wbergman@townofpalmbeach.com

Mr. Wayne Bergman, Building Official
Town of Palm Beach
360 S County Road
Palm Beach, FL 33480

Re: Extension for construction time frame /243B Worth Avenue, Palm Beach, FL

Dear Wayne,

This letter shall serve as formal notice of the request for a waiver of the time schedule for completion of construction by the owner of 243B Worth Avenue, Palm Beach, Florida. Also enclosed is a construction schedule from Batten Construction. The reason for the delay and request for an extension is due to unforeseen events due to COVID-19. The new completion date would be the middle of December 2020. I have also included a copy of the letter that will be sent notifying the abutting property owners and the owners across the street from the project.

Please place this request on the September 9, 2020 Town Council agenda.

Respectfully,



Maura Ziska

MZ/jc
Enclosures
cc: Client

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Amy D. Bahl
*Also admitted in New York

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222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

August 27, 2020

RE: 243B Worth Avenue, Palm Beach

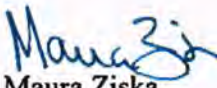
To Whom It May Concern:

A waiver of Town Ordinance 42-199, Hours of Construction, is being requested by 243B Worth Avenue, to allow work to continue during normal seasonal hours from November 1, 2020 through December 14, 2020. We would discontinue work during peak holiday times which includes November 26-29, 2020.

This matter will be presented to the Town Council at the regularly-scheduled meeting on September 9, 2020. Any concerns regarding this matter should be expressed at this meeting.

This notice is required to be postmarked no later than 10 days prior to the regularly scheduled meeting.

Respectfully,


Maura Ziska

Valentina Kova

Act ID	Description	Orig Dur	Early Start	Early Finish	%	WEEK	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
1000	Mobilization	3d	24AUG20	26AUG20	0																								
1010	Framing	7d	27AUG20	04SEP20	0																								
1020	MEP Rough In	15d	08SEP20	28SEP20	0																								
1030	Insulation	1d	29SEP20	29SEP20	0																								
1040	Drywall	12d	30SEP20	15OCT20	0																								
1050	Wood Flooring	10d	16OCT20	29OCT20	0																								
1060	Wood Trim & Doors	4d	30OCT20	04NOV20	0																								
1070	Painting	10d	05NOV20	19NOV20	0																								
1080	MEP Trim & Fixtures	8d	20NOV20	03DEC20	0																								
1090	Inspections & Punch List	7d	04DEC20	14DEC20	0																								

Start date 24AUG20
 Finish date 14DEC20
 Data date 24AUG20
 Run date 20AUG20
 Page number 1A



- Early bar
- Progress bar
- Critical bar
- Summary bar
- Start milestone point
- Finish milestone point

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Maura A. Ziska

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Esperanté

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Facsimile: (561) 802-8995

August 27, 2020

VIA EMAIL

wbergman@townofpalmbeach.com

Mr. Wayne Bergman, Building Official
Town of Palm Beach
360 S County Road
Palm Beach, FL 33480

Re: Extension for construction time frame /243B Worth Avenue, Palm Beach, FL

Dear Wayne,

This letter shall serve as formal notice of the request for a waiver of the time schedule for completion of construction by the owner of 243B Worth Avenue, Palm Beach, Florida. Also enclosed is a construction schedule from Batten Construction. The reason for the delay and request for an extension is due to unforeseen events due to COVID-19. The new completion date would be the middle of December 2020. I have also included a copy of the letter that will be sent notifying the abutting property owners and the owners across the street from the project.

Please place this request on the September 9, 2020 Town Council agenda.

Respectfully,



Maura Ziska

MZ/jc

Enclosures

cc: Client

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
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Telephone: (561) 802-8960
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August 27, 2020

RE: 243B Worth Avenue, Palm Beach

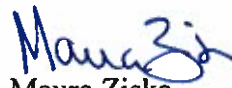
To Whom It May Concern:

A waiver of Town Ordinance 42-199, Hours of Construction, is being requested by 243B Worth Avenue, to allow work to continue during normal seasonal hours from November 1, 2020 through December 14, 2020. We would discontinue work during peak holiday times which includes November 26-29, 2020.

This matter will be presented to the Town Council at the regularly-scheduled meeting on September 9, 2020. Any concerns regarding this matter should be expressed at this meeting.

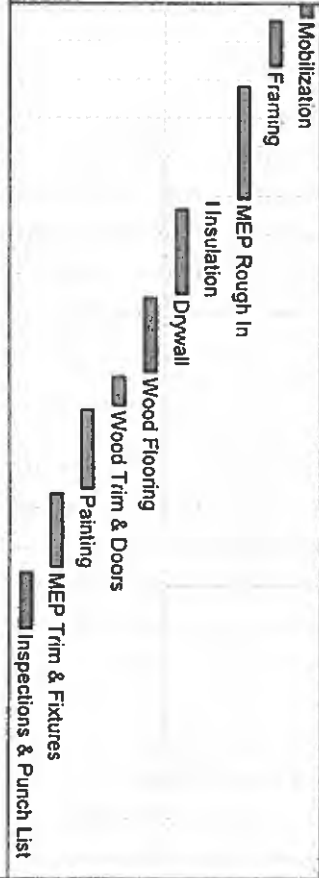
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Start date 24AUG20
 Finish date 14DEC20
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 Page number 1A



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- Critical bar
- Summary bar
- Start milestone point
- Finish milestone point

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 9, 2020

Section of Agenda

Time Extensions

Agenda Title

Time Extension of Construction for 313 and 313.5 Worth Avenue

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated August 31, 2020 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Letter Dated August 31, 2020 from Maura Ziska**
- ▣ **Backup Relating to Time Extension for 313 and 313.5 Worth Avenue**

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 9, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building

Re: Waiver of Town Code Section 42-199, For Extended Working Hours
at 313 & 313.5 Worth Avenue

Date: August 31, 2020

STAFF RECOMMENDATION

Staff recommends that the Town Council consider a request for an extension of the days for construction work that is underway at 313 & 313.5 Worth Avenue (Via Bice). If approved, staff recommends that it is conditioned upon the August 31, 2020 letter and attachments from Maura Ziska, Esq., in which she describes the details of the request.

Staff has notified the applicant that granting of extended working hours is the sole discretion of the Town Council.

GENERAL INFORMATION

The applicant is requesting an extension of time to complete renovations at 313 & 313.5 Worth Avenue. The project involves interior and exterior work. The applicant is requesting work hours throughout the prohibited winter season, which begins on November 1, through the beginning of January, 2021. The proposed completion date is the end of December, 2020.

Ordinance 03-2018, passed by the Town Council on second reading on February 13, 2018, modified the construction working hours in the Town as follows:

Sec. 42-199. - Hours for construction work.

- (b) Limited. Beginning on the Monday preceding Thanksgiving, and during the months of December, January, February, March, and April of each year, construction work not otherwise prohibited by section 42-198 or other work resulting in noise tending to disturb the people in the vicinity thereof shall not begin until the hour of 8:00 a.m., and shall cease at the hour of 5:00 p.m., except Saturday, Sunday, and legal holidays, when all construction work is prohibited. In no event shall heavy equipment or other construction-related noise be permitted before 9:00 a.m. At all other times such work may commence at 8:00 a.m. and cease at the hour of 6:00 p.m., except Saturdays, Sundays and legal holidays, including the Friday immediately after Thanksgiving, when all construction work is restricted or prohibited. Construction work is permissible on Saturdays from May through the Monday preceding*

Thanksgiving, but subject to the following restrictions: work shall not begin until the hour of 9:00 a.m. and shall cease at the hour of 5:00 p.m.; all work must be quiet in nature during which all of the noise and machinery prohibitions identified in section 42-198 are applicable; material deliveries are prohibited in all cases unless the Building Official waives such restriction due to compelling circumstances; concrete pours and concrete sawing is prohibited unless the Building Official waives such restriction due to compelling circumstances; and the razing of buildings is prohibited, with the exception of non-mechanized debris clean-up. The permitted hours for construction work in the C-WA zoning district shall be from 8:00 a.m. until 8:00 p.m. during the months commencing May 1 and ending on October 31, except Sundays and legal holidays, when all construction work is prohibited.

(c) **Exceptions.**

- (5) The town council, in its discretion, for the benefit of the health, safety and welfare of the residents of the town may, by resolution, temporarily amend the hours for construction work referenced herein.

The applicant is requesting an extension of these working days to complete the renovation. The applicant was asked to notify surrounding property owners of the request and of the date of this meeting.

Staff recommends the Town Council consider the construction hour extension, as requested.

Attachment – Letter, with attachments, from Maura Ziska, Esq., dated August 31, 2020

WRB

cc: Ben Alma, Police Department

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Amy D. Bahl

*Also admitted in New York

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

August 31, 2020

VIA EMAIL

wbergman@townofpalmbeach.com

Mr. Wayne Bergman, Building Official
Town of Palm Beach
360 S County Road
Palm Beach, FL 33480

Re: Extension for construction time frame /Via Bice – 313 Worth Ave. 313.5, Palm Beach, FL

Dear Wayne,

This letter shall serve as formal notice of the request for a waiver of the time schedule for completion of construction by the owner of 313 Worth Ave. 313.5, Palm Beach, Florida. Also enclosed is a construction schedule from Batten Construction. The reason for the delay and request for an extension is due to unforeseen events due to COVID-19. The new completion date would be the end of December 2020. I have also included a copy of the letter that will be sent notifying the abutting property owners and the owners across the street from the project.

Please place this request on the October 14, 2020 Town Council agenda.

Respectfully,



Maura Ziska

MZ/jc
Enclosures
cc: Client



Schedule for Via Bice

Date 8/20/20

Aug 20 th – Oct 30 th	Continue Drainage, Rough Electric & Stucco Patching
Aug 20 th Dec 31 st	Continue Paver Install to completion
Nov 2 nd – Nov 6 th	Storefront
Nov 9 th – Nov 13 th	Drywall/Stucco Patch @ Storefront
Sept 21 st – Nov 20 th	Fountain Work & Trellis
Sept 21 st – Nov 30 th	Decorative Arch – Manufacture & Install
Nov 9 th – Dec 30 th	Painting & Electric Trim
Dec 1 st – Dec 18 th	Landscaping & Irrigation
Dec 31 st	Final Inspections

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KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Amy D. Bahl
*Also admitted in New York

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

August 31, 2020

RE: 313 Worth Avenue 313.5, Palm Beach

To Whom It May Concern:

A waiver of Town Ordinance 42-199, Hours of Construction, is being requested by Via Bice Worth Avenue LLC, to allow work to continue during normal seasonal hours from November 1, 2020 through December 31, 2020. We would discontinue work during peak holiday times which includes November 26-29, 2020; December 23-27, 2020, and from December 30, 2020-December 31, 2020.

This matter will be presented to the Town Council at the regularly-scheduled meeting on October 14, 2020. Any concerns regarding this matter should be expressed at this meeting.

This notice is required to be postmarked no later than 10 days prior to the regularly scheduled meeting.

Respectfully,



Maura Ziska

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 9, 2020

Section of Agenda

Development Review - Old Business

Agenda Title

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 7-0.] [The Landmarks Preservation Commission approved the project as presented with the condition that the homeowner voluntarily grants the utility easement. Carried 7-0] **Request for Deferral to the October 14, 2020 Meeting per Email Dated September 1, 2020 from Jennifer Naegele.**

-

Presenter

ATTACHMENTS:

- ▣ **Email Dated September 1, 2020 from Jennifer Naegele**
- ▣ **Memorandum Dated June 26, 2020 from Wayne Bergman, Acting Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**
- ▣ **Letter Received January 8, 2020 from Ellen Cunningham**
- ▣ **Letter Received February 4, 2020 from Martha Schar**
- ▣ **Letter Received March 10, 2020 from Monika Preston**
- ▣ **Email Received March 11, 2020 from Myrna Partrich**
- ▣ **Letter Received March 18, 2020 from Sally Ross Soter**
- ▣ **Letter Received May 13, 2020 from Jill Glazer**
- ▣ **Email Received July 7, 2020 from Craig Omtvedt**
- ▣ **Email Dated July 9, 2020 from Jill Glazer**
- ▣ **Email Dated July 9, 2020 from Francis Lynch**
- ▣ **Email Dated July 11, 2020 from Charlotte Beers**
- ▣ **Letter Dated July 13, 2020 from M. Tim Hanlon**
- ▣ **Email Dated July 13, 2020 from Francis Lynch**
- ▣ **Email Dated July 15, 2020 from Spencer Partrich**

From: [Wayne Bergman](#)
To: [Kelly Churney](#)
Cc: [Paul Castro](#); [Laura Groves van Onna](#); [Bradley Falco](#); [John \(Skip\) C. Randolph](#); [Legal](#); [Town Attorney](#); [Maura Ziska \(MZiska@floridawills.com\)](#); [Jackie Albarran](#)
Subject: 70 Middle Road Deferral
Date: Tuesday, September 01, 2020 3:33:30 PM

Kelly – I view this a deferral request for 70 Middle Road. Skip Randolph has already opined that during the pandemic we should not require an owner to physically appear or participate in a Town meeting to make these types of requests.

Bullet point 1 below indicates the owner will be providing the deferral in writing. There may be a more formal letter in the works, but if not I find this message acceptable.

Bullet point 12 appears to be the request to defer, although the requested time period is “until the Covid catastrophe is behind us” or until the owner feels at ease to reschedule.

Please forward this along to the Mayor and Town Council, although it seems they were copied already.

Wayne Bergman, MCP, LEED-AP
Director

Town of Palm Beach
Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6426
Mobile: 561-232-7406
www.townofpalmbeach.com

P.S. Don't forget to complete the 2020 Census Questionnaire and Be Counted before the September 30th deadline.

Visit: <https://www.2020census.gov/>

Or Call: [844-330-2020](tel:844-330-2020)

From: S M <2ordernow@gmail.com>
Sent: Tuesday, September 01, 2020 3:14 PM
To: Paul Castro <PCastro@TownofPalmBeach.com>; John (Skip) C. Randolph <JRandolph@jonesfoster.com>; Wayne Bergman <wbergman@TownOfPalmBeach.com>; Kelly Churney <KChurney@TownofPalmBeach.com>; Laura Groves van Onna <lvanonna@TownOfPalmBeach.com>; Bradley Falco <bfalco@TownOfPalmBeach.com>
Cc: Gail Coniglio <GConiglio@TownofPalmBeach.com>; Margaret Zeidman <MZeidman@TownofPalmBeach.com>; Lew Crampton <lcrampton@TownOfPalmBeach.com>; Julie Araskog <jaraskog@TownOfPalmBeach.com>; Bobbie Lindsay <BLindsay@TownofPalmBeach.com>; RENE SILVIN <rrsilvin@aol.com>; edward.cooney@gmail.com; Human Resources <HumanResources@TownofPalmBeach.com>; Pat Gayle-Gordon <PGayle-Gordon@TownofPalmBeach.com>; Gail Coniglio <GConiglio@TownofPalmBeach.com>

Subject: Re: 70 Middle Road: Deferral Notification in response to Paul Castro's letter dated 8/31/20 (attached)

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

To: Paul Castro, Brad Falco, Skip Randolph
cc: Wayne Bergman, Kelly Churney, Laura Groves Van Onna, Gail Coniglio, Margaret Zeidman, Lew Crampton, Julie Araskog, Bobbie Lindsay, Rene Silvin, Ted Cooney,

From: Jennifer Naegele 9/1/20
Re: 70 Middle Road: Deferral Notification in response to Paul Castro's letter dated 8/31/20 (attached)

Dear Paul, Brad and Skip,

1) Due to the global COVID pandemic and my lack of real time tech-knowledge, I will be providing my explanation in WRITING regarding my request to DELAY my Variance Request Z-19-00236 for the following reasons:

2) I will be unable to participate in the virtual ZOOM meeting ON SEPTEMBER 9TH, 2020; I am extremely un- skilled in real time tech-knowledge (and, as previously stated, I am preserving the record with my written response); to include requesting that my DUE PROCESS RIGHTS are NOT FURTHER DENIED or VIOLATED.)

3) Due to the global COVID pandemic, I do not feel comfortable allowing a “zoom technician” into my home for a “zoom tutorial” -- being 12 inches away from said “zoom technician”/ “SILENT COVID CARRIER” (for fear of infection)!!

4) I have known 2 entire households-- to include 1 of my employees—in Palm Beach – that have been stricken with the deadly COVID virus ; who are STILL suffering “post COVID” related illness; i.e. myocarditis , critical lung damage, heart arrhythmia etc.

5) The TPB just closed all the beaches for Labor Day 2020; in fear of yet another deadly COVID outbreak occurring.

6) Therefore, “Sustaining Life” is my only priority at this moment in time.

7) If required, I will provide a doctor's note for said absence; so as to avoid my “RISK OF INFECTION”.

8) Also, due to the global COVID pandemic, I am unable to obtain legal representation at this time. I will need to interview lawyers in person (so MY DUE PROCESS is NOT DENIED ; as it has been in the past). I am unwilling to risk catching COVID-- to obtain legal representation --- for my Variance Request Z-19-00236 (since my Variance Request has already been delayed because of the LANDMARK FRAUD since JANUARY 22ND, 2020.)

9) I will also need to obtain and interview “Expert Witnesses” to “Prove Hardship” and support my desire to “Improve Livability” of the LANDMARKED HOUSE.

10) Skip Randolph had already spoken in “Code” that Town Council Members can opt to DENY my Variance Request for “Lack of Hardship/ Spite”; if so desired. Therefore, I will need time to find qualified rebuttal witnesses to discredit said individuals who require me to “PROVE hardship” and to support my desire to “Improve Livability” of the LANDMARKED HOUSE.

11) Multiple hours of analysis and study will be required to prepare for said laborious endeavor before Variance Request Z-19-00236 is heard before the Town Council (so MY DUE PROCESS is NOT DENIED--AGAIN).

12) Therefore, since my Project has already been delayed since my 1st Landmark Approval was ILLEGALLY REVERSED AND SABOTAGED—on January 22, 2020, I will delay my Variance Request –until the “COVID Catastrophe” is behind us (or until at which time I feel at ease to schedule Variance Request Z-19-00236 before the Town Council.).

13) My due process has already been denied with my 1st Landmark Approval being illegally REVERSED, therefore, I request that my “due process” is NOT DENIED again -- and that my Variance Request is delayed until FURTHER NOTICE (due to to the global COVID pandemic).

14) I will also continue to REQUEST that my 1st LANDMARK APPROVAL is REINSTATED before my VARIANCE REQUEST Z-19-00236 is heard before the Town Council (so MY DUE PROCESS DOES NOT CONTINUE TO BE DENIED).

Thank you for your assistance.

Jennifer Naegele

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2020

To: Mayor and Town Council

From: Wayne Bergman, Acting Director, Planning, Zoning & Building Department

Subject: **Z-19-00236 VARIANCE(S)**
70 MIDDLE RD

Date: June 26, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

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.

ADDRESS: 70 MIDDLE RD

OWNER: NAEGELE JENNIFER J

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-26-03-000-0621

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: SINGER ADD S 3 FT OF W 81 FT OF LT
62, LTS 63, 64 & E 10 FT OF LT 79

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Page Two

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 12/9/19

APPLICATION NO.: Z-19-00236 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 70 MIDDLE RD

DESCRIPTION:

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.
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- 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.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Acting Director, Planning, Zoning & Building	12/16/2019	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	2/4/2020	Contact Steven Stern (561) 227-6307 regarding an acceptable easement for undergrounding for the property. Applicant shall be responsible for the cost of relocating the existing trees within the rights-of-way should the proposed work impact them. Trees need to be shown on plans. The curb for the limits of Middle Road, due to the driveway relocations, will need to be replaced. Coordinate work with Public Works.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	12/16/2019	Stormwater Management System proposed for the site meets the Town's level of service.
PZB DIRECTOR	Wayne Bergman, Acting Director, Planning, Zoning & Building	12/16/2019	No comments



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 12/9/19

PZB - ZONING	Paul Castro, Zoning Administrator	2/3/2020	There are several small additions proposed to this landmark home. I have no comments on the proposed variances.
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40 Middle Road

Palm Beach, Florida 33480

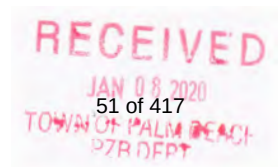
Landmarks and Preservation Commission

Town of Palm Beach

I am writing to object to application COA 002 2020. The owner of 70 Middle Rd requests approval to work on her house and yard. I know she has 3 open permits now and has current code violations. Hurricane shutters are still on rear windows and pool water is dark green and filthy. She has had a dumpster in front for years, many trucks in front and a Worth Ave. Builder sign by road. These were removed this summer but if she obtains a new permit I am afraid we will be looking at an unsightly yard for years.

Sincerely

Ellen Cunningham



550 S. Ocean Blvd.
Palm Beach, Florida

February 4, 2020

Re: Application for Variances at 70 Middle Road

Mayor Coniglio and Members of the Town Council
Town of Palm Beach

We are writing to request the discussion of the zoning variances requested by the owner of 70 Middle Road, application COA #002-2020, be deferred to a later Town Council meeting. The application is scheduled to be brought before the Town Council next week on February 12, but it seems something went awry with the notifications to neighbors living within 300 feet.

We certainly don't know all of our neighbors, but we did not receive the certified letter of notification and neither did any of other five neighbors we have asked. We think it is reasonable to send out notifications again and allow the neighbors time to review the owner's plans.

We look forward to the owner improving her home at 70 Middle Road, but we are also concerned we may be looking at a dumpster in front of the house for multiple years again. Should the Town Council approve remodeling work at 70 Middle Road and given the history of long delays in making improvements to the property, we request the Town Council require a detailed time schedule with appropriate deadlines for EACH item of work and add an incentive for getting the work done by the scheduled due dates.

Thank you for your consideration.

Martha and Dwight Schar

Monika and John Preston
25 Middle Road
Palm Beach, FL 33480

Re: Presentation for 70 Middle Road
March 10, 2020

Members of the Town Council and Landmark Preservation
Commission,

We have met with the architect for 70 Middle Road and have
reviewed the plans. We are in total support of the project as
presented.

Sincerely,
Monika and John Preston

A handwritten signature in dark ink, consisting of a long horizontal line with a small loop at the end, and a vertical line extending upwards from the middle of the horizontal line.

From: [Myrna Partrich](#)
To: [Kelly Churney](#)
Subject: 70 Middle Rd. Construction
Date: Wednesday, March 11, 2020 12:31:02 PM

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Re: Landmark and Variance approvals for 70 Middle Rd.

Landmark Commission
Town Council Members

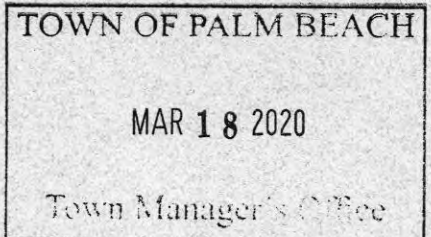
We are writing in reference to the presentation plans for 70 Middle Rd. We have reviewed the plans with the architect. The restoration is magnificent, and we are very excited about this project coming to fruition. We would like to support this restoration and variances as presented.

We appreciate the amount of work that the architect has invested her time into making this house so beautiful.

We love our street!

Sincerely yours,
Myrna and Spencer Partrich
22 Middle Rd.

*Sally Ross Soter
198 via Marina
Palm Beach,
Florida 33480*



March 16, 2020

*The Honorable Gail L. Coniglio
The Mayor of Palm Beach
360 South County Road
Palm Beach, Florida 33480*

Dear Mayor Coniglio,

My husband, William Soter, and I have had great concerns about Jennifer J. Naegele's plans for the restoration of 70 Middle Road, Palm Beach, Florida. For years, we and others have endured people coming and going, messy dumpsters, garage doors open, shutters up at windows all year long, and unkempt grounds. It has been a mess.

When the notice came regarding the Landmarks Preservation Commission application and the Zoning Application to be heard by the Town Council on April 15, 2020, we became worried about the placement of the generator facing via Marina. Jacqueline Albarran, an architect with SKA Architect + Planner met with me. She shared the plans and we walked the area. We do not believe that we have any concerns regarding the placement of the generator according to the plans that I saw the beginning of March.

However, we have concerns about the shrubbery facing via Marina. It is all old and too many different kinds mixed in together. There is no ground cover, but dirty sand and poor sidewalks.

We are pleased that we were able to see the plans for the generator, for there were so many stories. We hope that Ms. Naegele will follow the rules set by the Town Council of Palm Beach and will maintain a neat and clean construction site, for this has not been the case for the last four or more years.

Sincerely,

Sally
Sally Ross Soter

Town of Palm Beach
Town Council and Landmarks Preservation Commission
360 S. County Road
Palm Beach, FL 33480

May 13, 2020

RE: 70 Middle Road Variance request

Dear Commissioners,

I am contacting you in support of the variance request for the location of the generator at 70 Middle Road.

We own the property at 195 Via Marina, immediately to the west of 70 Middle Road and are probably the neighbor most affected by the generator variance request.

We have had several meetings on site, have walked the property with the architect and landscape architect.

We are in support of the proposed generator variance, provided the following are met:

1. The application, as presently before you, represents the full scope of the project that will be undertaken. The applicant will not be coming back to you seeking additional approvals.

2. There is a defined timeline for completion that is reasonable, that the applicant is held to and is enforced. This house has been under construction for the last four years and we would like to see it completed as soon as possible.

3. The generator meets all soundproofing and decibel readings as required by town code.

4. All dumpsters, portable toilets, and other construction equipment are completely screened behind fencing and/or landscaping.

5. The new landscape buffer will completely screen the house, equipment and generator upon completion.

Thank you for your consideration of this matter.

Sincerely,

From: [Craig Omtvedt](#)
To: [Margaret Zeidman](#); [Lew Crampton](#); [Gail Coniglio](#); [Bobbie Lindsay](#); [Julie Araskog](#); [Kelly Churney](#); [Richard Rene Silvin](#); [Wayne Bergman](#); [Steven Stern](#)
Cc: [Martha Schar](#); [Charlotte Lowe](#); [Charlotte Beers](#); [Greg Dryer](#); [Sarah Soter \(srsoter@gmail.com\)](#); [Jill Glazer](#); [ellencunningham@mac.com](#); [susanisbishop@gmail.com](#); [Peter wood](#); [Adam Bulmer](#); [John Preston](#); [cochran63@mac.com](#)
Subject: Fwd: Transformer Easement
Date: Tuesday, July 07, 2020 5:03:52 PM

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Mayor, Town Council Members, and ARCOM members,

I am writing today regarding the various current town matters related to 70 Middle Rd. Specifically, three items:

1. Request for 5 variance approvals
2. What will be the allowed timeframe for completion of the planned remodeling work
3. Sorting out the required transformer service and transformer placement

Having spoken with or seen correspondence from more than 10 of our neighbors bordering Jennifer's property or in the vicinity on Middle Rd, this is a matter of grave concern and interest to all of us. Additionally, despite our repeated attempts to engage in constructive conversation with Jennifer, all attempts have been met with ranting emails that have taken us nowhere. We need your help!

All of this said, I am aware that many, if not all of you, have received similar correspondence from her. Sad.

I offer the following:

1. Variance Approval

As I and others assume you will, please ensure the requested variances are truly necessary and will add to the beauty and architectural aesthetic of the neighborhood.

2. Construction Timeline

The neighborhood has endured years of worker vehicles and dumpsters at 70 Middle Rd. While I am aware that Jennifer has had health issues to deal with both personally and among family members, it only partially excuses the lack of responsible management and consideration of the neighborhood.

3. Transformer requirement and Placement

First, let me say how gracious and helpful Steve Stern has been in helping me understand the issues and possible options.

That said, having had numerous conversations with Steve to understand the issues and possible options, it is clear that Jennifer

has not taken the time or put forth the effort to properly consider what best serves both her and the neighborhood

Please note the attached email and attachments sent to Jennifer, her lawyer and architect on June 30th. A few points of emphasis:

1. Jennifer's electric meter calls for a three phase open delta transformer. As such, she can't be serviced by other transformers in the area. Regardless, as you will note, there is at least one reasonable option for a transformer on her property, maybe more. Also, the transformer will serve only her property. She would not be doing this for the greater good.
2. Jennifer refers to a Via Marina Chicane as life saving. Ridiculous. As you all know, Via Marina is a short street with minimal traffic and stop signs east and west at its intersection with Middle Rd.

In closing, let me highlight that our neighborhood is the result of the town's foresight to landmark properties and its investment to maintain the beauty and aesthetic of the area. We as owners have done the same. Our collective effort is not just for us, but for generations to come.

As such, it is requested that you deal with variance approval, construction timeline and undergrounding transformer need/placement in totality rather than as individual matters. It is also requested that any decisions be tabled and put on hold until an informed reasonable discussion can take place regarding the totality of the matters.

Thank you and regards, Craig Omtvedt

----- Forwarded message -----

From: **Craig Omtvedt** <cpomtvedt@gmail.com>

Date: Tue, Jun 30, 2020 at 10:28 AM

Subject: Transformer Easement

To: <2ordernow@gmail.com>

Cc: Maura Ziska <mziska@floridawills.com>, <jackie@jackiealbarran.com>

Hi Jennifer,

Thanks for your recent text. Always good to have the facts. Let me return the favor.

1. Your drawings are a gross exaggeration of what is needed. The 12'x13' you continue to reference is both the transformers and work space requirement.

The worst case space requirement for the actual transformers is 80"L x 36"W x 34"H. If you would take the time to get an electrician out to check your electrical panel and needs, it could be that you could have your meter replaced

with a more current meter and only need a single phase transformer 40"L x 36"W x 34"H. Note attachment showing proposed placement of transformers in a partially enclosed area with your air conditioning units. Also note elimination of easement space as shown.

2. Yes, you will have four south side windows, but none on the ground level. The two windows on the first floor will basically be light only windows with likely minimal. if any, exterior viewing down onto the air conditioning units and a placed transformer. The second story windows will either overlook your air conditioning units and a placed transformer or your air conditioning units and a Chicane. As such, and given it can be done right with placement and landscaping, you are giving up very little having the transformer on your property.

Lastly, a few other things for you to ponder:

1. When all is said and done, there will be nine transformers in the area. Five already exist on neighbor's property, two neighbors have graciously accepted transformers, and placement discussion is starting regarding a third. Only you, who ironically will be the only one served by your transformer, is not taking the actions necessary to get all the facts and support the best outcome for the neighborhood.

2. Again, it's a straightforward process:

- A. Confirm your current electrical needs
- B. Constructively participate in a full, qualitative discussion of options
- C. Go with the best option for both you and the neighborhood

3. You are correct that FPL doesn't know what you currently have for electrical infrastructure. Like other utilities, they only go to the meter, The house side of the meter is your responsibility. If the meter you have is in excess of what you currently need and the meter just didn't get changed out along the way, there may be a simpler transformer option than currently on the table

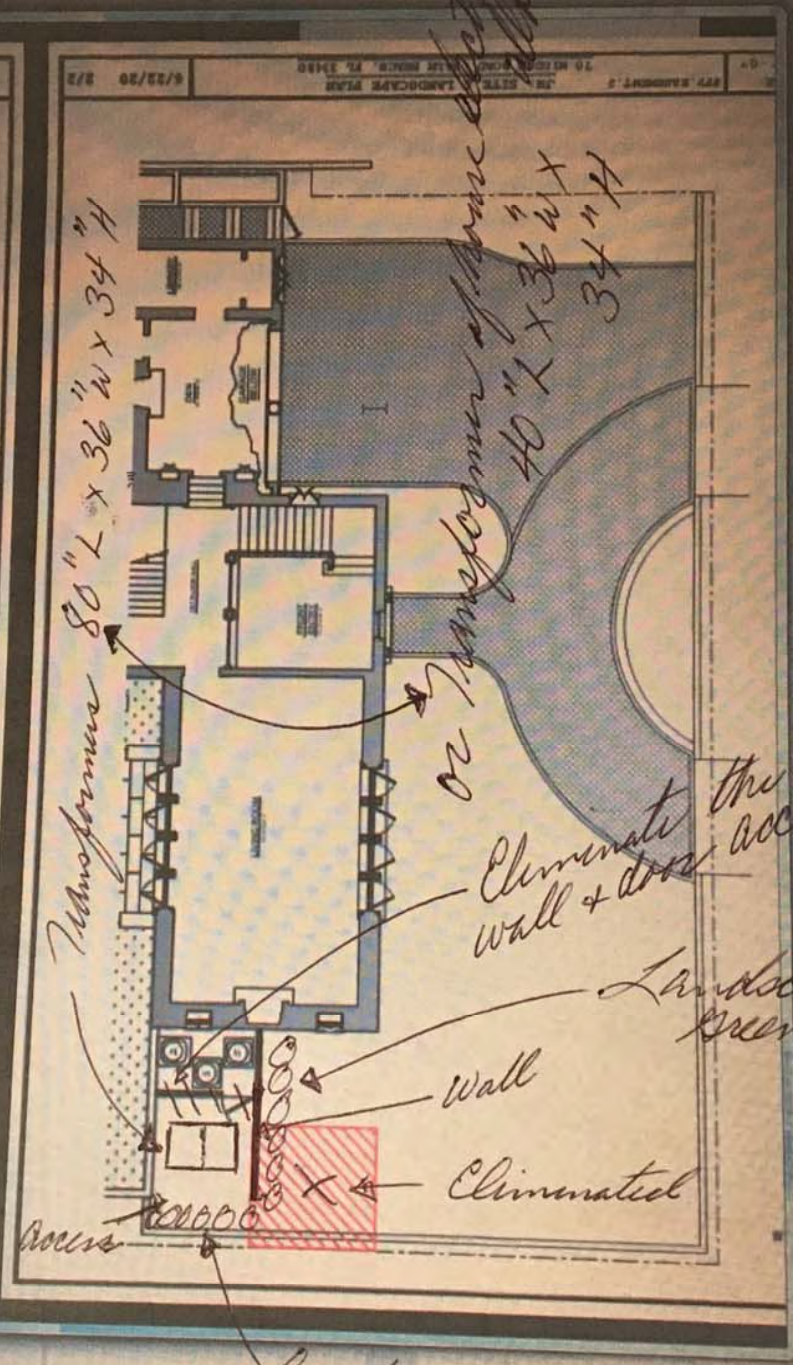
In summary, Jennifer, please discontinue your extreme emails, get the facts regarding your home's electrical infrastructure, and let's work together to get to an answer we can all understand and accept.

Best, Craig

ps. It is truly disappointing that you won't take a call. We could move this ahead so much more productively and efficiently with a call.

Sent from my iPhone

mail.google.com/mail/u/0/?ui=2&view=bt&ver=1nj101dboqm98&msg=%23msg-#%3A16703276214314329798&att...
PROPOSED BY TPB(FPL AND KIMLEY-HORN)



Transform 80' L x 36' W x 34' H
or Transformer of house exterior
Eliminate wall & door access
Landscaping Greenery
wall
Eliminated
Access
40' L x 36' W x 34' H
to me = Crazy!
proposed south



* Last
resort
Chucane
for
70
Middle
Rd.
Transformers
or
Transformer

From: [Jill Glazer](#)
To: [Steven Stern](#)
Cc: [Gail Coniglio](#); [Margaret Zeidman](#); [Lew Crampton](#); [Bobbie Lindsay](#); [Julie Araskog](#); [Kelly Churney](#); [Wayne Bergman](#); [Rene Silvin For Palm Beach Town Council](#); daniellemoorepb@gmail.com
Subject: 70 Middle Road
Date: Thursday, July 09, 2020 1:21:58 PM

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Steve:

I have wanted to follow up with you Re the meeting we had at my request regarding the possibility of a Chicane on Via Marina.

As you are aware, our property will be the most impacted with the current location being proposed.

We have now received many emails from our neighbor at [70 Middle Road](#) regarding her request that either the sidewalk on the north side of Via Marina be removed or that a chicane be created within Via Marina so that she, who is in the process of renovating her property and seeking a number of variances and other approvals from the town council, does not have to be subjected to easements on her property required by the town's current utility undergrounding project.

Those of us that have either renovated or built our homes in the last few years are aware that the town, in granting our approvals, has requested that we grant similar easements on our properties. We agreed to do this and believe that many of our neighbors have done this as well.

Our neighbor's justification for attempting to avoid granting an easement on her property is that she is renovating a landmarked home. Many of us also own or have owned landmarked homes or have received awards from the town for the architectural design of our homes as well.

At the same time, in the interest of being good neighbors, we were willing to agree not to contest our neighbor locating her generator to an area closest to our property line, near our front door and bedroom side of the house, provided Ms. Naegele agrees to allow the undergrounding easements on her property, just like the rest of us agreed to.

I am sure you saw the email Options A, B and the chicane, which I believe were prepared by our neighbor's representatives (although there is no block indicating that these were prepared by a licensed professional), and not by the town, so that you can see what is being proposed. At the very least, I would hope that the town would prepare (or have a professional prepare) the visual aids for these proposals so that we can all see an unbiased presentation of what this will look like, before town council votes on something which could affect our homes. At the very least, we believe that this is a reasonable request to ask the town to do before town council votes on this.

Both Options A and B involve removing the sidewalk on the north side of Via Marina. For those of

you who may not know, there is no street light on the north side of this block of Via Marina and I believe that the that is located on the south, it is at the corner of South County Road and has no impact on our section of Via Marina. At night, the north side of the street is very dark. Having an unusual condition at a dark area of the street and right at our property line, is of major concern.

We are not willing to allow the major portion of this project, the generator and the location of the FPL equipment, to be located so close to our property line as to burden our property or to create safety risks for us by removing the sidewalk or placing a chicane within 20 feet of our driveway. Our landscapers and other service providers already have difficulty parking and accessing our property; they can't park on South County Road, so Via Marina is the only parking they have. In addition, our landscape material is placed in this area for pick up. The chicane will all but eliminate use of this area for parking or to allow the town to pick up landscape material.

It is interesting that the chicane plan shows the FPL equipment surrounded by poles to protect it. This all but acknowledges that this chicane will create a dangerous condition for vehicles driving on Via Marina. But what about us and our guests using our driveway and backing out onto Via Marina? This also creates a dangerous condition for those who drive and walk along this portion of Via Marina.

Eliminating the sidewalk will mean that we will need to walk in the street when walking the dog. At night on a road, that is dark due to lack of streetlights, that is used by many to cross over from South Ocean Boulevard to South County Road, this creates a dangerous condition, again, not only for us but also those who drive and safe all along this portion of Via Marina.

If we were inclined to agree to a chicane, we would like to see it moved much further east adjacent to [70 Middle Road](#), closer to the intersection of Via Marina and Middle Road, with a street light placed on the north side of Via Marina. Of course Ms. Naegele likes the location to the east of our driveway. She indicated numerous times in her email, she will not see this as it will be on the other side of her '30 foot wall of green hedges'. But the Soter's across the street and we will see it all day long entering and exiting our properties.

We all wanted to be good neighbors and to see that this house gets finished once and for all, but we do not want to create a safety risk for us and our guests or to be overburdened by this project, while the property owner receives the full benefit from all of this.

As we discussed when we met on site, I would also appreciate it if your would please confirm that there is no viable location for the transformer on our property, should we be inclined to grant an easement to make this nuisance go away.

Lastly, we have just received your letter and a picture of the Chicane located on the north end. For our reference, can you please confirm if the one currently outlined by our Via Marina property line, is the same size as the one in the picture located on Laurie Lane.

Thank you for your consideration,

Sincerely,
Jill and Avie Glazer
[195 Via Marina](#)

From: [Francis Lynch](#)
To: [Gail Coniglio](#); [Danielle Hickox Moore](#); [Julie Araskog](#); [Lew Crampton](#); [Bobbie Lindsay](#); [Margaret Zeidman](#)
Cc: [Wayne Bergman](#); [Paul Castro](#); [Steven Stern](#); [John \(Skip\) C. Randolph](#); [Kelly Churney](#)
Subject: Variance Application # Z-19-00236 / 70 Middle Road
Date: Thursday, July 09, 2020 4:49:07 PM
Attachments: [#FP.EASEMENT.4A OPTION A-EASEMENT ALTERNATIVE.pdf](#)
[#FP.EASEMENT.4B OPTION B-EASEMENT ALTERNATIVE.pdf](#)
[Scan Jul 8, 2020, 7:54 PM.pdf](#)
[202007090913.pdf](#)

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Madam Mayor, Ladies and Gentleman of the Town Council and Town Staff:

Please be advised that I represent Avram and Jill Glazer, the owners of the property located at 195 Via Marina, the property located immediately to the west of the Applicant's property. As a point of information, the Glazers' home was awarded the 2020 Elizabeth and John Schuler Award for excellence in new architecture. The Glazers have also owned and renovated a landmarked home on Middle Road in the past.

We have received the application along with the Applicant's request that either the sidewalk on the north side of Via Marina be removed or that a chicane be created within Via Marina so that the Applicant, who is seeking the following variances:

1. To allow a generator to be placed in a street side yard with a setback of 8.5' in lieu of 25' required (this is closest to the Glazers' front door and bedroom side of their house),
2. A variance for lot coverage (which is already exceeded by more than 10% above that allowed by code) to allow for the construction of a laundry room,
3. To allow the already-exceeded cubic content ratio to be expanded even further (the existing cubic content ration is now more than twice that permitted by code, prior to the filing of this application),
4. To allow for a north side setback of 7.6' in lieu of 15' required to allow for the aforementioned laundry room and
5. To convert an existing flat roof to a covered balcony with a side yard setback of 7.6' in lieu of 15', which will loom over the Glazers' property.

As you are all aware, this house and its seemingly never-ending construction has been the subject of expired permits prior to the Applicant filing this Application.

As you are also well aware, the request by the town of an owner/applicant (and the consent of that owner/applicant) for a utility easement on an applicant's property has been a part of the zoning process since the town began considering the utility undergrounding program. The town's request for an easement should come as no surprise to this particular Applicant, however, in addition to the numerous variances

requested, the Applicant also seeks that her property not be subjected to easements on her property required by the town's current utility undergrounding project.

Last but not least, you are aware that Middle Road was, at one point, under consideration for landmarking as a district, given the significant number of landmarked homes located on that street. But this Applicant, despite the number of requests in her zoning Application, is unwilling to accept an easement on her property to allow the undergrounding to be shielded from view on her property, as many other property owners in the town have been asked, and agreed, to do.

Instead of doing this, the Applicant would like you to locate the utilities near the Glazers' property, either by removing a sidewalk or by placing a chicane in Via Marina, allowing the Glazers to bear the full brunt of the Applicant's zoning request. In the interest of being good neighbors, the Glazers have already submitted a letter consenting to the placement of the generator in the street side yard setback, an area closest to their front door and bedroom areas of their home. This consent was given prior to the Applicant's request related to the utilities and, should the Applicant continue to refuse to grant an easement on her property, the Glazers may elect to rescind this consent, as the Glazers are unwilling to bear the full brunt of these requests. The Glazers are extremely concerned that either the elimination of the sidewalk on the north side of Via Marina or the creation of a chicane on the north side of Via Marina, approximately 20' from the Glazers' driveway onto Via Marina, will create a dangerous condition for the Glazers and their guests.

I am attaching to this email Options A, B and the chicane, which I believe were prepared by the Applicant's representatives (although there is no block indicating that these were prepared by a licensed professional) and circulated to the neighbors. At the very least, I would hope that the town would prepare (or require that a professional prepare) the visual aids for these proposals, appropriated scaled and dimensioned, so that those potentially affected by these options can all see an unbiased presentation of what this will look like and exactly where it will be located before town council votes on something which could affect the neighbors' homes.

Both Options A and B involve removing the sidewalk on the north side of Via Marina. For those of you who may not know, there is no street light on either side of this block of Via Marina. As a result, at night, the street is very dark. Recently, the police directed the protesters from the recent march down Via Marina. One of them peered into the Glazers' security camera. As you can imagine, both the re-direction of the protest and the situation with the security camera were unsettling. This, coupled with a tall hedge to shield the equipment from view, creates not only a security issue for the Glazers, their property and their guests, but also creates a safety issue, impairing the visibility of those exiting the Glazers' driveway onto Middle Road as well as impairing the visibility of the Glazers' driveway for those traveling west along Via Marina. This would literally create an accident waiting to happen.

Eliminating the sidewalk on the north side of Via Marina would also mean that the contiguous sidewalks in this area would be eliminated. At present, the neighbors can walk along Middle Road, Via Marina, South County Road and Gulfstream Road without the need to cross a street.

The third option proposed by the Applicant, and only recently presented by the town (see Steven Steven's letter dated June 26, 2020), is the chicane. It is my understanding that a chicane is in use in only one other location in town- on Laurie Lane, adjacent to a property owned by a client of mine. In this particular instance, none of the neighbors was willing to grant an easement on their property. At the same time, none of the property owners in this area sought an ARCOM, LPC or zoning approval at the time the easement was requested. Subsequently, a property was sold to my client, that property required zoning approvals to build, and despite the chicane already existing, the approval granted required that an easement be placed on the property prior to a building permit being issued. Please see a copy of the zoning approval letter attached to this email. This would lead me to believe that even the town does not believe a chicane to be a desired method of placing the necessary equipment, but only as a last resort. In this particular instance, this Applicant is seeking a number of variances, the legal hardship for which may or may not exist, but is refusing to consent to an easement on her property. Additionally, Laurie Lane is a significantly less traveled street that is Via Marina. Many use Via Marina as a connector between South County Road and South Ocean Boulevard. In contrast, there are a total of six houses on Laurie Lane and only two have Laurie Lane addresses, according to the Palm Beach County Property Appraiser's website.

The Glazers' landscapers and other service providers already have difficulty parking and accessing their property; they cannot park on South County Road, so Via Marina is the only parking they have. In addition, landscape material from the Glazers' property is placed in this area for pick up. By the same token, the service providers for the Glazers' neighbors on South County Road providers also park on Via Marina as they cannot park on South County Road. The chicane will all but eliminate use of this area for parking or to allow the town to pick up landscape material.

The chicane appears to have a curb surrounding it. There is no curb on the north side of Via Marina in this block. Installing a curb around the chicane will create a tripping hazard, especially in a block that is very dark at night.

Via Marina is approximately thirty feet wide. The chicane, as painted in the street, appears to be about ten feet wide by thirty feet long. If the chicane is installed, that will narrow Via Marina in this area such that it will be difficult for two cars to safely pass one another.

It is interesting that the Applicant's chicane plan and the photograph in Mr. Stern's letter shows the FPL equipment surrounded by poles to protect it. This all but acknowledges that this chicane will create a dangerous condition for vehicles driving on

Via Marina. But what about the Glazers and their guests using the Glazers' driveway and backing out onto Via Marina? This also creates a dangerous condition for those who drive or walk along this portion of Via Marina as the Glazers' driveway will be obscured to those traveling west along Via Marina. As I said earlier, this would create an accident waiting to happen.

Last, but not least, a chicane would not be the most attractive addition to a neighborhood that includes landmarked and award winning homes.

If you are inclined to agree to a chicane, we would like to see it moved much further east adjacent to 70 Middle Road, closer to the intersection of Via Marina and Middle Road, with a street light placed on the north side of Via Marina. As Ms. Naegele indicates in her series of vitriolic emails, she will not see this as it will be on the other side of her '30 foot wall of green hedges'.

The Glazers want to be good neighbors and want to see that this house gets finished once and for all, but they do not want to create a safety or security risk for themselves or their guests or to be overburdened by this project, while the Applicant receives the full benefit from all of the approvals sought and bears none of the burden for any of this.

Thank you for your consideration of this matter.

Sincerely,
Frank Lynch

Francis X. J. Lynch, Esquire

<image001.jpg>

[605 North Olive Avenue](#), 2nd Floor
West Palm Beach, Florida 33401
T (561) 721-4000 / F (561) 721-4001 / D (561) 721-4004
E-mail: flynch@sniffenlaw.com
Website: www.sniffenlaw.com / Twitter: @Sniffenlaw

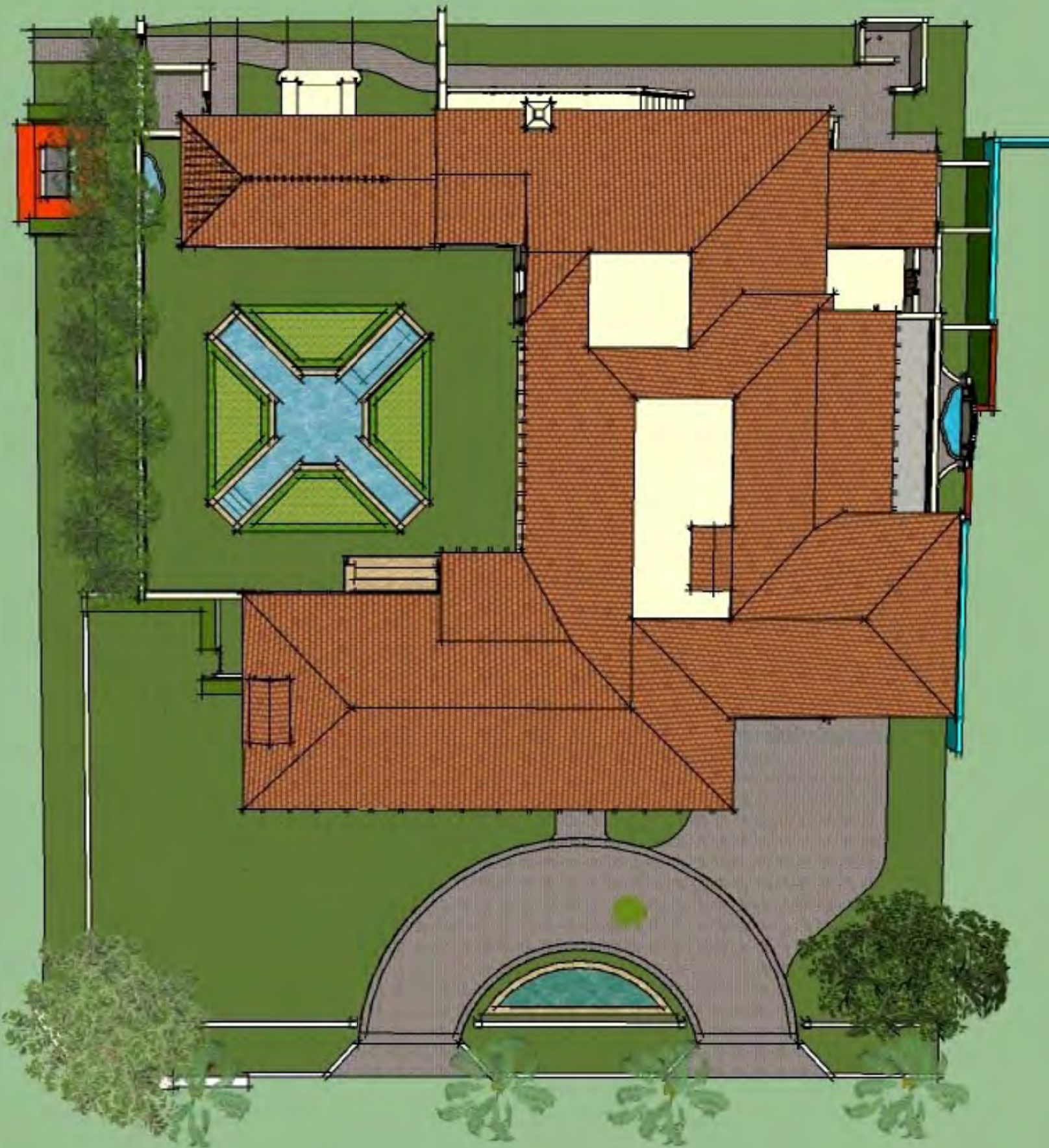
AS OF OCTOBER 1, 2019, WE HAVE JOINED THE FIRM OF SNIFFEN & SPELLMAN, P.A. PLEASE NOTE THE CHANGE OF E-MAIL ADDRESS. OUR TELEPHONE NUMBER, FACSIMILE NUMBER AND ADDRESS REMAIN THE SAME.

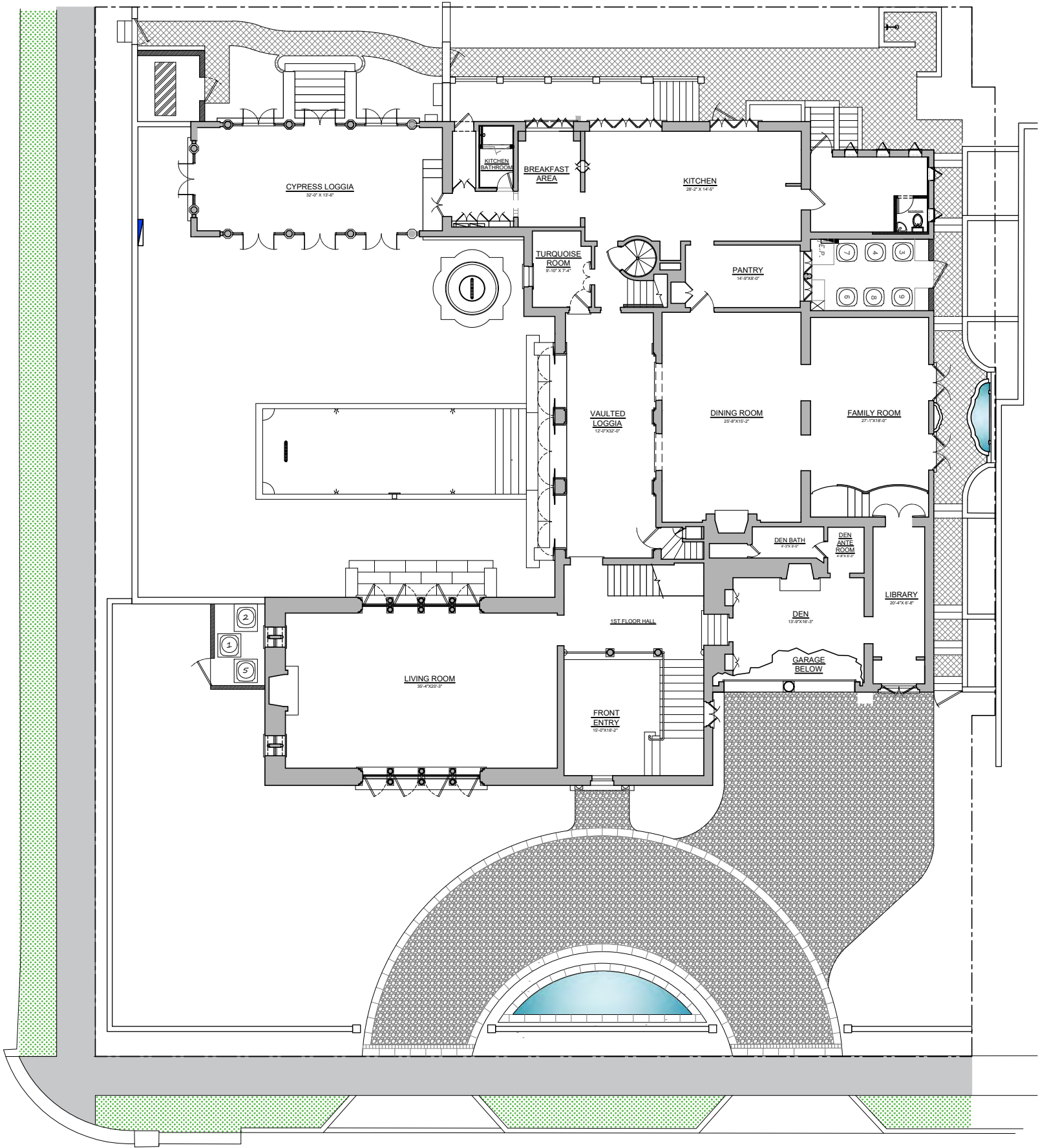
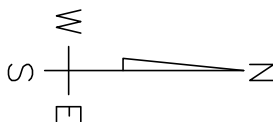
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SITE & LANDSCAPE DESIGN

VIA MARINA EXISTING

MIDDLE ROAD EXISTING

SCALE:

$\frac{1}{16}'' = 1'-0''$

#FP . EASEMENT . 4A

TC Des. Rev Meeting 9-9-20

JN: OPTION A: EASEMENT ALTERNATIVE

70 MIDDLE ROAD, PALM BEACH, FL 33480

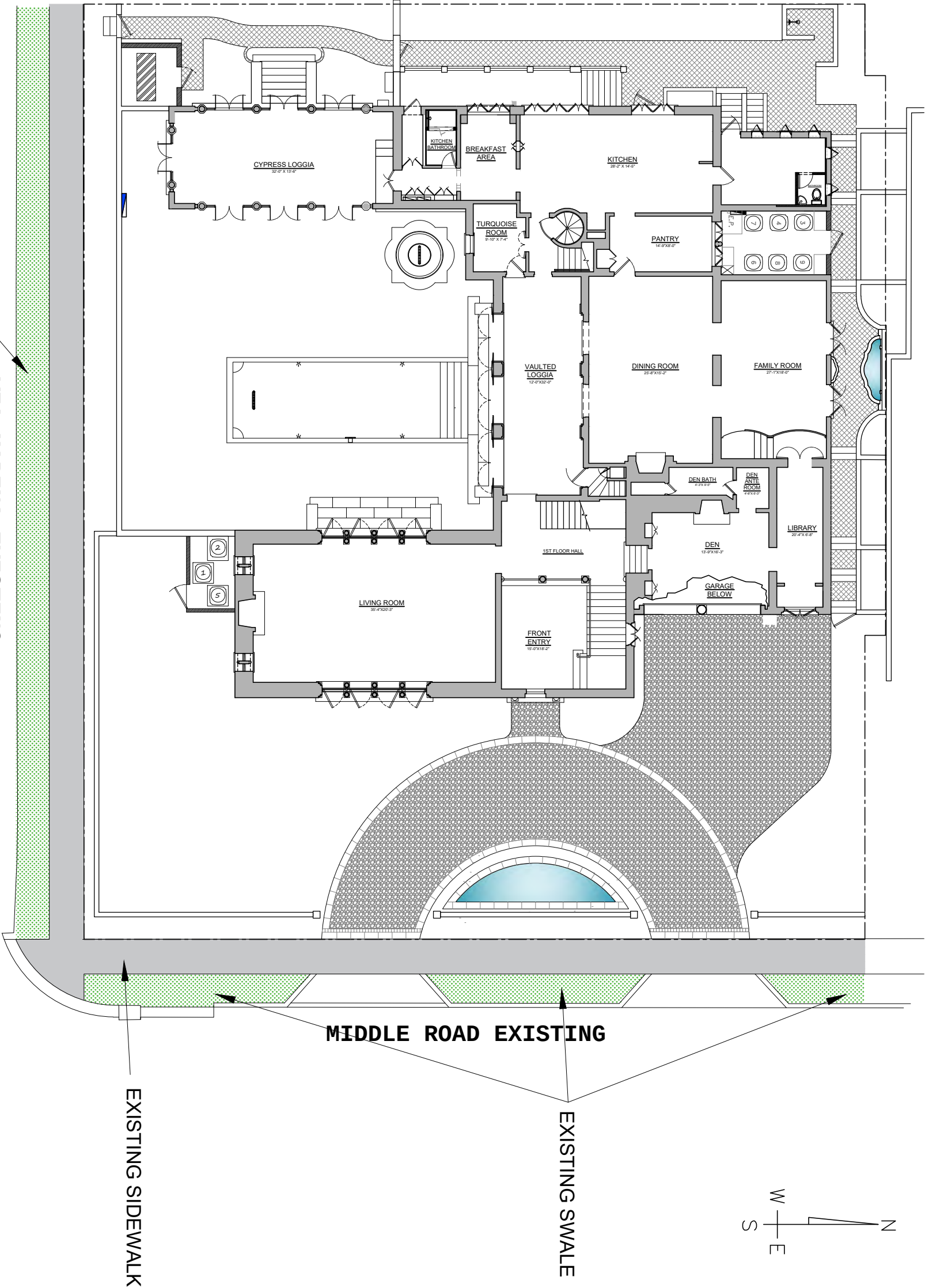
7/6/20

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1/3

NOTE:
SIDEWALK IN FRONT OF (AND
ADJACENT TO) 70 MIDDLE RD.
TO BE REMOVED
TO ACCOMMODATE UTILITIES
EASEMENT.*

* EXACT LOCATION OF UTILITIES EASEMENT
TBD WITH STEVEN STERN (AND ALL).



SCALE:
1/16" = 1'-0"

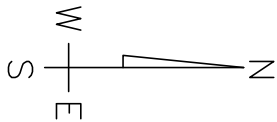
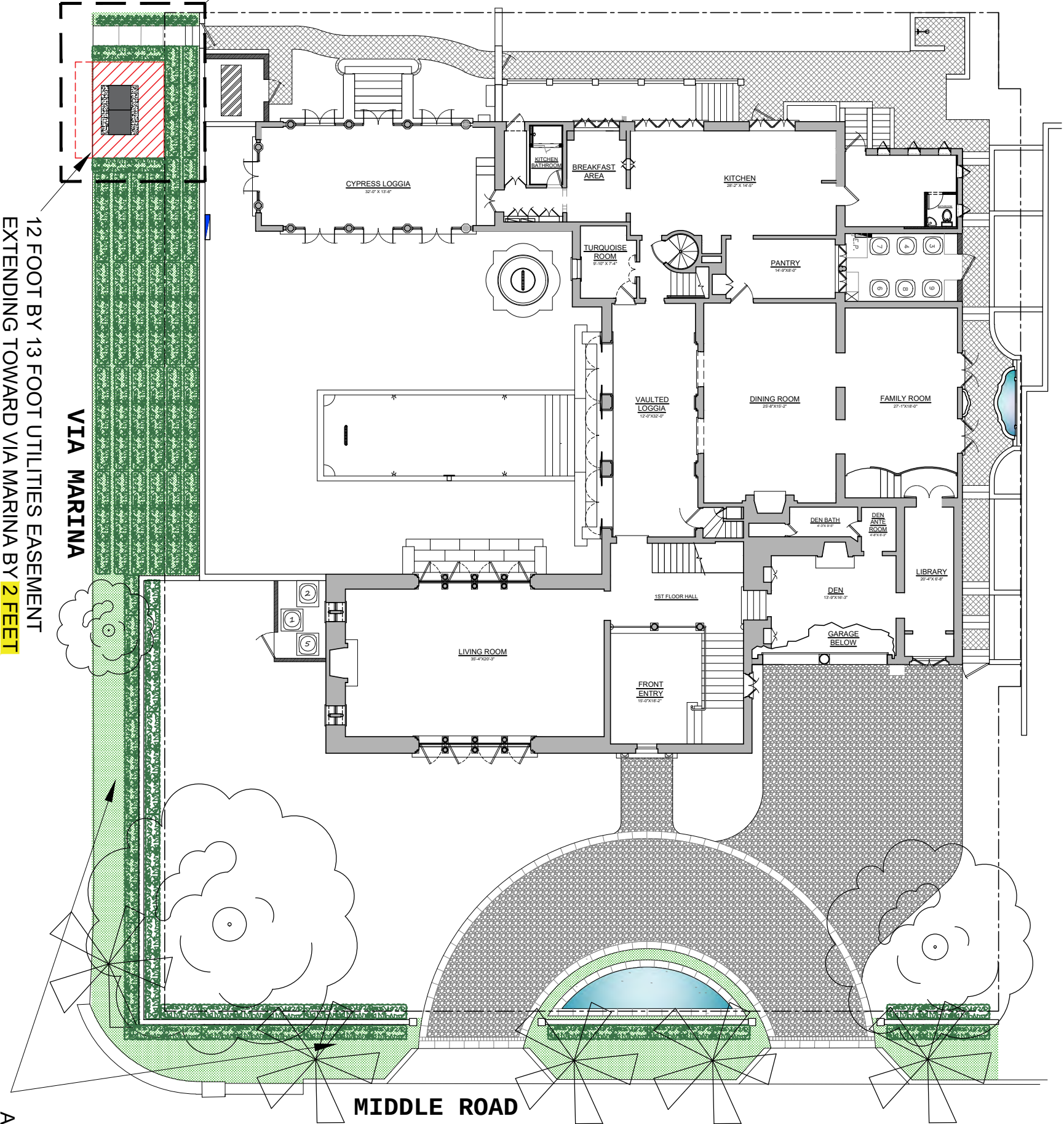
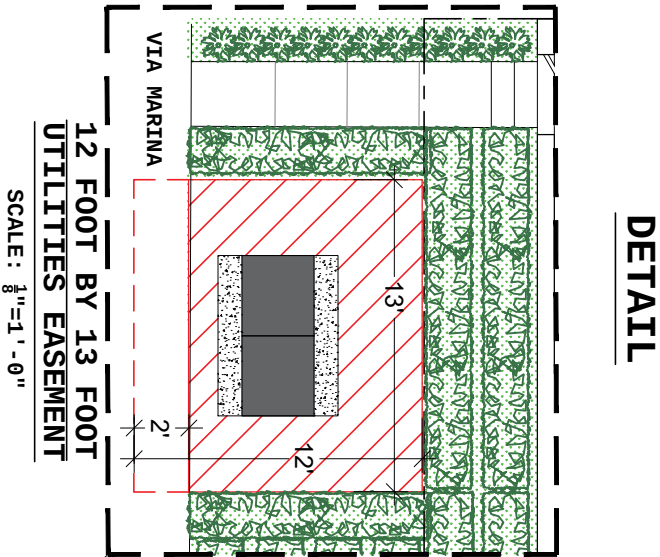
#FP . EASEMENT . 4A
TC Des. Rev Meeting 9-9-20

JN: OPTION A: EASEMENT ALTERNATIVE
70 MIDDLE ROAD, PALM BEACH, FL 33480

7/6/2017

2/3

NOTE:
SIDEWALK IN FRONT OF (AND
ADJACENT TO) 70 MIDDLE RD.
TO BE REMOVED
TO ACCOMMODATE UTILITIES
EASEMENT.*



ALL FUTURE LANDSCAPE ON
SOUTH AND EAST SITE WALLS
T.B.D. BY JN AND S.M.I.

* EXACT LOCATION OF UTILITIES EASEMENT
T.B.D. WITH STEVEN STERN (AND ALL).

PROPOSED SITE & LANDSCAPE DESIGN WITH UTILITIES EASEMENT
OPTION A

SCALE:
 $\frac{1}{16}$ "=1'-0"

#FP . EASEMENT . 4A
T.C. Des. Rev Meeting 9-9-20

JN: OPTION A: EASEMENT ALTERNATIVE
70 MIDDLE ROAD, PALM BEACH, FL 33480

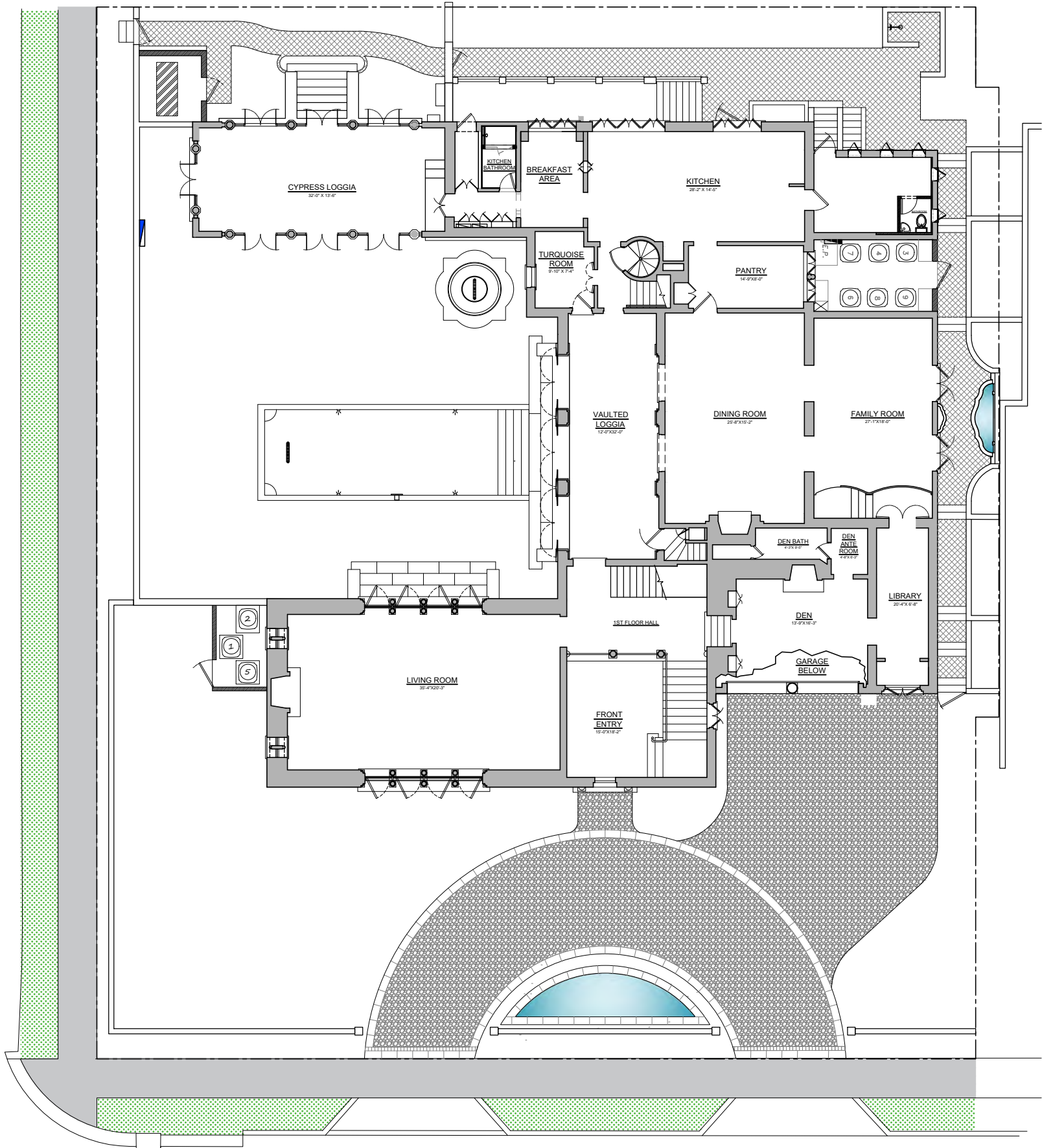
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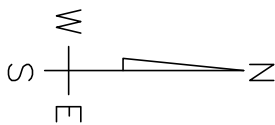


SITE & LANDSCAPE DESIGN

VIA MARINA EXISTING



MIDDLE ROAD EXISTING



SCALE:

$\frac{1}{16}" = 1'$

#FP . EASEMENT . 4B

TC Des. Rev Meeting 9-9-20

JN: OPTION B: EASEMENT ALTERNATIVE

70 MIDDLE ROAD, PALM BEACH, FL 33480

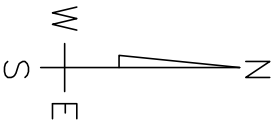
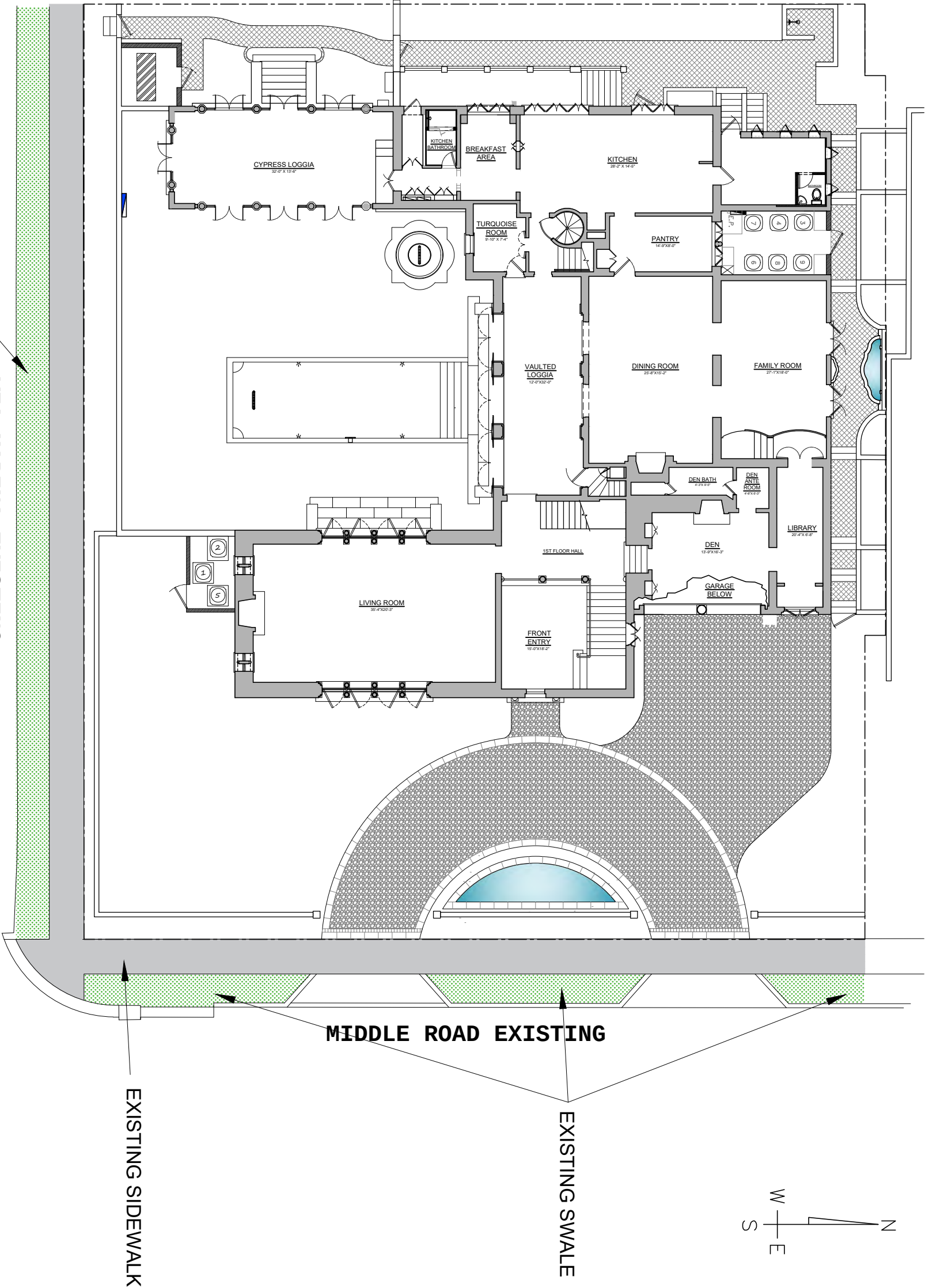
7/6/20

77 of 417

1/3

NOTE:
SIDEWALK IN FRONT OF (AND
ADJACENT TO) 70 MIDDLE RD:
TO BE REMOVED
TO ACCOMMODATE UTILITIES
EASEMENT.*

* EXACT LOCATION OF UTILITIES EASEMENT
TBD WITH STEVEN STERN (AND ALL).



SCALE:

$\frac{1}{16}$ " = 1'-0"

#FP . EASEMENT . 4B

TC Des. Rev Meeting 9-9-20

JN: OPTION B: EASEMENT ALTERNATIVE

70 MIDDLE ROAD, PALM BEACH, FL 33480

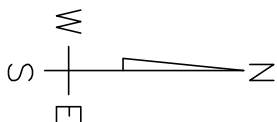
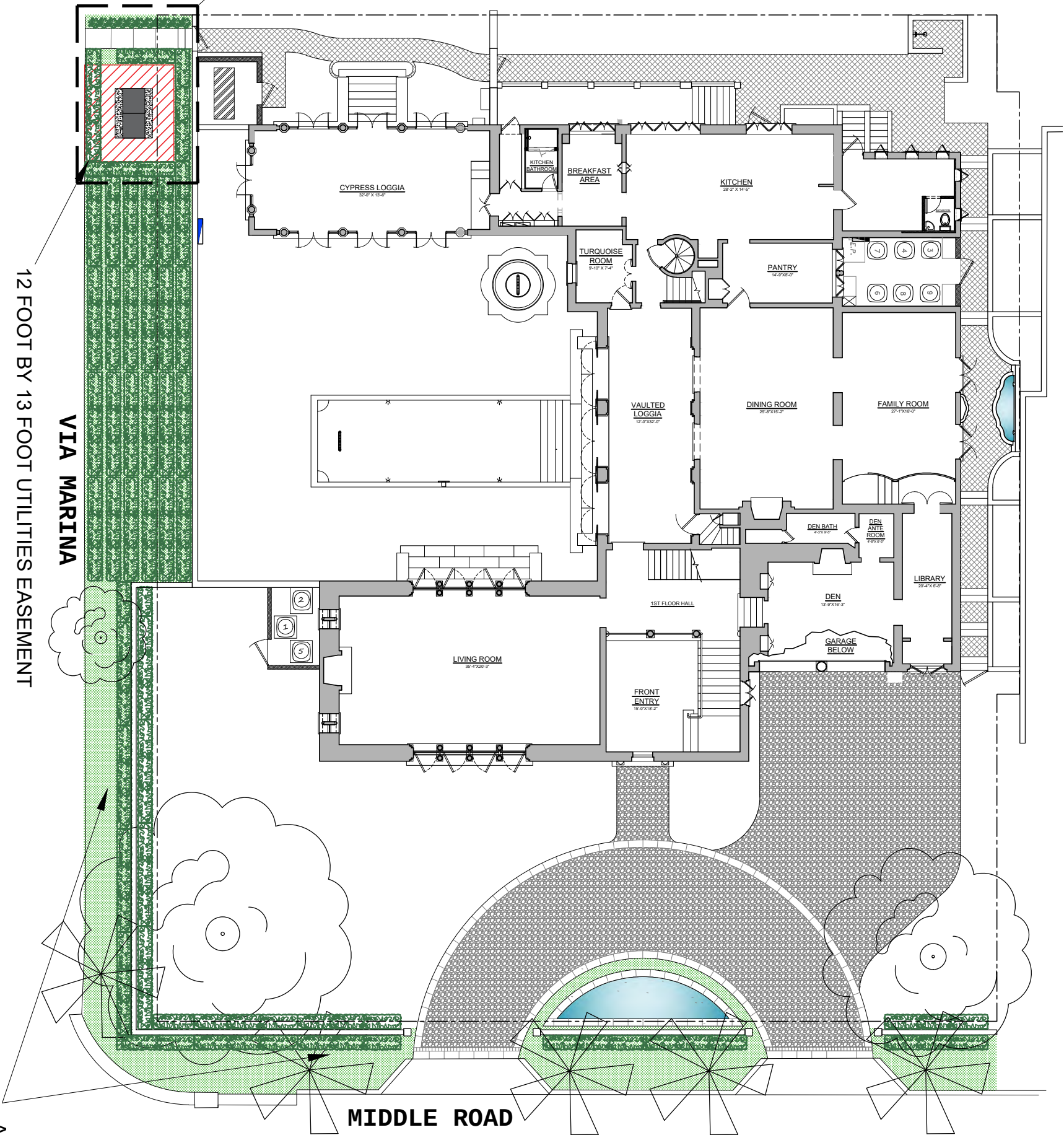
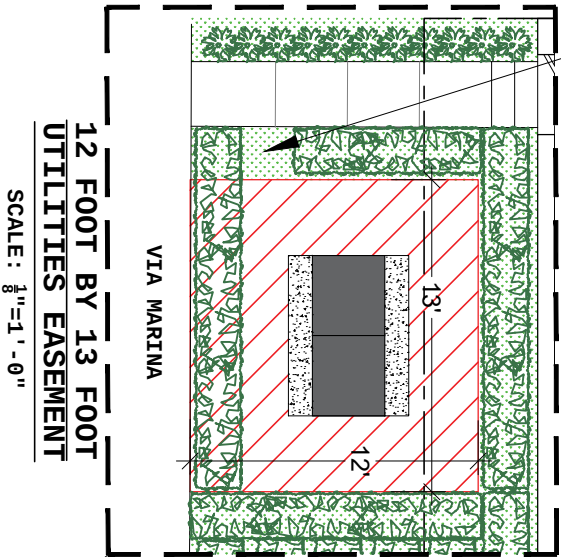
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2/3

NOTE:
SIDEWALK IN FRONT OF (AND
ADJACENT TO) 70 MIDDLE RD:
TO BE REMOVED
TO ACCOMMODATE UTILITIES
EASEMENT.*

DETAIL



ALL FUTURE LANDSCAPE ON
SOUTH AND EAST SITE WALLS
T.B.D. BY JN AND S.M.I.

* EXACT LOCATION OF UTILITIES EASEMENT
TBD WITH STEVEN STERN (AND ALL).

PROPOSED SITE & LANDSCAPE DESIGN WITH UTILITIES EASEMENT
OPTION B

SCALE:
1/16"=1'-0"

#FP . EASEMENT . 4B
T.C. Des. Rev Meeting 9-9-20

JN: OPTION B: EASEMENT ALTERNATIVE
70 MIDDLE ROAD, PALM BEACH, FL 33480

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3/3





TOWN OF PALM BEACH

Town Manager's Office

June 26, 2020

Avram Glazer
Jill Glazer
195 Via Marina
Palm Beach, FL 33480
Re: 195 Via Marina

Re: Underground Utilities Conversion Project - Phase 3 South Notice of two
Street Chokers – Via Marina & Middle Road

Dear Mr. & Mrs. Glazer,

The Town of Palm Beach is sending this notice to inform property owners of the Town's planned use of a Street Choker also known as a "Chicane" or "Traffic Calming Device" within the Public Right-of-Way¹ on Via Marina and Middle Road. The installed Street Choker will be used to facilitate equipment placement for the Underground Utilities Conversion Project.

Property owners have been overwhelmingly supportive of the project and have granted nearly all of the necessary easements the Town has requested. However, two additional voluntary easements are needed for electric and communications services. The first transformer supports services to 20, 22 & 30 Middle Road within a chicane planned to be deployed to the east of 30 Middle Road. The second transformer supports services to 70 Middle Road within a chicane planned to be deployed to the south of the property along Via Marina.

The purpose of this letter is to inform the neighborhood of the proposed Street Chokers and make a final attempt to request an easement where installation is feasible on a property served by the device. If we remain unsuccessful, we have no choice but to move forward and deploy the Street Chokers within the Public Right-of-Way.

We are available to discuss the option of equipment placement within a voluntary easement at any of the served properties. Please contact me by calling (561) 838-5410 or emailing sstern@townofpalmbeach.com.

Your time and consideration concerning this important matter is appreciated.

Thank you,

Steven N. Stern
Underground Utilities Project Manager

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

Note: You may view a deployed Street Choker in the Phase 1 North construction area on Laurie Lane. An image of this recently installed Traffic Calming Device is shown on the following page.



Figure 1: Laurie Lane, Phase 1 North, Street Choker

cc:

Mayor & Town Council
Underground Utilities Task Force
Kirk Blouin, Town Manager
H. Paul Brazil, P.E., Director, Public Works
Patricia Strayer, P.E., Town Engineer
Kevin Schanen, P.E., Kimley- Horn

1. For more information and answers to frequently asked questions about the Right of Way visit the Town's Undergrounding Web Site at <http://undergrounding.info/newsletters/> and click on the June 2018 newsletter.

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



TOWN OF PALM BEACH

Planning, Zoning & Building Department

November 25, 2019

Mr. Francis X.J. Lynch, Esq.
605 North Olive Avenue
2nd Floor
West Palm Beach, FL 33401

Subject: Z-19-00224, 218 Debra Lane

Dear Mr. Lynch:

The Town Council, at its November 13, 2019 meeting, conditionally approved your client's site plan review application to construct a 3,539 square foot, 2-story home, hardscape and swimming pool on an existing 10,393 square foot platted lot with a depth of 90' in lieu of 100' minimum required. The following variances were conditionally approved for the proposed swimming pool:

1. A front yard setback of twenty feet, four inches (20.33') in lieu of the twenty-five foot (25.0') minimum front yard setback required by code.
2. A proposed swimming pool in a required street side yard with a continuous hedge of three feet (3.0') in height in lieu of six feet (6.0') minimum required.

The condition of approval is that prior to the issuance of a building permit, your client shall either provide a recorded utility easement or an easement agreement satisfactory to the Town that ensures undergrounding of utilities in the area. The Town Council approval is identified on the stamp approved and stamp dated plan package dated September 27, 2019 from Laberg & Mernard, Inc., Todd Maclean, Gruber Consulting Engineers and Nexgen Surveying, LLC, all of which are made part of the approval of this application.

The approval of this zoning application constitutes only zoning approval and does not relieve the owner and/or applicant from obtaining additional Town approvals as may be required such as construction permits. The work authorized under the approval of this zoning application must be commenced within three years from the date of approval or said approval will expire.

Sincerely,

Paul Castro, AICP
Zoning Manager

cc: Josh Martin, Director of Planning, Zoning and Building
Wayne Bergman, Asst. Director of Planning, Zoning and Building
John Lindgren, Planning Manager
pf

From: [Charlotte Beers](#)
To: [Craig Omtvedt](#)
Cc: [Margaret Zeidman](#); [Lew Crampton](#); [Gail Coniglio](#); [Bobbie Lindsay](#); [Julie Araskog](#); [Kelly Churney](#); [Richard Rene Silvin](#); [Wayne Bergman](#); [Steven Stern](#); [Martha Schar](#); [Charlotte Lowe](#); [Greg Dryer](#); [Sarah Soter \(srsoter@gmail.com\)](#); [Jill Glazer](#); [ellencunningham@mac.com](#); [susanisbishop@gmail.com](#); [Peter wood](#); [Adam Bulmer](#); [John Preston](#); [cochran63@mac.com](#)
Subject: Re: Transformer Easement
Date: Saturday, July 11, 2020 1:24:39 PM

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Mayor and Council Members ,

I'm adding my support to the painstaking assessment Craig Omtvedt has made regarding this subject. I live at 82 Middle Road. I was attracted to this oasis in part because of the wide peaceful unencumbered streets.

Your work too to remove power lines and require flood basements has I believe , the same goal and result .

Our request of our neighbor at 70

Middle road is to agree to an adjustment on one key exception which affects us all adversely , to help justify so many other exceptions you are reviewing .

I have the greatest sympathy for the confusion and Time such construction takes ; but we have seen that driveway filled with trucks for over three years. I hope we can all press for a fair conclusion here . Fair to the grace and hoped for continued tranquility of Middle Road

Thank you so much for offering your time and concern and expertise in such matters. It's why Palm Beach remains a home for us of restraint , safety , and beauty .

Charlotte Beers

Sent from my iPhone

On Jul 7, 2020, at 5:03 PM, Craig Omtvedt <cpomtvedt@gmail.com> wrote:

Dear Mayor, Town Council Members, and ARCOM members,

I am writing today regarding the various current town matters related to 70 Middle Rd.

Specifically, three items:

1. Request for 5 variance approvals
2. What will be the allowed timeframe for completion of the planned remodeling work
3. Sorting out the required transformer service and transformer placement

Having spoken with or seen correspondence from more than 10 of our neighbors bordering Jennifer's

property or in the vicinity on Middle Rd, this is a matter of grave concern and interest to all of us. Additionally, despite our repeated attempts to engage in constructive conversation with Jennifer, all attempts have been met with ranting emails that have taken us nowhere. We need your help!

All of this said, I am aware that many, if not all of you, have received similar correspondence from her. Sad.
I offer the following:

1. Variance Approval

As I and others assume you will, please ensure the requested variances are truly necessary and will add to the beauty and architectural aesthetic of the neighborhood.

2. Construction Timeline

The neighborhood has endured years of worker vehicles and dumpsters at 70 Middle Rd. While I am aware that Jennifer has had health issues to deal with both personally and among family members, it only partially excuses the lack of responsible management and consideration of the neighborhood.

3. Transformer requirement and Placement

First, let me say how gracious and helpful Steve Stern has been in helping me understand the issues and possible options.

That said, having had numerous conversations with Steve to understand the issues and possible options, it is clear that Jennifer has not taken the time or put forth the effort to properly consider what best serves both her and the neighborhood

Please note the attached email and attachments sent to Jennifer, her lawyer and architect on June 30th. A few points of emphasis:

1. Jennifer's electric meter calls for a three phase open delta transformer. As such, she can't be serviced by other transformers in the area. Regardless, as you will note, there is at least one reasonable option for a transformer on her property, maybe more. Also, the transformer will serve only her property. She would not be doing this for the greater good.

2. Jennifer refers to a Via Marina Chicane as life saving. Ridiculous. As you all know, Via Marina is a short street with minimal traffic and stop signs east and west at its intersection with Middle Rd.

In closing, let me highlight that our neighborhood is the result of the town's foresight to landmark properties and its investment to maintain the beauty and aesthetic of the area. We as owners have done the same. Our collective effort is not just for us, but for generations to come.

As such, it is requested that you deal with variance approval, construction timeline and undergrounding transformer need/placement in totality rather than as individual matters. It is also requested that any decisions be tabled and put on hold until an informed reasonable discussion can take place regarding the totality of the matters.

Thank you and regards, Craig Omtvedt

----- Forwarded message -----

From: **Craig Omtvedt** <cpomtvedt@gmail.com>

Date: Tue, Jun 30, 2020 at 10:28 AM

Subject: Transformer Easement

To: <2ordernow@gmail.com>

Cc: Maura Ziska <mziska@floridawills.com>, <jackie@jackiealbarran.com>

Hi Jennifer,

Thanks for your recent text. Always good to have the facts. Let me return the favor.

1. Your drawings are a gross exaggeration of what is needed. The 12'x13' you continue to reference is both the transformers and work space requirement.

The worst case space requirement for the actual transformers is 80"L x 36"W x 34"H. If you would take the time to get an electrician out to check your electrical panel and needs, it could be that you could have your meter replaced with a more current meter and only need a single phase transformer 40"L x 36"W x 34"H. Note attachment showing proposed placement of transformers in a partially enclosed area with your air conditioning units. Also note elimination of easement space as shown.

2. Yes, you will have four south side windows, but none on the ground level. The two windows on the first floor will basically be light only windows with likely minimal, if any, exterior viewing down onto the air conditioning units and a placed transformer. The second story windows will either overlook your air conditioning units and a placed transformer or your air conditioning units and a Chicane. As such, and given it can be done right with placement and landscaping, you are giving up very little having the transformer on your property.

Lastly, a few other things for you to ponder:

1. When all is said and done, there will be nine transformers in the area. Five already exist on neighbor's property, two neighbors have graciously accepted transformers, and placement discussion is starting regarding a third.

Only you, who ironically will be the only one served by your transformer, is not taking the actions necessary to get all the facts and support the best outcome for the neighborhood.

2. Again, it's a straightforward process:

- A. Confirm your current electrical needs
- B. Constructively participate in a full, qualitative discussion of options
- C. Go with the best option for both you and the neighborhood

3. You are correct that FPL doesn't know what you currently have for electrical infrastructure. Like other utilities, they only go to the meter, The house side of the meter is your responsibility. If the meter you have is in excess of what you currently need and the meter just didn't get changed out along the way, there may be a simpler transformer option than currently on the table

In summary, Jennifer, please discontinue your extreme emails, get the facts regarding your home's electrical infrastructure, and let's work together to get to an answer we can all understand and accept.

Best, Craig

ps. It is truly disappointing that you won't take a call. We could move this ahead so much more productively and efficiently with a call.

Sent from my iPhone

<IMG_2819.JPG>

<IMG_2820.JPG>

LAW OFFICES
ALLEY, MAASS, ROGERS & LINDSAY, P.A.

340 ROYAL POINCIANA WAY, SUITE 321

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CAROL S. WAXLER
CATHERINE KENT
BRUCE A. McALLISTER
DAVID R. MAASS
CHRISTINE BIALCZAK
WARREN D. HAYES, JR.
NICOLE K. MAASS
LAURA B. KNOLL

RAYMOND C. ALLEY (1893-1975)
HAROLD G. MAASS (1923-2006)
DOYLE ROGERS (1926-2016)
KAREN S. MARX (1964-1994)

1331 SE OCEAN BOULEVARD
STUART, FLORIDA 34996
P (772) 287-4404
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July 13, 2020

Mayor Gail Coniglio
Town Council
Landmarks Commission
Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480

Re: Utilities Equipment related to 70 Middle Road

Dear Madam Mayor, members of Town Council and members of the Architectural Commission:

This firm represents William and Sarah Ross Soter, the owners of 198 Via Marina. We understand that you are scheduled to again review requested renovation plans and multiple required variance requests related to 70 Middle Road.

This letter confirms that the Soters oppose the installation of a chicane on Via Marina because it would create a dangerous life safety issue for pedestrian and vehicular traffic in the neighborhood and because there are available locations for a transformer at 70 Middle Road without a disruption to that owner or to the neighborhood.

It is our understanding that other property owners in the Middle Road/Via Marina neighborhood have agreed to placement of transformers on their properties to service all properties other than 70 Middle Road. It certainly appears that there is sufficient space at 70 Middle Road to place a transformer of sufficient capacity to serve just that property without otherwise negatively affecting the renovation or future use of 70 Middle Road.

This same process is being successfully and repeatedly implemented throughout the Town as Town residents have repeatedly agreed that the efficiency and other advantages associated with underground utilities certainly outweigh any aesthetic disadvantage of the transformer location, especially after the transformer is well-screened by landscaping.

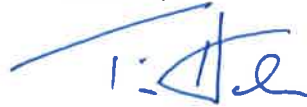
The owners in this neighborhood have already contributed easements to the Town and service has or will be buried to serve the properties. These residents should not have to suffer through the danger and negative aesthetics of a chicane on Via Marina or Middle Road because one property owner believes that only her property should be exempt from locating the transformer on her property.

The refusal by the owner of 70 Middle Road is especially befuddling because the transformer would serve only 70 Middle Road and the owner is requesting zoning relief from the Town which is not currently permitted under the Zoning Code. If the owner is not willing to grant the small easement necessary to serve her property, then the Town should certainly not grant unwarranted zoning relief and variances when no legal hardship exists.

For the foregoing reasons, the Soters request that you deny the zoning relief and variances requested by the owner of 70 Middle Road if she is not willing to provide the Town with a small easement necessary to allow the placement of a transformer on her property.

If you have any questions, please contact me.

Sincerely,



M. Timothy Hanlon

cc: Mr. and Mrs. Soter

From: [Francis Lynch](#)
To: [Gail Coniglio](#); [Danielle Hickox Moore](#); [Julie Araskog](#); [Lew Crampton](#); [Bobbie Lindsay](#); [Margaret Zeidman](#)
Cc: [Wayne Bergman](#); [Paul Castro](#); [Steven Stern](#); [John \(Skip\) C. Randolph](#); [Kelly Churney](#)
Subject: RE: Variance Application # Z-19-00236 / 70 Middle Road
Date: Monday, July 13, 2020 12:42:48 PM

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

In the event there is any confusion as to my clients' position in this, please be advised that the Glazers are withdrawing their letter of support for this application and request that the Applicant prove her hardship as to the variances requested.

Thank you.

Frank Lynch

Francis X. J. Lynch, Esquire

SNIFFEN & SPELLMAN, P.A.

[605 North Olive Avenue](#), 2nd Floor
West Palm Beach, Florida 33401
T (561) 721-4000 / F (561) 721-4001 / D (561) 721-4004
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AS OF OCTOBER 1, 2019, WE HAVE JOINED THE FIRM OF SNIFFEN & SPELLMAN, P.A. PLEASE NOTE THE CHANGE OF E-MAIL ADDRESS. OUR TELEPHONE NUMBER, FACSIMILE NUMBER AND ADDRESS REMAIN THE SAME.

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From: Francis Lynch

Sent: Thursday, July 09, 2020 4:47 PM

To: mayor@townofpalmbeach.com; dmoore@townofpalmbeach.com;
jaraskog@townofpalmbeach.com; lcrampton@townofpalmbeach.com;
blindsay@townofpalmbeach.com; mzeidman@townofpalmbeach.com
Cc: Wayne Bergman <wbergman@TownOfPalmBeach.com>; Paul Castro
<PCastro@TownofPalmBeach.com>; Steven Stern <ssstern@TownOfPalmBeach.com>;
jrandolph@jonesfoster.com; Kelly Churney <KChurney@TownofPalmBeach.com>
Subject: Variance Application # Z-19-00236 / 70 Middle Road

Dear Madam Mayor, Ladies and Gentleman of the Town Council and Town Staff:

Please be advised that I represent Avram and Jill Glazer, the owners of the property located at 195 Via Marina, the property located immediately to the west of the Applicant's property. As a point of information, the Glazers' home was awarded the 2020 Elizabeth and John Schuler Award for excellence in new architecture. The Glazers have also owned and renovated a landmarked home on Middle Road in the past.

We have received the application along with the Applicant's request that either the sidewalk on the north side of Via Marina be removed or that a chicane be created within Via Marina so that the Applicant, who is seeking the following variances:

1. To allow a generator to be placed in a street side yard with a setback of 8.5' in lieu of 25' required (this is closest to the Glazers' front door and bedroom side of their house),
2. A variance for lot coverage (which is already exceeded by more than 10% above that allowed by code) to allow for the construction of a laundry room,
3. To allow the already-exceeded cubic content ratio to be expanded even further (the existing cubic content ration is now more than twice that permitted by code, prior to the filing of this application),
4. To allow for a north side setback of 7.6' in lieu of 15' required to allow for the aforementioned laundry room and
5. To convert an existing flat roof to a covered balcony with a side yard setback of 7.6' in lieu of 15', which will loom over the Glazers' property.

As you are all aware, this house and its seemingly never-ending construction has been the subject of expired permits prior to the Applicant filing this Application.

As you are also well aware, the request by the town of an owner/applicant (and the consent of that owner/applicant) for a utility easement on an applicant's property has been a part of the zoning process since the town began considering the utility undergrounding program. The town's request for an easement should come as no surprise to this particular Applicant, however, in addition to the numerous variances requested, the Applicant also seeks that her property not be subjected to easements on her property required by the town's current utility undergrounding project.

Last but not least, you are aware that Middle Road was, at one point, under

consideration for landmarking as a district, given the significant number of landmarked homes located on that street. But this Applicant, despite the number of requests in her zoning Application, is unwilling to accept an easement on her property to allow the undergrounding to be shielded from view on her property, as many other property owners in the town have been asked, and agreed, to do.

Instead of doing this, the Applicant would like you to locate the utilities near the Glazers' property, either by removing a sidewalk or by placing a chicane in Via Marina, allowing the Glazers to bear the full brunt of the Applicant's zoning request. In the interest of being good neighbors, the Glazers have already submitted a letter consenting to the placement of the generator in the street side yard setback, an area closest to their front door and bedroom areas of their home. This consent was given prior to the Applicant's request related to the utilities and, should the Applicant continue to refuse to grant an easement on her property, the Glazers may elect to rescind this consent, as the Glazers are unwilling to bear the full brunt of these requests. The Glazers are extremely concerned that either the elimination of the sidewalk on the north side of Via Marina or the creation of a chicane on the north side of Via Marina, approximately 20' from the Glazers' driveway onto Via Marina, will create a dangerous condition for the Glazers and their guests.

I am attaching to this email Options A, B and the chicane, which I believe were prepared by the Applicant's representatives (although there is no block indicating that these were prepared by a licensed professional) and circulated to the neighbors. At the very least, I would hope that the town would prepare (or require that a professional prepare) the visual aids for these proposals, appropriated scaled and dimensioned, so that those potentially affected by these options can all see an unbiased presentation of what this will look like and exactly where it will be located before town council votes on something which could affect the neighbors' homes.

Both Options A and B involve removing the sidewalk on the north side of Via Marina. For those of you who may not know, there is no street light on either side of this block of Via Marina. As a result, at night, the street is very dark. Recently, the police directed the protesters from the recent march down Via Marina. One of them peered into the Glazers' security camera. As you can imagine, both the re-direction of the protest and the situation with the security camera were unsettling. This, coupled with a tall hedge to shield the equipment from view, creates not only a security issue for the Glazers, their property and their guests, but also creates a safety issue, impairing the visibility of those exiting the Glazers' driveway onto Middle Road as well as impairing the visibility of the Glazers' driveway for those traveling west along Via Marina. This would literally create an accident waiting to happen.

Eliminating the sidewalk on the north side of Via Marina would also mean that the contiguous sidewalks in this area would be eliminated. At present, the neighbors can walk along Middle Road, Via Marina, South County Road and Gulfstream Road without the need to cross a street.

The third option proposed by the Applicant, and only recently presented by the town (see Steven Steven's letter dated June 26, 2020), is the chicane. It is my understanding that a chicane is in use in only one other location in town- on Laurie Lane, adjacent to a property owned by a client of mine. In this particular instance, none of the neighbors was willing to grant an easement on their property. At the same time, none of the property owners in this area sought an ARCOM, LPC or zoning approval at the time the easement was requested. Subsequently, a property was sold to my client, that property required zoning approvals to build, and despite the chicane already existing, the approval granted required that an easement be placed on the property prior to a building permit being issued. Please see a copy of the zoning approval letter attached to this email. This would lead me to believe that even the town does not believe a chicane to be a desired method of placing the necessary equipment, but only as a last resort. In this particular instance, this Applicant is seeking a number of variances, the legal hardship for which may or may not exist, but is refusing to consent to an easement on her property. Additionally, Laurie Lane is a significantly less traveled street that is Via Marina. Many use Via Marina as a connector between South County Road and South Ocean Boulevard. In contrast, there are a total of six houses on Laurie Lane and only two have Laurie Lane addresses, according to the Palm Beach County Property Appraiser's website.

The Glazers' landscapers and other service providers already have difficulty parking and accessing their property; they cannot park on South County Road, so Via Marina is the only parking they have. In addition, landscape material from the Glazers' property is placed in this area for pick up. By the same token, the service providers for the Glazers' neighbors on South County Road providers also park on Via Marina as they cannot park on South County Road. The chicane will all but eliminate use of this area for parking or to allow the town to pick up landscape material.

The chicane appears to have a curb surrounding it. There is no curb on the north side of Via Marina in this block. Installing a curb around the chicane will create a tripping hazard, especially in a block that is very dark at night.

Via Marina is approximately thirty feet wide. The chicane, as painted in the street, appears to be about ten feet wide by thirty feet long. If the chicane is installed, that will narrow Via Marina in this area such that it will be difficult for two cars to safely pass one another.

It is interesting that the Applicant's chicane plan and the photograph in Mr. Stern's letter shows the FPL equipment surrounded by poles to protect it. This all but acknowledges that this chicane will create a dangerous condition for vehicles driving on Via Marina. But what about the Glazers and their guests using the Glazers' driveway and backing out onto Via Marina? This also creates a dangerous condition for those who drive or walk along this portion of Via Marina as the Glazers' driveway will be obscured to those traveling west along Via Marina. As I said earlier, this would create

an accident waiting to happen.

Last, but not least, a chicane would not be the most attractive addition to a neighborhood that includes landmarked and award winning homes.

If you are inclined to agree to a chicane, we would like to see it moved much further east adjacent to 70 Middle Road, closer to the intersection of Via Marina and Middle Road, with a street light placed on the north side of Via Marina. As Ms. Naegele indicates in her series of vitriolic emails, she will not see this as it will be on the other side of her '30 foot wall of green hedges'.

The Glazers want to be good neighbors and want to see that this house gets finished once and for all, but they do not want to create a safety or security risk for themselves or their guests or to be overburdened by this project, while the Applicant receives the full benefit from all of the approvals sought and bears none of the burden for any of this.

Thank you for your consideration of this matter.

Sincerely,
Frank Lynch

Francis X. J. Lynch, Esquire

<image001.jpg>

[605 North Olive Avenue](#), 2nd Floor
West Palm Beach, Florida 33401
T (561) 721-4000 / F (561) 721-4001 / D (561) 721-4004
E-mail: flynch@sniffenlaw.com
Website: www.sniffenlaw.com / Twitter: @Sniffenlaw

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From: [Tracy Phillips](#)
To: [Gail Coniglio](#); [Danielle Hickox Moore](#); [Julie Araskog](#); [Lew Crampton](#); [Bobbie Lindsay](#); [Margaret Zeidman](#)
Cc: [Wayne Bergman](#); [Paul Castro](#); [Steven Stern](#); [John \(Skip\) C. Randolph](#); [Kelly Churney](#)
Subject: Variance Application # Z-19-00236 / 70 Middle Road
Date: Wednesday, July 15, 2020 11:09:01 AM

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Dear Madam Mayor, Ladies and Gentleman of the Town Council and Town Staff:

I am the resident and owner at 22 Middle Road, and have lived here since 1986.

I am primarily concerned about the location of the chicane on Via Marina, and the possible elimination of the sidewalk on Via Marina. Since Via Marina has no street light, if the sidewalk were to be removed, it would be a very dangerous night time walk and, in addition, in my opinion, it would completely obstruct the Glazers view as they back out of their driveway onto Via Marina, thus creating another very dangerous situation.

There must be another solution to the placement of the transformer.

Thank you for your consideration.

Spencer M. Partrich
31550 Northwestern Highway
Suite 200
Farmington Hills, MI 48334
Cell: (248) 310-0157
Tel: (248) 737-1432
Fax: (248) 851-0503
spartrich@lautrecltd.com

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TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 9, 2020

Section of Agenda

Development Review - Old Business

Agenda Title

Z-20-00260 SPECIAL EXCEPTION WITH SITE PLAN REVIEW WITH

VARIANCE(S) Zoning District: R-B Low Density Residential The application of Matthew and Anne Iorio, Applicant, relative to property located at **131 SEAVIEW AVE**, legal description on file, is described below. Section 134-8939(c): Special Exception with Site Plan Review to allow the renovation of an existing two story residence and swimming pool by demolishing more than 50% cubic footage on portions of platted lots with a depth of 97.12 feet in lieu of the 100 foot minimum required in the R-B Zoning District and an area of 9,712 in lieu of the 10,000 square foot minimum required in the R-B Zoning District. The request is to demolish a 1 story/237 square foot exercise room in the rear of the house; a 1 story/720 square foot Florida room in the rear of the house; and add a 386 square foot two story family room (first floor) and bedroom (second floor); and a 292 square foot loggia. The following variances are being requested: 1) Section 134-893(b)(5): a front yard setback of 24.9 feet in lieu of the 30 foot minimum setback required; 2) Section 134-893(b)(7): a west side yard setback of 4.9 feet in lieu of the 4.9 feet existing and the 15 foot minimum setback required; 3) Section 134-893(b)(11): a lot coverage of 31.3% in lieu of the 30% maximum allowed; 4) Section 134-893(b)(13): a cubic content ratio of 6.90 in lieu of the 6.99 existing and the 4.03 maximum allowed; 5) Section 134-893(b)(12): a landscape open space of 33% in lieu of the 45% minimum required; 6) Section 134-1757: an east side yard setback for the swimming pool of 6 feet in lieu of the 10 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project with a condition relating to landscape. Carried 7-0.]

Presenter

ATTACHMENTS:

- ▣ **Letter Dated August 7, 2020 from Maura Ziska**
- ▣ **Memorandum Dated June 26, 2020 from Wayne Bergman, Acting Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**
- ▣ **Letter Received June 30, 2020 from Steven Jeffrey Greenwald**
- ▣ **Email Dated July 10, 2020 from Angela Feldman**
- ▣ **Email Dated July 10, 2020 from Alan Gozlan**
- ▣ **Email Dated July 11, 2020 from Steven Greenwald**
- ▣ **Email Dated July 14, 2020 from Steven Greenwald**
- ▣ **Letter Received August 6, 2020 from Steven Greenwald**
- ▣ **Letter Dated July 28, 2020 from Steven Greenwald**
- ▣ **Letter Received September 1, 2020 from Steven Greenwald**

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401
Telephone 561-802-8960
Facsimile 561-802-8995

*also admitted in NY

VIA EMAIL

August 7, 2020

Paul Castro
Kelly Churney
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Z-20-00260
131 Seaview Avenue, Palm Beach, Florida

Dear Paul and Kelly:

Please **defer** the above referenced matter from the **August 12, 2020** Town Council meeting to the **September 9, 2020** Town Council meeting. Thank you.

Sincerely,

Maura Ziska

Maura A. Ziska

maz/jc
cc: Client

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TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2020

To: Mayor and Town Council

From: Wayne Bergman, Acting Director, Planning, Zoning & Building Department

Subject: **Z-20-00260 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIATION**
131 SEAVIEW AVE

Date: June 26, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

Section 134-8939(c): Special Exception with Site Plan Review to allow the renovation of an existing two story residence and swimming pool by demolishing more than 50% cubic footage on portions of platted lots with a depth of 97.12 feet in lieu of the 100 foot minimum required in the R-B Zoning District and an area of 9,712 in lieu of the 10,000 square foot minimum required in the R-B Zoning District. The request is to demolish a 1 story/237 square foot exercise room in the rear of the house; a 1 story/720 square foot Florida room in the rear of the house; and add a 386 square foot two story family room (first floor) and bedroom (second floor); and a 292 square foot loggia. The following variances are being requested: 1) Section 134-893 (b)(5): a front yard setback of 24.9 feet in lieu of the 30 foot minimum setback required; 2) Section 134-893(b)(7): a west side yard setback of 4.9 feet in lieu of the 4.9 feet existing and the 15 foot minimum setback required; 3) Section 134-893 (b)(11): a lot coverage of 31.3% in lieu of the 30% maximum allowed; 4) Section 134-893 (b)(13): a cubic content ratio of 6.90 in lieu of the 6.99 existing and the 4.03 maximum allowed; 5) Section 134-893(b)(12): a landscape open space of 33% in lieu of the 45% minimum required; 6) Section 134-1757: an east side yard setback for the swimming pool of 6 feet in lieu of the 10 foot minimum required.

ADDRESS: 131 SEAVIEW AVE

OWNER: IORIO ANNE & MATTHEW

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-23-00-004-0020

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: 23-43-43, PT OF N 1/2 OF SUB NOF GOV LT 4 IN
OR850P317

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Page Two

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 5/15/20

APPLICATION NO.: Z-20-00260 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

ADDRESS: 131 SEAVIEW AVE

DESCRIPTION:

Section 134-8939(c): Special Exception with Site Plan Review to allow the renovation of an existing two story residence and swimming pool by demolishing more than 50% cubic footage on portions of platted lots with a depth of 97.12 feet in lieu of the 100 foot minimum required in the R-B Zoning District and an area of 9,712 in lieu of the 10,000 square foot minimum required in the R-B Zoning District. The request is to demolish a 1 story/237 square foot exercise room in the rear of the house; a 1 story/720 square foot Florida room in the rear of the house; and add a 386 square foot two story family room (first floor) and bedroom (second floor); and a 292 square foot loggia. The following variances are being requested: 1) Section 134-893 (b)(5): a front yard setback of 24.9 feet in lieu of the 30 foot minimum setback required; 2) Section 134-893(b)(7): a west side yard setback of 4.9 feet in lieu of the 4.9 feet existing and the 15 foot minimum setback required; 3) Section 134-893 (b)(11): a lot coverage of 31.3% in lieu of the 30% maximum allowed; 4) Section 134-893 (b)(13): a cubic content ratio of 6.90 in lieu of the 6.99 existing and the 4.03 maximum allowed; 5) Section 134-893(b)(12): a landscape open space of 33% in lieu of the 45% minimum required; 6) Section 134-1757: an east side yard setback for the swimming pool of 6 feet in lieu of the 10 foot minimum required.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Acting Director, Planning, Zoning & Building	6/1/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	7/1/2020	No comments at this time - Stormwater Management System Plans shall be reviewed at permit submittal.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	6/2/2020	There are no fire code concerns with the proposed project. If the building is over 10,000 square feet town ordinance will require sprinkling the house.
PZB - PLANNING AND ARCHITECTURAL REVIEW			No Comment
PZB DIRECTOR	Wayne Bergman, Acting Director, Planning, Zoning & Building	6/1/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	6/8/2020	The applicant should demonstrate to the Town Council that there is a hardship related to the variance portion of the application.

Re: 131 Seaview Ave Severe Iguana Feces Problem
Strong partial Objection to Application: #Z-20-00260, ARCOM B-0033-2020
Town Council hearing July 15, 2020, 9:30 A.M.

Dear Council, Mayor and Staff:

Thank you very much for taking the time to read this letter, which contains a strong objection in part to the above plan. Per Town Sec 134-328 we notify Council of great hazards in part of the applicants' plan. **This letter is 23 pages in total including photos below.**

FACTS:

For over three years iguanas would climb up a tree hedge located on the lot behind us, **131 Seaview**. Iguanas climbed it to go on our roof **daily**, leaving large amounts of feces on all sides of the roof of our apartment/garage building (at **128 Seaspray Ave**).

Iguana feces would come down with rain water on our heads when walking to our garage, when dressed to go out for dinner. Even after I had sprayed water for an hour to remove the feces, iguanas often would leave more feces again later in the day, or at different spots I could not reach.

Two summers ago, after being away for 2 months, we returned to find at least **40 square feet of dried iguana feces** all over our roof. It took our worker a dangerous full day to clean the dried hard iguana feces, risking harm to himself. Detergents on a roof are slippery, iguana feces are dangerous.

We had to immediately clean feces off our roof countless times the past 3 or more years, carefully, and *cleaning our driveway*, from roof feces that fall (see photos of feces on plastic). Cleaning properly to remove all residue and bacteria is difficult, time consuming and expensive. You can't just leave feces sitting on a roof, it will come down later when it is raining, on our heads. We would hose *what could reach* immediately, no matter how busy we were.

Iguana feces were never by our pool or anywhere on our property. **We were otherwise not bothered by iguanas. Only on our roof were feces left by iguanas, always climbing the 131 Seaview tree hedge.** Often more than one iguana at a time, sometimes daily.

Iguanas would climb up the 131 Seaview tree hedge, traveling toward and onto our roof. **We actually witnessed exactly how iguanas did this many times.** We saw many iguanas on the back and front of our garage roof many times. **The 131 Seaview tree hedge was an "iguana ladder."**

There was no other way iguanas were getting on the roof, as any other possible avenues were completely eliminated.

We have never seen iguanas on our property, except when the iguana is *climbing their hedge to (or from) our roof*. Currently there are no iguana nests on our lot, and we look repeatedly. But that is not a concern. *It is when iguanas have a way to the roof, that there is a real danger* (see links below to videos and articles).

FECES WOULD ALSO SPLASH INTO THE PATIO AREA OF 131 SEAVIEW: Iguana feces from our *rear* garage roof area would fall with rain water down onto our mutual wall, and then splash onto 131 Seaview's rear patio floor. I saw feces on our mutual wall every time I looked, and also on the edge of our rear roof. I told the prior owner. When removing feces from the wall in the past using a ladder, I looked over the wall and saw feces on their patio floor.

For over 3 years it often **smelled like an open toilet sewer** from iguana feces bacteria and residue at their northwest corner, and our Southwest corner. *Their outdoor grill is just under the common wall that would have lots of feces on it (see photo attached). The feces were from iguanas on our roof that climbed their tree hedge*. Feces would fall onto the wall below. *Rain would splash feces from our roof onto the wide common wall, then splash feces down to their patio*. My wife and I tried everything to stop this, but nothing worked.

Cutting the 131 Seaview hedge by some 6 feet away from my soffits was the only remedy for all of this (more on this below below). **This was 100% effective.** I can also detail about the many other unsuccessful remedies we attempted if you wish (see *notes* below).

IGUANAS HAD BEEN CLAWING OUR ROOF VENT to enter our ATTIC: Iguanas had been clawing our long roof vent system, bending it, almost entering our attic. The vent system is at the very top of our roof, extends about 15 feet, and is about 1.5 ft wide. We had to seal that entire vent system with roof asphalt, to stop iguanas from entering our attic. *Anyone can come by our house and see how we did this*. Iguanas still pick at the area, and we had to repair that (Links below, iguanas with sharp powerful claws must be kept off of roofs).

See the link below of a family that had many iguanas living in their attic. The best plan for avoiding all of this is **simply to not plant trees anywhere near a neighbor's house or soffits**. Experts tell us this, it is common sense.

AN ONGOING PROBLEM: We've had a remarkably trouble free home for 23 years. The only ongoing issue has actually been the 131 Seaview tree hedge. Years ago the problem was the same tree hedge causing insects to swarm into our soffits and attic. Years later that same tree hedge caused the problem of iguanas climbing our roof. The prior owner would never cut it enough, and the limited hedge cutting I was thereafter "allowed" by the owner was not adequate to keep iguanas away. In a week the hedge would provide the same bridge for determined iguanas. And often we were out of town (we can explain more on this if anyone wants).

Now several months ago, that prior owner died. While the property was in his name, **our landscapers cut a proper 6 feet of hedge away. Finally after years, the iguana problem that threatened to make our home uninhabitable ended completely** (it also seems to have solved the original bug swarm problem completely).

We placed devices to stop the iguanas from walking on the Comcast/ATT cable, but this 131 Seaview tree hedge was the real problem, as it could *provide a detour for iguanas around such devices*. The tree hedge provided a ladder directly to our roof (even if there was no cable). Their tree hedge provided ways for many iguanas to evade, and make their way to our roof.

CURRENTLY THE PROBLEM WAS SOLVED: *Now the problem is solved 100 percent.* Our landscapers in December properly cut away 6 feet of tree hedges properly, just as counties and municipalities recommend on their websites. *It is recommended by experts (some we spoke with): (1) never let iguanas have access to roofs. And (2) avoid planting any vegetation that iguanas can use to access roofs.* Pretty simple. And that is how this problem of iguanas was completely solved.

Since we cut away 6 feet of the tree hedge in late December 2019, there is *no iguana feces odor whatsoever at our common wall, no feces on the 131 Seaview side (using a ladder I had a look), nor any feces on our common wall. No iguana feces on our garage roof, nor iguanas clawing at our roof.* This can remain a success, unless tall trees are once again planted anywhere near our soffits. This Council has full authority to require a landscape plan that avoids known potential harm. In this case *it would be an easy plan of avoidance that would cost the applicants nothing and would benefit them.*

APPLICANTS' PLAN to plant TALL TREES and huge HEDGES AT OUR SOFFITS AGAIN, AMAZING BUT TRUE: Their complete plan includes variances, reduction and utilization of green space, etc. Towns see this as a key point when applicants must also **reveal to the town** any known problems affecting neighbors, including how their plantings could affect neighbors in the **future**. *Have these applicants done that?*

I did write their planners 2 letters (and had 2 phone calls) in a friendly way, carefully describing the known hazard of iguana feces all over our roof, falling on both our properties, caused by iguanas climbing their tree hedges near our building. *Have they revealed this to the town?*

Applicants' plan is to install **tall trees with large branches**, and **tall hedges**, to be **at our roof soffits**, amazingly described exactly so in their plan! That plan is detailed in the notes below (photos too). Their project person admitted to me: *"these already grown trees will continue to grow tall and wide easily, along with large hedges"* and *"will be planted at the north border edges of their clients' lot on the west side"* to be right at our roof soffits! Unbelievable but true, **their plan is to provide the same tree ladder as before for iguanas, to our roof.**

This landscape project person admitted clearly to me: *“yes, these trees and hedges can be expected to continue to grow tall and wide.”*

We otherwise have no problem with applicants planting trees or hedges anywhere. We don't care if their trees or hedges grow 200 feet tall. But where their trees or hedges would be directly at or near our roof soffits, we will soon have many iguanas once again leaving hazardous feces all over our roof.

OUR HOME UNINHABITABLE VS “THE LOOK THEY PREFER” Iguanas in no time at all will climb up their planned trees to our roof. The iguana feces will once again be on our garage roof, front and back, making our home (and their patio area) to a great extent uninhabitable.

This in exchange for a small area of 131 Seaview to *“look the way the owner wants it, what they prefer.”* This was actually *stated* to me by their landscape project manager. We are talking about a very small area of the 131 Seaview lot, where *many other creative things can be done*.

Council has full authority under Florida Law to make sure this small area of 131 Seaview does not make our home uninhabitable. For over 3 years **we could not use our garage or driveway reliably, for fear of hazardous iguana feces falling on our heads when going out to dinner.**

It would take me hours to clean feces *behind* our garage, cleaning feces from the top of our mutual wall (just above the prior owner's grill) using many bottles of clorox. I had to immediately **spray away feces I could barely reach on the roof with a power hose, often 3 times per week, often using ladders.** Iguana feces and ladders are dangerous.

MY WIFE AND I ARE REASONABLE, WE ARE GOOD NEIGHBORS: Even today on sending this letter, I have written applicants (via their lawyer) and separately the landscape architects, that **we are still always available to discuss this.**

We are reasonable. There is another big construction next door (east of us). Applicants' will now be a *second side by side large project* at our house, while we are mostly home during Covid-19. But we are not complaining.

As to applicants' variance requests, there would be no complaint about that. Our concern is how the variances shape their landscape plans they propose to the town. *We would have absolutely no problem with whatever they want to build or plant, unless it is hazardous to our home, health and safety.* We have a “good neighbor” threshold.

We are also OK if applicants plant trees right next to their own house, with iguanas all over their own roof. Perfectly fine with us. No problem with that.

My wife and I are busy people. We would not write this kind of letter, spending time unless there **really** was the critical problem described.

We wanted to be good neighbors, to inform applicants of the severe iguana problem *they also have*, and we can solve together.

This was explained to them in **2 friendly letters** (with iguanas photos, and of feces, to the landscape group also) and **2 friendly phone calls**. I was told all of this was forwarded to the applicants, including our *friendly invite* for applicants to phone us, to *work on this together as good neighbors* (we are happy to provide copies of these letters).

The applicants have not phoned us, ever. Their landscape architects have never phoned us ever, nor responded to our letters. Their project manager took my call, and basically said his clients will do as they please. There needs to be a *real* method of trust and assurance from these applicants at this Town planning stage.

THE SIMPLE REMEDY: I am sure you by now have thought of the *simple remedy, that will cost these applicants nothing*, will benefit them, and give their planners a chance to show some *nice creativity: simply plant types of vegetation that look great, but won't grow tall if near our building*. This will stop iguanas from getting on our roof (and also stop feces splashing from our roof to their patio).

This remedy would benefit applicants, and involve a tiny percent **2.96% of 131 Seaview's total lot**. About **288** square feet [48 ft L x 6 ft W] of their total **9,712** sq foot lot. Applicants can plant other wonderful things in this small area. Our home will remain liveable, and their patio area will not have feces all over it. This would only involve the area near our garage building. Simple.

Our request is so small it is amazing applicants would not respond, and I had to send this letter and have this matter heard at Council. Again, this small area would *only* be our small common wall area near our garage building, beginning at the iguana device nearby (device that stops iguanas from walking on the cable). Anyone is welcome to come here and measure this. It is about **2.96% of their total 9,712 sq foot lot**. (The simple math: about 48 ft Length x 6 ft Wide = **288** sq ft. The percentage: $288 / 9,712 \times 100 = 2.96\%$ of their 9,712 Sq foot lot).

HARDSHIP? This tiny measure (**2.96%**) really should be as to their total **lot size**, rather than their green space. *It is applicants who are claiming a "hardship" if their greenspace is not allowed to be reduced (by variance)*. Their greenspace "hardship" reduction plan includes squeezing as many trees and hedges as possible to grow tall and wide right at our *roof soffits*, providing iguanas a fine ladder to our roof (their plan details & photos are below).

Where is the Hardship? We all know the applicants' repeated use of the word "hardship" in their application for variances is just a term, and does not refer to its true meaning. (See at: 20

Connecticut Law. Review, at page 669 (1987-1988). *Replacing the Hardship Doctrine: A Workable Test for Zoning Variances*). Link:
<https://heinonline.org/HOL/LandingPage?handle=hein.journals/conlr20&div=32&id=&page=>

A true hardship is my wife and I parking our car in the garage in the rain at night, and having iguana feces fall on our heads because a neighbor desires trees that iguanas can use to climb our roof.

Uniform zoning laws in the US and Florida require applicants show by the variance requests as a whole: *“that substantial justice is achieved.”* The applicant also must show that the variance requests *“do not harm public safety.”* And *“applicants must present competent, material, and substantial evidence that they meet all of the standards.”* **UNC Law Review: Variance Standards: What is hardship? And when it is unnecessary?** Link:
<https://canons.sog.unc.edu/variance-standards-what-is-hardship-and-when-is-it-unnecessary/>

APPLICANTS HAVE THE HEAVY BURDEN OF PROOF AT THIS HEARING: The burden of proof for all issues related at variance hearings is squarely on the applicants, **not their neighbors or the town.** Council may look critically at the entire related plan. *Gomez v. City of St. Petersburg*, 550 So.2d 7 (Fla. 2d DCA 1989). *If the owner presents no evidence that the property cannot be used without a part of their plans in question, there must be a denial.* *Herrera v. Miami*, 600 So.2d 561 (Fla. 3rd DCA 1992). And per the court: *“the burden is more extensive than for a party seeking a permissible use by special exception.”* Cf. *Gomez with Pollard v. Palm Beach City*, 560 So.2d 1358 (Fla. 4th DCA 1990).

MY WIFE AND I HAVE NO BURDEN OF PROOF AT ALL IN THIS HEARING. Applicants have the burden to prove many things. Florida also provided the requirement at F.S. 163.170(8) sub (c) *“that anything related to “the grant of the variance will be harmonious and non-injurious to the surrounding land.”* The Florida statute uses the words clearly **“harmonious, non-injurious to the surrounding land.”**

It is well known Florida law that variances and their related effects *“should not be granted where the use ... will interfere with other property.”* *Elwyn v. City Of Miami*, 113 So.2d 849 (Fla. 3rd DCA 1959).

Nor can applicants complain about the large soffits at our home built in 1925, nor our house situation: Applicants bought their property months ago, with advice likely from architects, designers, builders, landscape planners, lawyer, broker, etc. If the applicants' large trees are denied, it is not a “taking” in any way. *Namon v. State Dep't of Env'tl. Reg.*, 558 So.2d 504 (Fla 3rd DCA 1990) the Court said **no taking where the new owner should have been aware** *“even if no construction or economic use can be made of the property.”* The Court's words: **“if you bought a swamp you must have wanted a swamp”.**

A mere disadvantage due to the **owner's preference as to what “he would like to do” with the property is not sufficient** to constitute a hardship. Burger King v. Metropolitan Dade County, 349 So.2d 210 (Fla 3rd DCA 1977); Metropolitan Dade County v. Reineng, 399 So.2d 379 (Fla. 3rd DCA 1981); Nance, supra; Crossroads Lounge v. City of Miami, 195 So.2d 232 (Fla. 3rd DCA 1967).

*“A subjective expectation that the land **could be developed in a certain way**, is no more than **an expectancy**, and does **not translate into a vested right**” to develop the property the way they want. Graham v. Estuary Properties, Inc., 399 So.2d 1374, 1382, 1383 (Fla.), cert. denied sub nom. Taylor v. Graham, 454 U.S. 1083, 102 S. Ct. 640, 70 L. Ed. 2d 618 (1981)*

*“If the owner participated in an affirmative act which created the hardship [buying an imperfect small lot] then the **hardship** should be ruled **self-created**.” Coral Gables v. Geary, 383 So.2d 1127 (Fla. 3rd DCA 1980). Are these applicants’ creating their own “hardship”, **stuffing too much buildings and large wide trees** (and hedges) **on a very small lot**?*

*‘...[a]n owner of land has no absolute and unlimited right to change the essential natural character of his land so as to use it for a purpose for which it was unsuited ... and which **[injures] the rights of others**.” Namon at 505, (original citation omitted) see also Ruckelshaus v. Monsanto Co., 467 U.S. 986, 1005, 104 S. Ct. 2862, 2874, 81 L.E.2d 815, 834 (1984).*

*“A person who purchases land with notice of ... impediments ... to develop that land **can justify few, if any, legitimate expectations** of development rights **which rise to the level of constitutionally protected property rights**”; cf. Elwyn v. City of Miami, 113 So.2d 849, 852 (Fla. 3d DCA 1959).*

*“A ‘reasonable expectation’ must be more than a ‘**unilateral expectation or an abstract need**’”; Namon citing Claridge v. New Hampshire Wetlands Board, 125 N.H. 745, 485 A.2d 287, 291 (1984)*

IGUANA FECES ARE A SERIOUS HEALTH HAZARD: The iguanas on our roof (see our pics) carry **diarrheogenic escherichia coli** (DEC) pathotypes. A known environmental health hazard as “... a high proportion of DEC strains are **resistant**, or non-susceptible, to [even] carbenicillin, amikacin, and ampicillin.” Diseases from iguana feces are **resistant to very strong antibiotics. That is serious.**

Iguana feces mixed with rainwater is a hazard, falling from a roof, falling on driveway, onto walking areas, onto applicants’ own patio! This is a hazard to our dog as well as my wife and I, to applicants themselves, and guests. See the link to the science. There are many such articles: [Captive Green Iguana Carries Diarrheogenic Escherichia coli Pathotypes](#) See also: [Captive green iguana is a reservoir of diarrheogenic Escherichia coli pathotypes](#)

The TOWN OF PALM BEACH also warns of this known serious health hazard: *“Green iguanas can transmit the infectious bacterium Salmonella to humans through contact with water or surfaces contaminated by their feces”*. Town link:

<https://www.townofpalmbeach.com/909/What-is-a-Green-Iguana>

PREVENTING THE FECES ON OUR ROOF WILL BENEFIT APPLICANTS: Feces are a dangerous hazard left by iguanas climbing above by using their tree hedge. Feces residue also would fall on their rear outdoor living area.

We were concerned for our little dog, but the applicants have a young child. Strange for them to not be concerned. Diseases iguanas carry are **resistant to most antibiotics** (see article link above). *An easy solution: to not plant tall growing trees that cause iguanas to climb a roof and leave feces that will stream with rainfall onto their own patio living area.*

Applicants may surprise with a “CHANGE of PLANS” at the last minute; all should still be placed on the record: Applicants may at this hearing “update” Council that they have “changed their minds,” and are not planning tall trees there after all. Either way, such tall trees are in fact their plan *filed with the town as of this writing*. And they could easily plant at a later date, or plant close enough to still be a problem. An understanding from applicants fully on the record is necessary and warranted that no tall growing plants be anywhere near our building. This is not asking much of these applicants, if they are truly changing plans.

Applicants’ expected proposal of a height limit solves nothing: Trees grow fast (and both parties may be out of town). Applicants’ expected “proposal” of a 14 foot tree limit by our 15 foot high soffits would obviously not solve this severe problem at all. Especially given the climbing ability of iguanas (see links, articles: *Iguanas are amazing climbers; “if they can get near a roof they can get on it”*).

Height limits alone are not practical, no matter what the “limit.” The “limits” are useless to enforce, as *people have a tendency to just let trees and hedges grow tall*.

And keeping huge trees like those proposed by applicants cut “low” is impossible, *given their species* (below are detail, photos, info on the species). Applicants have shown no sign they will take on the impossible, *their tree hedges even now are out of control*, and they have owned the house for months (see attached photos).

PERHAPS A SIMPLE TOWN CODE WOULD BE HELPFUL: We all know of the iguana explosion in Florida. Most critical is to not aid iguanas in climbing **neighbors’** roofs. With sensible landscape planning that’s easy to prevent (see links to articles, experts below).

A simple Town Code may be enacted that **tall growing vegetation not be planted near or under a neighbor’s roofs, soffits, buildings, etc.** And explaining in the code *purpose: “to prevent iguanas from climbing neighbors’ roofs.”*

Currently the Town has no code that addresses this novel yet critical problem at the planning/planting stage. Town codes are a way municipal officials avoid making the same ruling individually over and over again, and avoid wasted staff and police time on these issues.

Landscape planners and owners will know this simple rule in advance as to **neighbors' roofs**, a rule that will cost them nothing to follow. No problem if an owner wants trees near, and iguanas on **their own roof**. But **not** a neighbor's roof.

This would codify what is really common sense. Council has full authority under Section **163.315, Florida Statutes**: *"this act ... shall be interpreted as a recognition of [officials'] broad statutory and constitutional powers to plan for and regulate the use of land."*

Thank you for your time and service.

*Respectfully submitted, **Martha and Steven Jeffrey Greenwald, Esq.**
128 Seaspray Ave., Palm Beach*

The next pages ahead are LINKS, articles, videos and actual PHOTOS

(Click blue links twice if a problem with video to view)

Iguanas must be kept off roofs. Recent news of iguanas **living in a FAMILY'S ATTIC**. It happens all over Florida. Iguanas are a problem Palm Beach never had in the past, now here to stay. **Planting trees or hedges away from a neighbors' roof is an easy solution.** News link: <https://www.youtube.com/watch?v=SNZaJedOLqQ>

CBS News report. It explains that most "methods" of stopping iguanas are not practical against the current Florida iguana explosion. The methods do not work, are dangerous or could be illegal. See this **CBS** report link: <https://www.youtube.com/watch?v=wwk05LAXMFg>
And See the **NBC report**: <https://www.youtube.com/watch?v=ufqHYyA0Vdc>

See also **BLOOMBERG TV** report:
https://www.youtube.com/watch?v=mPwZ_zIFuY

January 2020 article, *South Florida Overrun with Iguanas:*
<https://animals.howstuffworks.com/animal-facts/iguana.htm>

Iguana experts say never plant trees anywhere near homes in Florida. Iguanas are a bit of a nuisance, but on **roofs** they are a danger. Iguanas damage roofing, underlayment, and may get into the attic and house. See this link, experienced iguana handlers' warning of **hazards of iguana feces on a roof dripping down with rain water**. Iguanas can also climb down roof

exhaust pipes and appear in your toilet. See the link:

<https://www.iguana-solutions.com/roof-iguanas>

Experts we consulted said: *“If near a roof, then iguanas can find a way on it.”* Experts were puzzled about how tree hedges were allowed anywhere near our soffits: *“why did the neighbor even plant a hedge there.”* We were told: *“they need to cut that hedge far from your roof.”* They had no other remedies, and if hired all said they would do that first. So that is what **we** did, and it was **100% successful**.

Some unsuccessful iguana remedies we tried during the past 3 years: more than 40 tubes (caulk size) of BIRD-X clear sticky goop repellant placed all over the south side of my roof: useless, ineffective. Gallons of *Iguana Rid* sprayed everywhere around our roof and on the 131 Seaview hedge: useless, ineffective. Hanging many compact disks and other reflective things: totally useless. Other things were attempted. All attempted remedies cost quite a bit in total, for hired manpower and products, all were useless. I can elaborate more if you wish, I have receipts.

APPLICANTS’ TREE PLAN is actually far more hazardous than the prior owner. Applicants now plan to have huge trees all the way **across most of our 35 feet of roof soffits!** The prior owner’s tree hedge only extended 4 feet across, and yet that 4 feet caused severe iguana feces problems for years. **A simple viewing at our home will show the seriousness of this.** I will be happy to meet anyone at our home.

ALEXANDER PALMS: Applicants’ drawing, top of their page **45/63** states: **“(3) ALEXANDER PALM 14’ [14 feet height] CT., MATCHING TRUNKS”** to be planted just at their north/west at our mutual boundary wall. Oddly, their page **52/63** drawing shows there will be **4 of these trees**, and not 3. Their drawing shows planned **14 foot tall** grown/still growing tall trees (at their page **52/63**) **all across our roof soffits!** Our **roof soffits** are only **15 feet high**, and are located a **couple inches from the property line** where these will be planted, at our wall.

Their drawing actually shows these 4 palm trees’ big branches will be right at our roof soffits! (see their plan at page **52/63**). Behind what is drawn as palms on page **52/63**, **are our roof soffits 2 inches from the property line**. There is really no distance at all. And their page **45/63** shows the planting of these large palms to be **just at the wall**, our mutual property line.

Alexander palms are just large growing palms, nothing magic about them. They are a large wide branch tree that iguanas would easily climb to get to our roof. Applicants’ drawing shows large palms and hedges to be at our common wall, with branches just at our soffits and roof.

Palm trees obviously cannot be “trimmed lower” or you’d be left with a tall stump.

Their computer renderings, drawings all show **huge hedges and trees** all to be planted exactly where **their branches would be at our roof soffits** (at their pages **52/63** and **45/63**).



Here is what **Alexander Palms** *really* look like. They do grow! Photos at: <https://themoderngardeneronline.com/products/copy-of-alexander-palm-archontophoenix-alexandra-100lt-bag>

See more pics of **alexander palms** at <https://www.pinterest.com/pin/358176976584377694/>

PITCH APPLE TREES: Applicants' drawing also states "(2) PITCH APPLE 18' OA HT [18 feet overall average height] 8' SPR., FORM ARCH" at the top of their page **45/63**. These will be directly at our roof soffits. Most ominous, the **two huge 18 foot pitch apple trees** are also positioned in their drawings, **between our critical iguana cable guards** (at the ATT/COMCAST CABLE) that are currently preventing iguanas from travelling on the cable.



Pitch Apple trees, more huge trees planned. They *really look like* this photo. *Link to pics at:* <https://www.plantsmap.com/organizations/25206/plants/67499>

Our iguana cable guards are now protecting both our properties from iguana feces falling from our roof. Their trees and hedges planned, will render the cable guards useless, iguanas will climb to the cables and onto our roof and leave feces. Roof feces will once again fall on our heads, and feces will become many square feet on our roof, when we are out of town. **Those feces will once again fall in rainstorms onto applicants' own patio.**

Applicants' drawing (page 52/63) actually **shows pitch apple and other large hedges** planned for their north border, which would be ***exactly* at our roof soffits**. Same problem as the alexander palms. These and **other huge hedges** are shown to be planted **just at and under our soffits in their renderings**. (see their pages 52/63, and 45/63).

Applicants have on their drawings a symbol signifying a *hedge* (page 45/63). They also use the word "**arch**" for the two pitch apple trees. Call it hedge or not, **they are planning 14 and 18 foot tall trees and tall large hedges**, just at our roof soffits (their drawing page 52/63). All of this is over a **far greater area near our roof soffits than the prior owner!**

If applicants claim their tree branches will grow above our roof, that is also no answer. We have seen iguanas purposely drop down from hedges, and they are fine. Iguanas are sturdy and will find a way to our roof using these planned trees and hedges.



Photo shows **iguana stopping on approach at our bird spikes**. We also have a similar video of another iguana. Our devices will work fine unless trees or hedges are planted that provide a way iguanas can go around them. Applicants' trees and hedges planned will do just that.



ABOUT OUR PHOTOS OF THE IGUANA FECES ON PLASTIC: My wife and I ourselves would place plastic in front of our garage door to catch the iguana feces. The feces were so routine (often daily) **we would place the plastic, so the feces would fall on it**, so we could carry it away. We had to spray the roof (and driveway with clorox cleanup). Difficult to do daily. Roof and driveway cleanup of feces could be 2 hours a day. At times iguanas would leave feces a second time *after* we cleaned up. **Feces would then fall on our heads as we were walking to our cars.** My wife says we will never allow this to happen again.



Photo of another iguana heading away after confronting our bird spikes.



More feces on plastic in the front of our garage where we walk to our cars. This was a daily horror for months. Awful when **it fell on our heads in the rain**. Feces got everywhere. In this photo the feces you can see are elsewhere on the driveway also. And feces are on the very edge of the roof.



Photo: Iguana stopped by our spikes. These cable stopping devices are a safe humane way to deter. Iguanas simply head in the other direction. An **ATT tech** in the area told us our light plastic bird spikes and wheel are perfectly OK, not a problem for them. He said *"it will all be undergrounded soon anyways"* (which will be great!) He warned: *"get these tree hedges cut more, or iguanas will be on your roof even with no cables."* So we did.



This Photo easily shows it all. Why **APPLICANTS' PLAN IS OUTRAGEOUS**. It shows the **mutual wall (property line) is exactly at our ROOF EDGE**. Applicants' property is on the left of the wall shown. Our newly painted yellow building and white soffits on the right of this wall. You see there is only an inch or two between our soffits and the property line (the wall). There is no real distance. **Applicants want their tall wide growing trees and hedges to be planted just at the left side of this wall, with branches at our roof soffits!** (pages 45/63 & 52/63 of their plan drawings). Given that, iguanas will be climbing back on our roof in no time at all, causing feces to land on both our properties once again.

It can also be seen in this photo that **feces** on our rear roof have nowhere to go in a rainstorm, except straight down onto our mutual wall and **splash onto applicants' patio area!** *Applicants should want no way for iguanas to climb near our rear garage roof.* Yet their new plan is to provide easy ways for iguanas to climb there. Strange but true.



PHOTO OF THE MUTUAL WALL OVER THEIR GRILL: At times feces were all over the mutual wall above their grill, and along the entire wall shown in the photo. Often it smelled like open toilets with feces. This photo was taken 7 months after **we cut away the tree hedge by 6 feet, which instantly stopped all iguana feces.** The wall is totally clean now, as seen in the photo. I spent hours spraying loads of clorox and power hosing the top of the wall, some 7 months ago. No *new* feces for 7 months. **Now applicants' want a plan that would return feces to that wall, and onto both of our properties.** Unknown why.



RECENT PICS OF HEDGES. Awful: Recent pics show applicants' current tree hedges are now out of control, though applicants have owned 131 Seaview for months. Their trees are a mangled mess, white fly everywhere (not sure they even spray). Their tree hedge is now laying on cable wires for 80 feet. Should we trust them to make an impossible **effort** to keep larger, **more difficult tree species** constantly cut away? (how does one "cut" large palm trees "lower"?) And see their planned *huge hedges* at our soffits in their drawings? (page **52/63**).



The RECENT PHOTO OF OUR IGNANA CABLE DEVICES PROTECTING US FROM APPLICANTS' OUT OF CONTROL HEDGES:

Our devices have proven **100%** successful stopping iguanas from traveling on the cable, unless a tree grows a "path" for iguanas to climb around it. You can see in our photo we have cut deep across the hedge tops with great effort to prevent that detour ability. **Applicants have done nothing to help, same as the prior owner.** These applicants have owned 131 Seaview for months.



Another **pic** shows how my landscapers had to cut their very thick tree hedge not only down, but **6 feet away** from our soffits. **Our large cutting stopped all iguana problems instantly.** That tree hedge area you can see in the pic was only *4 feet across our soffits*, and was very difficult to cut. Imagine applicants' new plan of trees across our entire *35 feet of roof soffits*. That will be an onerous effort to continuously cut the huge trees and hedges they are planning. For their planned alexander palms, it will obviously be impossible to "cut them lower."



Smaller iguana heading away from our device on the cable that deters them.

Our cable bird spikes and devices are currently protecting applicants' back patio also from iguana feces. Since placing the devices, and cutting their hedge 6 feet, no iguanas have been on our roof, and no feces falling from our roof onto either property. 100% success for seven months. *Instead of being grateful* for our time, hard work and expense, these *applicants' propose to make the situation far worse.*

From: [Angela Feldman](#)
To: [Kelly Churney](#)
Date: Friday, July 10, 2020 7:19:36 AM

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Mayor Coniglio. members of the Town Council and Members of the Architectural Review Commission

Town of Palm Beach, [360 South County Road, Palm Beach, Fl 33480](#)

Re: Z- [20-00260](#) and Arcom Number B-033-2020 [131 Seaview Ave., Palm Beach, Florida](#)

Dear Mayor Coniglio and Members of the Town Council and Architectural Review Commission:

Our residence is [160 Seaview Avenue, Palm Beach](#).

Our neighbours, the Ioria family own [131 Seaview Avenue](#) and they have filed plans with the Town to renovate the subject property. I have reviewed their plans and consider that the renovation will enhance the neighbourhood and therefore we have no objection whatsoever to any variances they are seeking. I believe that the proposed additions will indeed be fine improvement to my neighbour's property and our neighbourhood. Hopefully, you and your staff will agree with us and approve the proposed project.

Thank you for your consideration.

Sincerely,

Angela Feldman.

Sent from my iPhone

From: [Alan Gozlan](#)
To: [Kelly Churney](#)
Subject: 131 Seaview Avenue1
Date: Friday, July 10, 2020 9:07:50 AM

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Mayor Coniglio, Members of Town Council and Members of the Architectural Review Commission
Town of Palm Beach
360 South County Road
Palm Beach, Florida 33480

Re: Z-20-00260 and Arcon Number B-033-2020 131 Seaview Avenue, Palm Beach, Florida

Dear Mayor Coniglio and Members of the Town Council and Architectural Review Commission

We reside at 141 Seaview Avenue, Palm Beach, two doors away from our new neighbours, the Ioria family. They have purchased 131 Seaview Avenue and have filed plans to renovate and beautify their property. We have seen the plans, reviewed same and consider their efforts an enhancement to our small ocean block cadre of homes. We have absolutely no objections to any variances they seek as the new improved home will add to the beauty and character of our neighbourhood. I believe their proposed additions and improvements will enhance their property and our neighbourhood. I grant them our full support and endorsement in their endeavour and hope you and your staff will do the same and approve this project.

Thank you for your time and consideration. I would be happy to speak virtually should any of you wish.

Sincerely,

Alan Gozlan
on behalf of Alan and Renee Gozlan
Gozlan Property Partnership
141 Seaview Avenue
Palm Beach, FLA
cell 1-416-9028904

RE: A word about the Historic Conservation Districts Ordinance
Hearing scheduled 9:30 am, Wednesday July 15

Wayne Bergman and Town Staff have worked hard on the new Historic Conservation Districts Ordinance. It appears to be a nice balance. Preservationists are pleased at the *historic* designation of the older homes in town. The little Seas neighborhood feels better that it is a Town wide designation.

And the release valve, if a situation of logical, financial, total impractical (meaning perhaps impossibility) then demolition is there to protect a life's financial investment. As climate change and hurricanes get worse, a few homes will need to be fortified or elevated. During the next 20 years, we will see environmental changes.

But that will really be the *exception*. In the case of *our home now for sale*, of the dozen or so prospective buyers in the past year, all wanted to save the home. The dozen or so prospective buyers had proposed (for description simplicity) a range from 20% on up to 80% improvement. None wanted to *totally* demolish. That is the good news for preservationists. One couple considered actually landmarking it.

So this house is not going anywhere, *as long as the town allows us to protect it* (See **Shiny Sheet** article in link below about our **128 Seaspray Ave**).

What prospective buyers have been most interested in at our house, is its *amazing garage apartment building sitting just inches from the property line in the back of the house*. Grandfathered with its unique large apartment, and extreme soffits just at the very edge of the lot, it provides open space for a great look from the street (see pic below). That look actually creates a nice feeling on the entire Seaspray ocean block. Neighbors and observers love the look, and how it is all situated on the lot. It brightens up the street (see pic attached).

But if 131 Seaview were to have 35 feet of huge trees and hedges *smashing* against this interesting building and its soffits during storms, and carry bugs and termites to these soffits and attic (not to mention iguanas or rats to its roof) then prospective *preservation minded buyers would have second thoughts*. Prospective buyers may argue to the town (and its preservationists) that this home and all of its grand soffits are too close to the southern lot end, and thus the entire house is not saveable.

We as sellers (and my wife a Florida RE Broker, and me a lawyer) may be obligated to *reveal* to preservation minded buyers about a 23 year ongoing problem of the 131 Seaview hedges and its impact on our roof soffits. *And the destructive plans of the new owner of 131 Seaview*.

This problem was *not revealed* last week at the ARCOM meeting by either the 131 Seaview landscape planner nor architect in charge (you can listen to the *Town ARCOM meeting on 131 Seaview live recording* online). These professionals did not even point out at

the 131 Seaview ARCOM hearing the extreme *proximity* of our soffits just at the property line, and just where their planned giant trees and hedges are to be. These buyers (and their advisers) were aware of this situation when they bought 131 Seaview several months ago.

Anyone is welcome to *come by our house and see the **destruction to our soffits**, about 4 feet across, caused exactly by the 131 Seaview tree hedge*. Now the new owners of 131 Seaview are proposing **35 feet** of huge tree hedges all the way across our garage apartment building! (See pages 45 and 52 of their current plans submitted to Town).

It remains to be seen if the preservationists will help, and the town allow us, to protect this now designated “historic” home. Does anyone really care about preserving this fine house?

Aside from the iguana roof feces health hazards that will be caused by the 131 Seaview planned *14 foot and 18 foot trees and giant hedges just at our roof soffits*, there are *hurricanes and big storms that would batter these tree hedges against our precious old soffits* (original home built 1925). Anyone is welcome to come by and see the *termite and bug destruction* caused to this interesting building, exactly where the 131 Seaview hedges were.

We are sure that this outstanding Council and Mayor will show they care on July 15 at 9:30 am, when the hearing on 131 Seaview’s plans (for giant trees and hedges at 128 Seaspray’s soffits) is also scheduled.

Respectfully, Martha and Steven Jeffrey Greenwald, Esq.

Attachments: Photo on the **next page below** of 128 Seaspray, showing the nice garage apartment setback that brightens up the entire Ocean block. That interesting garage apartment building is *now at risk from the 131 Seaview landscape huge tree and hedge plans to be at its soffits*. Also attached, our prior letter to Council about the 131 Seaview iguana tree/hedge ladder plans. In the link below also the **Shiny Sheet article about 128 Seaspray Ave with interesting photos:**

In the link, the **Shiny Sheet** article about 128 Seaspray Ave with interesting photos:



Shiny Sheet article about 128 Seaspray with interesting photos, click the blue below link:

<https://www.palmbeachdailynews.com/photogallery/LK/20190711/NEWS/711009995/PH/1>

(You may need to click twice to have the article appear).

From: [Steven Jeffrey Greenwald, Esq.](#)
To: [Danielle Hickox Moore](#); [Bobbie Lindsay](#); [Margaret Zeidman](#); [Julie Araskog](#); [Gail Coniglio](#); [Lew Crampton](#); [Kirk Blouin](#); [Wayne Bergman](#); [John \(Skip\) C. Randolph](#); [Kelly Churney](#); [Paul Castro](#)
Subject: One more word about Historic Conservation Districts Ordinance, 131 Seaview, and new proposed Town Code, Wednesday July 15
Date: Tuesday, July 14, 2020 10:02:25 AM
Attachments: [image.png](#)

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

RE: One more word about the Historic Conservation Districts Ordinance, 131 Seaview, and the new proposed Town Code, Hearing scheduled 9:30 am, tomorrow Wednesday July 15

To Council, Mayor and Staff: Again, town Staff worked hard on the new Historic Conservation Ordinance. It is a nice balance. Preservationists are pleased with historic designation of older homes in town, with **Landmarks Preservation (LPC)** to have the say in all plans of older homes. And the rule is townwide, so the *Seas neighborhood feels much better* about it. Well done.

When this ordinance is passed tomorrow Wednesday July 15, as the planned ordinance is fine, it **should now** be **Landmarks Preservation** (LPC) who under this ordinance, should finish deciding the entire construction and landscape plans of **131 Seaview** (an older home too).

This includes their **giant trees and hedges, that are to be exactly at the roof soffits of our now designated historic home at 128 Seaspray**. Council should require LPC decide on all aspects of 131 Seaview plans, including **how its landscaping plans negatively affect our now designated “historic” home**.

Our home is now for sale (128 Seaspray). Potential buyers all want to save 128 Seaspray. Buyers have been most interested in its *historic garage apartment building, sitting just inches from the property line in the back of the house*.

Grandfathered with its unique large apartment, and **extreme soffits** just at the very edge of the lot, it provides open space for a great look from the street (see pic below). That look creates a nice feeling on the entire Seaspray ocean block. Neighbors and other citizens love the look, and how it’s all situated on the lot.

So what of the new **131 Seaview** (just behind it) plans for **35 feet across of huge trees** and hedges **smashing** against **128 Seaspray’s** interesting building and grand soffits during **storms and hurricanes**, tree hedge plans that carry **iguanas**, bugs, termites and rats to these roof, soffits and attic?

With **iguanas climbing daily up their planned huge tree-hedge ladders to the roof of 128 Seaspray**, and **iguana feces** falling on its owners, which happened for 3 years, and also feces splashing with rain back onto 131 Seaview's own patio!

Buyers could have *second thoughts*. Buyers could argue to the town (and preservationists) that 128 Seaspray and its grand soffits are **too close** to its southern lot end, and thus is **not saveable**. That the new unnecessary trees hedges of 131 Seaview are apparently **more important** than our now designated "historic" home at 128 Seaspray, built in 1925.

We as sellers (my wife a Broker, and me a lawyer) may be obligated to *reveal* to preservation minded buyers about a 23 year ongoing problem of the 131 Seaview tree hedges and its impact on our roof soffits. *And the destructive plans of 131 Seaview.*

This problem was *not revealed* last week at the ARCOM meeting by either the 131 Seaview landscape planner nor architect in charge (you can listen to the *Town ARCOM meeting on 131 Seaview, live recording* online).

These professionals did not even point out at the 131 Seaview ARCOM hearing, about the **extreme proximity of our soffits just at the property line** of 128 Seaspray: *exactly where their planned giant trees and hedges are to be*. The 131 Seaview applicants (and their advisers) were aware of this situation when they bought 131 Seaview several months ago. And were well aware of the problem of the close proximity of our 128 Seaspray soffits to their planned huge tree hedges, from our friendly informative letters and phone calls.

All are welcome to *come by our house and see the **destruction to our soffits**, about 4 feet across, caused exactly by the 131 Seaview tree hedge*. Now the new owners are in fact proposing **35 feet** of huge tree hedges all the way across our garage apartment building! See pages 45 and 52 of their current plans of Seaview submitted to the Town. It is right there easy to see, and should now be reviewed in total by **LPC**.

Will anyone care about preserving 128 Seaspray, a very recognizable home in town?

Aside from the iguana roof feces health hazards to be caused by their planned *14 foot and 18 foot giant tree hedges just at our roof soffits*, there are *hurricanes and big storms that would batter these tree hedges against our precious old soffits* (original home built 1925). Anyone is welcome to come by and see the *termite and bug destruction* caused to this interesting building, exactly where the 131 Seaview hedges were before.

Also, Wayne Bergman's other common sense proposed Code add, preventing owners from planning **new** tall growing trees near a **neighbor's** buildings, should be passed. If owners want to plant nearby trees that risk their own homes (hurricanes, iguanas, rats, etc.) that is fine, but **not near a neighbor's home**.

Thank you for your important service, and for time spent reading this letter.
Martha and Steven Jeffrey Greenwald, Esq.

(K Churney or Clerk, please file in the various backups for hearings cited above, and please copy all recipients,, as at times it is not transmitted via "townofpalmbeach.com" Thank you. SJG)



128 Seaspray Ave.

Sheet article about 128 Seaspray with photos, click the blue link:

<https://www.palmbeachdailynews.com/photogallery/LK/20190711/NEWS/711009995/PH/1>

(You may need to click blue link twice to have the article appear).

Steven Jeffrey Greenwald, Esq.

Email address:

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561-310-2724

Mailing address: P.O. Box 3407

Palm Beach, Florida 33480 - U.S.A.

Council, Mayor and Staff:

On July 15, 2020 Council instructed that we all get together and discuss. My wife and I were looking forward to sharing ideas with the lorio's and Mr Williams, and quickly resolving this. Meeting in person can build trust, and save Council precious time.

Unfortunately the lorio's, Mr Williams, and Moria, still have never contacted us (**ever**). We wrote friendly invites to call, meet, and we still are happy to, *if they would only call us*. But instead we must now write our response to Mrs lorio's July 23 letter to council:

Mrs lorio now proposes **Ficus Benjamina a/k/a weeping fig** (a **fig** tree) to be planted 35 feet all the way across our building where the iguanas had left feces.

Ficus Benjamina is in fact the plant iguanas love most! See *Reptile Magazine* the plant on the **top of their list #1 for iguanas as pets to thrive is: Ficus Benjamina!** See under "Plants to Consider." Link: <https://www.reptilesmagazine.com/plants-for-reptiles-and-amphibians/>

Reptiles, especially green Iguanas, love Ficus Benjamina **figs**, leaves, and to **climb** and "**loung**" on it, more than any plant! The lorio's want this plant to be 35 feet all the way across our building and 13.5 feet high, just at our roof soffits and their patio. Even though we have had a severe iguana feces problem in that exact area!



Also *Reptile Advisor* magazine agrees: The article: "**11 Awesome Plants for Chameleon Habitats**" and **#1 in their list** is also, **Ficus Benjamina!** The link:

<https://www.reptileadvisor.com/plants-for-chameleons/>

What about actual **Iguana veterinarians** (there *is* such a vet specialty). They explain on page 2 under the **best "Landscape and Furniture" for iguanas to "loung on"** that **Ficus Benjamina** and hibiscus are their favorites! See link: "Iguana Care Sheet" for those who have green iguanas as pets, and also the link on "**iguanas love figs.**" Healthy for them! <http://www.stanhope-vet.co.uk/wp-content/uploads/2015/02/Green-Iguana-Care-Sheet-STANHOPE.pdf>

With the lorio's new plan, Iguanas would come from all over the area to lounge, eat **figs**, and climb our roof and poop. **See also this link:** <https://reptilefunction.com/figs-are-healthy-fruit-for-your-cyclura/#:~:text=Figs%20have%20been%20known%20as,nutritional%20info%20on%20figs%20here>.

Ficus Benjamina attracts and is great for iguanas. But the plant is also a known **toxic hazard for children, dogs, garden workers**. It's sap from leaves and branches is **toxic**, especially with a huge 13.5 ft x 35 ft wall of it in a small patio area. **See: Info, links in the footnotes at the end of this letter.**

The lorio's will of course need a different hedge plant iguanas won't love! According to experts, articles, **Ficus Benjamina** is also the **#1 most difficult hedge material to keep trimmed**. They explain: "*you actually have to defend yourself from its growth. Coarse wood and coarse leaves, not soft foliage like [this podocarpus](#)*" (Click to see [podocarpus](#)). The best easy to read article explains why **Ficus Benjamina is the absolute worst hedge plant possible**. Read, click the link: <http://mgonline.com/articles/hedgelist.aspx> They (and other articles) instead suggest **podocarpus** as perhaps the **best hedge plant**.

Photo: **PODOCARPUS**. *Lately experts' favorite tall hedge for South Florida*. This photo taken by Martha Greenwald days ago at a very fine Palm Beach home. *Podocarpus is used by experts as a tall hedge in manicured gardens as it too can be shaped, and is very attractive* (not possible with ugly massive Ficus Benjamina; if with figs, even more a problem). **Podocarpus** is "salt-tolerant, hot and cold tolerant, does well in any area of South Florida. Hot sun or shade is just fine." *South Florida plant guide. See link:*



<https://www.south-florida-plant-guide.com/podocarpus.html#:~:text=Plant%20specs&text=It's%20evergreen%2C%20salt%2Dtolerant%2C,than%20in%20a%20sunny%20one.>

Podocarpus, seen all across the **front** of the **Everglades Club** Palm Beach, can easily grow to 30 to 40 feet in height, quite **huge**. See the US Forest service South Florida at link: http://hort.ufl.edu/database/documents/pdf/tree_fact_sheets/podmaca.pdf

9 Foot height requirement: Podocarpus is still a very tall grow hedge, but as a courtesy **we would assent to a Podocarpus** 35 ft long hedge by our building. But no taller than **9 feet**. Iguanas can still climb the strong Podocarpus to our roof, so a 9 ft limit is essential. **Podocarpus** is very safe, non toxic, sturdy, attractive, easier to shape nicely.

WHY A LIMIT OF 9 FEET? **After 3 years trying many things to keep iguanas from our roof, we cut 6 feet of the lorio's current hedges away from our 15 foot soffits and nearby areas. Then new iguana feces immediately and totally stopped. Hence the 9 feet height limit. (15 - 6 = 9)** (Note: Our historic soffit ornaments are actually at 15 feet high, not 15.5'. Anyone can come and measure. Mr Williams' drawing is a bit off).

Cutting less than 6 feet of their hedges away from our soffits just did not stop iguanas. We tried 2, 3, even 4 feet cut away on the hedges, and iguanas still got on the roof. Only when

we cut a full 6 feet, as experts advised, did Iguana **feces stop everywhere** on the **roof**, wall, their patio, our front above our garage, our driveway, everywhere. It has been that way **now for 8 months**. Problem solved, to our relief after 3 awful years. We also were puzzled why 3 or 4 feet distance did not stop the iguanas. But the iguana handlers we spoke to told us to “*cut 6 full feet away*” and they were correct. It worked!



Other reasons for the 9 foot limit: the higher the hedge the more impossible to keep trimmed, requiring tall ladders in a *tight* area. See **pic**: our very **tight area** on our right side of wall. (*Note also*: the west neighbor's hedges shown in the pic are actually 6 ft from our roof. A side view pic of the distance is below).

We also keep soffits painted on this historic home, and we put shutters up, all using tall ladders annually in this **tight space** that may have hedge branches that would make this hazardous. The wall is only 5.5 ft high in that area. With a tape measure one can see that **9 feet is tall enough**, with 35 ft wide of hedges pouring out 4 feet over our wall in that tight space (see pic). Our AC unit is back there too!

We will *also* have 70 more feet of Iorio's giant hedges all across our south boundary we are required to keep trimmed, but we are not complaining about that. Our concern is their

frightening hedge height request along our building, just at our roof soffits.

Fact: If the Iorio's hedges are any higher than 9 feet by our building, then iguanas will get to and leave feces on our big roof again. The 2 feet “protective” distance in Mr Williams' drawing will not stop iguanas. Experts remind us: iguanas are amazing climbers. Iguana feces would also fall on Mrs Iorio's hedges, making her hedges a fecal depository. Our big roof leans directly to their patio. With rain, feces would fall onto their new hedges, the wall, and drain to their patio area.

Feces would once again be a serious *hazard* for my wife and I using our garage and driveway, as feces would also fall from the roof front. Feces did fall on our heads during rain, after we thought we had cleaned everything. Once, after returning from 2 months away, there was 40 square feet of iguana feces all over our roof. See **pic** below of **daily feces from our front roof**. We had to clean the roof repeatedly. It was a 3 year nightmare that we will not put up with again. Iguanas tore at our large roof vent trying to enter our attic, forcing us to tar it over completely. See the link to a similar issue: <https://www.youtube.com/watch?v=SNZaJedOLqQ>



The science: Iguana feces mixed with rainwater is a hazard, falling from a roof, falling on driveway, onto walking areas. **This is a severe hazard to my wife and I, any guests, and the lorio's.** See the link. There are many such articles: [Captive Green Iguana Carries Diarrheogenic Escherichia coli Pathotypes](#) See also: [Captive green iguana is a reservoir of diarrheogenic Escherichia coli pathotypes](#)

The TOWN OF PALM BEACH also warns of this known serious health hazard: *"Green iguanas can transmit the infectious bacterium Salmonella to humans through contact with water or surfaces contaminated by their feces".* Town link:

<https://www.townofpalmbeach.com/909/What-is-a-Green-Iguana>

Mrs lorio's proposal requires us to rely fully on the lorio's (and their gardeners) to keep a difficult 35 feet wide of hedges trimmed to height, week after week for years. Her "proposal" shocked my wife and I. *We don't want a future where we constantly need Town Staff, Council, other authorities to protect us from these massive hedges,* no matter what type of tree they use. The lorios are not responding to calls and letters, why would they in the future?

So there would need to be **a proper written short agreement** that the lorio's promise and agree to keep the hedges, plants near or affecting our building **limited to 9 feet** (including all expenses to do that). Not simply a statement at hearing or note on a drawing buried in Town plans, or just an email. The agreement will be for future new different Town **staff** or Council. We and **Town Staff** will have a document to **easily rely on** any time.

Response to Mrs lorio's #1: The base of the current hedge 3 or 3.5 feet inside their property *proves that is not enough distance.* The hedge still provided a fine iguana ladder to our roof. As to removal of their current hedges (**Mrs lorio's #1 and #5**) yes please **do** remove these whitefly and termite infested plants as soon as possible. The builder must then place tall protective panels. The panels should be removed if there is a *hurricane watch*, and also building materials to prevent damage to our property. I believe all of that is a requirement of builders.

Mrs lorio's #2. Near our building the current hedge was kept 11 to 13 feet height the past 3 years, and iguanas still had an easy climb to our roof. The lorio's now want these hedges at

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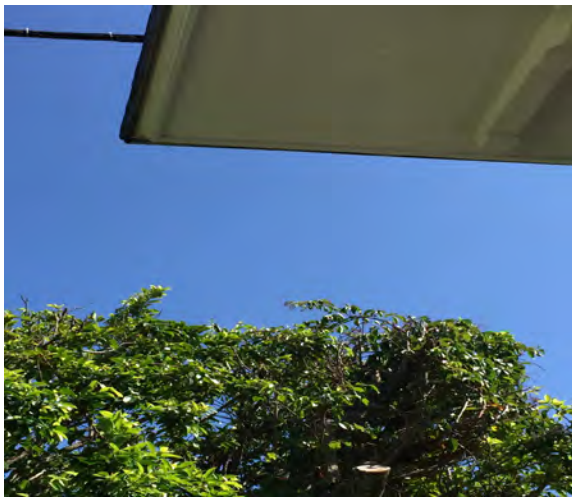
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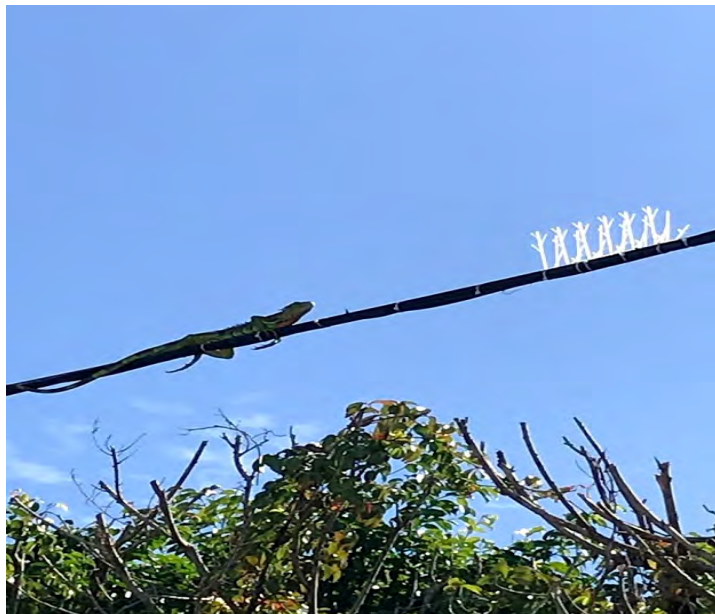
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alone and have no children. The lorio's will have privacy. The lorio's would be more concerned about iguana feces & odor than about privacy, if iguanas get back on the roof.



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Pic of iguana confronting our bird spikes that are now protecting the lorio's patio areas 100%.

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Bird-x goop we used is seen in an architect photo at the last hearing. Bird-x was put all across the south and west of our roof. Bird-x did not stop iguanas, but provided a **track** to easily see where iguanas came from. Iguanas always came from the hedge on the lorio's property, never from the west or anywhere else.

The Iguana invasion is here. The Town's iguana removal efforts are nice, but a removal day here or there will never solve the iguanas. Experts, including Florida county and city websites have shown we will just have to live with iguanas, but with *simple changes*. This includes no longer allowing ways for iguanas to get near a roof, especially a **neighbor's** roof. If iguanas can get near a roof, they will get on it.

The old days of approving tall hedges anywhere just because it is Palm Beach, are really **over**. The reason: the **iguana invasion**. *We in town can no longer plant new tall growing hedges near a neighbor's building if that neighbor objects.* An easy solve for most iguana problems.

Respectfully, Martha and Steven Jeffrey Greenwald, Esq.

Footnotes: Ficus Benjamina a/k/a Weeping Fig a/k/a Ficus Carnica (fig) hazardous to **children**, dogs, cats, garden workers: <https://www.gardenguides.com/120569-toxicity-ficus-benjamina.html> See also: <https://www.asPCA.org/pet-care/animal-poison-control/toxic-and-non-toxic-plants/weeping-fig> See also: <https://www.petpoisonhelpline.com/poison/weeping-fig/> **See also severe hazard for gardeners:** https://www.researchgate.net/publication/5973917_Phytophotodermatitis_caused_by_contact_with_a_fig_tree_Ficus_carica

See Town of Palm Beach, Shiny Sheet article. **We are following what the Town recommends for iguanas.** We have successfully modified their habitat, via cable spikes, etc. **The applicants'** plan shows they have **no** interest in the town's iguana advice: "removing foliage they consume and prefer for nesting." Instead applicants chose iguanas' most desired plant for a 35 foot hedge across our garage, and to its roof. You can't make this up. See the link: <https://www.palmbeachdailynews.com/news/20190726/palm-beach-suggests-harassment-habitat-modification-to-deter-iguanas>

Council, Mayor and Staff:

On July 15, 2020 Council instructed that we all get together and discuss. My wife and I were looking forward to sharing ideas with the lorio's and Mr Williams, and quickly resolving this. Meeting in person can build trust, and save Council precious time.

Unfortunately the lorio's and Mr Williams still have never contacted us (ever). We again wrote a friendly invite to call, meet, and we still are happy to, *if they would only call us*. But instead we must write our response to Mrs lorio's July 23 letter to council:

Mrs lorio now proposes **Ficus Benjamina a/k/a weeping fig** (a **fig** tree) to be planted 35 feet all the way across our building where the iguanas had left feces.

Ficus Benjamina is in fact the plant iguanas love most! See *Reptile Magazine* the plant on the **top of their list #1 for iguanas as pets to thrive is: Ficus Benjamina!** See under "Plants to Consider." Link: <https://www.reptilesmagazine.com/plants-for-reptiles-and-amphibians/>

Reptiles, especially green Iguanas, love Ficus Benjamina **figs**, leaves, and to **climb** and "**loung**" on it, more than any plant! The lorio's want this plant to be 35 feet all the way across our building and 13.5 feet high, just at our roof soffits and their patio. Even though we have had a severe iguana feces problem in that exact area!



Also *Reptile Advisor* magazine agrees: The article: "**11 Awesome Plants for Chameleon Habitats**" and **#1 in their list** is also, **Ficus Benjamina!** The link:

<https://www.reptileadvisor.com/plants-for-chameleons/>

What about actual **Iguana veterinarians** (there is such a vet specialty). They explain on page 2 under the best "**Landscape and Furniture**" for iguanas to "**loung** on" that **Ficus Benjamina** and hibiscus are their favorites! See link: "Iguana Care Sheet" for those who have green iguanas as pets, and also the link on "**iguanas love figs.**" Healthy for them! <http://www.stanhope-vet.co.uk/wp-content/uploads/2015/02/Green-Iguana-Care-Sheet-STANHOPE.pdf>

With the lorio's new plan, Iguanas would come from all over to lounge, eat **figs**, and climb our roof and poop. **See also this link:**

<https://reptilefunction.com/figs-are-healthy-fruit-for-your-cyclura/#:~:text=Figs%20have%20been%20known%20as,nutritional%20info%20on%20figs%20here>.

Ficus Benjamina attracts and is great for iguanas. But the plant is also a known **toxic hazard for children, dogs, garden workers**. It's sap from leaves and branches is **toxic**, especially with a huge 13.5 ft x 35 ft wall of it in a small patio area. **See: Info, links in the footnotes at the end of this letter.**

The lorio's will of course need a different hedge plant iguanas won't love. According to experts, articles, **Ficus Benjamina** is also **the #1 most difficult hedge material to keep trimmed**. They explain: "*you actually have to defend yourself from its growth. Coarse wood and coarse leaves, not soft foliage like [this podocarpus](#)*" (Click to see [podocarpus](#)). The best easy to read article explains why **Ficus Benjamina is the absolute worst hedge plant possible**. Read, click the link: <http://mgonline.com/articles/hedgelist.aspx> They (and other articles) instead suggest **podocarpus** as perhaps the **best hedge plant**.

Photo: **PODOCARPUS. Lately experts' favorite tall hedge for South Florida**. This photo taken by Martha Greenwald days ago at a very fine Palm Beach home. *Podocarpus* is used by experts as a **tall hedge in manicured gardens as it too can be shaped, and is very attractive** (not possible with ugly massive Ficus Benjamina; if with figs, even more a problem). **Podocarpus** is "salt-tolerant, hot and cold tolerant, so does well in any area of South Florida. Hot sun or shade is just fine." *South Florida plant guide*. See link:



<https://www.south-florida-plant-guide.com/podocarpus.html#:~:text=Plant%20specs&text=It's%20evergreen%2C%20salt%2Dtolerant%2C,than%20in%20a%20sunny%20one.>

Podocarpus can easily grow to 30 to 40 feet in height, quite **huge**. See the US Forest service South Florida at link: http://hort.ufl.edu/database/documents/pdf/tree_fact_sheets/podmaca.pdf

9 Foot height requirement: Podocarpus is still a very tall grow hedge, but as a courtesy **we would assent to a Podocarpus 35 ft long hedge by our building. But no taller than 9 feet.** Iguanas can still climb the strong Podocarpus to our roof, so a 9 ft limit is essential. **Podocarpus** is very safe, non toxic, sturdy, attractive, easier to shape nicely.

WHY A LIMIT OF 9 FEET? **After 3 years trying many things to keep iguanas from our roof, we cut 6 feet of the lorio's current hedges away from our 15 foot soffits and nearby areas. Then new iguana feces immediately and totally stopped. Hence the 9 feet height limit. (15 - 6 = 9)** (Note: Our historic soffit ornaments are actually at 15 feet high, not 15.5'. Anyone can come and measure. Mr Williams' drawing is a bit off on this).

Cutting less than 6 feet of their hedges away from our soffits just did not stop iguanas. We tried 2, 3, even 4 feet cut away on the hedges, and iguanas still got on the roof. Only when we cut a full 6 feet, as experts advised, did Iguana **feces stop everywhere** on the **roof, wall,**

their patio, our front above our garage, our driveway, everywhere. It has been that way **now for 8 months**. Problem solved, to our relief after 3 awful years. We also were puzzled why 3 or 4 feet distance did not stop the iguanas. But the iguana handlers we spoke to told us to “*cut 6 full feet away*” and they were correct. It worked!



Other reasons for the 9 foot limit: the higher the hedge the more impossible to keep trimmed, requiring tall ladders in a *tight* area (see **pic**: our very **tight area** on our right side of the wall. *Note also*: West neighbor's hedges shown in back are actually 6 ft from our roof. A side view pic is below). We also keep soffits painted on this historic home, and we put shutters up, all using tall ladders annually in this **tight space** that may have hedge branches that would make this hazardous. The wall is only 5.5 ft high in that area. Take out a tape measure, and one can see that a **9 ft hedge is huge enough**, with 35 ft wide of hedges pouring out 4 feet over our wall in that tight space (see pic). Our AC unit is back there too!

We will *also* have 70 more feet of Iorio's giant hedges all across our south boundary we are required to keep trimmed, but we are not complaining about that. Our concern is their

frightening hedge height request along our building, just at our roof soffits.

Fact: If the Iorio's hedges are any higher than 9 feet by our building, then iguanas will get to and leave feces on our big roof again. The 2 feet “protective” distance in Mr Williams' drawing will not stop iguanas. Experts remind us: iguanas are amazing climbers. Iguana feces would also fall on Mrs Iorio's hedges, making her hedges a fecal depository. Our big roof leans directly to their patio. With rain, feces would fall onto their new hedges, the wall, and drain to their patio area. Just like it was before we stopped the feces.

When not raining, the Iorio's would constantly smell a lot of feces that would cover our rear roof, *a bad smell that would drift all over Mrs Iorio's rear outdoor living areas. Exactly as before.*

Feces would once again be a serious *hazard* for my wife and I using our garage and driveway, as feces would also fall from the roof front. Feces did fall on our heads during rain, after we thought we had cleaned everything. Once, after returning from 2 months away, there was 40 square feet of iguana feces all over our roof. (**See pic** of daily feces from our front roof that we had to clean repeatedly. It was a 3 year nightmare that we will not put up with again).



The science: Iguana feces mixed with rainwater is a hazard, falling from a roof, falling on driveway, onto walking areas. **This is a severe hazard to my wife and I, any guests, and the lorio's.** See the link. There are many such articles: [Captive Green Iguana Carries Diarrheogenic Escherichia coli Pathotypes](#) See also: [Captive green iguana is a reservoir of diarrheogenic Escherichia coli pathotypes](#)

The TOWN OF PALM BEACH also warns of this known serious health hazard: *"Green iguanas can transmit the infectious bacterium Salmonella to humans through contact with water or surfaces contaminated by their feces".*

Town link:

<https://www.townofpalmbeach.com/909/What-is-a-Green-Iguana>

Mrs lorio's proposal requires us to rely fully on the lorio's (and their gardeners) to keep a difficult 35 feet wide of hedges trimmed to height, week after week for years. Her "proposal" shocked my wife and I. *We don't want a future where we constantly need Town Staff, Council, other authorities to protect us from these massive hedges,* no matter what type of tree they use. The lorios are not responding to calls and letters, why would they in the future?

So there would need to be **a proper written short agreement** that the lorio's promise and agree to keep the hedges, plants near or affecting our building **limited to 9 feet** (including all expenses to do that). Not simply a statement at hearing or note on a drawing buried in Town plans, or just an email. The agreement will be for future new different Town **staff** or Council. We and **Town Staff** will have a document to **easily rely on** any time.

Response to Mrs lorio's #1: The base of the current hedge 3 or 3.5 feet inside their property *proves that is not enough distance.* The hedge still provided a fine iguana ladder to our roof. As to removal of their current hedges (**Mrs lorio's #1 and #5**) yes please **do** remove these whitefly and termite infested plants as soon as possible. The builder must then place tall protective panels. The panels should be removed if there is a *hurricane watch*, and also building materials to prevent damage to our property. I believe all of that is a requirement of builders.

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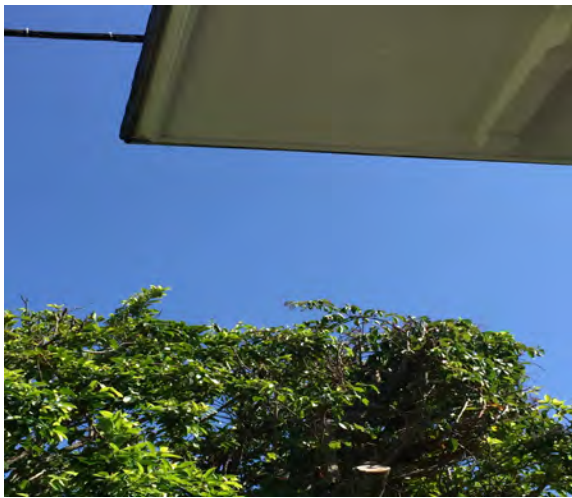
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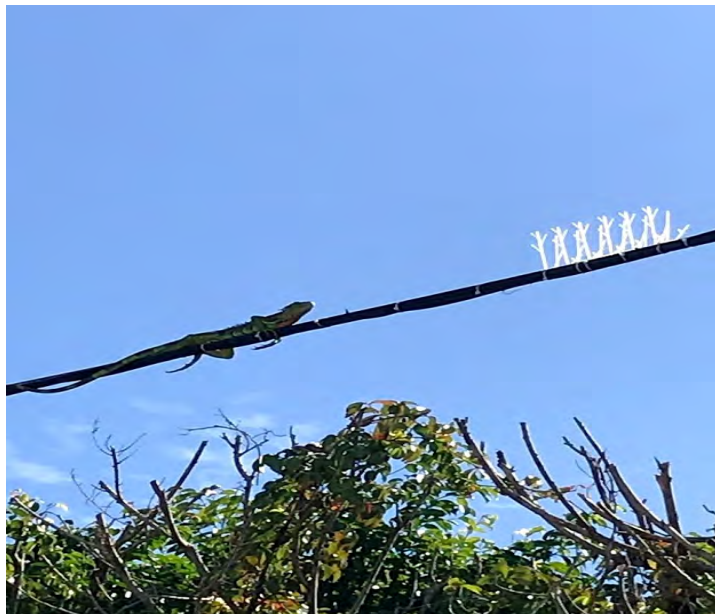
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Council, Mayor and Staff:

On July 15, 2020 Council instructed that we all get together and discuss. My wife and I were looking forward to sharing ideas with the lorio's (131 Seaview owners) and their landscape planner (Mr Williams). To quickly resolve the issue of their planned huge trees bringing iguana feces to our roof. Meeting in person can build trust, and save Council precious time.

Unfortunately the lorio's and Mr Williams still have never contacted us (**ever**). We wrote friendly invites to call, discuss, meet and we still are happy to. They simply will not speak with us. Instead we must now respond to the lorio's July 23 letter for the upcoming Council hearing:

The lorios now amazingly propose **a huge set of Calophyllum Brasiliense tree hedges found in Brazil's Amazon Rainforest to be planted 35 feet wide all the way across our building, 13.5 feet high just at our roof soffits, where iguanas had always left feces!**

See Calophyllum Brasiliense at the link:

<https://www.flickr.com/photos/mercadanteweb/albums/72157630466293022>

Photo in the **above link** shows Calophyllum Brasiliense found in Brazil, Peru Amazon Rainforests (a/k/a "jacareuba" "Brazil leaf" "Santa Maria"). It absolutely does not belong just under our (any neighbor's) roof soffits. It has large plentiful fruit, coarse leaves, thick branches and grows fast. Its **fruit is poisonous to humans and pets**, but iguanas may love this plant of the **Amazon Rainforest**, which is lizards' natural habitat. It is very tough as a hedge to keep trimmed, and can grow to a massive 60 feet tall. See the **link**:

<https://www.alamy.com/jacareuba-or-lagarto-caspi-calophyllum-brasiliense-and-brosimum-right-image60694610.html>

See also the AUB education site quote, first paragraph: "*One should remember that its **fruit is poisonous** and this can be an undesirable aspect...*"

See link:

<https://landscapeplants.aub.edu.lb/Plants/GetPDF/5fa2b0d8-d6c2-4c44-afd4-0ef1f5896e54>

Our **friendly recommend** to the loiro's was instead a **Podocarpus** hedge, landscape experts' favorite tall hedge for South Florida. However, we received **no answer** at all from the lorios on this idea, nothing.

Podocarpus hedge is all across the entire **front** of the **Everglades Club** Palm Beach on Worth Ave. Podocarpus is used by experts as a tall hedge in fine gardens as it can be manicured, and is very attractive. **Podocarpus** is "**salt-tolerant, hot and cold tolerant, does well in any area of South Florida. Hot sun or shade is just fine.**" Podocarpus is in fine home gardens throughout the Town of Palm Beach. (South Fla. plant guide on Podocarpus link:

<https://www.south-florida-plant-guide.com/podocarpus.html>)

Podocarpus was chosen by the **Town of Palm Beach** for its renewed **Fountain Park** in the center of town (see photo below). *Podocarpus is the entire Fountain park!*



Our town parks have **no** Calophyllum hedge anywhere, nor does the Everglades Club. Everglades Club and our town would never choose Calophyllum, as that would be a mess.

Our town wisely chose **Podocarpus** for hedges, as it is safe, non toxic, sturdy, attractive, and much nicer to keep trimmed. The new White Elephant Palm Beach also has podocarpus hedges, as does the new Bristol condos.

Breakers landscape experts also chose Podocarpus for all their main hedges to replace the Pine, as it looks great and is sturdy. Podocarpus can also be “manicured” into curves as seen at the Breakers. It is the most desired hedge for landscape planners. There are no Calophyllum hedges anywhere on Breakers property, as that would be a mess.

A reasonable 9 foot height limit: Podocarpus is still a very tall grow hedge. It can grow 40 feet tall easily. Last month we wrote letters (via Maura) proposing as a courtesy, the idea of **Podocarpus** 35 ft long hedge by our building. But no taller than **9 feet**. Iguanas can still climb Podocarpus to our roof, so a 9 ft limit is essential.

We even proposed they do this **while we own our home**, which is **currently for sale**. We have heard **no response** at all to this reasonable idea. Just nothing. The Iorio’s and Mr Williams have never responded to any of the friendly letters or phone calls **ever**. Not a good sign for building **trust**. We will be happy to provide Council or staff with copies of all the letters we have sent the Iorios.

WHY A LIMIT OF 9 FEET? **After 3 years trying many things to keep iguanas from our roof, only when we cut 6 feet of the Iorio’s current hedges away from our 15 foot roof soffits, did iguana feces immediately and totally stop. Hence the 9 feet height limit. (15 - 6 = 9)** (Note: Our historic soffit ornaments are actually at 15 feet height, not 15.5’. Anyone can come and measure. Mr Williams’ drawing is a bit off). **Photo** below: our soffits, our mutual wall & tight areas.

Cutting less than 6 feet of their hedges away from our soffits just did not stop iguanas. We tried 2, 3, even 4 feet cut away on the hedges, and iguanas still got on the roof. Only when we cut a full 6 feet, as experts advised, did Iguana **feces immediately stop everywhere** on the **roof**, wall, their patio, our front above our garage, our driveway, everywhere.



It has now been **9 months** and the iguana problem is still 100% solved, to our relief after 3 awful years. We also were puzzled why 3 or 4 feet distance did not stop the iguanas. But the iguana handlers we spoke to told us: “*you need to cut 6 full feet away*” and they were correct. It worked! Unfortunately, the lorio’s tree hedge plan, **35 feet** all across this wall (in photo) and **height** just at our **roof soffits** (in photo), will bring iguana feces right back to our roof.

Other reasons for the 9 foot limit: the higher the hedge the more impossible to keep trimmed, requiring tall ladders in a *tight* area. See **pic:** our very **tight area** on our right side of wall. (*Note also: the west neighbor's hedges shown in the pic are actually 6 ft from our roof. A side view pic of the distance is below*).

We also keep soffits painted on this historic home, and put shutters up, all using tall ladders annually in this **tight space** that may have hedge branches that would make this hazardous. The wall is only 5.5 ft high in that area. With a tape measure one can see that **9 feet is tall enough**, with 35 ft wide of hedges pouring out 4 feet over our wall in that tight space (see pic).

We will *also* have 70 more feet of loiro’s giant hedges all across our south boundary we are required to keep trimmed, but we are not complaining about that. Our concern is their **frightening** hedge height request along our building, just at our roof soffits.

Fact: If the lorio’s hedges are any higher than 9 feet by our building, then iguanas will get to and leave feces on our big roof again. The 2 feet “protective” distance in Mr Williams’ drawing will not stop iguanas. Experts remind us: iguanas are amazing climbers.

Iguana feces would once again be a serious *hazard* for my wife and I using our garage and driveway, as feces would also fall from the roof front. **Feces did fall on our heads during rain**, after we thought we had cleaned everything. Once, after returning from 2 months away, there was **40 square feet of iguana feces** all over our roof. See **pic** below of **daily feces from our front roof**. We had to clean the roof repeatedly. It was a 3 year nightmare that we will not put

up with again. Iguanas also tore at our large roof vent trying to enter our attic, forcing us to tar it over completely. See link to a similar issue: <https://www.youtube.com/watch?v=SNZaJedOLqQ>



The science: Iguana feces mixed with rainwater is a hazard, falling from a roof, falling on driveway, onto walking areas. **This is a severe hazard to my wife and I, and any guests.** See the link. There are many such articles:

[Captive Green Iguana Carries Diarrheogenic Escherichia coli Pathotypes](#) See also: [Captive green iguana is a reservoir of diarrheogenic Escherichia coli pathotypes](#)

The TOWN OF PALM BEACH also warns of this known serious health hazard: *"Green iguanas can transmit infectious bacterium Salmonella to humans through contact with water or surfaces contaminated by their feces".*

Town link: <https://www.townofpalmbeach.com/909/What-is-a-Green-Iguana>

The lorios' plan requires us to rely fully on them (and their gardeners) to keep a difficult 35 feet wide of hedges trimmed to height, week after week for years, to keep iguana feces off our roof. Their "plan" shocked us. **We don't want a future constantly needing Town Staff, Council, other authorities to protect us from the lorio's hedges, and iguana feces they cause.** The lorios are not responding to calls and letters, why would they in the future?

So there would need to be a **proper written short agreement** that the lorio's promise and agree to keep the hedges, plants near or affecting our building **limited to 9 feet** (including all expenses to do that). Not simply a statement at hearing or note on a drawing buried in plans, or an email. The agreement will be for future different Town **staff** or Council. We and **Town Staff** will have a document to **easily rely on** any time.

Response to the lorio's letter to Council #1: The lorio's current hedge is 3 or 3.5 feet inside their property, *proving the lorio's plans to put it there again is not enough distance.* That hedge still provided a fine iguana ladder to our roof. So will their new planned hedges. On their question if we want removal of their current hedges (lorio's #1 and #5) yes please **do** remove these whitefly, termite infested hedges as soon as possible. Builder must then place tall protective panels. Panels should be removed if a *hurricane watch* (and any open building materials) to prevent damage to our property. I believe all of that is a requirement of builders.

The lorio's #2. Near our building the current hedge was kept **11 to 13 feet** height the past 3 years, and iguanas still had an easy climb to our roof. The lorio's now want new hedges of Amazon Rainforest trees at **13.5 ft** height! Iguanas feces will be back on our roof. It was only when we cut a full **6 feet** of hedge away from our **15 foot** roof soffits, that the iguana feces finally stopped.

As to Mrs lorio's comment on the location of the roof structure of our 1925 historic home, and thus location of our home itself, this is irrelevant under **law**. It is also unclear if Mrs lorio is asking for demolition of our home!

What is the relevant law all must follow? The lorio's saw our roof structure **before** they bought 131 Seaview months ago. The lorio's had advice likely from architects, builder, broker. Courts make clear time and again, *a new owner who should have been aware of such a problem, certainly cannot later complain.* Namon v. State Dep't of Env'tl. Reg., 558 So.2d 504 (Fla 3rd DCA 1990). *"A person who purchases land with notice of ... impediments ... can justify few, if any, legitimate expectations of development rights which rise to the level of constitutionally protected property rights."* Elwyn v. City of Miami, 113 So.2d 849, 852 (Fla. 3d DCA 1959).

The **relevant** issue is whether this Town can place restrictions on an owner's use of their property, as in this case. Florida's Supreme Court (current law) answered that question absolutely yes, *"[especially if it] adversely impacts another's property"* See Graham v. Estuary Properties, Inc., 399 So.2d 1374, 1382, 1383 (Fla.), cert. denied sub nom.

Other law that a Court would look at, if this all ends up there: "subjective expectation" that land could be developed a certain way *"is no more than an expectancy, and does not translate into a vested right."* Namon v. Department of Env'tl. Regulation, 558 So. 2d 504, 505 (Fla. 3d DCA 1990).

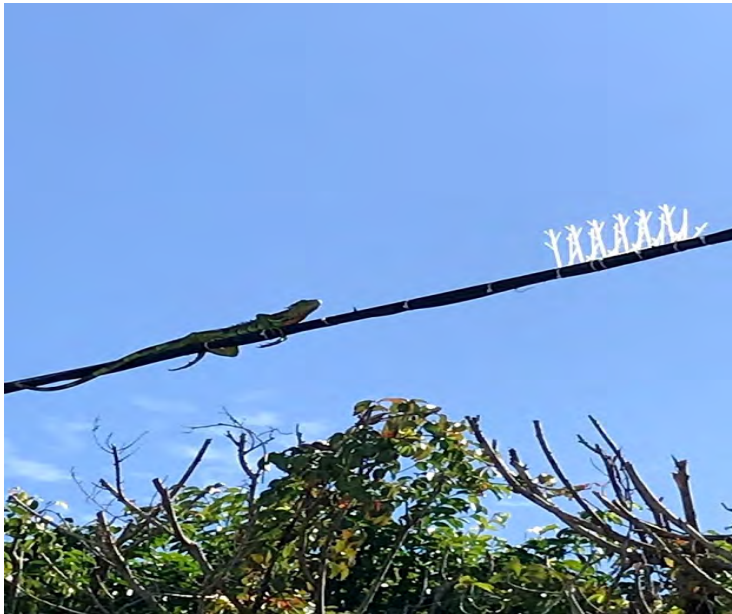
Case law explains if an owner is not allowed to *"do all they would like to do" with their property, "that alone is not sufficient for them to complain."* See Burger King v. Metropolitan Dade County, 349 So.2d 210 (Fla 3rd DCA 1977); Metropolitan Dade County v. Reineng, 399 So.2d 379 (Fla. 3rd DCA 1981); Nance, supra; Crossroads Lounge v. City of Miami, 195 So.2d 232 (Fla. 3rd DCA 1967)... *[a]n owner of land has no absolute and unlimited right to change the essential natural character of his land so as to use it for a purpose for which it is unsuited...and which [injures] the rights of others."* Florida Supreme Ct., in Graham v. Estuary Properties, Inc., 399 So. 2d 1374 (Fla. 1981), cert. denied, sub. nom; and See also Namon at 505 (citation above).

Courts have made clear: **"A 'reasonable expectation' must be more than a 'unilateral expectation or an abstract need'"** Court in Namon, citing Claridge v. New Hampshire Wetlands Board, 558 So. 2d 504, 505 (Fla. 3d DCA 1990); 125 N.H. 745, 485 A.2d 287, 291 (1984). **That includes Mrs lorio's unilateral expectations or abstract needs for "privacy."**

As to Mrs Iorio's privacy: Our guest house is almost always empty, we never rent. We are always at the main house a distance away. At our club daytime, and gone summers. We live alone and have no children. The Iorio's will have privacy. The Iorio's would be more concerned about iguana feces & odor than about privacy, if iguanas get back on the roof.



The Iorio's #3: It is the lower thick **ATT Cable** iguanas use, and parts of it droop as low as **15 feet** in spots. Iguanas **do not** use the 35 foot high *powerline*. The ATT cable is just above our roof (seen in pic). **Mr Williams' drawing of a straight 18 ft cable all the way across** (and calling it "*powerline*") is incorrect. Anyone can come for a view, bring a tape measure too! **Drawings look nice, but a live viewing proves all.**



Pic of iguana confronting our bird spikes that are also protecting the Iorio's patio areas 100%.

The Iorio's #4 implies the next owner of our house will have no rights. Most buyers who look at our house want to preserve it. The next owners will not want iguana feces on the roof either. They will complain. *The problem will continue to take up time of staff, police, council, etc.* **Years of dispute can be avoided now at the planning stage.**

As to Mrs Iorio's statement that iguana feces simply "resolved" we need to correct this. The *resolution* happened **only because we cut 6 feet of their hedge away from our roof soffits**. The Iorio's plan will bring iguana feces back to both our homes.

The Iorio's other #4 implies our west neighbor has hedges at our roof. The photo (**below**) taken a couple weeks ago shows our west neighbor's hedge here is about **6 feet from our roof**. Anyone can meet us here, have a look. This photo also shows our west iguana cable spikes, all 100% effective. The Iorio's plan will make these devices useless, as their hedges will help iguanas directly to the roof (See pic).

Bird-x goop that we used was seen in an architect's photo shown at the last hearing. We had put Bird-x across the south and west of our roof. Bird-x did not stop iguanas, but provided a useful **track** to see where iguanas came from. Iguanas always came from the hedge on the lorio's property, never from the west or anywhere else.



The Iguana invasion is here. The Town's iguana removal efforts are nice, but a removal day here or there will never solve the iguanas. Experts, including Florida county and city websites have shown we will just have to live with iguanas, but with *simple changes*. This includes no longer allowing iguanas to get near a roof, especially a **neighbor's** roof. If iguanas get near a roof, they will get on it.

The old days of allowing tall hedges to grow so close to a neighbor's home, just because it is Palm Beach,

are really **over**. The reason: the **iguana invasion**. *Tall trees, hedges should not be allowed to grow near a neighbor's roof soffits, if that neighbor objects.* This is a common sense solution to a key iguana problem, keeping iguana feces from roofs. To do so otherwise would make for a **hazardous nuisance** per Florida law (see **notes below**).

It is easier to simply not allow planting of tall grow trees near a neighbor's building. But if planting of tall trees/hedges is allowed by the town at a neighbor's building, there should at least be a requirement that tree/hedges be kept cut away by 6 feet from the neighbor's roof soffits.

Respectfully, Martha and Steven Jeffrey Greenwald, Esq.

See *Shiny Sheet* article on our Town's advice and warning of iguana feces dangers (see [link below](#)). My wife and I are **following our Town's advice for iguanas**. We successfully "*modified the iguanas' habitat*" as our Town strongly recommends, using cable spikes and other devices. The applicants' plan however shows **they have no interest in this town's iguana** recommendations to *prevent foliage useful to iguanas*, given their choice of massive 35 foot wide tree hedges from a lizard habitat (Amazon Rainforest) at a height just at our roof soffits. <https://www.palmbeachdailynews.com/news/20190726/palm-beach-suggests-harassment-habit-at-modification-to-deter-iguanas> (Shiny Sheet link may need to be clicked twice)

Notes IN SUPPORT OF A SIMPLE TOWN CODE, and our simple request:

The Florida Supreme Court current law on **nuisance** is anything that “*either annoys, injures, or endangers the comfort, health, repose or safety of the citizen, or which ... in any way renders unsafe and unsecure other persons in life or in the use of their property.*”

Municipalities have full authority and responsibility to prevent a nuisance. *Windward Marina v. City of Destin*, 743 So. 2d 635 (Fla. 1st DCA 1999); *Florida Supreme Court in Prior v. White*, 80 So. 347 (1938).

CURRENT FLORIDA LAW THAT WE ALL MUST FOLLOW: a property owner cannot use their property in any way that interferes with an adjoining landowner's right to enjoy his property. 38 Fla. Jur 2d Nuisances § 1 (2014); *State ex Rel. Pettengill v. Copelan*, 466 So. 2d 1133, 1135 (Fla. 1st DCA 1985).

There is **abundant precedent** for a simple Town Code to keep tall tree hedges from neighbors' buildings, in addition to our **Town's even stricter rules on whitefly** treatment and removal. *For example, Florida authorities can and do regularly issue “Agricultural Warrants” if there is probable cause to believe any plants or trees may lead to a pest or pathogen, including any “animal pest.” Officials have authority under statute to “seize” or “destroy” plants harboring animal pests.* See Fla. Stat. § 933.40(1)(a) and (b). Another example, Florida's efforts to combat citrus canker allow removal of any affected citrus, *including that sprouted by natural means.* Fla. Stat. § 581.1843(5) (2014).

There are also laws on preventing toxins from migrating past boundaries to neighboring properties, including through watershed. There are broad federal, state, and local laws on contamination of adjoining land. These laws allow government action (and private lawsuits) imposing liability even **without proof the landowner caused the pollutive condition to the adjoining property**. In *Aramark Unif. & Career Apparel, Inc. v. Easton*, 894 So. 2d 20 (Fla. 2005) the Florida Supreme Court held Florida Statute 376.313(3) provides for an action under strict liability requiring no proof of causation. 894 So. 2d at 24, 28.

The best would be for **no** tall growing trees planted near a neighbor's building, this to prevent dangerous **iguana feces on neighbors' roofs**. We always like to be on friendly terms with neighbors, so we genuinely tried to work things out. But applicants have shown nothing toward us that is remotely reciprocal, no response. So a simple town code would be helpful to protect us and all Town citizens. A code could simply require: an owner **keep their plant growth cut at least 6 feet from, or below a neighbor's roof soffits** (*if the neighbor requests*, and at the owner's expense). Such a simple Town code would also save staff, police and Council time dealing with the problem repeatedly.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 9, 2020

Section of Agenda

Development Review - Old Business

Agenda Title

Z-20-000262 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

Zoning District: R-D(2) High Density Residential The application of The Ambassador Hotel Cooperative Apartments Corp., A Florida Corporation (Richard Schlesinger, President), Applicant, relative to property located at **2730 S OCEAN BLVD**, legal description on file, is described below. The following zoning relief is being requested: 1. Section 134-1055 (16.): Special Exception approval to modify the existing condo-hotel use in the R-D(2) Zoning District. 2. Section 134-327: Site plan approval for the modifications to the existing condo-hotel site as identified above. 3. Section 134-1064: Special exception approval for the new balconies on the third, fourth and fifth floors. 4. Section 134-1060 (6)(f): Variance request for the proposed redevelopment to include the addition of balconies on the south side of the building that will encroach into the south side yard setback by a 30 inches thus a variance request for a setback of 27.5 feet in lieu of the 30 foot minimum required. 5. Section 134-2172: Variance to allow the proposed off-street, valet-operated parking, to be tandem and stacked in lieu of the code required off-street parking standards related to size of spaces and access. The code requires parking spaces to be designed so that a vehicle can be removed without the necessity to move another vehicle. The proposed parking is modifying and adding parking areas designed with stacked (tandem) and lift parking. 6. Section 134-1064: Variance to allow the lot coverage to be 44.9% in lieu of the 23.7% existing and the 22% maximum allowed in the R-D(2) Zoning District for 5 story buildings (the building is 7 stories with a lower level floor area). 7. Section 134-1060(6): Variance to allow a north side yard setback of 15 feet in lieu of the 30 foot minimum required for the under dune garage. 8. Section 134-1064(b)(3): Variance to allow a height of 68.96 feet in lieu of the 62.5 maximum allowed for the Penthouse additions (7th floor). [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission deferred this project to the October 28, 2020 meeting at the request of the attorney. Carried 7-0.] **Request for Deferral to the November 13, 2020 Meeting per Letter Dated August 31, 2020 from Maura Ziska.**

Presenter

ATTACHMENTS:

- ▢ Letter Dated September 1, 2020 from Maura Ziska
- ▢ Memorandum Dated June 29, 2020 from Wayne Bergman, Acting Director of Planning, Zoning and Building
- ▢ Comments from the Development Review Committee
- ▢ Letter Received June 24, 2020 from Edgewater House Owners
- ▢ Email Received June 21, 2020 from Monique Ogilvie
- ▢ Email Dated June 15, 2020 from Helen Chambers
- ▢ Email Dated June 16, 2020 from The Edgewater House Corp.
- ▢ Email Received June 16, 2020 from Kimberly Johnston
- ▢ Email Received June 15, 2020 from Barbara Perlman
- ▢ Email Received June 15, 2020 from Dawn L. Quinn
- ▢ Email Received June 23, 2020 from Heather Ross
- ▢ Letter Dated June 13, 2020 from Gary B. Vonk
- ▢ Email Received June 24, 2020 from Kathleen Will
- ▢ Email Received July 1, 2020 from Phil Harber
- ▢ Letter Received July 1, 2020 from Edgewater House Shareholders
- ▢ Email Dated July 2, 2020 from Judith Katten
- ▢ Letter Dated July 27, 2020 from Lucy Pfluger
- ▢ Letters Received from Owners at The Regency
- ▢ Letters Received from Owners at The Regency 2
- ▢ Email Dated July 24, 2020 from Simon Liberman
- ▢ Letter Dated July 22, 2020 from Beverly Lasser
- ▢ Letter Dated July 24, 2020 from Gerald Heller
- ▢ Email Dated July 26, 2020 from Nancy Goldart
- ▢ Email Dated July 28, 2020 from Tom Garlin
- ▢ Email Dated July 24, 2020 from Michael Ereshena
- ▢ Letter Dated July 16, 2020 from Robert Conlon
- ▢ Letters Dated July 24, 2020 from owners in 2770 Condominium
- ▢ Letters Dated July 24, 2020 from owners in 2770 Condominium 2
- ▢ Email Dated July 24, 2020 from Camille Morgan
- ▢ Letters Received August 3, 2020 from owners in 2770 Condominium
- ▢ Letter Dated August 4, 2020 from Tim Hanlon
- ▢ Letter Dated August 4, 2020 from Richard Sharfman

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

*also admitted in NY

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401
Telephone 561-802-8960
Facsimile 561-802-8995

VIA EMAIL

September 1, 2020

Paul Castro
Kelly Churney
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Z-20-00262
2730 South Ocean Boulevard, Palm Beach, Florida

Dear Paul and Kelly:

Please **defer** the above referenced matter from the **September 9, 2020** Town Council meeting to the **November 13, 2020** Town Council meeting. Thank you.

Sincerely,

Maura Ziska

Maura A. Ziska

maz/jc
cc: Client

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TOWN OF PALM BEACH

Information for Town Council Meeting on: July 15, 2020

To: Mayor and Town Council

From: Wayne Bergman, Acting Director, Planning, Zoning & Building Department

Subject: **Z-20-00262 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE
2730 S OCEAN BLVD**

Date: June 29, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

The following zoning relief is being requested: 1. Section 134-1055 (16.): Special Exception approval to modify the existing condo-hotel use in the R-D(2) Zoning District.

2. Section 134-327: Site plan approval for the modifications to the existing condo-hotel site as identified above. 3. Section 134-1064: Special exception approval for the new balconies on the third, fourth and fifth floors. 4. Section 134-1060 (6)(f): Variance request for the proposed redevelopment to include the addition of balconies on the south side of the building that will encroach into the south side yard setback by a 30 inches thus a variance request for a setback of 27.5 feet in lieu of the 30 foot minimum required. 5. Section 134-2172: Variance to allow the proposed off-street, valet-operated parking, to be tandem and stacked in lieu of the code required off-street parking standards related to size of spaces and access. The code requires parking spaces to be designed so that a vehicle can be removed without the necessity to move another vehicle. The proposed parking is modifying and adding parking areas designed with stacked (tandem) and lift parking. 6. Section 134-1064: Variance to allow the lot coverage to be 44.9% in lieu of the 23.7% existing and the 22% maximum allowed in the R-D(2) Zoning District for 5 story buildings (the building is 7 stories with a lower level floor area). 7. Section 134-1060(6): Variance to allow a north side yard setback of 15 feet in lieu of the 30 foot minimum required for the under dune garage. 8. Section 134-1064(b)(3): Variance to allow a height of 68.96 feet in lieu of the 62.5 maximum allowed for the Penthouse additions (7th floor).

ADDRESS: 2730 S OCEAN BLVD

OWNER: AMBASSADOR HOTEL CO OP

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-44-23-13-000-0000

ZONING DISTRICT: R-D(2) High Density Residential

LEGAL DESCRIPTION: AMBASSADOR HOTEL CO-OP APTS INC
COMMON AREA A/K/A 23-44-43, N 216 FT OF S
385 FT OF N 3000 FT OF FRAC SEC LYG BET ELY
R/WLI OF SR A-1-A & ATLANTIC OCEAN

Page Two

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 5/15/20

APPLICATION NO.: Z-20-00262 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

ADDRESS: 2730 S OCEAN BLVD

DESCRIPTION:

The following zoning relief is being requested: 1. Section 134-1055 (16.): Special Exception approval to modify the existing condo-hotel use in the R-D(2) Zoning District.
2. Section 134-327: Site plan approval for the modifications to the existing condo-hotel site as identified above. 3. Section 134-1064: Special exception approval for the new balconies on the third, fourth and fifth floors. 4. Section 134-1060 (6)(f): Variance request for the proposed redevelopment to include the addition of balconies on the south side of the building that will encroach into the south side yard setback by a 30 inches thus a variance request for a setback of 27.5 feet in lieu of the 30 foot minimum required. 5. Section 134-2172: Variance to allow the proposed off-street, valet-operated parking, to be tandem and stacked in lieu of the code required off-street parking standards related to size of spaces and access. The code requires parking spaces to be designed so that a vehicle can be removed without the necessity to move another vehicle. The proposed parking is modifying and adding parking areas designed with stacked (tandem) and lift parking. 6. Section 134-1064: Variance to allow the lot coverage to be 44.9% in lieu of the 23.7% existing and the 22% maximum allowed in the R-D(2) Zoning District for 5 story buildings (the building is 7 stories with a lower level floor area). 7. Section 134-1060(6): Variance to allow a north side yard setback of 15 feet in lieu of the 30 foot minimum required for the under dune garage. 8. Section 134-1064(b)(3): Variance to allow a height of 68.96 feet in lieu of the 62.5 maximum allowed for the Penthouse additions (7th floor).

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Acting Director, Planning, Zoning & Building	6/1/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	7/1/2020	No comments at this time - Stormwater Management System Plans shall be reviewed at permit submittal. Design Water Table shall be 1.5 NGVD. Concurrency Letter for Sewer, Solid Waste, Water, and Drainage acknowledged.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	6/2/2020	Fire department access to the building cannot be diminished by the project. Absent that all provisions of NFPA 241 must be followed for the project.
PZB DIRECTOR	Wayne Bergman, Acting Director, Planning, Zoning & Building	6/1/2020	No Comment



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 5/15/20

PZB - ZONING

Paul Castro, Zoning
Administrator

6/29/2020

The applicant is required to modify the application to include a variance for parking stall width and to have the stand-alone dining room with access from outside of the hotel building. To date, that has not occurred. The proposed redevelopment is a substantial intensification of the use of the subject property. I do not believe that with the new ballroom, dining room, larger spa and lounge areas, that the stacked and tandem parking will work at peak time, peak hour. The Town's consultant is in the process of reviewing the proposed off-street parking design and valet operation to determine if it will adequately serve the property. In addition, it is unclear what the hardship is to allow the variance relief related to the parking stall width and parking stall stacking. The Code requires the parking to be designed so that vehicles do not need to be moved in order to remove a vehicle for a parking space. This design does not allow that to happen.

If approved, there should be conditions related to the operation of the parking lot, hours of operation of the dining room and ballroom. These conditions should be outlined in a Declaration of Use Agreement.

15 EDGEWATER HOUSE OWNERS

2720 South Ocean Boulevard
Palm Beach, FL 33480

June 24, 2020

Palm Beach Architectural Commission/Zoning Commission/ Town Council
360 South County Road
Palm Beach, FL 33480

Subject: Edgewater Owners Against Ambassador Renovation

Dear Palm Beach Architectural Commission/Zoning Commission/ Town Council:

This letter is being written on behalf of many Cooperative Unit Owners at The Edgewater House in Palm Beach, 2720 South Ocean Boulevard. As you may be aware, The Schlesinger Group/Copperline Partners, recent acquirers of The Ambassador, are attempting a hostile takeover of our building. Our building is located directly across the street from the Ambassador Hotel and we have been told that Copperline wants the property as an extension to their Ambassador renovation project.

Of the (36) Units in the building, approximately 55-60% of the owners wish to sell their units to Copperline while the remaining owners wish to remain and are pushing back as best we can on this unsolicited buyout attempt. Our letter represents those who wish to remain.

We are firmly against the proposed Ambassador Hotel project presented by Copperline, either with our building or without. We believe the quiet, peaceful environment of South Ocean Boulevard will be threatened by the proposed Ambassador Project. The wonderful light and openness we enjoy on our stretch of South Ocean will disappear with the construction of a structure the size proposed; a

full service hotel with a 100 seat restaurant and 200 person ballroom will completely change the ambiance of the area. The traffic will make it unsafe to cross the street to use our deeded beach area, and back up vehicles on both lanes of A1A.

We are forced to write this letter anonymously as The Schlesinger group has threatened they will only purchase the number of units necessary to take over our Board, leaving the remaining owners with nothing and subject to any assessments associated with renovations. This is a pattern of behavior that they have followed at many of their development properties, especially the Brazilian Court, many of which end up in foreclosure.

Sincerely,

15 Edgewater House Owners

From: [monique ogilvie](#)
To: [Kelly Churney](#)
Subject: Fwd: Letter to ARCOM
Date: Sunday, June 21, 2020 8:18:44 PM

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Mrs. Kelly Churney, kindly forward this email

OPPOSITION TO THE AMBASSADOR'S RENOVATION PROJECT

Dear Commissioners,

It is the first time I write to the town and I take today the liberty to express why I do not see this project as contributing to the calmness, enjoyment, and quality of life of my neighborhood or harmonious to it's surrounding. The Ambassador has not been a vital "piece of the fabric on South Ocean Blvd. The vital fabric of the Blvd. is the condominiums surrounded by green open spaces and reasonable height with the open sky which has made this boulevard a most attractive and inviting venue for residential living.

The proposal has 3 major issues at hand:

- lot coverage
- increase in height
- increase in parking spaces

1) The current lot coverage is 23.7%-the proposal is almost double -44.9%

2) The maximum existing height permitted by the zoning is 62.5ft- the proposal is to increase this to 75.46%

3) If the site can't be redeveloped profitably for a condo-hotel with the .same coverage and height as the existing, why not redesignate to allow a conventional condo project that fits within the parameters.

4) The redevelopment is in no way a "tremendous asset" to neighboring properties- problematic impacts on traffic, both pedestrians and drivers, views, and property values. The added noise, traffic from cars, truck deliveries, and garbage

trucks have never added value to the pursuit of happiness.

5) Under V (hardship) says it would be "challenging" but apparently not impossible to redevelop the condo-hotel within the existing coverage ratio and height-send proponent back to the drawing board.

6) Wants to increase parking for 124 existing spaces to a total of 232- with stacked (tandem(and lift parking with 24hr valet servicing-no guarantee there will always be 24hr valet service - should limit parking to what is there now.

7) Not compatible with the multi-family nature of the neighborhood-lot coverage would be considerably higher and height would be higher

8) I don't understand a 3,100 sq. ft ballroom with 83 parking spots- is this a typo?

9) Exhibit 3 - the new building created will not be "beautiful" to neighbours because of its coverage and extra height"

Finally, if this project is approved a legal precedent will be set that will allow any other applicant to reach for such excesses beyond the existing regulations, which protect our neighborhood."

Respectfully,

Monique Ogilvie



MONIQUE OGILVIE INC.
Licensed Interior Designer
Tel: 561-307-0055
Email: moniqueogilvie@gmail.com

From: [Helen Chambers](#)
To: [Kelly Churney](#); [Paul Castro](#); [Wayne Bergman](#)
Subject: Ambassador Renovation
Date: Monday, June 15, 2020 7:35:13 PM

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

June 15, 2020

I recently was involved in a video conference organized by Copperline Corp. that dealt with the future renovation of the Ambassador hotel. The presentation was very thorough and informative. I felt that the hotel will bring economic value and certainly enhance the architectural style of this part of Palm Beach.

The parking system that is being suggested is used all over NY city. I often have had my car in garages where they were stored in racks, and never experienced any difficulties with the system.

Copperline has my full support in this renovation.

Helen Chambers

2720 S. Ocean Blvd. apt 221

Palm Beach, FL 33480

914 393 4430

From: [Phil Harber](#)
To: [Kelly Churney](#)
Subject: July 15, 2020 Zoning Hearing Case Number Z-20-00262
Date: Tuesday, June 16, 2020 12:19:15 PM

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Ms. Churney,

We, the listed individuals below, are shareholders in the Edgewater House cooperative, which is located directly across South Ocean Blvd from the Ambassador Hotel. We are writing in support of the Ambassador Hotel's proposed enhancement of their facility as outlined in the zoning application sent to the Palm Beach Town Council on May 15, 2020.

The Ambassador Hotel's proposal will create a deluxe facility, which will significantly enhance the aesthetics of the area and will have a beneficial effect upon the value of the neighboring buildings. In addition, we feel that the "New Ambassador" will offer many amenities to the residents of this area of South Ocean Blvd.

We, therefore, request the Town Council of Palm Beach approve the application.

Respectfully,

The Edgewater House Corp.

Past and Present Presidents

Philip Harber- Barry Ross
Kim Johnston-Helen Chambers
Marvin Weisenfeld-Kathy Will
Ronda Harber-Nancy Stone

Past and Present Board Members & Members

Garry Vonk- Barbara Perlman
Scott Gerhartz-Thomas Galvin
Phyllis Weisenfeld - Jim Quinn
Joan Mc Manus-Ronda Gerhartz
Patricia Flynn -Judith Jannuzzelli
Heather Jaboor- John Hull
Joseph Giordano-Doris Conti
Sharon Hull- Brian Kane
Grace Lee- Dawn Quin

From: [Kimberly Johnston](#)
To: [Kelly Churney](#); [Paul Castro](#); [Wayne Bergman](#)
Subject: 2730 S Ocean Blvd, Palm Beach
Date: Tuesday, June 16, 2020 6:11:51 PM

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Palm Beach Town Council:

I had the opportunity to view a recent Zoom presentation regarding the planned renovations to the Ambassador Hotel hosted by Richard Schlesinger and his representatives. During the presentation, the proposed elevations and building elements were reviewed as well as all the improvements that require variances. The presentation was comprehensive. The requested variances are not onerous and appear reasonable. Frankly, the planned renovation is quite impressive.

Having been a long time resident of Palm Beach who views the Ambassador Hotel several times a day, the planned improvements are long overdue. The elevation drawings depict a beautiful luxury resort and the description of the planned guest services including those open to the public will be a welcome addition to the community. It is my hope that the Town Council and zoning committees will view the proposed Ambassador project favorably and approve the necessary variances.

Kind regards,

Kimberly Johnston
Property Owner
2720 S. Ocean Blvd. 325
Palm Beach, FL 33480

From: [Barbara Perlman](#)
To: [Kelly Churney](#)
Cc: [Paul Castro](#); [Wayne Bergman](#)
Subject: Fwd: Letter of support for the Ambassador Hotel Project
Date: Monday, June 15, 2020 8:25:36 PM

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

From: Barbara Perlman <bptaurus@aol.com>

Subject: Letter of support for the Ambassador Hotel Project

I was excited about a new hotel coming to the neighborhood just steps away...and then after I saw the presentation of how sleek and beautiful plus all the amenities I can hardly wait to have a brand new 5 star hotel I will use everything and bring my family and friends. They will love it! Also, this will increase the value of our neighborhood and bring in a lot of money to the town of Palm Beach. I do hope they will have a jazz bar I'm from Chicago and we would walk to the Ritz, Four Seasons Intercontinental and have a wonderful meal listening to jazz Gibson's has a jazz piano bar Have a great steak, Cabernet and jazz. We NEED a new hotel which will be vivacious with excitement. I'm all for it

Respectfully,

Barbara Perlman
2720 S Ocean Blvd

Palm Beach, FL 33480

Sent from my iPhone

From: [Dawn L Quinn](#)
To: [Kelly Churney](#); [Paul Castro](#); [Wayne Bergman](#)
Cc: [Jim Quinn \(kwinz@comcast.net\)](mailto:jim.quinn@comcast.net)
Subject: Support for Ambassador Hotel Re-development Plans (South Ocean Boulevard)
Date: Monday, June 15, 2020 10:58:23 PM

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Town of Palm Beach:

As a property owner in Palm Beach I wanted to voice my support for the proposed redevelopment project for The Ambassador Hotel. The plans are outstanding and upon completion the property will clearly be an asset to the community- creating jobs while offering world class facilities and services. My family, friends, and colleagues look forward to seeing the vision for the Ambassador come to fruition and enjoying the world-class facilities.

Kind regards,

Dawn Quinn

Property Owner- 2720 South Ocean Boulevard, #317, Palm Beach, FL 33480



Dawn L. Quinn | Director | Strategic Operations | East Region

Ernst & Young LLP

5 Times Square, New York, NY 10036 United States of America | Mobile: +1 203 376 6812 |

dawn.quinn@ey.com

Website: <http://www.ey.com>

Assistant: Sylvia Bracamonte | Phone: +1 602 322 3524 | sylvia.bracamonte@ey.com

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(except for EY Client Portal and the ey.com website, which track e-mail preferences through a separate process) at this e-mail address by forwarding this message to no-more-mail@ey.com. If you do so, the sender of this message will be notified promptly. Our principal postal address is 5 Times Square, New York, NY 10036. Thank you. Ernst & Young LLP

From: [Heather Jaboor](#)
To: [Kelly Churney](#); [Paul Castro](#); [Wayne Bergman](#)
Subject: Ambassador Hotel Project
Date: Tuesday, June 23, 2020 3:39:38 PM

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Letter of Support concerning Ambassador Project

Dear All,

My husband and I live year round at Edgewater House, 2720 S Ocean Blvd., directly opposite the Ambassador.

I remember hearing about the possibility of a business consortium buying the Ambassador with plans to refurbish and refresh the outdated buildings.

I was delighted with this news as it could only be viewed in a positive light, upgrading the building, bringing it in line with the other luxury hotels we have within walking distance of our building.

We recently listened to a virtual presentation explaining the process and approximate timeline to complete this marvelous new boutique hotel.

One aspect that is particularly good news is that every car entering the grounds will be Valet parked, consequently there will be no overflow onto the land closest to the property boundary, which is very good news for us just to the West.

We are in favour of this project wholeheartedly.

Sincerely yours,
Heather and Barry Ross
Apt 314

Sent from my iPhone

Dr. Gary B. Vonk



2720 South Ocean Boulevard #122
Palm Beach Florida
33480
561-670-1183
garyvonk@aol.com

June 13, 2020

Dear Town of Palm Beach:

I am writing today to offer my support for the Ambassador transformation, and I am also encouraging a positive review from the Town regarding the former Ambassador Hotel & Apartments. I am asking that your consideration take into account that we neighbors have observed the continuously deteriorating conditions of the property, for quite some time.

The neighborhood is now faced with the opportunity to provide support for a remarkable transformation of the property that will yield special benefits to those who use the services of the former Ambassador, as well as those new users who will benefit greatly from the remodeled property.

Please consider the owners' proposals and vote favorably for the project to proceed.

Best Regards,

A handwritten signature in blue ink that reads "Gary B. Vonk". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Gary B. Vonk



From: [Kathleen Will](#)
To: [Kelly Churney](#); [Wayne Bergman](#); [Paul Castro](#)
Subject: Case #Z-20-00262 July 15, 2020 Zoning Hearing
Date: Wednesday, June 24, 2020 3:19:00 PM

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

I am a shareholder in the Edgewater House cooperative, which is located directly across South Ocean Blvd. from the Ambassador Hotel at 2720 SO. Ocean Blvd.

I am writing in support of the Ambassador Hotel's proposed enhancement of their facility as outlined in the zoning application sent to the Palm Beach Town Council on May 15, 2020.

The Ambassador Hotel's proposal to create a deluxe facility, which will significantly enhance the aesthetics of the area and will have a beneficial effect upon the value of its neighboring buildings.
In addition, we feel that the "New Ambassador" will offer many amenities to the residents of this area of South Ocean Blvd.

I, therefore, request the Town Council of Palm Beach approve the application.

Respectfully,

Kathleen G. Will

Kelly Churney

From: Phil Harber <phil@cslgroup.us>
Sent: Wednesday, July 01, 2020 10:53 AM
To: Kelly Churney
Subject: July 15,2020 Zoning Hearing Case Number Z-20-00262
Attachments: Letter to Palm Beach Town Council.pdf

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Ms.Churney,

On June I sent you an E Mail (copy below) that was a draft and was sent to you inadvertently. . We specifically stated that we were individuals and shareholders of The Edgewater House cooperative, however there was an error in the signature which it could be taken as an endorsement by the Edgewater House Corporation which was not the case. Attached is a copy of the letter that was intended to be sent where you will see that the content of the letter is identical except for the signature.

I apologize for any confusion that this error may have caused.

**Sincerely,
Philip Harber
2720 S Ocean Blvd. Unit 119
Palm beach Fl. 33480**

From: Phil Harber
Sent: Tuesday, June 16, 2020 12:05 PM
To: 'kchurney@townofpalmbeach.com' <kchurney@townofpalmbeach.com>
Subject: July 15,2020 Zoning Hearing Case Number Z-20-00262

Dear Ms. Churney,

We, the listed individuals below, are shareholders in the Edgewater House cooperative, which is located directly across South Ocean Blvd from the Ambassador Hotel. We are writing in support of the Ambassador Hotel's proposed enhancement of their facility as outlined in the zoning application sent to the Palm Beach Town Council on May 15, 2020.

The Ambassador Hotel's proposal will create a deluxe facility, which will significantly enhance the aesthetic s of the area and will have a beneficial effect upon the value of the neighboring buildings.

In addition, we feel that the "New Ambassador" will offer many amenities to the residents of this area of South Ocean Blvd.

We, therefore, request the Town Council of Palm Beach approve the application.

Respectfully,

The Edgewater House Corp.

Past and Present Presidents

Philip Harber- Barry Ross
Kim Johnston-Helen Chambers
Marvin Weisenfeld-Kathy Will
Ronda Harber-Nancy Stone

Past and Present Board Members & Members

Garry Vonk- Barbara Perlman
Scott Gerhartz-Thomas Galvin
Phyllis Weisenfeld - Jim Quinn

Joan Mc Manus-Ronda
Gerhartz

Patricia Flynn -Judith
Jannuzzelli
Heather Jaboor-
John Hull
Joseph Giordano-Doris
Conti
Sharon Hull- Brian
Kane

Grace Lee- Dawn Quin

Town Council
Town of Palm Beach
360 S. County Rd. Palm
Beach FL 33480

June 16, 2020

Subject: July 15, 2020 Zoning Hearing Case Number Z-20-00262

We, the listed individuals below, are shareholders in the Edgewater House cooperative, which is located directly across South Ocean Blvd from the Ambassador Hotel. We are writing in support of the Ambassador Hotel's proposed enhancement of their facility as outlined in the zoning application sent to the Palm Beach Town Council on May 15, 2020.

The Ambassador Hotel's proposal will create a deluxe facility, which will significantly enhance the aesthetics of the area and will have a beneficial effect upon the value of the neighboring buildings. In addition, we feel that the "New Ambassador" will offer many amenities to the residents of this area of South Ocean Blvd.

We, therefore, request the Town Council support the application.

Respectfully,

Past and Present Presidents

Philip Harber- Barry Ross
Kim Johnston-Helen Chambers
Kathy Will-Ronda Harber-Nancy Stone

Past and Present Board Members & Members

Garry Vonk- Barbara Perlman Scott
Gerhartz-Thomas Galvin
Phyllis Weisenfeld - Jim Quinn
Joan Mc Manus-Ronda Gerhartz
Patricia Flynn -Judith Jannuzzelli
Heather Jaboor-John Hull
Joseph Giordano-Doris Conti
Sharon Hull-Brian Kane
Grace Lee- Dawn Quinn

From: [Judith Katten](#)
To: [Kelly Churney](#)
Subject: The Ambassador project
Date: Thursday, July 02, 2020 2:54:04 PM

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Kelly Churney
Administrative Assistant
Town of Palm Beach

Dear Ms. Churney --

I am an owner at The Regency of Palm Beach, 2760 South Ocean Boulevard, situated directly across the street from the Ambassador Hotel.

I write to express my strong opposition to the submission seeking waivers for the renovation and reconfiguration of the Ambassador as submitted on behalf of Copperline, the LLC wholly owned by the Schlesinger family.

In reading the application, I understand that what is being sought is permission to construct a luxury resort that is entirely out of keeping with the existing South Ocean community.

The plans submitted evidence that they are seeking permission to raise the height of a building already in excess of current restrictions (owing to it having been grandfathered in) and to expand upon the coverage of the land area by some 40%. The parking facility that they contend will be "below ground" will in fact be only partially so given the water tables of this ocean front property, but regardless, the parking capacity is well below what would be required to adequately service hotel guests, especially when combined with the demands of the restaurant and the ballroom that is also envisioned.

Stated otherwise, if approved, this application will give rise to a humongous structure that is entirely incompatible with present usage. It will have a devastating affect on the lives of all of us who have opted to reside here and on our right to quiet enjoyment. Traffic will increase exponentially, and, given the reliance upon valet parking as described, will likely back-up onto the street, especially when that ballroom is in use. Our once-peaceful neighborhood will be awash in unabating congestion and crowds. The low density, airy open space that is South Ocean's present character will be permanently sacrificed, not for any "hardship" nor necessity but merely for the profit of the developers -- developers, it should be noted, who have a rather unsettling history regarding prior real estate ventures in Florida and elsewhere, replete with bankruptcy filings and litigation.

Perhaps worse, approval of this project will establish a frightening precedent that will

open the door to other commercial development, signalling the death knell for the residential community we all hold so dear.

As will be evidenced in weeks to come as the Board receives communication from other neighbors, there is near universal opposition to the Ambassador application up and down the Boulevard. Not surprisingly, the only support for this undertaking is coming from a group of owners at the Edgewater, which building, across the street from the Ambassador, has also been targeted for take-over by the Schlesingers. It is not without a degree of irony that the Edgewater residents who have written to the Board in enthusiastic support are themselves contracting with the Schesingers for the sale of their own apartments -- and hope to be long gone from the Edgewater by the time this project that they are extolling is anywhere near completion.

I greatly appreciate this opportunity to express my views to you and to the Palm Beach board, and have every confidence that upon proper review, this misplaced and misguided proposal will be rejected by our representatives on behalf of their constituents.

All best regards,

Judith Katten

Dear Members of ARCOM

I am an owner at The Regency of Palm Beach, 2770 S. Ocean Boulevard, situated across the street from the Ambassador Hotel. I write to express my strong opposition to the request for variances to permit renovation and reconfigurations of the Ambassador by Copperline, the LLC, wholly owned by the Schlessinger family.

In reading the application, I understand that what is being sought is permission to construct and expand into a luxury resort that is out of keeping with the existing residential surroundings in this South Ocean Boulevard community. Our area is embedded with calmness, tranquility, harmony and with open views that are world renown. It should stay that way. The low density, airy open spaces that the condominium owners share is and has always been South Ocean Boulevard's character for over 60 years. The present character will be permanently sacrificed, not for any "hardship" or "necessity" but merely for the profit of the developers.

Height

Copperline is seeking permission to raise the height of a building already in excess of current restrictions (owing to it having been grandfathered in) and in addition they seek to expand upon the building of the land use area by some 40%.

Ballroom

Variance requested would allow the construction of a 3,100 square ft. ballroom to accommodate 200 people. At a meeting presented to The Regency of Palm Beach on July 8, 2020 Copperline was constrained under questioning, to acknowledge that the largely glass exterior will be at least 35 feet high. In addition, the ballroom will push well north of the footprint of the building. As a result, the width of this facility will cause site lines to the ocean to be blocked. The beautiful open views from South Ocean Blvd. will be replaced with a large look inconsistent with the surrounding properties. As the proposed ballroom juts out beyond the north side of the main building, Copperline's contention that the new structures will not create a visible size and bulk issue is not credible.

Highly Glazed Terraces and Balcones

Variance requests have been made to allow numerous balconies to be created, others expended and some enclosed. Great reliance is placed on glass building materials that is out of character with the buildings in the area. In addition, the extensive use of glass gives reasons to question Copperline's assurance that the redevelopment will not pose glare and light issues.

Inadequate Parking

Double stack parking will be burdensome to residents and guests. Gridlock created by the requirements to use valet parking could spill out of the property and create traffic problems on South Ocean Blvd. Nothing was mentioned in Copperline's presentation and variance requests

about employee parking and the turnaround time when employees are changing shifts. This will have a major impact to the parking and residential flow of traffic on South Ocean Blvd.

Precedent

Once such a precedent is set, it may prove difficult to not grant similar relief. A zoning board cannot approve something for one applicant and then deny it to another a few lots away. Treating a similar application in a different way may well open the floodgates of future litigations. Not surprisingly, the only support for Copperline's approval is coming from a group of owners at The Edgewater, which is directly across the street from the Ambassador. Copperline has also targeted The Edgewater for take-over.

Coincidence

Copperline's proposed request for the expansion of the Ambassador has only been subject to the existing property in their submission the Town of Palm Beach. It is a strange coincidence to many residents in the neighborhood that the take-over by The Schlesinger Group/Copperline Partners of The Edgewater is a long term plan to eventually convert the Edgewater property to accommodate The Ambassador in some form or fashion in the event that their current plan is curtailed under their submitted proposal.

Summary

Without question, an appropriately updated Ambassador Hotel complete with a fine restaurant and modern Spa would be welcomed by the community. However, the project should be required to be harmonious with the special area that it joins and consistent with the values and lifestyle of the community in which it is to join.

This plan falls short of that requirement and as such, the plan that has been submitted, should be denied.

Thank You,

Lucy Pfluger

The Regency of Palm Beach, Unit 304

July 27, 2020

RE: AMBASSADOR VARIANCE APPLICATION
July 16, 2020

My name is Michael Blanc and I am from the Regency. I would like to speak in opposition of this application. As an architect with considerable experience with variances, I believe the relief being sought is excessive. The nonconforming extra building height and land coverage being sought would be detrimental to our neighborhood because the amount of building on the site would be much denser than others in this area. From Sloans Curve to the Lake Avenue Bridge the existing physical character exudes calm. This is due to the generous separation between buildings, which are all filled with homes. It is a residential neighborhood.. The new Ambassador, when seen from the air, reveals a site packed with much more building coverage than its neighbors. The building itself, architecturally, looks like towers with very flashy glass lined balconies. The project gives the appearance of a resort not homes.

A change in use is also being sought. This too would be Detrimental to the neighborhood. With the new uses this project would become more a resort destination, Acapulco style, totally out of character in the middle of a low rise, low density, predominantly residential area.

There is much description of a valet parking system to be used to great advantage for saving space. But it is well known valet parking is a slow process. From the Breakers to the Old Key Lime House we all have experienced the delays associated with valet parking. I fear when there is a large gathering at the new ball room, the queue of cars arriving, from both directions for that function, will be forced to back up on A1A. A1A is a narrow, two lane road without shoulders and such a queue would totally block local traffic,

as well as, access by emergency vehicles. All this is without mention of any traffic generated by staff arrivals and departures. The Town of Palm Beach should request a full traffic study of this development's impact on A1A before considering the application..

Actually, the most dangerous aspect of this application, if approved, is it would set a legal precedent for other such developments. In my experience, once such a precedent is set, any other application seeking the same relief has been granted. Because a Zoning Board cannot approve something for one applicant and then deny it to another, three lots away, without facing serious litigation. So imagine this sort of resort development peeping A1A. It would transform the neighborhood for the worst.

The final, and perhaps most important, question I have has to do with what is called in zoning language, "hardship." Again in my experience, an applicant needs to demonstrate a viable hardship as the reason for seeking a particular type of relief from the regulations. I do not know if I missed it, but I found nothing in the material provided about the hardships being claimed by the applicant. If there are no hardships then design of new additions to the existing structures should conform to the regulations.

Michael Blum

July, 21, 2020

Dear Members of ARCOM,

My name is Ivar Goldart. I have the privilege to reside in The Regency of Palm Beach which is located on S. Ocean Blvd diagonally across from The Ambassador Hotel. I grew up in New York City and until 9 years ago was not the slightest bit aware of the beauty of this location. My wife Nancy and I were taking a brief vacation on Singer Island and she suggested that we visit Palm Beach. I was stunned with views that were reminiscent of the coast in the south of France. Two years later we purchased our apartment. Since then, each December when we arrive and take in the view, we exclaim "do we really live here?" I will do anything I can to help keep this serene, restrained unbelievable place just what it is. With this in mind, below is my view of harm the redevelopment plan for The Ambassador will do to this precious community.

The Claimed Hardship Should Denied as it is Both Without Merit and Disingenuous

The heart of a variance request is hardship. The sponsor's claimed hardship should not be recognized as sufficient to support the drastic and extensive variances that they seek.

The hardship claimed appears to boil down to this:

The Ambassador Hotel premises is a fully built out seven story building. The seven stories are permissible because the structure was built pre-code limiting to 5 stories. The sponsors are very sophisticated developers and were fully aware of the limitations of property development in Palm Beach when they purchased one of the smallest lots in the area. Consequently, protests about restrictions interfering with their expansive development goals ring hollow. If they wanted to create a high density, mixed commercial and residential condo hotel premises they should have looked down the road so as not to violate the peaceful, quiet and spectacular beauty and unique norms of Palm Beach.

Beyond this, whatever little appeal the "hardship" claim may, is completely undermined by the sponsor's admission in the variance application that their business plans could be met without the requested variances although this would be "challenging" (their words), not impossible.

New Structures Are Not In Harmony With The General Area As They Are Oversized, Create Density Issues, Disturb Sight Lines to the Ocean, Create Noise, Glare and Light Pollution

The Ambassador is located on the East Side of S. Ocean Blvd. The buildings from Sloan's Curve to the Lake Worth Casino are quite consistent in materials with which they are built, the presentation of understated terraces and in generally keeping activity areas out of public view and east of the housing structures. In the main they are beautiful classic mid-century structures. None of these attributes are respected in the redevelopment of the Ambassador Hotel with the possible exception of painting the building white.

To be sure the architects of the new Ambassador had their work cut out for them as the current hotel is a long way from elegant. The new building as designed, standing alone, is an impressive

conversion. But the building does not stand in a vacant part of town; it is within a community of buildings. The redevelopment plan overdevelops the area extending west towards S. Ocean Blvd.

The serenity of the drive along S. Ocean Blvd. will be shattered by a hulking ballroom, described below, a main building bedecked by gawky and glistening terraces and outdoor drinking and dining areas that will undoubtedly be noisy.

Ballroom

Variances requested would allow for the construction of a 3,100 Sq. Ft. ballroom. At a zoom meeting presented to The Regency on July 8, 2020, the sponsors were constrained under questioning to acknowledge that the largely glass exterior will be at least 35 feet high and the ballroom will push well north of the footprint of the main building. As a result of the width of this facility, site lines to the ocean will be blocked and the view from S. Ocean Blvd. disturbed by creating a large commercial look inconsistent with surrounding properties. These facts clearly call into question the sponsor's response (Application Ex.A.10) that the proposed new structures were in keeping with the height restraints on commercial buildings. As the proposed ballroom juts out beyond the north side of main building, the response that new structures will not create visible size and bulk issues (Application Ex.A.11) is not credible.

In addition, the sponsor's assurance that the redevelopment will not pose glare and light pollution issues is questionable given the predominate use of glass on the 35 ft. high Ballroom. (Application Ex.B.7)

Highly Glazed Terraces and Balconies

Variances requests have been made to allow numerous balconies to be created, expanded and to expand and enclose several others. Great reliance is placed on glass building materials to be involved in the creation of these new amenities that is out of character for buildings in this area. In addition, the extensive use of glass gives reasons to question the sponsor's assurance that the redevelopment will not pose glare and light pollution issues. (Application Ex. B.7)

Inadequate Parking

Double stacked parking will be burdensome to residents and guests. Gridlock created by difficulties created by the requirement to use valet parking could spill out of the property and result in traffic delay on S. Ocean Blvd. Car retrieval delays are going to be extensive. Even at the revered Breakers Hotel, valet parking does not eliminate significant delays and that is without the use of delay multiplying double stacking devices.

Moreover, it is noteworthy that the sponsor, in responding to Zoning Application Ex.D (Parking Statement) chose to ignore the substantial commercial nature of the redevelopment plan. Instead the form was completed as if it was for a purely residential property. Whether such a choice is permissible or not is not important. What is important is you cannot hide the fact that employees must have the ability to park. The sponsor should be required to disclose the number of employees they intend to have on site and how their parking needs are to be met.

In the absence of a specific staffing number and plan for this supposed five star hotel to be, it is fair to look to an industry standard of staffing recommended for five star hotels. The World Tourist Organization suggests the ratio of people to staff is optimal in a five star facility at 20 staff per 10 rooms or 200 staff per day for a 100 room establishment. Obviously, the bulk of the staff would be working during the day and evening hours. On a greatly less than optimal staffing level it is fair to estimate that the most demanding shifts will require a shift change consisting of a total of 100 employees at a time. This means that at one point of the day as much as 30-40% of the valet spaces will be moving in and out at one time even if no guest needs to enter or exit from the garage. In short, the parking "plan" is a recipe for daily chaos.

Separate and apart from this fatal deficiency in the parking scheme presented is the planned above ground stacking of vehicles under the existing 5 story building. At a July 8, 2020 zoom meeting this issue was disclosed. The Sponsor suggested that landscaping would mask the problem. This overlooks the fact vehicles cannot be stacked or unloaded without considerable space to move them in and out. It should be clear that the parking system is not workable as currently drawn.

Height Variance

In the zoning application (I.A.8) a request is made to "allow a height of 68.96 feet in lieu of the 62.5 maximum allowed for the Penthouse additions (7th floor). At the zoom meeting it was contended that this does not raise the height of the building. It is hard to accept this statement at face value. If the height will not be increased why is a variance necessary? If the height will be increased the request should be summarily denied as the building is already too high and no justification has been provided to grant this request.

Conclusion

Without question, an appropriately updated Ambassador Hotel complete with a fine restaurant and modern Spa would be welcomed by the community. However, the project should be required to be harmonious with the special area that it joins and consistent with the values and lifestyle of the community in which it is to be built. This plan falls short.

Note: While I am sure that the committees receiving correspondence will evaluate them on their merits, a point of clarification might be helpful in that evaluation. I have seen numerous letters from owners in the Edgewater. This property is directly across S. Ocean Blvd. from The Ambassador. The overwhelming support of the redevelopment plan of a neighbor would normally carry considerable great weight. However, it should be made clear that apparently each and every one of these writers effusively welcoming the project to their neighborhood has signed an agreement to sell their units to an entity controlled by the Ambassador's sponsor. Aggressive advocacy is part of any petition process. However, the letters should be read in the context of the reality that these folks are set to not be around when the project is complete.


Ivar Goldart



Licensed Interior Designer
2760 S. Ocean Blvd; Suite 305
Palm Beach, Florida 33480
Tel: 561-307-0055
Email moniqueogilvie@gmail.com

OPPOSITION TO THE AMBASSADOR'S RENOVATION PROJECT

Dear Commissioners,

It is the first time I write to the town and I take today the liberty to express why I do not see this project as contributing to the calmness, enjoyment and quality of life nor harmonious to our neighborhood. The Ambassador has not been a vital "piece of the fabric of South Ocean Blvd". The vital fabric of the Blvd. is the condominiums surrounded by green open spaces with reasonable height and open skies, which has made this boulevard a most attractive, and inviting venue for residential living.

The proposal has 3 major issues at hand:

- Lot coverage
- Increase in height
- Increase in parking spaces

- 1) The current lot coverage is 23.7%. The proposal is almost double, 44.9%.
- 2) The maximum existing height permitted by the zoning is 62.5ft, the proposal is to increase this to 75.46ft.
- 3) If the site cannot be redeveloped profitably for a condo-hotel with the same coverage and height as the existing, why not re designate to allow a conventional condominium project that fits within the parameters.
- 4) The redevelopment is in no way a "tremendous asset" to neighbouring properties. This will create problematic impacts on traffic, both pedestrians and drivers. In addition, it will block the views and affect property values.

The added noise, traffic from cars, truck deliveries, and garbage trucks have never added value to the pursuit of happiness.

5) Under V (hardship) says it would be "challenging" but apparently not impossible to redevelop the condo hotel within the existing coverage ratio and height.

6) The redevelopment wants to increase parking for 124 existing spaces to a total of 232 with stacked (tandem) and lift parking with 24hr valet service. There is no guarantee there will always be 24hr valet service.

7) The redevelopment is not compatible with the multi-family nature of the neighbourhood. .

8) Exhibit 3 - the new Ambassador building will not be "beautiful" to neighbours due to the requested variances especially the lot coverage, the height and the increase used of the property.

Respectfully,

Monique Ogilvie

Dear Members of The Regency,

The Ad-Hoc Committee on The Ambassador Hotel, consisting of Monique Olgilvie, Judith Katten, Lucy Pfluger, Michael Blanc, Nancy and Ivar Goldart, have prepared several examples of letters of opposition and a pinch list of objections to the renovation project. These may be used as guides or feel free to cut and paste as you see fit. In addition, you will find some important guidelines prepared by our attorney for this committee, Gregory Kina.

Included in the package are letters by Judy Katten, Michael Blanc, Monique Olgilvie and Ivar Goldart. applicable regulations submitted by Gregory Kino, Esq.

If you have any **q lease** feel free to contact me.

Ivar Goldart

RE: AMBASSADOR VARIANCE APPLICATION

July 16, 2020

My name is Michael Blanc and I am from the Regency. I would like to speak in opposition of this application. As an architect with considerable experience with variances, I believe the relief being sought is excessive. The nonconforming extra building height and land coverage being sought would be detrimental to our neighborhood because the amount of building on the site would be much denser than others in this area. From Sloans Curve to the Lake Avenue Bridge the existing physical character exudes calm. This is due to the generous separation between buildings, which are all filled with homes. It is a residential neighborhood. The new Ambassador, when seen from the air, reveals a site packed with much more building coverage than its neighbors. The building itself, architecturally, looks like towers with very flashy glass lined balconies. The project gives the appearance of a resort not homes.

A change in use is also being sought. This too would be Detrimental to the neighborhood. With the new uses this project would become more a resort destination, Acapulco style, totally out of character in the middle of a low rise, low density, predominantly residential area.

There is much description of a valet parking system to be used to great advantage for saving space. But it is well known valet parking is a slow process. From the Breakers to the Old Key Lime House we all have experienced the delays associated with valet parking. I fear when there is a large gathering at the new ball room, the queue of cars arriving, from both directions for that function, will be forced to back up on A1A. A1A is a narrow, two lane road without shoulders and such a queue would totally block local traffic,

as well as, access by emergency vehicles. All this is without mention of any traffic generated by staff arrivals and departures. The Town of Palm Beach should request a full traffic study of this development's impact on A1A before considering the application..

Actually, the most dangerous aspect of this application, if approved, is it would set a legal precedent for other such developments. In my experience, once such a precedent is set, any other application seeking the same relief has been granted. Because a Zoning Board cannot approve something for one applicant and then deny it to another, three lots away, without facing serious litigation. So imagine this sort of resort development peppered A1A. It would transform the neighborhood for the worst.

The final, and perhaps most important, question I have has to do with what is called in zoning language, "hardship." Again in my experience, an applicant needs to demonstrate a viable hardship as the reason for seeking a particular type of relief from the regulations. I do not know if I missed it, but I found nothing in the material provided about the hardships being claimed by the applicant. If there are no hardships then design of new additions to the existing structures should conform to the regulations.

Michael Blouk |

July, 21, 2020

Dear Members of ARCOM,

My name is Ivar GoIdart. I have the privilege to reside in The Regency of Palm Beach which is located on S. Ocean Blvd diagonally across from The Ambassador Hotel. I grew up in New York City and until 9 years ago was not the slightest bit aware of the beauty of this location. My wife Nancy and I were taking a brief vacation on Singer Island and she suggested that we visit Palm Beach. I was stunned with views that were reminiscent of the coast in the south of France. Two years later we purchased our apartment. Since then, each December when we arrive and take in the view, we exclaim "do we really live here?" I will do anything I can to help keep this serene, restrained unbelievable place just what it is. With this in mind, below is my view of harm the redevelopment plan for The Ambassador will do to this precious community.

The Claimed Hardship Should Denied as it is Both Without Merit and Disingenuous

The heart of a variance request is hardship. The sponsor's claimed hardship should not be recognized as sufficient to support the drastic and extensive variances that they seek.

The hardship claimed appears to boil down to this:

The Ambassador Hotel premises is a fully built out seven story building. The seven stories are permissible because the structure was built pre-code limiting to 5 stories. The sponsors are very sophisticated developers and were fully aware of the limitations of property development in Palm Beach when they purchased one of the smallest lots in the area. Consequently, protests about restrictions interfering with their expansive development goals ring hollow. If they wanted to create a high density, mixed commercial and residential condo hotel premises they should have looked down the road so as not to violate the peaceful, quiet and spectacular beauty and unique norms of Palm Beach.

Beyond this, whatever little appeal the "hardship" claim may, is completely undermined by the sponsor's admission in the variance application that their business plans could be met without the requested variances although this would be "challenging" (their words), not impossible.

New Structures Are Not In Harmony With The General Area As They Are Oversized, Create Density Issues, Disturb Sight Lines to the Ocean, Create Noise, Glare and Light Pollution

The Ambassador is located on the East Side of S. Ocean Blvd. The buildings from Sloan's Curve to the Lake Worth Casino are quite consistent in materials with which they are built, the presentation of understated terraces and in generally keeping activity areas out of public view and east of the housing structures. In the main they are beautiful classic mid-century structures. None of these attributes are respected in the redevelopment of the Ambassador Hotel with the possible exception of painting the building white.

To be sure the architects of the new Ambassador had their work cut out for them as the current hotel is a long way from elegant. The new building as designed, standing alone, is an impressive

conversion. But the building does not stand in a vacant part of town: it is within a community of buildings. The redevelopment plan overdevelops the area extending west towards S. Ocean Blvd.

The serenity of the drive along S. Ocean Blvd. will be shattered by a hulking ballroom, described below, a main building bedecked by gawky and glistening terraces and outdoor drinking and dining areas that will undoubtedly be noisy.

Ballroom

Variances requested would allow for the construction of a 3,100 Sq. Ft. ballroom. At a zoom meeting presented to The Regency on July 8, 2020, the sponsors were constrained under questioning to acknowledge that the largely glass exterior will be at least 35 feet high and the ballroom will push well north of the footprint of the main building. As a result of the width of this facility, site lines to the ocean will be blocked and the view from S. Ocean Blvd. disturbed by creating a large commercial look inconsistent with surrounding properties. These facts clearly call into question the sponsor's response (Application Ex.A. 10) that the proposed new structures were in keeping with the height restraints on commercial buildings. As the proposed ballroom juts out beyond the north side of main building, the response that new structures will not create visible size and bulk issues (Application Ex.A.11) is not credible.

In addition, the sponsor's assurance that the redevelopment will not pose glare and light pollution issues is questionable given the predominate use of glass on the 35 ft. high Ballroom. (Application Ex.B.7)

Highly Glazed Terraces and Balconies

Variances requests have been made to allow numerous balconies to be created, expanded and to expand and enclose several others. Great reliance is placed on glass building materials to be involved in the creation of these new amenities that is out of character for buildings in this area. In addition, the extensive use of glass gives reasons to question the sponsor's assurance that the redevelopment will not pose glare and light pollution issues. (Application Ex. B.7)

Inadequate Parking

Double stacked parking will be burdensome to residents and guests. Gridlock created by difficulties created by the requirement to use valet parking could spill out of the property and result in traffic delay on S. Ocean Blvd. Car retrieval delays are going to be extensive. Even at the revered Breakers Hotel, valet parking does not eliminate significant delays and that is without the use of delay multiplying double stacking devices.

Moreover, it is noteworthy that the sponsor, in responding to Zoning Application Ex.D (Parking Statement) chose to ignore the substantial commercial nature of the redevelopment plan. Instead the form was completed as if it was for a purely residential property. Whether such a choice is permissible or not is not important. What is important is you cannot hide the fact that employees must have the ability to park. The sponsor should be required to disclose the number of employees they intend to have on site and how their parking needs are to be met.

In the absence of a specific staffing number and plan for this supposed five star hotel to be, it is fair to look to an industry standard of staffing recommended for five star hotels. The World Tourist Organization suggests the ratio of people to staff is optimal in a five star facility at 20 staff per 10 rooms or 200 staff per day for a 100 room establishment. Obviously, the bulk of the staff would be working during the day and evening hours. On a greatly less than optimal staffing level it is fair to estimate that the most demanding shifts will require a shift change consisting of a total of 100 employees at a time. This means that at one point of the day as much as 30-40% of the valet spaces will be moving in and out at one time even if no guest needs to enter or exit from the garage. In short, the parking 'plan' is a recipe for daily chaos.

Separate and apart from this fatal deficiency in the parking scheme presented is the planned above ground stacking of vehicles under the existing 5 story building. At a July 8, 2020 zoom meeting this issue was disclosed. The Sponsor suggested that landscaping would mask the problem. This overlooks the fact vehicles cannot be stacked or unloaded without considerable space to move them in and out. It should be clear that the parking system is not workable as currently drawn.

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Conclusion

Without question, an appropriately updated Ambassador Hotel complete with a fine restaurant and modern Spa would be welcomed by the community. However, the project should be required to be harmonious with the special area that it joins and consistent with the values and lifestyle of the community in which it is to be built. This plan falls short.

Note: While I am sure that the committees receiving correspondence will evaluate them on their merits, a point of clarification might be helpful in that evaluation. I have seen numerous letters from owners in the Edgewater. This property is directly across S. Ocean Blvd. from The Ambassador. The overwhelming support of the redevelopment plan of a neighbor would normally carry considerable great weight. However, it should be made clear that apparently each and every one of these writers effusively welcoming the project to their neighborhood has signed an agreement to sell their units to an entity controlled by the Ambassador's sponsor. Aggressive advocacy is part of any petition process. However, the letters should be read in the context of the reality that these folks are set to not be around when the project is complete.


Ivar Goldart

10/10/2019 10:10:10 AM

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increase in height
increase in parking spaces

current average height is 20.7

is almost double, 44.9%

increase this to 75.46ft.

zoning is

OSB-1

If the site can be redeveloped profitably for a condo-hotel with the same average and height as the existing, why not re designate to allow a conventional condominium project that fits within the parameters.

This development is in no way a detriment to the surrounding properties. This will create problematic impacts on traffic, but with pedestrians and drivers. In addition, it will block the views and affect property values.

The added noise, traffic from cars, truck deliveries, and garbage trucks have never added value to the pursuit of happiness.

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8) Exhibit 3 - the new Ambassador building will not be "beautiful" to neighbours due to the requested variances especially the lot coverage, the height and the increase used of the property.

Respectfully,

Monique Ogilvie

Dear Members of ARCOM,

I am an owner at The Regency of Palm Beach, 2760 South Ocean Boulevard, situated directly across the street from the Ambassador Hotel. I write to express my strong opposition to the request for variances to permit the renovation and reconfiguration of the Ambassador by Copperline, the LLC, a wholly owned by the Schlesinger family.

In reading the application, I understand that what is being sought is permission to construct a luxury resort that is out of keeping with the existing South Ocean community. Our area is embedded with calmness, tranquility, harmony and a view that is world renown. It should stay that way. The low density, airy open space that is South Ocean's present character will be permanently sacrificed, not for any "hardship" nor necessity but merely for the profit of the developers.

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difficulties created by the requirement to use valet parking could spill out of the property and create traffic problems on S Ocean Drive.

Nothing was mentioned in Copperline's presentation and variance requests about employee parking and the turn around time when employees are changing shifts. This will have a major impact to the residential flow of traffic on S.Ocean Drive.

Precedent

Actually, the most dangerous aspect of this application, if approved, is it would set a precedent for other such developments. Once such a precedent is set, it may prove difficult to not grant similar relief. A Zoning Board cannot approve something for one one applicant and then deny it to another three lots away. Treating similar applications in a different manner may well open the floodgates of future litigation.

Not surprisingly, the only support for Copperline's approval of variances is coming from a group of owners at the Edgewater, which is directly across the street from the Ambassador. Copperline has also targeted The Edgewater for take-over. It is not without a degree of irony that the Edgewater residents who have written to the Town in enthusiastic support have entered into contracts with Copperline for the sale of their own apartments. As a result they will be long gone from the Edgewater by the time the Ambassador project is completed.

Summary

Without question, an appropriately updated Ambassador Hotel complete with a fine restaurant

and modern Spa would be welcomed by the community. However, the project should be required to be harmonious with the special area that it joins and consistent with the values and lifestyle of the community in which it is to join. This plan falls short of that requirement and as such, the plan that been submitted, should be denied.

Name

Date

From: Gregory Kino, Esq.
Ivar,

Here are the various standards that the Applicant must demonstrate are met by competent, substantial evidence (i.e. expert testimony). Their applications they have submitted will address these standards, albeit briefly. The below standards might give some guidance to your letter writers in what they should focus on. Remember though, many of these require expert testimony in order to carry the day but anyone is able to speak on the project and their concerns should be heard. Also, the courts have ruled that fact based testimony from neighbors is relevant, they can testify as to certain things like the nature of their existing neighborhood, compatibility, impacts to their own property values, etc.

SPECIAL EXCEPTION REVIEW- For review of the expansion of the hotel use

Sec. 134-229. - Requirements for granting special exceptions

The requirements for granting a special exception use under this chapter are as follows:

(1)

The use is a permitted special exception use as set forth in article VI of this chapter.

(2)

The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.

(3)

The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

(4)

The use will be compatible *with* adjoining development and the intended purpose of the district in which it is to be located.

(5)

The use will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.

(6)

The use will comply with all elements of the comprehensive plan.

(7)

The use not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district.

(8)

Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

(9)

Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact shall be compatible and in harmony with properties in the district.

(10)

Location, availability and compatibility of utility service for the use shall be satisfactory to ensure health and safety.

(11) Refuse and service areas for the use shall not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.

(12) The proposed use will not place a greater burden than would be caused by a permitted use on municipal police services due to

increased traffic or on fire protection services due to the existence of or increased potential for fire/safety code violations.

SITE PLAN REVIEW (for layout of the proposed buildings and use on the property)

Sec. 134-329. - Review by town council.

Within 30 days of receipt of the application for site plan review, the town council shall review and consider the application. Before any site plan shall be approved, approved with changes, or denied, the town council shall make a finding that the approval of the site plan will or will not adversely affect the public interest and certify that the specific zoning requirements governing the individual use have or have not been met and that, further, satisfactory provision and an arrangement has or has not been made concerning the following matters, where applicable:

(1)

Sufficiency of statements on ownership and control of the subject property and sufficiency of conditions of ownership or control, use and permanent maintenance of common open space, common facilities or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the town.

(2)

Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon; provided, however, that nothing in this subsection shall be construed as granting the town council the authority to reduce

residential densities below that permitted by the use regulations in article VI of this chapter.

(3)

Ingress and egress to the property and the proposed structure thereof, with particular reference to automotive and pedestrian safety; separation of automotive traffic; traffic flow and control; provision of services and servicing of utilities and refuse collection; and access in case of fire, catastrophe or emergency.

(4)

Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns within the property, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.

(5)

Proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the property boundaries.

(6) Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall town capacities.

(?) Utilities, with reference to hook-in locations and availability and capacity for the uses projected.

(8)

Recreation facilities and open spaces, with attention to the size, location and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the property, and relationship to communitywide open spaces and recreation facilities.

(9)

Such other standards as may be imposed by this chapter for the particular use or activity involved.

(1 O)Height of commercial structures with reference to adjoining buildings, the effect on uniforrllity in height, and the general principle of retaining the low profile scale of commercial architecture.

(11)

Visible size and bulk. The proposed development should be so arranged that it minimizes the visible bulk of the structures to drivers and pedestrians on abutting roadways, the point of reference being the centerline of the abutting roadways, with the intent being to maintain visual impact of multistory buildings at the same relative level of intensity as a single-story building at the minimum required setback.

VARIANCE REVIEW - For review of variances where project does not meet Code Standards

Sec. 134-201. - Findings prior to authorization.

(a)

The town council may authorize upon appeal such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special! conditions, a literal enforcement of this chapter will result in unrn3cessary and undue hardship. In order to authorize any variance from the terms of this chapter, the town council must and shall find the following:

(1)

Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

(2)

The special conditions and circumstances do not result from the actions of the applicant.

(3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in this same zoning district.

(4) Literal interpretation of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.

(5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

(6)

(7)

The grant of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. In granting any variance, the town council may prescribe appropriate conditions and safeguards in conformity with this chapter. Upon granting a variance the town council may require the landowner to provide a declaration of use agreement which shall be recorded in the public records to ensure continuing compliance with town council imposed conditions of such grants. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

(b)

The town council may prescribe a reasonable time limit within which the action for which the variance is required shall begin or be completed or both. Under no circumstances, except as permitted in subsection (a) of this section, shall the town council grant a variance to permit a use, not generally or by special exception permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of this chapter in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

From: siliberm@aol.com
To: [Kelly Churney](#)
Subject: Re: Ambassador variance opposition
Date: Friday, July 24, 2020 5:51:33 PM

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

MEMBERS OF ARCOM:

My wife and I, permanent residents of Palm Beach, acquired our apartment at the Regency 26 years ago because of the idyllic, tranquil, non-commercial area, ocean and Intracoastal views and the town's reputation for its strict adherence to zoning codes.

We live diagonally across the street from the Ambassador and strongly urge you to deny its new owners variances that would adversely change the property's appearance and the character of our neighborhood. It'd likely also encourage other entrepreneurs to follow suit. I can just foresee additional Southern Boulevard traffic and cars parked helter-skelter on greenery as is now occasionally observed in front of the Four Seasons Hotel.

To obtain a variance, it's my understanding, an owner must prove undue hardship if denied. Obviously, that's not the case here. However, hardships could very well be felt by nearby property owners whose real estate values would diminish.

Please don't contribute to turning Palm Beach into another Delray Beach by approving the variances.

Thank you,

Simon Liberman
2760 S. Ocean Blvd., Apt. 416,
Palm Beach, FL 33480

Dear Members of ARCOM,

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Nothing was mentioned in Copperline's presentation and variance requests about employee parking and the turn around time when employees are changing shifts. This will have a major impact to the residential flow of traffic on S.Ocean Drive.

Precedent

Actually, the most dangerous aspect of this application, if approved, is it would set a precedent for other such developments. Once such a precedent is set, it may prove difficult to not grant similar relief. A Zoning Board cannot approve something for one one applicant and then deny it to another three lots away. Treating similar applications in a different manner may well open the floodgates of future litigation.

Not surprisingly, the only support for Copperline's approval of variances is coming from a group of owners at the Edgewater, which is directly across the street from the Ambassador. Copperline has also targeted The Edgewater for take-over. It is not without a degree of irony that the Edgewater residents who have written to the Town in enthusiastic support have entered into contracts with Copperline for the sale of their own apartments. As a result they will be long gone from the Edgewater by the time the Ambassador project is completed.

Summary

Without question, an appropriately updated Ambassador Hotel complete with a fine restaurant

and modern Spa would be welcomed by the community. However, the project should be required to be harmonious with the special area that it joins and consistent with the values and lifestyle of the community in which it is to join. This plan falls short of that requirement and as such, the plan that been submitted, should be denied.

Name

Scarry Probert

Date

July 22, 2020

Michael B. Small, Chairman
Robert N. Garrison, Vice Chairman
John David Corey, Member
Maisie Grace, Member
Alexander C. Ives, Member
Betsy Shiverick, Member
Richard Sammons, Member
Katherine Catlin, Alternate Member
Dan Floershemier, Alternate Member
Ted Cooney, Alternate Member
c/o Kelly Churney
Administrative Specialist
Town of Palm Beach
Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480

via email to: KChurney@TownofPalmBeach.com

Re: The Ambassador Hotel Proposed Redevelopment

Dear ARCOM:

We are owner-residents of the 2770 Condominium building, the building directly adjoining the Ambassador hotel to the south. We have resided at the 2770 for 15 years and during those years the operation of the Ambassador property has had no material detrimental impact on the enjoyment of our property. We also understand that from a financial standpoint the property was operating successfully.

We totally support the renovation and updating of that property and would not stand in the way of reasonable efforts to achieve that result, provided that it can be achieved with no variances and with special exceptions with appropriate conditions.

We do, however, strongly oppose the proposed greatly increased intensification of the use of the property. In particular, we oppose the proposed ballroom with a projected maximum capacity of 200 persons. Such a use would often involve loud music and possibly 100 additional automobiles coming and going and parking in the span of just a few hours.

We also oppose the proposed spa as it too would greatly increase the coming and goings of vehicles and the need for additional parking on what is a very small piece of land for the proposed activities.

We see no way that the stacked parking system they propose could or should be utilized to meet the required parking for such a change to this structure. We feel that it is going to cause

extensive backup and disruption during busy hours since it could require the moving of up to three cars in order to remove a car in some cases.

Lastly, we oppose the proposed use of the beach at the Ambassador by the occupants of the Brazilian Court resulting in further intensification in terms of traffic and parking. Even if they agreed to eliminate it would be impossible to make sure this was being adhered to.

Being long-time residents of Palm Beach, we know that the various Town boards have spent long hours crafting our land use ordinances with their detailed provisions for land coverage, set-backs, parking etc. Now is not the time to allow a non-conforming use that has heretofore been successfully operating to further expand by granting special exceptions and numerous variances. The new owners knew what they were buying into. There is no hardship here that needs to be addressed.

Very truly yours,

Gerald Heller

2770 South Ocean Blvd. N501

Palm Beach, FL 33480

ccs. Paul Castro, AICP
Wayne Bergman, MCP, LEED-AP
Pat Gayle-Gordon, Acting Town Clerk
Maura Ziska, Esq.
Tim Hanlon, Esq.
Greg Kino, Esq.
James K. Green, Esq.

pcastro@townofpalmbeach.com
wbergman@townofpalmbeach.com
pgayle-gordon@townofpalmbeach.com
MZiska@floridawills.com
tim.hanlon@amrl.com
GKino@ciklinlubitz.com
jkg@jameskgreenlaw.com

From: [nancy miller](#)
To: [Kelly Churney](#)
Cc: [Ivar Goldart](#)
Subject: Ambassador
Date: Sunday, July 26, 2020 12:27:37 PM

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Members of ARCOM,

I am an owner at The Regency of Palm Beach, [2760 South Ocean Boulevard](#), situated directly across the street from the Ambassador Hotel. I write to express my strong opposition to the request for variances to permit renovation and reconfiguration of the Ambassador by Copperline, the LLC, wholly owned by the Schlesinger family.

In reading the application, I understand that what is being sought is permission to construct a luxury resort that is out of keeping with the existing South Ocean community. Our area is embedded with calmness, tranquility, harmony and a view that is world renown. It should stay that way. The low density, airy open space that is South Ocean's present character will be permanently sacrificed, not for any "hardship" or necessity but merely for the profit of the developers.

Height

Copperline is seeking permission to raise the height of a building already in excess of current restrictions (owing to it having been grandfathered in) and in addition they seek to expand upon the building of the land area by some 40%.

Ballroom

Variances requested would allow the construction of a 3,100 square ft ballroom. At a meeting presented to The Regency on July 8, 2020 Copperline was constrained under questioning, to acknowledge that the largely glass exterior will be at least 35 feet high. In addition, the ballroom will push well north of the footprint of the building. As a result, the width of this facility will cause site lines to the ocean to be blocked. The beautiful open view from South Ocean Blvd. will be replaced with a large commercial look inconsistent with surrounding properties. As the proposed ballroom juts out beyond the north side of the main building, Copperline's contention that the new structures will not create visible size and bulk issue is not credible.

Highly Glazed Terraces and Balconies

Variance requests have been made to allow numerous balconies to be created, others expanded and some enclosed. Great reliance is placed on glass building materials that is out of character with the buildings in the area. In addition, the extensive use of glass gives reasons to question Copperline's assurance that the redevelopment will not pose glare and

light issues.

Inadequate Parking

Double stacked parking will be burdensome to residents and guests. Gridlock created by difficulties created by the requirement to use valet parking could spill out of the property and create traffic problems on South Ocean Blvd. Nothing was mentioned in Copperline's presentation and variance requests about employee parking and the turnaround time when employees are changing shifts. This will have a major impact to the residential flow of traffic on South Ocean Blvd.

Precedent

Actually, the most dangerous aspect of this application, if approved, is it would set a precedent for other such developments. Once such a precedent is set, it may prove difficult to not grant similar relief. A zoning board cannot approve something for one applicant and then deny it to another a few lots away. Treating a similar application in a different way may well open the floodgates of future litigation. Not surprisingly, the only support for Copperline's approval is coming from a group of owners at the Edgewater, which is directly across the street from the Ambassador. Copperline has also targeted The Edgewater for take-over.

Summary

Without question, an appropriately updated Ambassador Hotel complete with a fine restaurant and modern Spa would be welcomed by the community. However, the project should be required to be harmonious with the special area that it joins and consistent with the values and lifestyle of the community in which it is to join.

This plan falls short of that requirement and as such, the plan that has been submitted, should be denied.

Thank you,

Name. Nancy Goldart

Date July 26,2020

From: [ivar goldart](#)
To: [Kelly Churney](#)
Subject: Fwd: Ambassador zoning variance request
Date: Tuesday, July 28, 2020 4:40:04 PM

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

----- Forwarded message -----

From: **Tom Garlin** <garlintom@comcast.net>
Date: Tue, Jul 28, 2020 at 12:24 PM
Subject: Ambassador zoning variance request
To: kcherney@townofpalmbeach.com <"mailto:kcherney"@townofpalmbeach.com>

My wife and I are owners of apartment 203 at the Regency @[2760 South Ocean Blvd.](#)

I am opposed to the zoning exceptions sought by the Ambassador across the street for many reasons:

- 1) The expansion of their footprint will make their property crowded and degrade the visual beauty of the entire area. This will reduce the open view towards the ocean.
- 2) The valet parking will cause back ups when large functions are held in their ballroom, when people are waiting for valet parking and particularly during worker shift changes. This will be a safety concern as well as an inconvenience when the back up extends onto S. Ocean Blvd.

When the Ambassador is fully occupied and a large function is held in the ballroom the parking will inevitably overflow onto S. Ocean Blvd. which does not have any place for parking overflow thus causing a safety hazard for traffic and emergency vehicles.

- 3) A zoning exception for this property will make other property owners also consider zoning exceptions which will lead to a downgrading of the entire area as congestion will result. The Ambassador already is non compliant due to being Grandfathered. Additional expansion will make it worse.

- 4) The only hardship that the Ambassador owners will suffer will be not realizing extra profits at the expense of their neighbors.

Thank you for considering our objections.

Ilene & Tom Garlin

From: [Michael Ereshena](#)
To: [Kelly Churney](#)
Subject: OPPOSITION TO The Ambassador Hotel Renovation Project
Date: Friday, July 24, 2020 10:40:38 AM

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Members of ARCOM,

I am an owner at The Regency of Palm Beach, 2760 South Ocean Boulevard, situated directly across the street from the Ambassador Hotel. I write to express my strong opposition to the request for variances to permit renovation and reconfiguration of the Ambassador by Copperline, the LLC, wholly owned by the Schlesinger family.

Our area is embedded with calmness, tranquility and harmony which is well suited as a residential environment.

As a retired founder and owner of a Special Event production Company for forty years I am aware of the traffic and noise that goes hand and hand with executing an event in a Ballroom.

Locations for our Events were both nationwide and overseas including but not limited to The Breakers Palm Beach, The Four Seasons Palm Beach, The former Ritz Carlton Palm Beach and The Brazilian Court Palm Beach.

My concerns are:

(1) The large number of trucks shifting in and out of the loading dock areas as well as parking for those trucks.

Food and Beverage, Florists, Decorating companies, lighting and sound companies, Entertainment Companies and others all coming and going during set up and removal.

The loading dock areas are CROWDED AND NOISY from Early morning to late into the night and sometimes the early hours of the next morning.

(2) There are the crews for each company ranging from 30-50 staff members coming and going all day and late night who also need parking access.
Not counting additional wait staff and Guests.

I STRONGLY URGE you not to allow these changes to be allowed.
They will disrupt the lives for those of us who chose to live with calmness, tranquility

and harmony.

Respectfully,

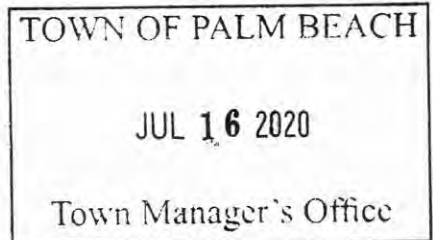
S. Michael Ereshena
Creative Director

DME VENTURES INC
2760 South Ocean Blvd. # 301
Palm Beach, Florida 33480

(561) 267-3510
michael@dmeventuresinc.com

2760 S. Ocean Blvd.
Apts. 216& 411
Palm Beach, Fl. 33480

Town Council
360 South County Road
Palm Beach, Fl Court Beach Resort 33480



Re. Z-20-00262 Zoning Application

Dear Council members:

My wife and I would like to express our strong objection and share our concerns regarding the zoning application and requested variances by Brazilian Court Beach Resort (BCBR) and Adam Schlessinger.

We have two concerns: Our first is that the variances requested would make the Ambassador Hotel Cooperative Apartments entirely inconsistent with the nature and fabric of its neighbors. Our community is one that houses many year round families and some snow birds who enjoy the peace and quiet and natural beauty of the Atlantic Ocean and Florida IntraCoastal Waterway. The BCBR are asking for variances to remove and demolishing 9,480 square feet and constructing 36,495 square feet in addition to building several penthouses atop this structure and adding an additional swimming pool. Ours is a quiet community on AIA of homeowners and we all would like to keep it that way.

Our second concern is the dodgy real estate ventures of the Schlessinger family. As I'm sure you have been made aware of the that the Florida Attorney General sued the Schlessinger family in 2009 for using deceptive and unfair practices to sell units at the Eden condominium in Boca Raton which they abandoned in mid construction. The Tideline at 2842 S. Ocean Blvd. was bought and then lost to foreclosure. They bought the Gulfstream Hotel in Lake Worth in 2005 and now 15 years later it is still boarded up.

They are asking to give our quiet little neighborhood years of construction years and destruction, noise and congestion. in building a Las Vegas like hotel, totally inconsistent with its neighbors.

Please don't let this happen.

Sincerely yours,


Robert and Mariann Conlon

JOANNE AND HOWARD ROSENBLOOM
2770 SOUTH OCEAN BOULEVARD
APARTMENT S-602
PALM BEACH, FL 33480

July 24, 2020

Michael B. Small, Chairman
Robert N. Garrison, Vice Chairman
John David Corey, Member
Alexander C. Ives, Member
Betsy Shiverick, Member
Maisie Grace, Member

Richard Sammons, Member
Katherine Catlin, Alternate
Member
Dan Floershemier, Alternate
Member
Ted Cooney, Alternate Member

c/o Kelly Churney, Administrative Specialist KChurney@TownofPalmBeach.com
Town of Palm Beach - Planning, Zoning & Building - 360 S. County Rd. - Palm Beach,
FL 33480

Re: The Ambassador Hotel Proposed Redevelopment Project

Dear ARCOM:

We are owners in the 2770 Condominium building, the building directly adjoining the Ambassador hotel to the south, for eight years and have enjoyed this beautiful location.

While we totally support the renovation and updating of that property we would like it to be achieved with no variances and without any special exceptions with appropriate conditions. We oppose the proposed increased intensification of the use of the property. In particular, we oppose the proposed ballroom with a projected maximum capacity of 200 persons. Such a use would often involve loud music and possibly 100 additional automobiles coming and going and parking in the span of just a few hours.

We oppose the proposed spa as it too would greatly increase the coming and goings of vehicles and the need for additional parking on what is a very small piece of land for the proposed activities.

Lastly, we oppose the proposed use of the beach at the Ambassador by the occupants of the Brazilian Court which will result in further intensification in terms of traffic and parking.

Being long-time residents of Palm Beach, we know that the various Town boards have spent long hours crafting our land use ordinances with their detailed provisions for land coverage, set-backs, parking etc. Now is not the time to allow a non-conforming use that has heretofore been successfully operating to further expand by granting special exceptions and numerous variances. The new owners knew what they were buying into. There is no hardship here that needs to be addressed.

Sincerely,



President

2770 South Ocean Blvd #S602

Palm Beach, FL 33480

ccs. Paul Castro, AICP

Wayne Bergman, MCP, LEED-AP

Pat Gayle-Gordon, Acting Town Clerk

Maura Ziska, Esq.

Tim Hanlon, Esq.

Greg Kino, Esq.

James K. Green, Esq.

pcastro@townofpalmbeach.com

wbergman@townofpalmbeach.com

pgayle-gordon@townofpalmbeach.com

MZiska@floridawills.com

tim.hanlon@amrl.com

GKino@ciklinlubitz.com

jkg@jameskgreenlaw.com

July 24, 2020

Michael B. Small, Chairman
Robert N. Garrison, Vice Chairman
John David Corey, Member
Maisie Grace, Member
Alexander C. Ives, Member
Betsy Shiverick, Member
Richard Sammons, Member
Katherine Catlin, Alternate Member
Dan Floershemier, Alternate Member
Ted Cooney, Alternate Member
c/o Kelly Churney via email to: KChurney@TownofPalmBeach.com
Administrative Specialist
Town of Palm Beach
Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480

Re: The Ambassador Hotel Proposed Redevelopment

Dear ARCOM:

We are owner-residents of the 2770 Condominium building, the building directly adjoining the Ambassador hotel to the south. We have resided at the 2770 for 1.5 years and during those years the operation of the Ambassador property has had no material detrimental impact on the enjoyment of our property. We also understand that from a financial standpoint the property was operating successfully.

We totally support the renovation and updating of that property and would not stand in the way of reasonable efforts to achieve that result, provided that it can be achieved with no variances and with special exceptions with appropriate conditions.

We do, however, strongly oppose the proposed greatly increased intensification of the use of the property. In particular, we oppose the proposed ballroom with a projected maximum capacity of 200 persons. Such a use would often involve loud music and possibly 100 additional automobiles coming and going and parking in the span of just a few hours.

We also oppose the proposed spa as it too would greatly increase the coming and goings of vehicles and the need for additional parking on what is a very small piece of land for the proposed activities.

Lastly, we oppose the proposed use of the beach at the Ambassador by the occupants of the Brazilian Court which will result in further intensification in terms of traffic and parking.

Being long-time residents of Palm Beach, we know that the various Town boards have spent long hours crafting our land use ordinances with their detailed provisions for land coverage, set-backs, parking etc. Now is not the time to allow a non-conforming use that has heretofore been successfully operating to further expand by granting special exceptions and numerous variances. The new owners knew what they were buying into. There is no hardship here that needs to be addressed.

Very truly yours,


Arnold P. Schuster, Resident - Owner

July 24, 2020

Michael B. Small, Chairman
Robert N. Garrison, Vice Chairman
John David Corey, Member
Maisie Grace, Member
Alexander C. Ives, Member
Betsy Shiverick, Member
Richard Sammons, Member
Katherine Catlin, Alternate Member
Dan Floershemier, Alternate Member
Ted Cooney, Alternate Member
c/o Kelly Churney
Administrative Specialist
Town of Palm Beach
Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480

via email to: KChurney@TownofPalmBeach.com

Re: The Ambassador Hotel Proposed Redevelopment

Dear ARCOM:

We are owner-residents of the 2770 Condominium building, the building directly adjoining the Ambassador hotel to the south. We have resided at the 2770 for 28 years and during those years the operation of the Ambassador property has had no material detrimental impact on the enjoyment of our property. We also understand that from a financial standpoint the property was operating successfully.

We totally support the renovation and updating of that property and would not stand in the way of reasonable efforts to achieve that result, provided that it can be achieved with no variances and with special exceptions with appropriate conditions.

We do, however, strongly oppose the proposed greatly increased intensification of the use of the property. In particular, we oppose the proposed ballroom with a projected maximum capacity of 200 persons. Such a use would often involve loud music and possibly 100 additional automobiles coming and going and parking in the span of just a few hours.

We also oppose the proposed spa as it too would greatly increase the coming and goings of vehicles and the need for additional parking on what is a very small piece of land for the proposed activities.

Lastly, we oppose the proposed use of the beach at the Ambassador by the occupants of the Brazilian Court which will result in further intensification in terms of traffic and parking.

Being long-time residents of Palm Beach, we know that the various Town boards have spent long hours crafting our land use ordinances with their detailed provisions for land coverage, set-backs, parking etc. Now is not the time to allow a non-conforming use that has heretofore been successfully operating to further expand by granting special exceptions and numerous variances. The new owners knew what they were buying into. There is no hardship here that needs to be addressed.

Very truly yours,


Albert Frassetto
Owner, South 601

[Resident]

ccs. Paul Castro, AICP
Wayne Bergman, MCP, LEED-AP
Pat Gayle-Gordon, Acting Town Clerk
Maura Ziska, Esq.
Tim Hanlon, Esq.
Greg Kino, Esq.
James K. Green, Esq.

pcastro@townofpalmbeach.com
wbergman@townofpalmbeach.com
pgayle-gordon@townofpalmbeach.com
MZiska@floridawills.com
tim.hanlon@amrl.com
GKino@ciklinlubitz.com
jkg@jameskgreenlaw.com

July 23, 2020

Michael B. Small, Chairman
Robert N. Garrison, Vice Chairman
John David Corey, Member
Alexander C. Ives, Member
Betsy Shiverick, Member

Maisie Grace, Member
Richard Sammons, Member
Katherine Catlin, Alternate Member
Dan Floershemier, Alternate Member
Ted Cooney, Alternate Member

c/o Kelly Churney, Administrative Specialist KChurney@TownofPalmBeach.com
Town of Palm Beach - Planning, Zoning & Building - 360 S. County Rd. - Palm Beach, FL 33480

Dear ARCOM:

Re: The Ambassador Hotel Proposed Redevelopment

We are owner-residents of the 2770 Condominium building, the building directly adjoining the Ambassador hotel to the south. We have resided at the 2770 for over 16 years on the north side of the building overlooking the Ambassador and during those years the operation of the Ambassador property has had no material detrimental impact on the enjoyment of our property. We also understand that from a financial standpoint the property was operating successfully.

We totally support the renovation and updating of that property and would not stand in the way of reasonable efforts to achieve that result, provided that it can be achieved with no variances and with special exceptions with appropriate conditions.

We do, however, strongly oppose the proposed greatly increased intensification of the use of the property. In particular, we oppose the proposed ballroom with a projected maximum capacity of 200 persons. Such a use would often involve loud music and possibly 100 additional automobiles coming and going and parking in the span of just a few hours. This is a major revision to the scope of use on this small lot. It serves no public purpose (there are plenty of other such facilities on the island).

We also oppose the proposed spa as it too would greatly increase the coming and goings of vehicles and the need for additional parking on what is a very small piece of land for the proposed activities.

Lastly, we oppose the proposed use of the beach at the Ambassador by the occupants of the Brazilian Court which will result in further intensification in terms of traffic and parking. Such customers of the ownership group are not residents, even temporary hotel residents, of our area and should use the public beach nearest that hotel in the village.

Being long-time residents of Palm Beach, we know that the various Town boards have spent long hours crafting our land use ordinances with their detailed provisions for land

coverage, set-backs, parking etc. Now is not the time to allow a non-conforming use that has heretofore been successfully operating to further expand by granting special exceptions and numerous variances. The new owners knew what they were buying into. There is no hardship here that needs to be addressed.

Very truly yours,

Clay Lifflander, 402N

Copies to:

Paul Castro, AICP

pcastro@townofpalmbeach.com

Wayne Bergman, MCP, LEED-AP

wbergman@townofpalmbeach.com

Pat Gayle-Gordon, Acting Town Clerk

pgayle-gordon@townofpalmbeach.com

Maura Ziska, Esq.

MZiska@floridawills.com

Tim Hanlon, Esq.

tim.hanlon@amrl.com

Greg Kino, Esq.

GKino@ciklinlubitz.com

James K. Green, Esq.

jkg@jameskgreenlaw.com

July 23, 2020

Town of Palm Beach - Planning, Zoning
& Building - 360 S. County Rd. - Palm
Beach, FL 33480

Michael B. Small, Chairman

Robert N. Garrison, Vice Chairman

John David Corey, Member

Alexander C. Ives, Member

Betsy Shiverick, Member

Maisie Grace, Member

Richard Sammons, Member

Katherine Catlin, Alternate Member

Dan Floershemier, Alternate Member

Ted Cooney, Alternate Member

c/o Kelly Churney, Administrative Specialist *KChurney@TownofPalmBeach.com*

Re: The Ambassador Hotel Proposed Redevelopment Project

Dear ARCOM:

We moved to the 2770 Condominium building six years ago and have enjoyed this beautiful location. The old Ambassador Hotel is old and ugly and while we support the renovation and updating of that property we would like it to be achieved with no variances or special exceptions. We oppose the Developer's increased intensification of the use of the property. We oppose

- The proposed ballroom with a projected maximum capacity of 200 persons. Such a use would often involve loud music and possibly 100 additional automobiles coming and going and parking in the span of just a few hours.
- We oppose the proposed spa as it too would greatly increase the coming and goings of vehicles and the need for additional parking on what is a very small piece of land for the proposed activities

- We oppose the proposed use of the beach at the Ambassador by the occupants of the Brazilian Court which will result in further intensification in terms of traffic and parking.

Please do not allow a non-conforming use of this property by granting special exceptions and numerous variances. Consider the owners who live in adjoining properties and enjoy their quiet and serene living spaces.

Sincerely,

Sylvia O'Keefe

Brian O'Keefe

2770 South Ocean Boulevard #S502

Palm Beach, FL 33480

Copies to:

Paul Castro, AICP

pcastro@townofpalmbeach.com

Wayne Bergman, MCP, LEED-AP

wbergman@townofpalmbeach.com

Pat Gayle-Gordon, Acting Town Clerk

pgayle-gordon@townofpalmbeach.com

Maura Ziska, Esq.

MZiska@floridawills.com

Tim Hanlon, Esq.

tim.hanlon@amrl.com

Greg Kino, Esq.

GKino@ciklinlubitz.com

James K. Green, Esq.

jkg@jameskgreenlaw.com

***IRENE AND SIDNEY RITMAN
2770 SOUTH OCEAN BOULEVARD
APARTMENT S-401
PALM BEACH, FL 33480***

July 24, 2020

Michael B. Small, Chairman

Robert N. Garrison, Vice Chairman

John David Corey, Member

Alexander C. Ives, Member

Betsy Shiverick, Member

Maisie Grace, Member

Richard Sammons, Member

Katherine Catlin, Alternate Member

Dan Floershemier, Alternate Member

Ted Cooney, Alternate Member

c/o Kelly Churney, Administrative Specialist KChurney@TownofPalmBeach.com

Town of Palm Beach - Planning, Zoning & Building - 360 S. County Rd. - Palm Beach, FL 33480

Re: The Ambassador Hotel Proposed Redevelopment Project

Dear ARCOM:

We are owners in the 2770 Condominium building, the building directly adjoining the Ambassador hotel to the south, for eight years and have enjoyed this beautiful location.

While we totally support the renovation and updating of that property we would like it to be achieved with no variances and without any special exceptions with appropriate conditions. We oppose the proposed increased intensification of the use of the property. In particular, we oppose the proposed ballroom with a projected maximum capacity of 200 persons. Such a use would often involve loud music and possibly 100 additional automobiles coming and going and parking in the span of just a few hours.

We oppose the proposed spa as it too would greatly increase the coming and goings of vehicles and the need for additional parking on what is a very small piece of land for the proposed activities.

Lastly, we oppose the proposed use of the beach at the Ambassador by the occupants of the Brazilian Court which will result in further intensification in terms of traffic and parking.

Being long-time residents of Palm Beach, we know that the various Town boards have spent long hours crafting our land use ordinances with their detailed provisions for land coverage, set-backs, parking etc. Now is not the time to allow a non-conforming use

that has heretofore been successfully operating to further expand by granting special exceptions and numerous variances. The new owners knew what they were buying into. There is no hardship here that needs to be addressed.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Fred Litman".

2770 South Ocean Blvd #S401

Palm Beach, FL 33480

ccs. Paul Castro, AICP

Wayne Bergman, MCP, LEED-AP

Pat Gayle-Gordon, Acting Town Clerk

Maura Ziska, Esq.

Tim Hanlon, Esq.

Greg Kino, Esq.

James K. Green, Esq.

pcastro@townofpalmbeach.com

wbergman@townofpalmbeach.com

pgayle-gordon@townofpalmbeach.com

MZiska@floridawills.com

tim.hanlon@amrl.com

GKino@ciklinlubitz.com

jkg@jameskgreenlaw.com

***Henni and John Kessler
2770 South Ocean Boulevard
Apartment N-PH2
Palm Beach, FL 33480***

*Michael B. Small, Chairman
Robert N. Garrison, Vice Chairman
John David Corey, Member
Alexander C. Ives, Member
Betsy Shiverick, Member*

*Maisie Grace, Member
Richard Sammons, Member
Katherine Catlin, Alternate Member
Dan Floershemier, Alternate Member
Ted Cooney, Alternate Member*

c/o Kelly Churney, Administrative Specialist KChurney@TownofPalmBeach.com
Town of Palm Beach - Planning, Zoning & Building - 360 S. County Rd. - Palm Beach, FL 33480

Re: The Ambassador Hotel Proposed Redevelopment

Dear ARCOM:

We are owner-residents of the 2770 Condominium building, the building directly adjoining the Ambassador hotel to the south. We have resided at the 2770 for ten (10) years and during those years the operation of the Ambassador property has had no material detrimental impact on the enjoyment of our property. We also understand that from a financial standpoint the property was operating successfully.

We totally support the renovation and updating of that property and would not stand in the way of reasonable efforts to achieve that result, provided that it can be achieved with no variances and with special exceptions with appropriate conditions.

We do, however, strongly oppose the proposed greatly increased intensification of the use of the property. In particular, we oppose the proposed ballroom with a projected maximum capacity of 200 persons. Such a use would often involve loud music and possibly 100 additional automobiles coming and going and parking in the span of just a few hours.

We also oppose the proposed spa as it too would greatly increase the coming and goings of vehicles and the need for additional parking on what is a very small piece of land for the proposed activities.

Lastly, we oppose the proposed use of the beach at the Ambassador by the occupants of the Brazilian Court which will result in further intensification in terms of traffic and parking.

Being long-time residents of Palm Beach, we know that the various Town boards have spent long hours crafting our land use ordinances with their detailed provisions for land coverage, set-backs, parking etc. Now is not the time to allow a non-conforming use that has heretofore been successfully operating to further expand by granting special exceptions and numerous variances. The new owners knew what they were buying into. There is no hardship here that needs to be addressed.

Henrietta Kessler

JOHN KESSLER


2770 South Ocean Blvd

Palm Beach, FL 33480

ccs. Paul Castro, AICP

Wayne Bergman, MCP, LEED-AP

Pat Gayle-Gordon, Acting Town Clerk

Maura Ziska, Esq.

Tim Hanlon, Esq.

Greg Kino, Esq.

James K. Green, Esq.

pcastro@townofpalmbeach.com

wbergman@townofpalmbeach.com

pgayle-gordon@townofpalmbeach.com

MZiska@floridawills.com

tim.hanlon@amrl.com

GKino@ciklinlubitz.com

jkg@jameskgreenlaw.com

24 July 2020

Michael B. Small, Chairman
Robert N. Garrison, Vice Chairman
John David Corey, Member
Maisie Grace, Member
Alexander C. Ives, Member

Betsy Shiverick, Member
Richard Sammons, Member
Katherine Catlin, Alternate Member
Dan Floershemier, Alternate Member
Ted Cooney, Alternate Member

c/o Kelly Churney, Administrative Specialist KChurney@TownofPalmBeach.com
Town of Palm Beach - Planning, Zoning & Building - 360 S. County Rd. - Palm Beach, FL 33480

Re: The Ambassador Hotel Proposed Redevelopment

Dear ARCOM:

Our unit at the 2770 Condominium is currently listed on the market and we understand that The Schlesinger Group would like to renovate the Ambassador Hotel property. We totally support the renovation and updating of that old property and would not stand in the way of reasonable efforts to achieve that result, provided that it can be achieved with no variances and with special exceptions with appropriate conditions.

However, we strongly oppose the proposed use of the property concerning the proposed ballroom that would create loud music and several hundred automobiles for guests and employees in just a few hours; the proposed spa and the use of their beach by the occupants of the Brazilian Court.

Please do not allow a non-conforming use of The Ambassador to further expand by granting special exceptions and numerous variances. There is no hardship here that needs to be addressed.

Very truly yours,

Isanne and Sanford Fisher

2770 South Ocean Blvd #

Palm Beach, FL 33480

The block contains two handwritten signatures in black ink. The top signature is 'Isanne Fisher' and the bottom signature is 'Sanford Fisher'. Both are written in a cursive, flowing style.

ccs. Paul Castro, AICP
Wayne Bergman, MCP, LEED-AP
Pat Gayle-Gordon, Acting Town Clerk
Maura Ziska, Esq.
Tim Hanlon, Esq.
Greg Kino, Esq.
James K. Green, Esq.

pcastro@townofpalmbeach.com
wbergman@townofpalmbeach.com
pgayle-gordon@townofpalmbeach.com
MZiska@floridawills.com
tim.hanlon@amrl.com
GKino@ciklinlubitz.com
jkg@jameskgreenlaw.com

Michael B. Small, Chairman
Robert N. Garrison, Vice Chairman
John David Corey, Member
Maisie Grace, Member
Alexander C. Ives, Member
Betsy Shiverick, Member
Richard Sammons, Member
Katherine Catlin, Alternate Member
Dan Floershemier, Alternate Member
Ted Cooney, Alternate Member
c/o Kelly Churney
Administrative Specialist
Town of Palm Beach
Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480

via email to: KChurney@TownofPalmBeach.com

Re: The Ambassador Hotel Proposed Redevelopment

Dear ARCOM:

We are owner-residents of the 2770 Condominium building, the building directly adjoining the Ambassador hotel to the south. We have resided at the 2770 for 30 years and during those years the operation of the Ambassador property has had no material detrimental impact on the enjoyment of our property. We also understand that from a financial standpoint the property was operating successfully.

We totally support the renovation and updating of that property and would not stand in the way of reasonable efforts to achieve that result, provided that it can be achieved with no variances and with special exceptions with appropriate conditions.

We do, however, strongly oppose the proposed greatly increased intensification of the use of the property. In particular, we oppose the proposed ballroom with a projected maximum capacity of 200 persons. Such a use would often involve loud music and possibly 100 additional automobiles coming and going and parking in the span of just a few hours.

We also oppose the proposed spa as it too would greatly increase the coming and goings of vehicles and the need for additional parking on what is a very small piece of land for the proposed activities.

Lastly, we oppose the proposed use of the beach at the Ambassador by the occupants of the Brazilian Court which will result in further intensification in terms of traffic and parking.

Being long-time residents of Palm Beach, we know that the various Town boards have spent long hours crafting our land use ordinances with their detailed provisions for land coverage, set-backs, parking etc. Now is not the time to allow a non-conforming use that has heretofore been successfully operating to further expand by granting special exceptions and numerous variances. The new owners knew what they were buying into. There is no hardship here that needs to be addressed.

Very truly yours,

Shelma Lindsey 301 W.

ccs. Paul Castro, AICP

Wayne Bergman, MCP, LEED-AP

Pat Gayle-Gordon, Acting Town Clerk

Maura Ziska, Esq.

Tim Hanlon, Esq.

Greg Kino, Esq.

James K. Green, Esq.

pcastro@townofpalmbeach.com

wbergman@townofpalmbeach.com

pgayle-gordon@townofpalmbeach.com

MZiska@floridawills.com

tim.hanlon@amrl.com

GKino@ciklinlubitz.com

jkg@jameskgreenlaw.com

July 24, 2020

Michael B. Small, Chairman
Robert N. Garrison, Vice Chairman
John David Corey, Member
Alexander C. Ives, Member
Betsy Shiverick, Member

Maisie Grace, Member
Richard Sammons, Member
Katherine Catlin, Alternate Member
Dan Floershemier, Alternate Member
Ted Cooney, Alternate Member

c/o Kelly Churney, Administrative Specialist
Town of Palm Beach Planning, Zoning & Building
360 S. County Rd. - Palm Beach, FL 33480

Dear ARCOM:

Re: The Ambassador Hotel Proposed Redevelopment

We are owner-residents of N601 in the 2770 Condominium building, the building directly adjoining the Ambassador hotel to the south. We have resided at the 2770 for over 8 years on the north side of the building overlooking the Ambassador and during those years the operation of the Ambassador property has had no material detrimental impact on the enjoyment of our property. We also understand that from a financial standpoint the property was operating successfully.

We totally support the renovation and updating of that property and would not stand in the way of reasonable efforts to achieve that result, provided that it can be achieved with no variances and with special exceptions with appropriate conditions.

We do, however, strongly oppose the proposed greatly increased intensification of the use of the property. In particular, we oppose the proposed ballroom with a projected maximum capacity of 200 persons. Such a use would often involve loud music and possibly 100 additional automobiles coming and going and parking in the span of just a few hours. This is a major revision to the scope of use on this small lot. It serves no public purpose (there are plenty of other such facilities on the island).

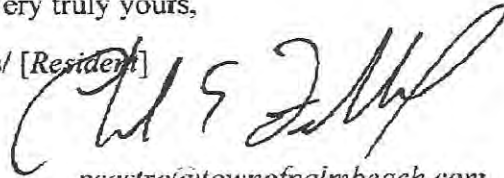
We also oppose the proposed spa as it too would greatly increase the coming and goings of vehicles and the need for additional parking on what is a very small piece of land for the proposed activities.

Lastly, we oppose the proposed use of the beach at the Ambassador by the occupants of the Brazilian Court which will result in further intensification in terms of traffic and parking. Such customers of the ownership group are not residents, even temporary hotel residents, of our area and should use the public beach nearest that hotel in the village.

Being long-time residents of Palm Beach, we know that the various Town boards have spent long hours crafting our land use ordinances with their detailed provisions for land coverage, set-backs, parking etc. Now is not the time to allow a non-conforming use that has heretofore been successfully operating to further expand by granting special exceptions and numerous variances. The new owners knew what they were buying into. There is no hardship here that needs to be addressed.

Very truly yours,

/s/ [Resident]



ccs. Paul Castro, AICP
Wayne Bergman, MCP, LEED-AP
Pat Gayle-Gordon, Acting Town Clerk
Maura Ziska, Esq.
Tim Hanlon, Esq.
Greg Kino, Esq.
James K. Green, Esq.

pcastro@townofpalmbeach.com
wbergman@townofpalmbeach.com
pgayle-gordon@townofpalmbeach.com
MZiska@floridawills.com
tim.hanlon@amrl.com
GKino@ciklinlubitz.com
jkg@jameskgreenlaw.com

July 24, 2020

Re: The Ambassador Hotel

Kelly Churney, Admin. Specialist
KChurney@TownofPalmBeach.com
Town of Palm Beach Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480

Dear ARCOM:

I live at Unit S303 in the 2770 Condominium building where I have owned for the past 28 years, and I enjoy the quiet tranquility of my home. I am not in favor of the proposed ballroom, Spa, enlarged Dining Room or a swimming pool facing our north building. These changes to the Ambassador Hotel would add noise and much additional traffic.

It is time that the new owner fixes up this old, run-down Hotel but please do not allow a non-conforming use Hotel with special exceptions and numerous variances to be allowed to be built right next door to us. I enjoy the peacefulness of my unit and hope to enjoy it for many more years.

Sincerely,

Ellen Sussman - Unit 303 S

Ellen Sussman, Unit S303

Copies to:

Paul Castro, AICP
Wayne Bergman, MCP, LEED-AP
Pat Gayle-Gordon, Acting Town Clerk
Maura Ziska, Esq.
Tim Hanlon, Esq.
Greg Kino, Esq.
James K. Green, Esq.

pcastro@townofpalmbeach.com
wbergman@townofpalmbeach.com
pgayle-ordon@townofpalmbeach.com
MZiska@floridawills.com
tim.hanlon@amrl.com
GKino@ciklinlubitz.com
jkg@jameskgreenlaw.com

Michael B. Small, Chairman
Robert N. Garrison, Vice Chairman
John David Corey, Member
Maisie Grace, Member
Alexander C. Ives, Member
Betsy Shiverick, Member
Richard Sammons, Member
Katherine Catlin, Alternate Member
Dan Floershemier, Alternate Member
Ted Cooney, Alternate Member
c/o Kelly Churney *via email*
to: KChurney@TownofPalmBeach.com
Administrative Specialist
Town of Palm Beach
Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480

Re: The Ambassador Hotel Proposed Redevelopment

Dear ARCOM:

We are owner-residents of the 2770 Condominium building, the building directly adjoining the Ambassador hotel to the south. We have resided at the 2770 for 8 years and during those years the operation of the Ambassador property has had no material detrimental impact on the enjoyment of our property. We also understand that from a financial standpoint the property was operating successfully.

We totally support the renovation and updating of that property and would not stand in the way of reasonable efforts to achieve that result, provided that it can be achieved with no variances and with special exceptions with appropriate conditions.

We do, however, strongly oppose the proposed greatly increased intensification of the use of the property. In particular, we oppose the proposed ballroom with a projected maximum capacity of 200 persons. Such a use would often involve loud music and possibly 100 additional automobiles coming and

going and parking in the span of just a few hours.

We also oppose the proposed spa as it too would greatly increase the coming and goings of vehicles and the need for additional parking on what is a very small piece of land for the proposed activities.

Lastly, we oppose the proposed use of the beach at the Ambassador by the occupants of the Brazilian Court which will result in further intensification in terms of traffic and parking.

Being long-time residents of Palm Beach, we know that the various Town boards have spent long hours crafting our land use ordinances with their detailed provisions for land coverage, setbacks, parking etc. Now is not the time to allow a non-conforming use that has heretofore been successfully operating to further expand by granting special exceptions and numerous variances. The new owners knew what they were buying into.

There is no hardship here that needs to be addressed.

Very truly yours,

Doreen Bilezikian

ccs. Paul Castro, AICP

pcastro@townofpalmbeach.com

Wayne Bergman, MCP, LEED-AP
wbergman@townofpalmbeach.com

wbergman@townofpalmbeach.com

Pat Gayle-Gordon, Acting Town Clerk
pgayle-gordon@townofpalmbeach.com

pgayle-gordon@townofpalmbeach.com

Maura Ziska, Esq.

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tim.hanlon@amrl.com

Greg Kino, Esq.

GKino@ciklinlubitz.com

James K. Green, Esq.

jkg@jameskgreenlaw.com

Michael B. Small, Chairman
Robert N. Garrison, Vice Chairman
John David Corey, Member
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Alexander C. Ives, Member
Betsy Shiverick, Member
Richard Sammons, Member
Katherine Catlin, Alternate Member
Dan Floershemier, Alternate Member
Ted Cooney, Alternate Member
c/o Kelly Churney
Administrative Specialist
Town of Palm Beach
Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480

via email to: KChurney@TownofPalmBeach.com

July 24, 2020

Re: The Ambassador Hotel Proposed Redevelopment

Dear ARCOM:

We are owner-residents of the 2770 Condominium building, the building directly adjoining the Ambassador hotel to the south. We have resided at the 2770 for 28 ____-years and during those years the operation of the Ambassador property has had no material detrimental impact on the enjoyment of our property. We also understand that from a financial standpoint the property was operating successfully.

We totally support the renovation and updating of that property and would not stand in the way of reasonable efforts to achieve that result, provided that it can be achieved with no variances and with special exceptions with appropriate conditions.

We do, however, strongly oppose the proposed greatly increased intensification of the use of the property. In particular, we oppose the proposed ballroom with a projected maximum capacity of 200 persons. Such a use would often involve loud music and possibly 100 additional automobiles coming and going and parking in the span of just a few hours.

We also oppose the proposed spa as it too would greatly increase the coming and goings of vehicles and the need for additional parking on what is a very small piece of land for the proposed activities.

Lastly, we oppose the proposed use ____ of the beach at the Ambassador by the occupants of the Brazilian Court which will result in further intensification in terms of traffic and parking.

Being long-time residents of Palm Beach, we know that the various Town boards have spent long hours crafting our land use ordinances with their detailed provisions for land coverage, set-backs, parking etc. Now is not the time to allow a non-conforming use that has heretofore been successfully operating to further expand by granting special exceptions and numerous variances. The new owners knew what they were buying into. There is no hardship here that needs to be addressed.

Very truly yours,

Irwin and Margaret Shechtman

ccs. Paul Castro, AICP
Wayne Bergman, MCP, LEED-AP
Pat Gayle-Gordon, Acting Town Clerk
Maura Ziska, Esq.
Tim Hanlon, Esq.
Greg Kino, Esq.
James K. Green, Esq.

pcastro@townofpalmbeach.com
wbergman@townofpalmbeach.com
pgayle-gordon@townofpalmbeach.com
MZiska@floridawills.com
tim.hanlon@amrl.com
GKino@ciklinlubitz.com
jkg@jameskgreenlaw.com

July 24, 2020

Kelly Churney, Administrative Specialist
KChurney@TownofPalmBeach.com
Town of Palm Beach
Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480

Dear ARCOM:

Re: The Ambassador Hotel Proposed Redevelopment

I am the owner of Unit N203 in the 2770 Condominium building, and my unit directly faces the Ambassador hotel to the south. I am not in favor of the proposed ballroom with a projected maximum capacity of 200 persons. This would cause lots of noise and traffic. The Spa would greatly increase the coming and goings of vehicles and the need for additional parking and the plan to build a swimming pool where the parking lot is currently located is not a good idea.

Please do not allow a non-conforming use Hotel with special exceptions and numerous variances. I have a right to the quiet enjoyment of my unit.

Sincerely,

Flora Heilweil, Unit N203

Copies to:

Paul Castro, AICP	pcastro@townofpalmbeach.com
Wayne Bergman, MCP, LEED-AP	wbergman@townofpalmbeach.com
Pat Gayle-Gordon, Acting Town Clerk	pgayle-gordon@townofpalmbeach.com
Maura Ziska, Esq.	MZiska@floridawills.com
Tim Hanlon, Esq.	tim.hanlon@amrl.com
Greg Kino, Esq.	GKino@ciklinlubitz.com
James K. Green, Esq.	jkg@jameskgreenlaw.com

Michael B. Small, Chairman
Robert N. Garrison, Vice Chairman
John David Corey, Member
Alexander C. Ives, Member
Betsy Shiverick, Member
Maisie Grace, Member
Richard Sammons, Member
Katherine Catlin, Alternate Member
Dan Floershemier, Alternate Member
Ted Cooney, Alternate Member

From: [Camille Morgan](#)
To: [Kelly Churney](#)
Subject: OPPOSITION TO COPPERLINE DEVELOPMENT OF AMBASSADOR HOTEL ON PALM BEACH ISLAND
Date: Friday, July 24, 2020 7:40:31 PM

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Members of ARCOM,

I am an owner at The Regency of Palm Beach, 2760 South Ocean Boulevard, situated directly across the street from the Ambassador Hotel. I write to express my strong opposition to the request for variances to permit renovation and reconfiguration of the Ambassador by Copperline, the LLC, wholly owned by the Schlesinger family.

In reading the application, I understand that what is being sought is permission to construct a luxury resort that is out of keeping with the existing South Ocean community.

Our area is embedded with calmness, tranquility, harmony and a view that is world renown. It should stay that way. The low density, airy open space that is South Ocean's present character will be permanently sacrificed, not for any "hardship" or necessity but merely for the profit of the developers.

Height

Copperline is seeking permission to raise the height of a building already in excess of current restrictions (owing to it having been grandfathered in) and in addition they seek to expand upon the building of the land area by some 40%.

Ballroom

Variances requested would allow the construction of a 3,100 square ft ballroom.

At a meeting presented to The Regency on July 8, 2020 Copperline was constrained under questioning, to acknowledge that the largely glass exterior will be at least 35 feet high. In addition, the ballroom will push well north of the footprint of the

building. As a result, the width of this facility will cause site lines to the ocean to be blocked. The beautiful open view from South Ocean Blvd. will be replaced with a large commercial look inconsistent with surrounding properties. As the proposed ballroom juts out beyond the north side of the main building, Copperline's contention that the new structures will not create visible size and bulk issue is not credible.

Highly Glazed Terraces and Balconies

Variance requests have been made to allow numerous balconies to be created, others expanded and some enclosed. Great reliance is placed on glass building materials that is out of character with the buildings in the area. In addition, the extensive use of glass gives reasons to question Copperline's assurance that the redevelopment will not pose glare and light issues.

Inadequate Parking

Double stacked parking will be burdensome to residents and guests. Gridlock created by difficulties created by the requirement to use valet parking could spill out of the property and create traffic problems on South Ocean Blvd. Nothing was mentioned in Copperline's presentation and variance requests about employee parking and the turnaround time when employees are changing shifts. This will have a major impact to the residential flow of traffic on South Ocean Blvd.

Precedent

Actually, the most dangerous aspect of this application, if approved, is it would set a precedent for other such developments. Once such a precedent is set, it may prove difficult to not grant similar relief. A zoning board cannot approve something for one applicant and then deny it to another a few lots away. Treating a similar application in a different way may well open the floodgates of future litigation. Not surprisingly, the only support for Copperline's approval is coming from a group of owners at the Edgewater, which is directly across the street from the Ambassador. Copperline has also targeted The Edgewater for take-over.

Summary

Without question, an appropriately updated Ambassador Hotel complete with a fine restaurant and modern Spa would be welcomed by the community. However, the project should be required to be harmonious with the special area that it joins and consistent with the values and lifestyle of the community in which it is to join. **We like the "residential predominance" of the island and do not wish to see it become as overcrowded, commercialized or overly transient as Miami Beach (for example.)**

This plan falls short of that requirement and as such, the plan that has been submitted, should be denied.

Thank you,

Camille Morgan
Unit 111
7/24/2020



Jeffrey P. Goldstein
2770 South Ocean Blvd- Penthouse 603 N
Palm Beach, FL 33480

Dear Members of ARCOM,

I am the owner of Unit 603 N at 2770 South Ocean Boulevard situated directly next to the Ambassador Hotel. The master bedroom of my apartment looks directly into the midrise portion of the Ambassador. I am writing to you to express my strong opposition to the request for variances to permit the renovation and reconfiguration of the Ambassador.

I understand they seek permission to construct a luxury resort that is not in keeping with the existing South Ocean community. We bought our home because this area of Palm Beach offers tranquility. Approval of this plan will significantly change that character to the detriment of this world-renown area.

As it was said by others and I agree with, the low density, airy open space that is South Ocean's present character will be permanently sacrificed, not for any "hardship" nor necessity but merely for the profit of the developers.

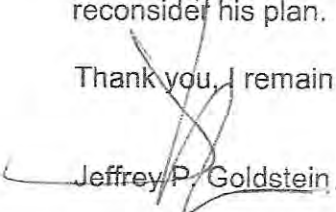
We understand that the developers are seeking permission to raise the height of a building already more than current restrictions. The proposed increase in height for the new structure above our existing building at 2770 will greatly affect our site lines to the beach and natural light, the reason we purchased in this community in the first place. As I also understand, they further seek to expand upon the building footprint by at least 40%.

They are requesting that parking requirements be relaxed and propose to solve the resultant problems by creating double-stacked parking. From my experience, this type of parking never works. It will cause confusion within the borders of the new project and, in addition, generate traffic jams that could spill over to Ocean Blvd.

Our community would welcome the development of the site as its current state requires a significant makeover. However, to overdevelop the property at the cost of our gorgeous and quiet neighborhood should be weighed carefully in your decision-making process.

The development plan as submitted falls short of any of my expectations for improving the site and should be denied. The developer needs to consider the serene neighborhood and reconsider his plan.

Thank you, I remain


Jeffrey P. Goldstein

**Anastasia Raftis
Cynthia Raftis
2770 S. Ocean Blvd. #303N
Palm Beach, FL 33480**

July 27, 2020

Re: Ambassador Hotel Redevelopment

Michael B. Small, Chairman
Robert N. Garrison, Vice Chairman
John David Corey, Member
Maisie Grace, Member
Alexander C. Ives, Member
Betsy Shiverick, Member
Richard Sammons, Member
Katherine Catlin, Alternate Member
Dan Floershemier, Alternate Member
Ted Cooney, Alternate Member
c/o Kelly Churney
to:KChurney@TownofPalmBeach.com
Administrative Specialist
Town of Palm Beach
Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480

via email

Re: The Ambassador Hotel Proposed Redevelopment
Dear ARCOM:

We are owner-residents of the 2770 Condominium building, the building directly adjoining the Ambassador hotel to the south. We have resided at the 2770 for 27 years and during those years the operation of the Ambassador property has had no material detrimental impact on the enjoyment of our property. We also understand that from a financial standpoint the property was operating successfully.

We totally support the renovation and updating of that property and would not stand in the way of reasonable efforts to achieve that result, provided that it can be achieved with no variances and with special exceptions with appropriate conditions.

We oppose to balconies facing our apartment. The reason we chose this condominium was because it's privacy and no people staring at our condominium daily with children crying and loud noises. This choice was deliberate and no other side of 2770 faces a balcony. We want it to stay the way it is with no balcony added.

We do, however, strongly oppose the proposed greatly increased intensification of the use of the property. In particular, we oppose the proposed ballroom with a projected maximum capacity of 200 persons. Such a use would often involve loud music and possibly 100 additional automobiles coming and going and parking in the span of just a few hours during the evening.

We also oppose the proposed spa as it too would greatly increase the coming and goings of vehicles and the need for additional parking on what is a very small piece of land for the proposed activities.

Lastly, we clearly oppose the proposed use of the beach at the Ambassador by the occupants of the Brazilian Court which will result in further intensification in terms of traffic and parking.

Being long-time residents of the exclave island of Palm Beach, we know that the various Town boards have spent long hours crafting our land use ordinances with their detailed provisions for land coverage, set-backs, parking etc. Now is not the time to allow a non-conforming use that has heretofore been successfully operating to further expand by granting special exceptions and numerous variances. The new

owners knew what they were buying into. There is no hardship here that needs to be addressed.

Thank you for your attention in this important matter.

Sincerely yours,



Anastasia Raftis



Cynthia Raftis

ccs. Paul Castro, AICP pcastro@townofpalmbeach.com

Wayne Bergman, MCP, LEED-AP wbergman@townofpalmbeach.com

Pat Gayle-Gordon, Acting Town Clerk pgayle-gordon@townofpalmbeach.com

Maura Ziska, Esq. MZiska@floridawills.com

Tim Hanlon, Esq. tim.hanlon@amrl.com

Greg Kino, Esq. GKino@ciklinlubitz.com

James K. Green, Esq. jkg@jameskgreenlaw.com

July 24, 2020

Re: The Ambassador Hotel

**Kelly Churney, Admin. Specialist KChurney@TownofPalmBeach.com
Town of Palm Beach Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480**

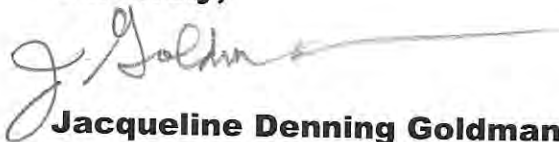
Dear ARCOM:

I live at Unit S403 in the 2770 Condominium building where I have owned for the past eight years. I am not in favor of the proposed ballroom or the Spa or swimming pool. All of the additional traffic and trucks would not benefit us at all.

Although it would be nice if the owner would renovate this old, run-down building and include a nice restaurant, please do not allow a non-conforming use Hotel with special exceptions and numerous variances be allowed to be built right next door to me.

I enjoy the peacefulness of my unit and hope to enjoy it for many more years.

Sincerely,



Jacqueline Denning Goldman, Unit S403

Copies to:

Paul Castro, AICP

pcastro@townofpalmbeach.com

Wayne Bergman, MCP, LEED-AP

wbergman@townofpalmbeach.com

Pat Gayle-Gordon, Acting Town Clerk

pgayle-gordon@townofpalmbeach.com

Maura Ziska, Esq.

MZiska@floridawills.com

Tim Hanlon, Esq.

tim.hanlon@amrl.com

Greg Kino, Esq.

GKino@ciklinlubitz.com

James K. Green, Esq.

jkg@jameskgreenlaw.com

Michael B. Small, Chairman
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Betsy Shiverick, Member
Richard Sammons, Member
Katherine Catlin, Alternate Member
Dan Floershemier, Alternate Member
Ted Cooney, Alternate Member
c/o Kelly Churney
Administrative Specialist
Town of Palm Beach
Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480

via email to: KChurney@TownofPalmBeach.com

1/24/20

Re: The Ambassador Hotel Proposed Redevelopment

Dear ARCOM:

We are owner-residents of the 2770 Condominium building, the building directly adjoining the Ambassador hotel to the south. We have resided at the 2770 for ^{over}~~30~~ years and during those years the operation of the Ambassador property has had no material detrimental impact on the enjoyment of our property. We also understand that from a financial standpoint the property was operating successfully.

We totally support the renovation and updating of that property and would not stand in the way of reasonable efforts to achieve that result, provided that it can be achieved with no variances and with special exceptions with appropriate conditions.

We do, however, strongly oppose the proposed greatly increased intensification of the use of the property. In particular, we oppose the proposed ballroom with a projected maximum ~~capacity~~ of 200 persons. Such a use would often involve loud music and possibly 100 additional automobiles coming and going and parking in the span of just a few hours.

We also oppose the proposed spa as it too would greatly increase the coming and goings of vehicles and the need for additional parking on what is a very small piece of land for the proposed activities.

Lastly, we oppose the proposed use ~~Court~~ of the beach at the Ambassador by the occupants of the Brazilian Court which will result in further intensification in terms of traffic and parking.

Being long-time residents of Palm Beach, we know that the various Town boards have spent long hours crafting our land use ordinances with their detailed provisions for land coverage, set-backs, parking etc. Now is not the time to allow a non-conforming use that has heretofore been successfully operating to further expand by granting special exceptions and numerous variances. The new owners knew what they were buying into. There is no hardship here that needs to be addressed.

Very truly yours,

A handwritten signature in black ink that reads "Paul & Frances Gellagly". The signature is written in a cursive, flowing style.

ccs. Paul Castro, AICP

Wayne Bergman, MCP, LEED-AP

Pat Gayle-Gordon, Acting Town Clerk

Maura Ziska, Esq.

Tim Hanlon, Esq.

Greg Kino, Esq.

James K. Green, Esq.

pcastro@townofpalmbeach.com

wbergman@townofpalmbeach.com

pgayle-gordon@townofpalmbeach.com

MZiska@floridawills.com

tim.hanlon@amrl.com

GKino@ciklinlubitz.com

jkg@jameskgreenlaw.com

LAW OFFICES
ALLEY, MAASS, ROGERS & LINDSAY, P.A.

340 ROYAL POINCIANA WAY, SUITE 321

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ALAN LINDSAY
DAVID H. BAKER
WILLIAM W. ATTERBURY III
LOUIS L. HAMBY III
ROBB R. MAASS
M. TIMOTHY HANLON
WARREN D. HAYES, SR.
STUART J. HAFT
CAROL S. WAXLER
CATHERINE KENT
BRUCE A. McALLISTER
DAVID R. MAASS
CHRISTINE BIALCZAK
WARREN D. HAYES, JR.
NICOLE K. MAASS
LAURA B. KNOLL

RAYMOND C. ALLEY (1893-1975)
HAROLD G. MAASS (1923-2006)
DOYLE ROGERS (1928-2016)
KAREN S. MARX (1964-1994)

1331 SE OCEAN BOULEVARD
STUART, FLORIDA 34996
P (772) 287-4404
F (772) 287-4044

August 4, 2020

Mayor Gail Coniglio
Town Council
Architectural Commission
Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480

Re: 2730 S. Ocean Blvd.;
ARCOM Case B-034-2020
Zoning Application Z-20-00262

Dear Madam Mayor and members of Town Council and Architectural Commission:

This firm represents the Beach Point Condominium Association, Inc. (the Beach Point Association”).

Richard Kleid, a member of the Beach Point Association Board of Directors (the “Beach Point Board”), asked me to inform you that the Beach Point Board passed a resolution opposing the current ARCOM and Zoning applications for 2730 S. Ocean Blvd.

The Beach Point Board and I are continuing to discuss possible modifications with the developer and his representatives, but the Beach Point Association opposes the project due to its extreme increase in intensity of uses and the numerous variances (with no hardship present) associated with the current proposal.

If you have any questions, please contact me.

Sincerely,

M. Timothy Hanlon

Cc: Beach Point Board of Directors

OPPOSITION TO AMBASSADOR'S PROPOSED CHANGES

August 4, 2020

To: Town of Palm Beach ARCOM

My wife and I have lived in Apt 603S, 2770 South Ocean Boulevard, the property immediately to the South of the Ambassador, since 2011. We are full time residents and it is our home.

During the entire time we have lived here, the Ambassador has been an apartment hotel, its' apartments individually owned, and was virtually indistinguishable from neighboring apartment buildings. Its residents were quiet, just like its neighbors, and there was no deluge of automobile and delivery truck traffic coming and going. Nor was there any noticeable pedestrian traffic walking South on the East side of South Ocean Boulevard, where there is no sidewalk.

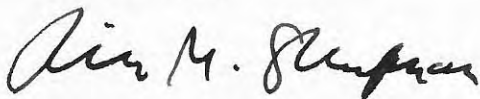
Now those individual apartments have been bought up and the new single owner of the Ambassador proposes to create in their place a luxury hotel catering to transient hotel guests in the midst of a residential environment. The new, "deluxe", hotel will have two new swimming pools with their attendant noise, a large spa open to the public, space for events available for large parties, vastly increased parking achieved by introducing double-deck parking machinery accessible only by valets, and what will necessarily be a large number of employees to service the needs of such an enterprise. In addition to the noise and vehicular traffic attendant to these proposed changes, it is to be expected that among the many guests and employees there will be those who choose to walk south across the grass in front of 2770 South Ocean Boulevard rather than crossing South Ocean Boulevard to the paved sidewalk on the West side of the road.

The dramatic and adverse impact of the proposed changes on the quality of life for those living next to the "new" Ambassador is, I believe, obvious.

It has also been suggested that the new owner may wish to raise the height of the West building on the Ambassador's narrow lot. Doing so would directly block a significant part of our Northwest view of the intracoastal, as shown on the accompanying photo.

For all these reasons I urge rejection of the Ambassador's proposed changes.

Very truly yours,



Richard M. Sharfman
2770 South Ocean Boulevard #603S
Palm Beach FL 33480



TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 9, 2020

Section of Agenda

Development Review - Old Business

Agenda Title

Z-20-00265 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-B Low Density Residential The application of Carlos Musso, Sr., Applicant, relative to property located at **110 SEAGATE RD**, legal description on file, is described below. Special Exception with Site Plan Review to allow the construction of a 4,201 square foot two-story new residence on non-conforming portions of platted lots with a depth of 96.12 feet in lieu of the 100 foot minimum depth required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed special exception and site plan review will not cause negative architectural impact to the subject property. Motion carried 7-0.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated August 31, 2020 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**
- ▣ **Email Dated July 27, 2020 from Kathleen Amling**
- ▣ **Email Dated July 28, 2020 from Anthony Nicolette**
- ▣ **Email Dated July 27, 2020 from Joanne Paladino**
- ▣ **Letter Dated July 27, 2020 from Jeffrey Smith**
- ▣ **Email Dated August 31, 2020 from Kathleen Amling**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2020

To: Mayor and Town Council

From: Wayne Bergman, Director, Planning, Zoning & Building Department

Subject: **Z-20-00265 SPECIAL EXCEPTION WITH SITE PLAN REVIEW**
110 SEAGATE RD

Date: August 31, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

Special Exception with Site Plan Review to allow the construction of a 4,201 square foot two-story new residence on non-conforming portions of platted lots with a depth of 96.12 feet in lieu of the 100 foot minimum depth required in the R-B Zoning District.

ADDRESS: 110 SEAGATE RD

OWNER: MUSSO CARLOS SR

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-42-34-08-000-0012

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: NORTH SHORE ADD TO PALM BEACH W 101.5
FT OF LT 1 & E 3 FT OF LT 7

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 6/12/20

APPLICATION NO.: Z-20-00265 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW

ADDRESS: 110 SEAGATE RD

DESCRIPTION: Special Exception with Site Plan Review to allow the construction of a 4,201 square foot two-story new residence on non-conforming portions of platted lots with a depth of 96.12 feet in lieu of the 100 foot minimum depth required in the R-B Zoning District.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Acting Director, Planning, Zoning & Building	6/23/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	7/30/2020	No Comments - Stormwater Level of Service proposed to be meet.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	6/23/2020	There are no fire code concerns with this project
PZB DIRECTOR	Wayne Bergman, Acting Director, Planning, Zoning & Building	6/23/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	6/23/2020	There are no variances being requested an I have no comment.

From: [KATHLEEN AMLING](#)
To: [Kelly Churney](#)
Subject: 110 Seagate Road
Date: Monday, July 27, 2020 5:59:58 PM

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear members of ARCOM,

I'm writing to express our dissatisfaction with the proposed plans for 110 Seagate Road. The pueblo style architecture could not be more dissimilar to the rest to the neighborhood. There have been many lovely additions to our street over the last few years that add to the harmonious nature of the neighborhood. We urge you to reject the current plans and encourage the future plans to be in good taste and design for our lovely street.

Sincerely,

Katy Dew Amling
161 Seagate Road
Palm Beach, FL 33480

Sent from my iPad

From: [Anthony Nicolette](#)
To: [Kelly Churney](#)
Subject: 110 Seagate Road proposal by Daily Janssen Architects
Date: Tuesday, July 28, 2020 7:36:38 PM

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

July 28, 2020

Mr. ARCOM Chairman and ARCOM Members:

My wife's parents along with my spouse and I have had an association as owners of 124 Seagate Road for over 46 years. I have received a letter from the Town of Palm Beach of a redevelopment project proposal at 110 Seagate Road. The proposed new residence is completely out of context with our immediate and surrounding neighborhood.

Therefore, I must respectfully disapprove of this proposed structure. The exterior design reminds me of a western jail in the 1800's including the small windows. The house is quite dissimilar in regard to other homes nearby. From my memory of our building code, I believe new residences have to be in some type of conformity with our immediate area on the North End of the island. Kindly reject this proposal. Thank you for your attention in this matter.

Sincerely,

Anthony J. Nicolette, Jr., M.D.

From: [Joanne Paladino](#)
To: [Kelly Churney](#)
Subject: Plans for 110 Seagate Road
Date: Monday, July 27, 2020 7:18:26 PM

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Members of ARCOM,

I am writing to express my dissatisfaction with the proposed plans for 110 Seagate Road. The architectural style, Euro Modern, Pueblo Style, ??? could not be more dissimilar to the rest of the neighborhood. I urge you to reject the current plans, see Jeff Smith and Katy Amling's letter, sent to ARCOM separately.

I encourage you to consider a future plan which is more in keeping with cohesiveness of this very special neighborhood.

Thank you in advance for your consideration and your time spent on this important topic.

Best Regards,
Joanne Paladino
148 Seagate Road
Palm Beach FL, 33480

From: [work](#)
To: [Kelly Churney](#)
Cc: [Smith Jeffery](#); [Smith Nancy](#)
Subject: 110 Seagate Road, Palm Beach
Date: Monday, July 27, 2020 3:36:09 PM

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Kelly,

Attached is a letter addressed to the Chairman of ARCOM and all ARCOM members. Will you please see that everyone gets a copy of my letter.
Thank you in advance.
Best regards,

Jeffery W. Smith, AIA
jeff@smitharchitecturalgroup.com

JEFFERY W. SMITH, AIA
119 SEAGATE ROAD
PALM BEACH, FLORIDA

July 21, 2020

Town of Palm Beach
Architectural Review Commission
360 South County Road
Palm Beach, Florida 33480

Re: ARCOM #B037-2020/110 Seagate Road, Palm Beach

Dear Mr. Chairman and ARCOM Members,

My family and I have owned the property at 119 Seagate Road for 50 years. I have been notified by the Town of Palm Beach of the redevelopment of the property at 110 Seagate Road. We have watched the gradual redevelopment of houses on the street without incident. However, the proposed new residence at 110 Seagate Road is out of context with the immediate neighborhood, which our code defines as an area within 200 feet of the proposed development. My property is less than 25 feet from said project.

I am a past member of the Architectural Review Commission for 15 years, 7 of which I was the Chairman. I know you have a difficult job in front of you every month but you cannot lose sight of our ordinances or your charge to enforce them.

I submit to you that this project does not meet the letter of our Code in the following respects, taken directly from the language in our Code of Ordinances:

Sec. 18-205. - Criteria for a building permit.

(a) The architectural commission may approve, approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction only after consideration of whether the following criteria are complied with:

(1) The plan for the proposed building or structure is **(NOT)** in conformity with good taste and design and in general contributes to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm and high quality.

(3) The proposed building or structure is ~~not~~, in its **exterior design** and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.

(4) The proposed building or structure is **(NOT)** in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town, and with any precise plans adopted pursuant to the comprehensive plan.

(6) The proposed building or structure **(is)** ~~not~~ excessively dissimilar in relation to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features:

- b. Other significant design features including, but not limited to, materials or quality of architectural design.
- c. Architectural compatibility.
- d. Arrangement of the components of the structure.
- e. Appearance of mass from the street or any perspective visible to the public or adjoining properties.

(8) The proposed building or structure is **(NOT)** appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality or architectural design as viewed from any public or private way (except alleys).

Our code is quite clear in that no new residence may be too similar or too dissimilar to any residence within 200 feet of the proposed structure.

The only way to approve this project is to change the wording in our Town Code.

Respectfully submitted,



Jeffery W. Smith, AIA

From: [Antonette Fabrizi](#) on behalf of [Town Council](#)
To: [Town Council & Mayor](#)
Cc: [Wayne Bergman](#); [Kelly Churney](#); [Laura Groves van Onna](#)
Subject: Fw: 110 Seagate Road
Date: Monday, August 31, 2020 11:12:05 AM

From: KATHLEEN AMLING <dewkaty@me.com>
Sent: Monday, August 31, 2020 10:54 AM
To: Town Council; arcom@townofpalmbeach.com
Cc: Joanne Paladino; Jeff Amling; work; Araskog Julie; Betsy Shiverick
Subject: Fwd: 110 Seagate Road

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Town Council and ARCOM,

It's come to my attention that my email below never made it to ARCOM. Because of this, there are two issues I ask you to address. One, this project passed with numerous neighbors objecting. My neighbors objected because the Adobe architecture is too dissimilar to the rest of the neighborhood. Given that this house sits close to the gateway of the street, wouldn't it be the civilized thing to do to keep with code and keep a harmonious neighborhood?

Shouldn't code matter? I understand the new plans allow for more landscaping. ARCOM should be solely fixated on architecture, not ever changing landscaping. Good landscaping does not cure inappropriate architecture! The current plans do not follow our town's code!

Second, why did my email never make it to ARCOM? Why did my neighbors' letters not make it either? Are there systematic processes that need to be addressed? Our neighborhood is far too important to let mistakes like this happen.

Your very frustrated neighbor,

Katy Dew Amling

161 Seagate Road

Sent from my iPad

Begin forwarded message:

From: Kelly Churney <KChurney@TownofPalmBeach.com>
Date: July 28, 2020 at 6:22:03 AM MDT
To: KATHLEEN AMLING <dewkaty@me.com>

Subject: RE: 110 Seagate Road

Thank you Ms. Amling,

I have passed your email to the ARCOM members.

Have a good day,

Kelly Churney
Administrative Specialist

Town of Palm Beach
Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480
561-227-6408
561-835-4621 (fax)
www.townofpalmbeach.com

-----Original Message-----

From: KATHLEEN AMLING <dewkaty@me.com>
Sent: Monday, July 27, 2020 6:00 PM
To: Kelly Churney <KChurney@TownofPalmBeach.com>
Subject: 110 Seagate Road

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear members of ARCOM,
I'm writing to express our dissatisfaction with the proposed plans for 110 Seagate Road. The pueblo style architecture could not be more dissimilar to the rest of the neighborhood. There have been many lovely additions to our street over the last few years that add to the harmonious nature of the neighborhood. We urge you to reject the current plans and encourage the future plans to be in good taste and design for our lovely street.

Sincerely,
Katy Dew Amling
161 Seagate Road
Palm Beach, FL 33480

Sent from my iPad

Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 9, 2020

Section of Agenda

Development Review - Old Business

Agenda Title

Z-20-00268 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-B Low Density Residential The application of The Society of the Four Arts, Inc. (c/o Dr. Philip B. Rylands, President and CEO), Owner, relative to property located at **100, 101, 102 and 103 FOUR ARTS PLAZA, 240 COCOANUT ROW, AND 434 SEASPRAY AVE**, legal description on file, is described below. Section 134-890(9) - The Society of the Four Arts (Applicant) requests a modification to the existing nonprofit cultural center Special Exception (legally described in Exhibit A-1), to allow the addition of a 0.56-acre property (legally described in Exhibit A-2) located at 434 Seaspray Avenue (“Site”), into Applicant's campus. The Site is developed with a single family house and accessory structures. The Applicant proposes to relocate its President/CEO's living quarters from the third floor of the John E. Rovensky Building (“Building”) to the Site. The intent is to renovate and reconfigure the vacated 2,105 square foot (sq. ft.) living quarters to create a meeting room, archive space and storage spaces, in accordance with the Proposed Floor Plan (“Plan”).

Consideration of Proposed Amendment to the Declaration of Use Agreement for the Society of the Four Arts. [Applicant's Representative: Harvey E Oyer III Esq]

Presenter

ATTACHMENTS:

- **Memorandum Dated August 31, 2020 from Wayne Bergman, Director of Planning, Zoning and Building**
- **Comments from the Development Review Committee**
- **Memorandum Dated August 31, 2020 from Wayne Bergman, Director of Planning, Zoning and Building**
- **Proposed Amendment to the Declaration of Use Agreement for the Society of the Four Arts**
- **Original Declaration of Use Agreement Dated September 16, 2011**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2020

To: Mayor and Town Council

From: Wayne Bergman, Director, Planning, Zoning & Building Department

Subject: **Z-20-00268 SPECIAL EXCEPTION WITH SITE PLAN REVIEW**
434 SEASPRAY AVE

Date: August 31, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

Section 134-890(9) - The Society of the Four Arts (Applicant) requests a modification to the existing nonprofit cultural center Special Exception (legally described in Exhibit A-1), to allow the addition of a 0.56-acre property (legally described in Exhibit A-2) located at 434 Seaspray Avenue ("Site"), into Applicant's campus. The Site is developed with a single family house and accessory structures. The Applicant proposes to relocate its President/CEO's living quarters from the third floor of the John E. Rovensky Building ("Building") to the Site. The intent is to renovate and reconfigure the vacated 2,105 square foot (sq. ft.) living quarters to create a meeting room, archive space and storage spaces, in accordance with the Proposed Floor Plan ("Plan").

ADDRESS: 434 SEASPRAY AVE

OWNER: SEASPRAY OWNER LLC

OWNER'S REPRESENTATIVE: HARVEY E OYER III ESQ

PROPERTY CONTROL NO.: 50-43-43-22-07-000-3150

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: POINCIANA PARK 2ND ADD, LTS 315, 317 & 319
& POINCIANA PARK 3RD ADD PB8P72 LTS 618 &
620

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 6/19/20

APPLICATION NO.: Z-20-00268 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW

ADDRESS: 434 SEASPRAY AVE

DESCRIPTION:

Section 134-890(9) - The Society of the Four Arts (Applicant) requests a modification to the existing nonprofit cultural center Special Exception (legally described in Exhibit A-1), to allow the addition of a 0.56-acre property (legally described in Exhibit A-2) located at 434 Seaspray Avenue ("Site"), into Applicant's campus. The Site is developed with a single family house and accessory structures. The Applicant proposes to relocate its President/CEO's living quarters from the third floor of the John E. Rovensky Building ("Building") to the Site. The intent is to renovate and reconfigure the vacated 2,105 square foot (sq. ft.) living quarters to create a meeting room, archive space and storage spaces, in accordance with the Proposed Floor Plan ("Plan").

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Director, Planning, Zoning & Building	6/23/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	7/30/2020	No Comment
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	6/23/2020	Fire has no concerns with the conversion of the space. It will be required to have all life safety equipment operational during the conversion.
PZB - PLANNING AND ARCHITECTURAL REVIEW			No Comment
PZB DIRECTOR	Wayne Bergman, Director, Planning, Zoning & Building	6/23/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	6/23/2020	If approved, the applicant should be required to enter into a Declaration of Use Agreement related to the use of 434 Seaspray Avenue and how the Four Arts can use the subject property. The property is in a single-family residential neighborhood and should be used strictly for the private use of the executive director of the Four Arts for his residence. No Four Arts related activities or events should be allowed on the subject property.

TOWN OF PALM BEACH

Information for Town Council Meetings on: September 9, 2020

To: Mayor and Town Council

From: Wayne Bergman, Director, Planning, Zoning & Building Department

Re: Proposed Amendment to the Declaration of Use Agreement for The Society of the
Four Arts - Z-20-00268 (Special Exception with Site Plan Review-100-103 Four Arts
Plaza 240 Cocoanut Row and 434 Seaspray Avenue

Date: August 31, 2020

STAFF RECOMMENDATION

Staff recommends that the Town Council approve The Society of the Four Arts Amendment to the Declaration of Use Agreement as modified by Staff.

GENERAL INFORMATION

The Town Council, at its August 12, 2020 meeting, deferred zoning application Z-20-00268 (Special Exception and Site Plan Review) to allow The Society of the Four Arts to expand its campus by incorporating the single-family property they purchased at 434 Seaspray Avenue for the use of the residency of the President/Chief Executive Officer (CEO) of the owner. At that meeting, Council was concerned about how the owner would use the property that might be outside of the scope of the request. The attorney for the Four Arts, Harvey Oyer III, discussed other uses of the property that were not part of the application nor were they legally advertised. The Council deferred the application to provide time for staff to work with the applicant on a draft Declaration of Use Agreement outlining conditions to ensure the use of the property as a single-family residence for the CEO.

Staff and the applicant have been working on the Agreement. The applicant's proposed Amendment to the Agreement is attached for your review. The applicant is proposing no other uses other than the single-family use of the subject property for the residence of Owner's President/CEO. To be sure the Amendment to the Agreement is clear, Staff has recommended changes in bold, add/delete format to add language. The draft Agreement, as amended, would allow the President/CEO of the Society of the Four Arts to have two charitable events benefitting the Society of the Four Arts as well as other charitable events as approved by the Town Manager; the ability of the President/CEO to have guests (not the Owner's) stay in the guest quarter houses; and have private parties, just as any single-family home owner or tenant would be allowed. Language was also added ensuring that it was clear that the remedies of violation in the original agreement (attached) were in place.

TOWN ATTORNEY REVIEW

The proposed Declaration of Use Agreement was reviewed by Town Attorney Randolph for legal form and sufficiency.

ATTACHMENTS

cc: Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney
Paul Castro, Zoning Manager
pf & zf

**THIS INSTRUMENT WAS PREPARED BY:
Harvey E. Oyer III, Esq.**

**PLEASE RECORD AND RETURN TO:
Harvey E. Oyer III, Esq.
Shutts & Bowen LLP
525 Okeechobee Blvd., Suite 1100
West Palm Beach, FL 33401**

AMENDMENT TO DECLARATION OF USE AGREEMENT

by

THE TOWN OF PALM BEACH

and

THE SOCIETY OF THE FOUR ARTS, INC.

September 2020

AMENDMENT TO DECLARATION OF USE AGREEMENT

THIS AMENDMENT TO DECLARATION OF USE AGREEMENT ("Amendment") is made and entered into this _____ day of September 2020 by and between the TOWN OF PALM BEACH, a Florida municipal corporation, whose address is 360 South County Road, Palm Beach, Florida 33480 (hereinafter called the "Town") and THE SOCIETY OF THE FOURS ARTS, INC. a Florida corporation, whose address is 2 Four Arts Plaza, Palm Beach, Florida 33480 (hereinafter called "Owner"), which terms "Town" and "Owner" will include and bind the successors and assigns of the parties, wherever the context so requires.

RECITALS:

WHEREAS, the Town and the Owner entered into a Declaration of Use Agreement in August 2011, recorded in Official Records Book 24762, Page 1457 of the Public Records of Palm Beach County, Florida ("Declaration"); and

WHEREAS, Town and Owner desire to enter into this Amendment to the Declaration upon the terms and conditions set forth herein; and

WHEREAS, the real property described in Exhibit "A" attached hereto and all improvements located thereon (hereinafter referred to as the "Property") is located within the municipal limits of the Town and is owned by Owner; and

WHEREAS, Owner recently purchased the real property and improvements located at 434 Seaspray Avenue as more particularly described in Exhibit "B" attached hereto ("Seaspray Property"); and

WHEREAS, the Property and the Seaspray Property are both located in the R-B zoning district; and

WHEREAS, the use of the Property for non-profit cultural purposes is a special exception use in the R-B zoning district and all necessary approvals have been previously granted by the Town for the Owner to use the Property for non-profit cultural purposes ("Approved Special Exception Use"); and

WHEREAS, the Owner desires to add the Seaspray Property to the Approved Special Exception Use and has applied to the Town to modify the Property's existing special exception approval to add the Seaspray Property to the Approved Special Exception Use; and

WHEREAS, the Owner and Town Council desire to add the Seaspray Property to the Approved Special Exception Use subject to the terms and conditions contained herein, which are agreed to and imposed in order to regulate the use, mitigate any adverse impacts of the use, as well as to insure that said use shall not be adverse to the public interest; and

WHEREAS, all of the representations made herein are true and accurate and the approval of the special exception modification is conditioned upon the representations made herein and all of the conditions herein imposed.

AGREEMENT:

NOW, THEREFORE, in consideration of the mutual promises set forth herein and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by both parties, the parties agree as follows:

1. Recitals: The Recitals set forth above are true and correct and are incorporated herein and made a part hereof by this reference.

2. Authority. Owner has full right to enter into this Amendment and to bind the Property, the Seaspray Property, and itself to the terms hereof. There are no covenants, restrictions, or reservations of record that will prevent the use of the Seaspray Property in accordance with the terms and conditions of this Amendment.

3. Use of the Seaspray Property. The Seaspray Property shall be used solely for single-family residential purposes, specifically the home of the Owner's President and CEO ("CEO"), and for no other purpose. The Seaspray Property may be utilized by the CEO and CEO's family in the same manner as the Town's Code of Ordinances provides for any other property owner/occupant in the R-B zoning district. **This shall include a maximum of only two charitable events sponsored by the CEO on the subject property by the Owner.**

4. Declaration Remains in Full Force. Unless modified by the terms of this Amendment, ~~the~~ all terms and conditions of the Declaration **of Use Agreement dated September 16, 2011 (O.R. Book 24762, Pages 1457-1467)** shall remain in full force and effect, **including remedies for violation in said Declaration of Use Agreement.**

5. **Remedies for Violation. Upon determination by the Director of Planning, Zoning and Building Department "Director" of a violation of any of the terms or conditions of this agreement or any other provision in the Town Code of Ordinances, and upon notice in writing from the Town to Owner or Owner's representative of said violation(s) and the date upon which said violations(s) shall be corrected, Owner or Owner's successor or assigns shall pay to the Town a liquidated amount of \$2,000 per violation. Said liquidated amount shall accrue on a per day basis for each day a violation of this agreement exists. In addition, in the event a violation remains uncorrected beyond the date noticed for correction by the Director, this Agreement may be reconsidered by the Town Council at a future meeting upon thirty (30) days notification to the Owner. The Town Council may, upon a finding of violation, alter this agreement or rescind the approval of the use.**

In the event owner disputes the determination of the Director of the violation of the conditions of this agreement, or in the event the Owner disputes any code violation, Owner may appeal the determination of the Director to the Town Council, said appeal to be filed no later than fifteen (15) days of the written notice of determination by the Director.

In addition to the above, the Town shall have all remedies available at law and equity in order to enforce the terms of this Agreement including but not limited to (a) the Town's code enforcement procedures; (b) all remedies otherwise offered in the Town's Code of Ordinances; and (c) injunction, specific performance, and any and all other

equitable relief through the civil courts in and for Palm Beach County for the State of Florida. In the event the Town is required to seek injunctive relief, it shall not be required to post bond and it shall not be required to demonstrate irreparable harm or injury to secure an injunction to enforce the terms of this Agreement. Additionally, in the event of any breach, default or non performance of this Agreement, or any of its covenants, agreements, terms or conditions, the Town shall be entitled to recover its costs, expenses and reasonable attorney's fees insofar as the Town prevails, either before or as a result of litigation, including appeals.

6. Provisions to Run with the Land/Recording. This Agreement shall run with the Land and shall be binding upon the Owner and their respective heirs, legal representatives, successors and assigns. This Agreement shall be recorded by the Town in the Official Records of Palm Beach County, Florida upon full execution by the parties hereto. This Agreement shall be superior to any mortgages on the Land and shall be recorded prior to the recording of any such mortgages.

7. Effective Date. The Effective Date of this Agreement shall be the day upon which this Agreement is executed by the last party to sign the Agreement.

8. Miscellaneous. Wherever the word "laws" appears in this Agreement, it shall be deemed to include all ordinances, rules and regulations as well as laws of the appropriate governmental authorities.

This Agreement may not be amended except by written instrument signed by all parties hereto.

Paragraph headings are inserted for convenience only and shall not be read to enlarge, construe, restrict or modify the provisions hereof. All references to numbered or lettered paragraphs, subparagraphs and exhibits refer (unless the context indicates otherwise) to paragraphs and subparagraphs of this Agreement and to exhibits attached hereto, which exhibits are by this reference made a part hereof.

In the event of the invalidity of any provision of this Agreement, same shall be deemed stricken herefrom and this Agreement shall continue in full force and effect as if such invalid provision were never a part hereof.

This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first above.

Signed, sealed and delivered
in the presence of:

TOWN OF PALM BEACH

By: _____
Gail Coniglio, Mayor

By: _____
Margaret A. Zeidman, President
Town Council

By: _____
Kirk Blouin
Town Manager

The Society of the Four Arts, Inc.,
a Florida not-for-profit corporation

By: _____
Name: _____
Its: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____ 2011, by Gail Coniglio, the Mayor of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and he did not take an oath.

Signature of Notary Public

Printed Name of Notary Public

Commission Expires: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____ 2020, by Margaret A. Zeidman, the President of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.

Signature of Notary Public

Printed Name of Notary Public

Commission Expires: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____ 2020, by Kirk Blouin, the Town Manager of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.

Signature of Notary Public

Printed Name of Notary Public

Commission Expires: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____ 2011, by _____, the _____ of The Society of The Four Arts, Inc., a Florida not-for-profit corporation, on behalf of the corporation, who is personally known to me or produced _____ as identification and did not take an oath.

Signature of Notary Public

Printed Name of Notary Public

Commission Expires: _____

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE TOWN OF
PALM BEACH

By: _____
John C. Randolph, Esquire

EXHIBIT "A"

Legal Description of the Property

A PORTION OF GOVERNMENT LOT 3, LYING WITHIN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, LOTS 1, 2, 5, 6, A PORTION OF LOTS 3, 4, AND 7, BLOCK "A", REVISED MAP OF ROYAL PARK ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 1, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(PART ONE)

BEGIN AT THE NORTHEAST CORNER OF LOT 7 BLOCK "A", REVISED MAP OF ROYAL PARK ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 1, THENCE S00°00'00"W ALONG THE EAST LINE OF SAID LOT 7, SAID EAST LINE BEING COINCIDENT WITH THE WEST RIGHT OF WAY LINE OF COCOANUT ROW FOR A DISTANCE OF 275.00 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, SAID CURVE DESCRIBED IN OFFICIAL RECORDS BOOK 1901, PAGE 188; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 90°00'00" FOR A DISTANCE OF 23.56 FEET; THENCE N90°00'00"W ALONG THE NORTH RIGHT OF WAY LINE OF ROYAL PALM WAY AS SHOWN ON THE SAID PLAT OF REVISED MAP OF ROYAL PARK ADDITION FOR A DISTANCE OF 373.90 FEET; THENCE N00°00'00"E ALONG THE EAST RIGHT OF WAY LINE OF FOUR ARTS PLAZA (FORMERLY CEIBA AVENUE), SAID EAST RIGHT OF WAY LINE BEING PARALLEL WITH AND 3.00 FEET EAST OF AS MEASURED AT RIGHT ANGLES TO THE WEST LINE OF LOT 4 OF SAID BLOCK "A" FOR A DISTANCE OF 437.81 FEET; THENCE S90°00'00"E ALONG THE SOUTH RIGHT OF WAY LINE OF SEA VIEW AVENUE AS SHOWN ON THE PLAT OF POINCIANA PARK 3RD ADDITION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 73 FOR A DISTANCE OF 179.53 FEET; THENCE S00°00'00"W FOR A DISTANCE OF 147.81 FEET TO A POINT ON THE NORTH LINE OF SAID BLOCK "A"; THENCE S90°00'00"E ALONG THE NORTH LINE OF SAID BLOCK "A" FOR A DISTANCE OF 209.40 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH THE PARCEL OF LAND:

BEGINNING AT THE SOUTHWEST CORNER OF SEAVIEW AVENUE AND COCOANUT ROW IN SECTION 22, TOWNSHIP 43 SOUTH, OF RANGE 43 EAST, AS SHOWN ON PLAT OF POINCIANA PARK, 3RD ADDITION, FILED IN PLAT BOOK 8 AT PAGE 72, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SEAVIEW AVENUE, A DISTANCE OF 200 FEET TO A POINT; THENCE SOUTHERLY MAKING AN ANGLE OF 90 DEGREES WITH THE SOUTH LINE OF SAID SEAVIEW AVENUE, A DISTANCE OF 147.62 FEET TO A POINT IN THE NORTH LINE OF BLOCK "A" OF ROYAL PARK, ACCORDING TO THE PLAT OF ROYAL PARK ON FILE IN

PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE EASTERLY ALONG THE NORTH LINE OF SAID BLOCK "A" OF ROYAL PARK, A DISTANCE OF 219.41 FEET, MORE OR LESS, TO A POINT IN THE WEST LINE OF SAID COCOANUT ROW, AS NOW LAID OUT AND IN USE; THENCE NORTHERLY ALONG THE WEST LINE OF SAID COCOANUT ROW AND MAKING AN ANGLE WITH THE NORTH LINE OF SAID BLOCK "A", OF 90 DEGREES, A DISTANCE OF ONE (1) FOOT TO A POINT, SAID POINT BEING THE BEGINNING OF A CURVE TO THE LEFT; THENCE CONTINUING NORTHERLY ALONG SAID CURVE TO THE LEFT, RADIUS OF WHICH IS 217.83 FEET, A DISTANCE OF 61.27 FEET TO A POINT, SAID POINT BEING THE BEGINNING OF A CURVE TO THE RIGHT; THENCE CONTINUING NORTHERLY ALONG SAID CURVE TO THE RIGHT, RADIUS OF WHICH IS 276.17 FEET, A DISTANCE OF 77.68 FEET TO A POINT, SAID POINT BEING THE POINT OF TANGENCY OF SAID CURVE; THENCE CONTINUE NORTHERLY ALONG TANGENT TO SAID CURVE, A DISTANCE OF 9.51 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING: BEING A TRACT OF LAND IN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, TOWN OF PALM BEACH, PALM BEACH COUNTY FLORIDA, BOUNDED IN THE EAST BY THE WESTERLY RIGHT-OF-WAY OF COCOANUT ROW, AS NOW LAID OUT AND IN USE, BOUNDED IN THE SOUTH BY THE NORTH LINE OF BLOCK "A", ROYAL PARK ADDITION TO PALM BEACH, AS RECORDED IN PLAT BOOK 4, PAGE 1, SHEET 1 OF 2, PALM BEACH COUNTY, PUBLIC RECORDS AND BOUNDED IN THE WEST BY A LINE DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 7, BLOCK "A", OF SAID ROYAL PARK ADDITION, TURN AN ANGLE OF 85 DEGREES 53 MINUTES 40 SECONDS MEASURED FROM WEST ALONG THE NORTH LINE OF SAID BLOCK A, TO THE NORTH AND RUN FOR A DISTANCE OF 128.20 FEET TO A POINT IN THE WESTERLY RIGHT-OF-WAY LINE OF SAID COCOANUT ROW.

Exhibit "B"

Legal Description of Seaspray Property

LOTS 614, 616, 618, 620, 622 AND 624, POINCIANA PARK 3RD. ADDITION,
ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 72,
AND LOTS 315, 317 AND 319, POINCIANA PARK 2ND.
ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6,
PAGE 86, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.
SAID LANDS SITUATE IN THE TOWN OF PALM BEACH, PALM BEACH COUNTY,
FLORIDA.


CFN 20110358424
OR BK 24762 PG 1457
RECORDED 09/26/2011 16:11:50
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 1457 - 1467; (11pgs)

DECLARATION OF USE AGREEMENT

by

THE TOWN OF PALM BEACH

and

THE SOCIETY OF THE FOUR ARTS, INC.

August 2011

**Prepared by and return to:
Harvey E. Oyer III, Esq.
Shutts & Bowen LLP
Okeechobee Blvd., Suite 1500
West Palm Beach, FL 33401
(561) 650-8517**

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DECLARATION OF USE AGREEMENT

THIS DECLARATION OF USE AGREEMENT ("Agreement") is made and entered into this 16 day of September, 2011 by and between the TOWN OF PALM BEACH, a Florida municipal corporation, whose address is 360 South County Road, Palm Beach, Florida 33480 (hereinafter called the "Town"); and THE SOCIETY OF THE FOURS ARTS, INC. a Florida corporation, whose address is 2 Four Arts Plaza, Palm Beach, Florida 33480 (hereinafter called "Owner"), which terms "Town" and "Owner" will include and bind the successors and assigns of the parties, wherever the context so requires.

WITNESSETH:

WHEREAS, the land described in Exhibit "A" attached hereto and all improvements located thereon (hereinafter referred to as the "Property") is located within the municipal limits of the Town; and

WHEREAS, title to the Property is held by Owner; and

WHEREAS, the Property is located in the R-B zoning district; and

WHEREAS, the use of the Property for non-profit cultural purposes is a special exception use in the R-B zoning district and all necessary approvals have been granted by the Town for the Owner to use the Property for non-profit cultural purposes; and

WHEREAS, the Town Council approved Special Exception No. 19-2011 with Site Plan Review and Variance on July 13, 2011 (collectively hereinafter referred to as the "Site Plan"), which approved the re-development of the Property, which is commonly known as the old public school site and the surface parking lot adjacent thereto, for use as the Fitz Eugene Dixon Education Building subject to the conditions set forth herein and the approval of this Agreement, and on the basis of the Owner's application, the testimony on behalf of the Owner, and the specific finding of the Town Council that the approval of the Site Plan is in compliance with said conditions and upon a finding of the Town Council that the applicable provisions of the Town Code governing the use of the Property and the Site Plan criteria have been met; and

WHEREAS, in approving the Site Plan, the conditions of approval reflected herein are imposed in order to regulate the use, mitigate any adverse impacts of the use, as well as to insure that said use shall not be adverse to the public interest; and

WHEREAS, all of the representations made herein are true and accurate and the approval of the Site Plan is conditioned upon the representations made herein and all of the conditions herein imposed.

AGREEMENT:

NOW, THEREFORE, in consideration of the mutual promises set forth herein and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by both parties, the parties agree as follows:

ARTICLE I RECITALS

The Recitals set forth above are true and correct and are incorporated herein and made a part hereof by this reference.

ARTICLE II REPRESENTATION OF OWNERSHIP

Owner has full right to enter into this Agreement and to bind the Property and itself to the terms hereof. There are no covenants, restrictions, or reservations of record that will prevent the use of the Property in accordance with the terms and conditions of this Agreement. No consent to execution, delivery and performance hereunder is required from any person, partner, limited partner, creditor, investor, judicial or administrative body, governmental authority or other party other than any such consent which already has been unconditionally given or referenced herein. Neither the execution of this Agreement nor the consummation of the transactions contemplated hereby will violate any restriction, court order or agreement to which Owner or the Property are subject.

ARTICLE III NON-PROFIT CULTURAL USE

The use of the Property shall be for non-profit cultural purposes in compliance with all of the information and exhibits, and not inconsistent with the terms and conditions set forth herein, as set forth in the application submitted to the Town in the Site Plan as approved by Town Council on July 13, 2011 (hereinafter referred to as the "Approval"). The Approval is subject to that provision of the Town Code which provides that no subsequent deviation may be made from the application as approved by the Town Council except upon an application to and approval by the Town Council. Any additional or different uses of the Property than permitted by the Approval shall be subject to approval by the applicable governmental authority including, but not limited to, the Town Council of the Town and the Landmarks Preservation Commission of the Town.

ARTICLE IV CONDITIONS

1. Owner shall not schedule any event in the theater (the old school gymnasium) or in the 700 seat auditorium located in the Esther O'Keefe Building to either begin or end at the same time as the normal drop-off or pick-up times of the Palm Beach Public Elementary School located at 239 Cocoanut Row.
2. Owner shall not schedule events in the theater (the old school gymnasium) and in the 700 seat auditorium located in the Esther O'Keefe Building to occur at the same time.
3. Owner shall only be permitted to use valet parking twice per calendar year at the Property.

4. Owner shall use its best efforts to underground all of the east-west overhead utility lines located between the old public school building and the existing sculpture garden.

5. For any event held at the Property with more than two hundred fifty (250) people in attendance, Owner shall provide a sufficient number of trained personnel to direct traffic both prior to and after said event.

6. The proposed south side driveway on the Property shall normally function as one-way, westbound. Owner shall be required to reverse traffic flow to one-way, eastbound at the conclusion of events held on the Property with greater than two hundred fifty (250) people in attendance. At least one trained traffic person shall be stationed at the corner of the south side driveway and Coconut Row to direct traffic at such times when the traffic flow is reversed to one-way, eastbound.

7. Owner shall maintain in perpetuity the new landscaping to be placed on the north side of the new courtyard on the north side of the proposed education building.

8. Owner shall provide to the Town a certificate of compliance on or before October 1st of each year.

ARTICLE V VOLUNTARY AGREEMENT

Owner agrees to be bound by the terms and conditions in this Agreement, and Owner waives any legal objection it might otherwise have to said terms and conditions or parts thereof.

ARTICLE VI REMEDIES FOR VIOLATION

1. Upon determination by the Director of the Planning, Zoning and Building Department ("Director") of a violation of any of the terms or conditions of this Agreement or any other provision in the Town Code of Ordinances, and upon notice in writing from the Town to Owner or Owner's representative of said violation(s) and the date by which said violations(s) shall be corrected, Owner or Owner's successor or assigns shall pay to the Town a liquidated amount of \$2,000 per violation. Said liquidated amount shall accrue on a per day basis for each day a violation of this Agreement exists. In addition, in the event a violation remains uncorrected beyond the date noticed for correction by the Director, this Agreement may be reconsidered by the Town Council at a future meeting upon thirty (30) days notification to the Owner. The Town Council may, upon a finding of violation, alter this Agreement or rescind the approval of the use.

2. In the event Owner disputes the determination of the Director of the violation of the conditions of this Agreement, or in the event the Owner disputes any code violation, Owner may appeal the determination of the Director to the Town Council, said appeal to be filed no later than fifteen (15) days after the written notice of determination by the Director.

3. In addition to the above, the Town shall have all remedies available at law and equity in order to enforce the terms of this Agreement including but not limited to (a) the Town's

code enforcement procedures; (b) all remedies otherwise offered in the Town's Code of Ordinances; and (c) injunction, specific performance, and any and all other equitable relief through the civil courts in and for Palm Beach County for the State of Florida. In the event the Town is required to seek injunctive relief, it shall not be required to post bond and it shall not be required to demonstrate irreparable harm or injury to secure an injunction to enforce the terms of this Agreement. Additionally, in the event of any breach, default or non performance of this Agreement, or any of its covenants, agreements, terms or conditions, the Town shall be entitled to recover its costs, expenses and reasonable attorney's fees insofar as the Town prevails, either before or as a result of litigation, including appeals.

ARTICLE VII PROVISIONS TO RUN WITH PROPERTY/RECORDING

This Agreement shall run with the Property and shall be binding upon the Owner and its successors and assigns. This Agreement shall be recorded by the Town in the Official Records of Palm Beach County, Florida upon full execution by the parties hereto.

ARTICLE VIII ENTIRE AGREEMENT

This Agreement represents the entire agreement between the parties as to its subject matter and it may not be amended except by written agreement executed by both parties.

ARTICLE IX EFFECTIVE DATE

The Effective Date of this Agreement shall be the day upon which this Agreement is executed by the last party to sign the Agreement.

ARTICLE X MISCELLANEOUS

Wherever the word "laws" appears in this Agreement, it shall be deemed to include all ordinances, rules and regulations as well as laws of the appropriate governmental authorities.

This Agreement may not be amended except by written instrument signed by all parties hereto.

Paragraph headings are inserted for convenience only and shall not be read to enlarge, construe, restrict or modify the provisions hereof. All references to numbered or lettered paragraphs, subparagraphs and exhibits refer (unless the context indicates otherwise) to paragraphs and subparagraphs of this Agreement and to exhibits attached hereto, which exhibits are by this reference made a part hereof.

In the event of the invalidity of any provision of this Agreement, same shall be deemed stricken herefrom and this Agreement shall continue in full force and effect as if such invalid provision were never a part hereof.

This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first above.

Signed, sealed and delivered
in the presence of:

Cheryl Bleeen
Anne Doyle

Paul G. [unclear]
John [unclear]

Cheryl Bleeen
Anne Doyle

TOWN OF PALM BEACH

By: Gail L. Coniglio
Gail Coniglio, Mayor

By: David B. Rosow
David Rosow, President
Town Council

By: Peter B. Elwell
Peter B. Elwell
Town Manager

The Society of the Four Arts, Inc.,
a Florida not-for-profit corporation

Heather L. Henry
Chairman

By: Patrick Henry
Name: PATRICK HENRY
Its: CHAIRMAN

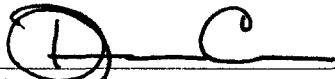
STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 16th day of September 2011, by Gail Coniglio, the Mayor of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and she did not take an oath.



Denise Carmona
COMMISSION #DD809560
EXPIRES: JULY 29, 2012
WWW.AARONNOTARY.com



Signature of Notary Public

Denise Carmona

Printed Name of Notary Public
Commission Expires: July 29, 2012

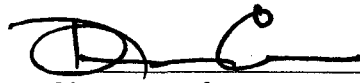
STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 14th day of September 2011, by David Rosow, the President of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.



Denise Carmona
COMMISSION #DD809560
EXPIRES: JULY 29, 2012
WWW.AARONNOTARY.com



Signature of Notary Public

Denise Carmona

Printed Name of Notary Public
Commission Expires: July 29, 2012

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 16th day of September 2011, by Peter B. Elwell, the Town Manager of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.



Signature of Notary Public



Denise Carmona
COMMISSION # DD809560
EXPIRES: JULY 29, 2012
WWW.AARONNOTARY.COM

Denise Carmona

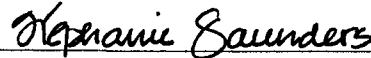
Printed Name of Notary Public

Commission Expires: July 29, 2012

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 26th day of AUGUST 2011, by PATRICK HENRY, the CHAIRMAN of The Society of The Four Arts, Inc., a Florida not-for-profit corporation, on behalf of the corporation, who is personally known to me or produced _____ as identification and did not take an oath.



Signature of Notary Public



Printed Name of Notary Public

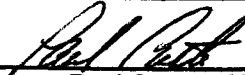
Commission Expires: _____

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE TOWN OF
PALM BEACH

By: 
John C. Randolph, Esquire

RECOMMEND APPROVAL:

9/14/11



Paul Castro, AICP
Zoning Administrator

EXHIBIT "A"

LEGAL DESCRIPTION

A PORTION OF GOVERNMENT LOT 3, LYING WITHIN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, LOTS 1, 2, 5, 6, A PORTION OF LOTS 3, 4, AND 7, BLOCK "A", REVISED MAP OF ROYAL PARK ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 1, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

(PART ONE)

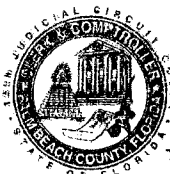
BEGIN AT THE NORTHEAST CORNER OF LOT 7 BLOCK "A", REVISED MAP OF ROYAL PARK ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 1, THENCE S00°00'00"W ALONG THE EAST LINE OF SAID LOT 7, SAID EAST LINE BEING COINCIDENT WITH THE WEST RIGHT OF WAY LINE OF COCOANUT ROW FOR A DISTANCE OF 275.00 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST, SAID CURVE DESCRIBED IN OFFICIAL RECORDS BOOK 1901, PAGE 188; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 15.00 FEET AND A CENTRAL ANGLE OF 90°00'00" FOR A DISTANCE OF 23.56 FEET; THENCE N90°00'00"W ALONG THE NORTH RIGHT OF WAY LINE OF ROYAL PALM WAY AS SHOWN ON THE SAID PLAT OF REVISED MAP OF ROYAL PARK ADDITION FOR A DISTANCE OF 373.90 FEET; THENCE N00°00'00"E ALONG THE EAST RIGHT OF WAY LINE OF FOUR ARTS PLAZA (FORMERLY CEIBA AVENUE), SAID EAST RIGHT OF WAY LINE BEING PARALLEL WITH AND 3.00 FEET EAST OF AS MEASURED AT RIGHT ANGLES TO THE WEST LINE OF LOT 4 OF SAID BLOCK "A" FOR A DISTANCE OF 437.81 FEET; THENCE S90°00'00"E ALONG THE SOUTH RIGHT OF WAY LINE OF SEA VIEW AVENUE AS SHOWN ON THE PLAT OF POINCIANA PARK 3RD ADDITION ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 73 FOR A DISTANCE OF 179.53 FEET; THENCE S00°00'00"W FOR A DISTANCE OF 147.81 FEET TO A POINT ON THE NORTH LINE OF SAID BLOCK "A"; THENCE S90°00'00"E ALONG THE NORTH LINE OF SAID BLOCK "A" FOR A DISTANCE OF 209.40 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH THE PARCEL OF LAND:

BEGINNING AT THE SOUTHWEST CORNER OF SEAVIEW AVENUE AND COCOANUT ROW IN SECTION 22, TOWNSHIP 43 SOUTH, OF RANGE 43 EAST, AS SHOWN ON PLAT OF POINCIANA PARK, 3RD ADDITION, FILED IN PLAT BOOK 8 AT PAGE 72, IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SEAVIEW AVENUE, A DISTANCE OF 200 FEET TO A POINT; THENCE SOUTHERLY MAKING AN ANGLE OF 90 DEGREES WITH THE SOUTH LINE OF SAID SEAVIEW AVENUE, A DISTANCE OF 147.62 FEET TO A POINT IN THE NORTH LINE OF BLOCK "A" OF ROYAL PARK, ACCORDING TO THE PLAT OF ROYAL PARK ON FILE IN

PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE EASTERLY ALONG THE NORTH LINE OF SAID BLOCK "A" OF ROYAL PARK, A DISTANCE OF 219.41 FEET, MORE OR LESS, TO A POINT IN THE WEST LINE OF SAID COCOANUT ROW, AS NOW LAID OUT AND IN USE; THENCE NORTHERLY ALONG THE WEST LINE OF SAID COCOANUT ROW AND MAKING AN ANGLE WITH THE NORTH LINE OF SAID BLOCK "A", OF 90 DEGREES, A DISTANCE OF ONE (1) FOOT TO A POINT, SAID POINT BEING THE BEGINNING OF A CURVE TO THE LEFT; THENCE CONTINUING NORTHERLY ALONG SAID CURVE TO THE LEFT, RADIUS OF WHICH IS 217.83 FEET, A DISTANCE OF 61.27 FEET TO A POINT, SAID POINT BEING THE BEGINNING OF A CURVE TO THE RIGHT; THENCE CONTINUING NORTHERLY ALONG SAID CURVE TO THE RIGHT, RADIUS OF WHICH IS 276.17 FEET, A DISTANCE OF 77.68 FEET TO A POINT, SAID POINT BEING THE POINT OF TANGENCY OF SAID CURVE; THENCE CONTINUE NORTHERLY ALONG TANGENT TO SAID CURVE, A DISTANCE OF 9.51 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING: BEING A TRACT OF LAND IN SECTION 22, TOWNSHIP 43 SOUTH, RANGE 43 EAST, TOWN OF PALM BEACH, PALM BEACH COUNTY FLORIDA, BOUNDED IN THE EAST BY THE WESTERLY RIGHT-OF-WAY OF COCOANUT ROW, AS NOW LAID OUT AND IN USE, BOUNDED IN THE SOUTH BY THE NORTH LINE OF BLOCK "A", ROYAL PARK ADDITION TO PALM BEACH, AS RECORDED IN PLAT BOOK 4, PAGE 1, SHEET 1 OF 2, PALM BEACH COUNTY, PUBLIC RECORDS AND BOUNDED IN THE WEST BY A LINE DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 7, BLOCK "A", OF SAID ROYAL PARK ADDITION, TURN AN ANGLE OF 85 DEGREES 53 MINUTES 40 SECONDS MEASURED FROM WEST ALONG THE NORTH LINE OF SAID BLOCK A, TO THE NORTH AND RUN FOR A DISTANCE OF 128.20 FEET TO A POINT IN THE WESTERLY RIGHT-OF-WAY LINE OF SAID COCOANUT ROW.



STATE OF FLORIDA • PALM BEACH COUNTY

I hereby certify that the foregoing is a true copy of the record in my office.

THIS 26 DAY OF SEPTEMBER, 2011

SHARON R. BOCK
CLERK & COMPTROLLER

By

PRINCE ALANK

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 9, 2020

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00269 VARIANCES Zoning District: R-B Low Density Residential The application of John Criddle and Franny Frisbie, Applicant, relative to property located at **143 REEF RD**, legal description on file, is described below. The applicant is proposing to construct a new 597 square foot one story garage to the west of the existing residence. The following variances are being requested: 1. Section 134-893(7): The applicant is requesting a variance for a west side yard setback of 5 feet in lieu of the 12.5 foot minimum required for a one story building. 2. Section 134-893(6): The applicant is requesting a variance for an angle of vision of 105 degrees in lieu of the 100 degrees maximum allowed. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Motion carried 4-3.] [The Architectural Review Commission approved the project as presented. Carried 4-3.]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated August 27, 2020 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**
- ▣ **Email Dated August 25, 2020 from David Lambert**
- ▣ **Email Dated August 25, 2020 from Maureen and Don Kandziora**
- ▣ **Email Dated August 25, 2020 from Jack Cooney**
- ▣ **Email Dated August 24, 2020 from Sean Bresnan**
- ▣ **Email Dated August 26, 2020 from Anne Metzger**
- ▣ **Letter Dated August 25, 2020 from John Eubanks**

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 09, 2020

To: Mayor and Town Council

From: Wayne Bergman, Director, Planning, Zoning & Building Department

Subject: **Z-20-00269 VARIANCE(S)**
143 REEF RD

Date: August 27, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

The applicant is proposing to construct a new 597 square foot one story garage to the west of the existing residence. The following variances are being requested: 1. Section 134-893(7): The applicant is requesting a variance for a west side yard setback of 5 feet in lieu of the 12.5 foot minimum required for a one story building.

2. Section 134-893(6): The applicant is requesting a variance for an angle of vision of 105 degrees in lieu of the 100 degrees maximum allowed.

ADDRESS: 143 REEF RD

OWNER: CRIDDLE JOHN K

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-42-34-08-000-0450

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: NORTH SHORE ADD TO PALM BEACH LT 45

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 7/24/20

APPLICATION NO.: Z-20-00269 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 143 REEF RD

DESCRIPTION:

The applicant is proposing to construct a new 597 square foot one story garage to the west of the existing residence. The following variances are being requested: 1. Section 134-893(7): The applicant is requesting a variance for a west side yard setback of 5 feet in lieu of the 12.5 foot minimum required for a one story building.
2. Section 134-893(6): The applicant is requesting a variance for an angle of vision of 105 degrees in lieu of the 100 degrees maximum allowed.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Director, Planning, Zoning & Building	7/29/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	8/28/2020	Driveway opening needs to conform to Public Works standards. Coordination between Landscape Architect and Stormwater Engineer not provided. Town's stormwater level of service is being meet.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	7/30/2020	There are no fire code concerns with this proposed project.
PZB DIRECTOR	Wayne Bergman, Director, Planning, Zoning & Building	7/29/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	7/29/2020	The applicant is required to demonstrate the hardship for the variances being requested.

From: [DAVID G LAMBERT](#)
To: [Kelly Churney](#)
Subject: 143 Reef Road
Date: Tuesday, August 25, 2020 5:28:20 PM

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Members of ARCOM and Town Council:

We write this email in support of the renovation plans submitted for 143 Reef Road, which will be heard at today's meeting (Wednesday). We are neighbors on Esplanade thrilled to have another young family move to the north end. Their request for a 2-car garage seems fair and practical. After all, new construction on the island always includes a 2-car garage, at the very minimum. The 2-car garage, as its designed incorporates lovely and tall landscaping to the west and actually helps to balance out the front facade of the existing home. Not to mention, the 2-car garage gets rid of the unsightly garbage receptacles that are visible from the street as you walk by. Their new landscape plan also looks like a great improvement and we love their desire to implement native species in the majority of the garden. The room addition to the north also seems reasonable and after reviewing their interior plans, they really improve the functionality of the home.

Thank you for considering to grant approval to their plans today. Take care and stay well.

Kindly,

David Lambert
200 Esplanade Way
Palm Beach, Fl 33480

From: [Raihle, Maureen](#)
To: [Kelly Churney](#)
Cc: [Donald Kandziora](#)
Subject: Letter of Support for our neighbors
Date: Tuesday, August 25, 2020 5:12:31 PM

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Town Council and Members of ARCOM:

We hope this email finds everyone well. We are writing to support the plans submitted for the proposed renovation on 143 Reef Road (our westerly neighbors). We have personally met the family and believe them to be great new stewards for the property. They deeply care about our community and our neighbors. We can appreciate their need and therefore request for a 2-car, 1-story garage. Their intentions to honor the existing structure with thoughtful enhancements to the facade, landscape, and hardscape are very much in keeping with the overall aesthetic of our block. Please consider granting approval to their plans. Thank you and stay safe.

Kindly,
Maureen Raihle Kandziora
Don Kandziora

135 Reef Road
Palm Beach FL 33480

Maureen Raihle, CPWA®, CEPA
Managing Director, Wealth Manager
First Republic Investment Management
First Republic Private Wealth Management

155 North Wacker Drive, Suite 4250, Chicago, IL 60606

241 Royal Palm Way, Palm Beach, FL 33480
Office: (561) 803-1090 | Fax: (561) 803-1000

Registered Representative of First Republic Securities Company, LLC



First Republic Private Wealth Management encompasses First Republic Investment Management, Inc. ("FRIM"), an SEC-registered investment advisor, First Republic Securities Company, LLC ("FRSC"), Member FINRA/SIPC, First Republic Trust Company ("FRTC") and First Republic Trust Company of Delaware LLC ("FRTC-DE"). FRIM, FRSC, and FRTC-DE are wholly owned subsidiaries of First Republic Bank. FRTC is a division of First Republic Bank. Investment advisory services are provided through FRIM. Securities brokerage services are provided through FRSC. Trust and fiduciary services are provided through FRTC and FRTC-DE.

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We reserve the right to monitor and review the content of all email communications sent or received. Emails sent to or from this address may be stored in accordance with regulatory requirements.

From: [Jack Cooney](#)
To: [Kelly Churney](#)
Subject: 143 Reed Road
Date: Tuesday, August 25, 2020 6:25:40 PM

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Members of ARCOM and Town Council:

We write this email in support of the renovation plans submitted for 143 Reef Road. As fellow North End residents, we are thrilled to welcome a young, year-round family with long-standing community ties to the neighborhood. We personally know the applicants and trust in their ability to tastefully improve the aesthetics and function of an outdated home that fits with the charm and character of the street. We understand the difficulty of not having a garage and respect their desire to create a more beautiful front facade instead of having vehicles, equipment, garbage cans and other “stuff” laying in plain sight for all to see. While it was probably easier to scrape the structure and build new, this applicant has chosen to undertake the more "life disruptive" process of renovating a home while living in it, and meanwhile preserving a traditional North End 1-story cottage that is becoming increasingly rare.

Thank you for considering the approval of their plans and thank you for your leadership.

Jack & Nikki Cooney
140 Seagate Rd

Jack Cooney
303.517.4484

From: [Sean P. Bresnan](#)
To: [Kelly Churney](#)
Subject: 143 Reef Road - ARCOM
Date: Monday, August 24, 2020 3:03:04 PM

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Town Council and ARCOM Board Members:

I am writing to show support for the plans submitted for 143 Reef Road to be considered at the August 26th ARCOM hearing. We appreciate the applicants thoughtful effort to revitalize a 1950s cottage, especially at a time when most of these homes in the north end have been razed. The applicants request for a 2-car garage, arguably a necessity today, makes perfect sense for the protection of their vehicles, safety and security of bikes/equipment, etc. While closer in proximity to the property line, their plan for a hedge screening that matches their western neighbor's south hedge seems like a very reasonable offset.

Please consider approving this applicant's request.

Sincerely,
Sean Bresnan
236 Esplanade Way

The information contained in this e-mail, and any attachment, is confidential, may contain non-public information, and is intended solely for the use of the intended recipient(s). Unauthorized access, copying, distribution or other use of this e-mail or any attachment, or any information contained in the e-mail or attachment, is strictly prohibited and may be unlawful. If you are not the intended recipient of this e-mail, please immediately notify the sender and delete it from your computer.

From: [Anne Metzger](#)
To: msmall@smallawpalmbeach.com; RNG@garrisonarch.com; alexives@hotmail.com; amginny@aol.com; [John David Corey](#); betsyshiverick@gmail.com; catlinkt@gmail.com; dan.floersheimer@icloud.com; edward.cooney@gmail.com; info@fairfaxandsammons.com
Cc: [Wayne Bergman](#); [Kelly Churney](#)
Subject: Concerns re: 143 Reef Road - ARCOM meeting Today
Date: Wednesday, August 26, 2020 7:57:10 AM

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Members of the Architectural Commission,

This letter is in regard to the proposed plans for 143 Reef Road that you are considering today.

We live one block to the north on Esplanade Way and are very familiar with the subject property. We walk our dog on Reef Road almost every day.

In our opinion, the proposed plans for the house need to be scaled back. The two car garage will look very squeezed so close to the west property line.

We are concerned that this will set an undesirable precedent in our neighborhood.

In addition, the front door looks out of scale for the house.

Please ask for the plans to be restudied.

Thank you,
Anne and Bill Metzger
277 Esplanade Way
Palm Beach

SNIFFEN & SPELLMAN, P.A.

Sender's Direct Line: (561) 721-4002
Sender's Email: jeubanks@sniffenlaw.com

August 25, 2019

Via E-mail

Architectural Commission
c/o Michael Small, Chair
Town Council of the Town of Palm Beach
360 South County Road
Palm Beach, Florida 33480

**Re: Objection to Application No. B-045-2020 for Proposed Garage at
143 Reef Road**

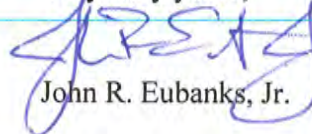
Dear Mr. Small:

Our office was hired this afternoon by Gayle P. Petersen, the owner of 151 Reef Road. Ms. Peterson's home lies immediately to the west of 143 Reef Road. In that capacity please be advised that Ms. Petersen objects to the two car garage proposed by the Applicant, along with the potential variance needed to approve the same.

In direct conflict with the Applicant's representations, the house at 143 Reef Road was built with a one car garage, which was later converted to living space. As a result, there is no hardship which would support a variance.

At the same time, the proposed garage would reduce the normal side yard setback and greenspace in half, change the appearance of the residence from the street, increase the massing next to Ms. Petersen's home, and impinge upon her privacy. Moreover, the Application is nothing more than the same proposal set forth in former Variance #11-2011, which was soundly rejected by the Town Council in July of 2011, resulting in its withdrawal at that time. A copy of the objections from the surrounding neighbors in July 2011, along with a copy of the withdrawal is attached hereto.

Very truly yours,



John R. Eubanks, Jr.

cc: ARCOM Committee Members
Wayne Bergman, Acting Director Planning, Zoning & Building
Kelly Churney, Administrative Specialist
Town Clerk, Town of Palm Beach

REPLY TO:

605 NORTH OLIVE AVENUE, 2ND FLOOR
WEST PALM BEACH, FL • 33401
PHONE: 561.721.4000
FAX: 561.721.4001

TC Dev Rev Meeting 9-9-20

WWW.SNIFFENLAW.COM

123 NORTH MONROE STREET
TALLAHASSEE, FL • 32301
PHONE: 850.205.1096
FAX: 850.205.3004

307 of 417

July 1, 2011

RECEIVED

JUL - 6 2011

TOWN OF PALM BEACH
PZB DEPT

Town of Palm Beach

Zoning & Building Department

360 S. County Road

Palm Beach, Florida 33480

Re: 143 Reef Road *Variance # 11-2011*

To Whom it May Concern:

We have been residents of 144 Reef Road for 16 years, the home directly across the street from 143 Reef. We both have also been residents of the town of Palm Beach for 50 years, our entire lives. We are submitting this notice to preserve the ambiance on the north end. Reef Road is a quiet street with an Island appeal. Most of the residents like it that way and moved here because they hope to keep it this way. We understand a petition to build a two car garage has been filed. Our concerns are as follows:

The house is being rented and they are not the owners.

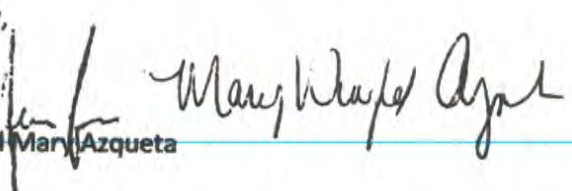
Why do they have to expand to a garage that is so large, the house originally had a one car garage.

The disruption to the safety of the families on the street and the disturbance of peace is overwhelming.

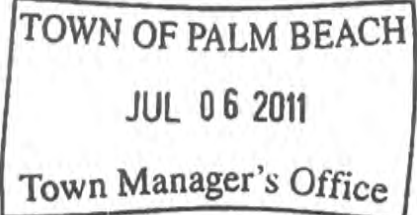
It would seem that the appropriate size garage for this street would be a one car garage, considering the size of the home and property, fitting in with the rest of the street, and the north end.

Thank you for your consideration in this matter.

Sincerely,


Jesse and Mary Azqueta

Paul Gingras, DMD
153 Reef Road
Palm Beach, FL 33480



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

30 June 2011

Dear Members of the Town Council:

My wife and I live at 153 Reef Road and we received a notice of a request for a zoning variance for a property located at 143 Reef Road. We have three concerns regarding the request.

1. The application lists the property owners as David and Sarah Hruda. We are not sure Mr. and Mrs. Hruda own the property. We have been repeatedly told that someone else owns the property. The Town needs to determine who the owners are before proceeding with the application.
2. Under Exhibit A- Request For Variance, item 4, the applicant states that the residence was built without a garage. This house was originally built with a one car garage. This garage was later converted to a living space by a previous owner. A check with the Building Department will confirm this.
3. The addition of a two car garage would reduce the normal side yard setback by half which would change the appearance of the residence by reducing the greenspace surrounding it. This would set a bad precedent for the R-B zoning in this neighborhood. A one car garage addition would impose less on the normal setback.

We are opposed to a two car garage addition and we are not opposed to a one car garage addition.

Sincerely,

A handwritten signature in black ink that reads "Paul Gingras, DMD".

A handwritten signature in black ink that appears to read "Sally Gingras".

Paul and Sally Gingras

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

VIA FACSIMILE: 561-835-4621

July 21, 2011

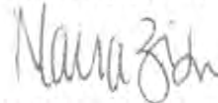
Mayor and Town Council
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Variance #11-2011/249/143 Reef Road, Palm Beach

Dear Mayor and Town Council:

Please **withdraw** the above referenced matter from the August 10, 2011 Town Council agenda. 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

Pat Seagraves

00011412

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 9, 2020

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00270 VARIANCE(S) Zoning District: R-B Low Density Residential The application of Steve Johnson, Applicant, relative to property located at **1284 N LAKE WAY**, legal description on file, is described below. Section 134-843(7): The applicant is proposing a 60 square foot staircase addition to the north side of the house that will have an 11.5 foot north side yard setback in lieu of the 15 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [The Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated August 27, 2020 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 09, 2020

To: Mayor and Town Council

From: Wayne Bergman, Director, Planning, Zoning & Building Department

Subject: **Z-20-00270 VARIANCE(S)**
1284 N LAKE WAY

Date: August 27, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

Section 134-843(7): The applicant is proposing a 60 square foot staircase addition to the north side of the house that will have an 11.5 foot north side yard setback in lieu of the 15 foot minimum required.

ADDRESS: 1284 N LAKE WAY

OWNER: NLW PALM BEACH LLC

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-03-06-000-0150

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: BELLO LIDO LTS 15 & 15-A

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 7/24/20

APPLICATION NO.: Z-20-00270 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 1284 N LAKE WAY

DESCRIPTION:

Section 134-843(7): The applicant is proposing a 60 square foot staircase addition to the north side of the house that will have an 11.5 foot north side yard setback in lieu of the 15 foot minimum required.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Director, Planning, Zoning & Building	7/29/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	8/27/2020	No comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	7/29/2020	There are no fire code concerns with this project
PZB DIRECTOR	Wayne Bergman, Director, Planning, Zoning & Building	7/29/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	7/29/2020	The applicant is required to demonstrate a hardship to the satisfaction of the Town Council.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 9, 2020

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00271 VARIANCE(S) Zoning District: C-TS Town Serving Commercial The application of Bradley Park Owner, LLC, (Applicant), relative to property located at **280 SUNSET AVE**, legal description on file, is described below. Pursuant to Section 134-1113(7)(b), the applicant is requesting a variance to allow a rear setback of 2 inches in lieu of the 1 foot 5 inch existing and 10 foot minimum required setback to affix a generator exhaust pipe to the south facade of the existing non-conforming hotel structure. The applicant is also requesting a rear setback of 0 inches in lieu of the 1 foot 5 inch existing and 10 foot minimum required setback to accommodate an elevated kitchen hood that is affixed to the south facade of the existing hotel structure. The kitchen hood encroaches 2 inches into the alley to the south of the hotel structure, and an encroachment easement has been obtained from the adjacent property owner for the purpose of utilizing the alley for mechanical equipment. [Applicant's Representative: James M. Crowley Esq] [The Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated August 27, 2020 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**
- ▣ **Email Dated July 23, 2020 from Nicholas Coniglio**

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 09, 2020

To: Mayor and Town Council

From: Wayne Bergman, Director, Planning, Zoning & Building Department

Subject: **Z-20-00271 VARIANCE(S)**
280 SUNSET AVE

Date: August 27, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

Pursuant to Section 134-1113(7)(b), the applicant is requesting a variance to allow a rear setback of 2 inches in lieu of the 1 foot 5 inch existing and 10 foot minimum required setback to affix a generator exhaust pipe to the south facade of the existing non-conforming hotel structure. The applicant is also requesting a rear setback of 0 inches in lieu of the 1 foot 5 inch existing and 10 foot minimum required setback to accommodate an elevated kitchen hood that is affixed to the south facade of the existing hotel structure. The kitchen hood encroaches 2 inches into the alley to the south of the hotel structure, and an encroachment easement has been obtained from the adjacent property owner for the purpose of utilizing the alley for mechanical equipment.

ADDRESS: 280 SUNSET AVE

OWNER: BRADLEY PARK OWNER LLC

OWNER'S REPRESENTATIVE: JAMES M CROWLEY ATTORNEY

PROPERTY CONTROL NO.: 50-43-43-22-31-000-0301

ZONING DISTRICT: C-TS Town-Serving Commercial

LEGAL DESCRIPTION: FLORAL PARK E 10 FT OF LT 30 & LTS
31 TO 37 INC

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 7/24/20

APPLICATION NO.: Z-20-00271 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 280 SUNSET AVE

DESCRIPTION:

Pursuant to Section 134-1113(7)(b), the applicant is requesting a variance to allow a rear setback of 2 inches in lieu of the 1 foot 5 inch existing and 10 foot minimum required setback to affix a generator exhaust pipe to the south facade of the existing non-conforming hotel structure. The applicant is also requesting a rear setback of 0 inches in lieu of the 1 foot 5 inch existing and 10 foot minimum required setback to accommodate an elevated kitchen hood that is affixed to the south facade of the existing hotel structure. The kitchen hood encroaches 2 inches into the alley to the south of the hotel structure, and an encroachment easement has been obtained from the adjacent property owner for the purpose of utilizing the alley for mechanical equipment.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Director, Planning, Zoning & Building	7/29/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	8/27/2020	No comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	7/30/2020	The 1 inch encroachment is not a concern for the fire code
PZB DIRECTOR	Wayne Bergman, Director, Planning, Zoning & Building	7/29/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	7/29/2020	The installed kitchen hood vent encroaches over the neighbor's property to the south. If a variance for that piece of equipment is approved, the applicant will need to provide the Town consent from the owner and an easement over the neighbors property. In addition, the applicant needs to explain the hardship for the generator exhaust and hood vent on the back of the hotel.

From: [Paul Castro](#)
To: [Wayne Bergman](#); [Laura Groves van Onna](#); [Bradley Falco](#); [Kelly Churney](#)
Subject: FW: White Elephant Hotel PB/ 283 Royal Poinciana Way "Bolet Building"
Date: Thursday, July 23, 2020 12:52:21 PM

fyi

From: Nicholas Coniglio <nfconiglio@hotmail.com>
Sent: Thursday, July 23, 2020 9:52 AM
To: Gail Coniglio <gailconig1@aol.com>; Paul Castro <PCastro@TownofPalmBeach.com>; charlie barnett <chasbarnett@gmail.com>
Subject: White Elephant Hotel PB/ 283 Royal Poinciana Way 'Bolet Building'

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Good Morning Paul,

I am writing on behalf of our family's partnership, E.R. Bradley's Saloon South Inc. and it's holdings at 283 Royal Poinciana Way, Palm Beach FL. 33480 regarding the White Elephant's easement request to the Town of Palm Beach. Currently our respective attorneys are working on an easement Agreement to authorize the White Elephant's encroachment into the alley. At this time, E.R. Bradley's Saloon South Inc. does not object to the filing of the application for a variance provided that the easement agreement is finalized before the Town Council considers the variance application. As long as their variance request approval on Friday July 24, 2020 is contingent on our agreement being finalized, we are aligned as they move forward through this process.

Thank you for your time and consideration. Please call me if you have any questions 561-644-0950.

Have a wonderful day... and thank you again for all you do for the town!

Sincerely,
Nicholas Coniglio

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 9, 2020

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00272 VARIANCE(S) Zoning District: R-B Low Density Residential The application of Mr. and Mrs. Mark Sanderson, Applicant, relative to property located at **2315 IBIS ISLE RD**, legal description on file, is described below. The applicant is proposing to construct a new 6,898 square foot two-story home. The following variances are being requested: 1. Section 134-893(5): The applicant is requesting a variance for a front yard setback of 3.5 feet in lieu of 30 feet minimum required for a two-story residence. 2. Section 134-893(6): The applicant is requesting a variance for an angle of vision of 154 degrees in lieu of the 100 degrees maximum allowed for a two-story residence. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried 6-1.] [The Architectural Review Commission approved the project with a few architectural features returning to the September 23, 2020 meeting. Carried 7-0.]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated August 27, 2020 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 09, 2020

To: Mayor and Town Council

From: Wayne Bergman, Director, Planning, Zoning & Building Department

Subject: **Z-20-00272 VARIANCE(S)**
2315 IBIS ISLE RD

Date: August 27, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

The applicant is proposing to construct a new 6,898 square foot two-story home. The following variances are being requested: 1. Section 134-893(5): The applicant is requesting a variance for a front yard setback of 3.5 feet in lieu of 30 feet minimum required for a two-story residence. 2. Section 134-893(6): The applicant is requesting a variance for an angle of vision of 154 degrees in lieu of the 100 degrees maximum allowed for a two-story residence.

ADDRESS: 2315 IBIS ISLE RD

OWNER: HUTZLER ALBERT D III &

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-44-15-01-000-0360

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: IBIS ISLE LT 36

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 7/24/20

APPLICATION NO.: Z-20-00272 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 2315 IBIS ISLE RD

DESCRIPTION:

The applicant is proposing to construct a new 6,898 square foot two-story home. The following variances are being requested: 1. Section 134-893(5): The applicant is requesting a variance for a front yard setback of 3.5 feet in lieu of 30 feet minimum required for a two-story residence. 2. Section 134-893(6): The applicant is requesting a variance for an angle of vision of 154 degrees in lieu of the 100 degrees maximum allowed for a two-story residence.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Director, Planning, Zoning & Building	8/3/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	8/28/2020	Front stairway configuration needs to be able to occur outside the road rights-of-way. The removal of any improvements should not adversely affect the use / access to the house. A separate stormwater management system needs to be developed for the proposed improvements in the Rights-Of-Way (ROW). A ROW Installation and maintenance agreement will also be required.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	8/3/2020	There are no fire code concerns with the proposed house
PZB DIRECTOR	Wayne Bergman, Director, Planning, Zoning & Building	8/3/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	7/31/2020	It is unclear what the hardship is for the proposed variance request. In particular, the front setback variance request by the applicant.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 9, 2020

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00274 VARIANCE(S) Zoning District: R-A Estate Residential The application of Laetitia M. Perais-Han and Ben Han, Applicants, relative to property located at **61 MIDDLE RD**, legal description on file, is described below. The applicant is proposing a new 317 square foot pool pavilion to the rear of the property, a 198 square foot awning and an 86 square foot porch addition to the rear of the landmarked residence. The following variances are being requested: 1) a north side yard setback of 8.4 feet in lieu of the 15 foot minimum required; 2) a rear yard setback of 12 feet in lieu of the 15 foot minimum required; 3) a lot coverage of 26% in lieu of the 25% maximum allowed; 4) a landscaped open space of 45% in lieu of the 50% minimum required. [Applicant's Representative: Maura Ziska Esq] [The Landmarks Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated August 27, 2020 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 09, 2020

To: Mayor and Town Council

From: Wayne Bergman, Director, Planning, Zoning & Building Department

Subject: **Z-20-00274 VARIANCE(S)**
61 MIDDLE RD

Date: August 27, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

The applicant is proposing a new 317 square foot pool pavillion to the rear of the property, a 198 square foot awning and an 86 square foot porch addition to the rear of the landmarked residence. The following variances are being requested: 1) a north side yard setback of 8.4 feet in lieu of the 15 foot minimum required;

2) a rear yard setback of 12 feet in lieu of the 15 foot minimum required;

3) a lot coverage of 26% in lieu of the 25% maximum allowed;

4) a landscaped open space of 45% in lieu of the 50% minimum required.

ADDRESS: 61 MIDDLE RD

OWNER: PERAIS HAN LAETITIA M &

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-26-03-000-0240

ZONING DISTRICT: R-A Estate Residential

LEGAL DESCRIPTION: SINGER ADDITION LTS 24 TO 26 INC

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 7/24/20

APPLICATION NO.: Z-20-00274 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 61 MIDDLE RD

DESCRIPTION:

The applicant is proposing a new 317 square foot pool pavillion to the rear of the property, a 198 square foot awning and an 86 square foot porch addition to the rear of the landmarked residence. The following variances are being requested: 1) a north side yard setback of 8.4 feet in lieu of the 15 foot minimum required;
2) a rear yard setback of 12 feet in lieu of the 15 foot minimum required;
3) a lot coverage of 26% in lieu of the 25% maximum allowed;
4) a landscaped open space of 45% in lieu of the 50% minimum required.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Director, Planning, Zoning & Building	7/29/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	8/28/2020	No comments: Stormwater management system depicted on plans. No calculation demonstrating the level of service provided were presented with the presentation.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	7/29/2020	There are no fire code concerns with this project
PZB DIRECTOR	Wayne Bergman, Director, Planning, Zoning & Building	7/29/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	7/29/2020	It is unclear what the hardship is for all of the variances being requested in this application.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 9, 2020

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00275 VARIANCE(S) Zoning District: R-A Estate Residential The application of 171 Via Bellaria LLC (Dan Swanson, Manager), relative to property located at **171 VIA BELLARIA**, legal description on file, is described below.

Section 134-843 (7): The Applicant is proposing a new 9,416 square foot two story residence on Via Bellaria that would have a building height plane setback of 37 feet in lieu of the required minimum setback ranging from 51.2 to 69.5 feet. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the September 23, 2020 meeting. Carried 6-1.] **Request for Deferral to the October 14, 2020 Meeting per Letter Dated August 31, 2020 from Maura Ziska.**

Presenter

ATTACHMENTS:

- ▣ **Letter Dated August 31, 2020 from Maura Ziska**
- ▣ **Memorandum Dated August 27, 2020 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

*also admitted in NY

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401
Telephone 561-802-8960
Facsimile 561-802-8995

VIA EMAIL

August 31, 2020

Paul Castro
Kelly Churney
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Z-20-00275
171 Via Bellaria, Palm Beach, Florida

Dear Paul and Kelly:

Please **defer** the above referenced matter from the **September 9, 2020** Town Council meeting to the **October 14, 2020** Town Council meeting. Thank you.

Sincerely,

Maura Ziska

Maura A. Ziska

maz/jc
cc: Client

A Florida Professional Limited Liability Company Including Professional Associations

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 09, 2020

To: Mayor and Town Council

From: Wayne Bergman, Acting Director, Planning, Zoning & Building Department

Subject: **Z-20-00275 VARIANCE(S)**
171 VIA BELLARIA

Date: August 27, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

Section 134.843 (7): The Applicant is proposing a new 9,416 square foot two story residence on Via Bellaria that would have a building height plane setback of 37 feet in lieu of the required minimum setback ranging from 51.2 to 69.5 feet.

ADDRESS: 171 VIA BELLARIA

OWNER: 171 VIA BELLARIA LLC

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-35-00-001-0270

ZONING DISTRICT: R-A Estate Residential

LEGAL DESCRIPTION: 35-43-43, N 165 FT OF S 431 FTOF W 118.5 FT OF
E 668.5 FT OF GOV LT 1 W OF OCEAN BLVD

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 7/24/20

APPLICATION NO.: Z-20-00275 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 171 VIA BELLARIA

DESCRIPTION:

Section 134-843 (7): The Applicant is proposing a new 9,416 square foot two story residence on Via Bellaria that would have a building height plane setback of 37 feet in lieu of the required minimum setback ranging from 51.2 to 69.5 feet.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Director, Planning, Zoning & Building	7/29/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	8/28/2020	Landscape vegetation cannot be proposed within the FPL Easement. Driveway adjacent to easement may need to be shifted to east to allow for an unobstructed sight triangle. Coordination between landscape architect and stormwater Engineer not provided. Town's stormwater level of service is being meet.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	7/30/2020	There are no fire code concerns with this proposed project.
PZB DIRECTOR	Wayne Bergman, Director, Planning, Zoning & Building	7/29/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	7/29/2020	The house was originally designed to meet Code. Applicant needs to demonstrate what the hardship is to not meet the building height plane requirement in the Code.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 9, 2020

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00276 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-A Estate Residential The application of 1742, LLC (Anthony Lomangio, Manager), Applicant, relative to property located at **1742 S OCEAN BLVD**, legal description on file, is described below. Section 134-843(a) and (b) Special Exception with Site Plan Review to allow the construction of a new 9,604 square foot, two-story residence on an unplatted non-conforming lot that has an area of 19,918 square feet in lieu of the 20,000 square feet minimum and a depth of 97.52 in lieu of the 150 foot minimum depth required in the R-A Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the September 23, 2020 meeting. Carried 7-0.] **Request for Deferral to the October 14, 2020 Meeting per Letter Dated August 31, 2020 from Maura Ziska.**

Presenter

ATTACHMENTS:

- ❑ **Letter Dated August 31, 2020 from Maura Ziska**
- ❑ **Memorandum Dated August 27, 2020 from Wayne Bergman, Director of Planning, Zoning and Building**
- ❑ **Comments from the Development Review Committee**
- ❑ **Letter Dated August 5, 2020 from Morton Simkins**
- ❑ **Letter Dated August 21, 2020 from Zack Ciomek**
- ❑ **Letter Dated August 24, 2020 from Zack Ciomek**

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

*also admitted in NY

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401
Telephone 561-802-8960
Facsimile 561-802-8995

VIA EMAIL

August 31, 2020

Paul Castro
Kelly Churney
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Z-20-00276
1742 South Ocean Blvd., Palm Beach, Florida

Dear Paul and Kelly:

Please **defer** the above referenced matter from the **September 9, 2020** Town Council meeting to the **October 14, 2020** Town Council meeting. Thank you.

Sincerely,

Maura Ziska

Maura A. Ziska

maz/jc
cc: Client

A Florida Professional Limited Liability Company Including Professional Associations

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 09, 2020

To: Mayor and Town Council

From: Wayne Bergman, Director, Planning, Zoning & Building Department

Subject: **Z-20-00276 SPECIAL EXCEPTION WITH SITE PLAN REVIEW**
1742 S OCEAN BLVD

Date: August 27, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

Section 134-843(a) and (b) Special Exception with Site Plan Review to allow the construction of a new 9,604 square foot, two-story residence on an unplatted non-conforming lot that has an area of 19,918 square feet In lieu of the 20,000 square feet minimum and a depth of 97.52 in lieu of the 150 foot minimum depth required in the R-A Zoning District.

ADDRESS: 1742 S OCEAN BLVD

OWNER: 1742 LLC

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-44-11-03-000-1052

ZONING DISTRICT: R-A Estate Residential

LEGAL DESCRIPTION: PALM BEACH ESTATES, SLY 106.5 FT OF LT 105
(LESS NLY 56.38 FT LYG E OF & ADJ TO OCEAN
BLVD R/W, WLY 161.4 FT & OCEAN BLVD R/W)
& NLY 6 FT OF LT 106 (LESS WLY 161.4 FT &
OCEAN BLVD R/W)

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 7/24/20

APPLICATION NO.: Z-20-00276 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW

ADDRESS: 1742 S OCEAN BLVD

DESCRIPTION:

Section 134-843(a) and (b) Special Exception with Site Plan Review to allow the construction of a new 9,604 square foot, two-story residence on an unplatted non-conforming lot that has an area of 19,918 square feet in lieu of the 20,000 square feet minimum and a depth of 97.52 in lieu of the 150 foot minimum depth required in the R-A Zoning District.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Director, Planning, Zoning & Building	7/29/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	8/28/2020	No comment.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	8/27/2020	The town has an ordinance requiring houses built at 10,000 square feet or larger are required to install a sprinkler system. If this house is adjusted and goes over a system will be required and should be considered as a safety feature for the residents.
PZB DIRECTOR	Wayne Bergman, Director, Planning, Zoning & Building	7/29/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	7/29/2020	The house meets all lot, yard and area requirements except for the lot area and depth.

Morton H. Simkins
1741 South Ocean Boulevard
Palm Beach, Florida, 33480



August 5, 2020

Subject – Zoning Case Number Z-20-00276

To: Town of Palm Beach Council
360 South County Road, Palm Beach, Florida



Architectural Review Commission
Application B-051-2020

1742 LLC/Robert Simmons, President
658 West Indiantown Rd. #204
Jupiter, Florida 33458

Maura Ziska, Attorney for 1742 LLC
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Anthony Lomangino, Manager for
1742 LLC c/o Maura Ziska

I am the owner and resident of 1741 South Ocean Boulevard, Palm Beach; directly next to 1742 South Ocean Boulevard, subject of the Zoning Application. I will be out of state for the meeting on September 9 and for the ARCOM meeting on August 26. Therefore I am writing herewith two concerns regarding this project as follows:

Concern #1

Water to my home at 1741 South Ocean Boulevard comes from the main water line on South Ocean Boulevard at a connection at the corner of Via Agape Rd. and South Ocean Boulevard located on the property of 1742 and then thru a pipe running underground on the front lawn (north side facing Via Agape) of 1742. The underground copper line was maybe put in when 1742 was originally built.

The line goes all the way across 1742 property until it goes under my driveway and to my home.

Heavy demolition trucks used for the demolition of existing 1742 and heavy construction trucks used in building the new 1742 home could and would damage the water line causing either no water to my home or high extra water bills from leaks to the damaged pipe.

This water line should be relocated to the other side of the 1742 wall facing Via Agape at north side of 1742 or the line should be underground in the center of Via Agape from South Ocean Boulevard to my home.

Concern #2

Via Agape which runs from South Ocean Boulevard to a Cul de sac where my home is, has always been a No Parking Anywhere in the street. It is most important that the new 1742 home has enough off-street parking sufficient for all visitors and will agree to and maintain the No Parking Anywhere situation. It is understood that during demolition and construction, some construction vehicles might park in the street, as long as their weight and treads do not damage the street.

August 21, 2020

Town of Palm Beach
Attn.: Kelly Churney
360 s County Rd.
Palm Beach, Fl 33480

Via Email: kchurney@townofpalmbeach.com

RE: 1742 S Ocean Blvd., Palm Beach
Zoning # Z-20-00276
ARCOM # B-051-2020

Dear Ms. Churney,

I am the owner of a property located at 1740 S Ocean Blvd. I am writing this letter in support of the variance request for 30' setbacks in lieu of 35' (on the north side) with a request that the referenced property North Elevation 2nd floor windows will be screened with a tall landscaping for privacy of the view of my house pool area.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Zack Ciomek', with a stylized flourish at the end.

Zack Ciomek

Cc: Maura Ziska mziska@floridawills.com

August 24, 2020

Town of Palm Beach
Attn.: Kelly Churney
360 s County Rd.
Palm Beach, FL 33480

Via Email: kchurney@townofpalmbeach.com

RE: 1742 S Ocean Blvd., Palm Beach/Revised Support Letter
Zoning # Z-20-00276. ARCOM # B-051-2020

Dear Ms. Churney,

I am the owner of a property located at 1740 S Ocean Blvd. I am writing this letter of a support for the site plan approval. After ARCOM review submittal the only request I have that the referenced property North Elevation 2nd Floor windows to be screened with a tall landscaping for privacy of the view of my house pool area.

Sincerely,



Zack Ciomek

Cc: Maura Ziska mziska@floridawills.com

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 9, 2020

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00277 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R-C Medium Density Residential The application of Robert and Barbara Satterfield, Applicants, relative to property located at **200 EVERGLADE AVE SUITE: A-2**, legal description on file, is described below. Site Plan Review and variance request to add a third story addition by enclosing a balcony on the south side on a non-conforming three-story multi-family building. The variances being requested are to enclose the balcony are as follows: 1. Section 134-948(8)c: A third story addition where only two stories maximum is allowed. 2. Section 134-948(8)c: A building height of 26.5 feet in lieu of the 23.5 foot maximum allowed. [Applicant's Representative: David E. Klein Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried 7-0.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated August 27, 2020 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 09, 2020

To: Mayor and Town Council

From: Wayne Bergman, Director, Planning, Zoning & Building Department

Subject: **Z-20-00277 SITE PLAN REVIEW WITH VARIANCE(S)**
200 EVERGLADE AVE SUITE: A-2

Date: August 27, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

Site Plan Review and variance request to add a third story addition by enclosing a balcony on the south side on a non-conforming three-story multi-family building. The variances being requested are to enclose the balcony are as follows:

1. Section 134-948(8)c: A third story addition where only two stories maximum is allowed.
2. Section 134-948(8)c: A building height of 26.5 feet in lieu of the 23.5 foot maximum allowed.

ADDRESS: 200 EVERGLADE AVE SUITE: A-2

OWNER: GOLLEHER JAMES H SR REV TRUST &

OWNER'S REPRESENTATIVE: RABIDEAU LAW PA

PROPERTY CONTROL NO.: 50-43-43-15-25-000-0012

ZONING DISTRICT: R-C Medium Density Residential

LEGAL DESCRIPTION: FRENCH NORMANDY COND UNIT A-2

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 7/24/20

APPLICATION NO.: Z-20-00277 **APPLICATION TYPE:** SITE PLAN REVIEW WITH VARIANCE(S)

ADDRESS: 200 EVERGLADE AVE SUITE: A-2

DESCRIPTION:

Site Plan Review and variance request to add a third story addition by enclosing a balcony on the south side on a non-conforming three-story multi-family building. The variances being requested are to enclose the balcony are as follows:

1. Section 134-948(8)c: A third story addition where only two stories maximum is allowed.
2. Section 134-948(8)c: A building height of 26.5 feet in lieu of the 23.5 foot maximum allowed.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Director, Planning, Zoning & Building	8/27/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	8/28/2020	No comment.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	8/27/2020	The information does not indicate a value for the project or the square footage for the building. Some fire codes and town ordinances may apply to this project that are not evident with the information provided.
PZB DIRECTOR	Wayne Bergman, Director, Planning, Zoning & Building	8/27/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	8/27/2020	The applicant is proposing to enclose a nonconforming third story balcony that requires variances. Applicant needs to demonstrate a hardship to the satisfactory of the Town Council.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 9, 2020

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00278 VARIANCE(S) Zoning District: R-B Low Density Residential The application of 346 Seaspray Avenue Trust dated May 9, 2020 (Guy Rabideau, Trustee), Applicant, relative to property located at **346 SEASPRAY AVE**, legal description on file, is described below. Applicant is proposing a 161 square foot addition to the existing loggia (which will be enclosed into a/c space); an 877 square foot two story addition to the northeast side of the property for a new garage and an upper level studio; and a 443 square foot pool loggia addition to the east side of the property. The following variances are being requested: Section 134-893(11): to allow a lot coverage of 30.3% in lieu of the 26.1% existing and the 30 percent maximum allowed in the R-B Zoning District. Section 134-893(13): to allow a cubic content ratio ("CCR") of 4.23 in lieu of the 3.57 existing CCR and the 4.11 CCR maximum allowed. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances, including the flood plain variance, will not cause negative architectural impact to the subject property. Motion carried 7-0.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]

Presenter

ATTACHMENTS:

- **Memorandum Dated August 27, 2020 from Wayne Bergman, Director of Planning, Zoning and Building**
- **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 09, 2020

To: Mayor and Town Council

From: Wayne Bergman, Director, Planning, Zoning & Building Department

Subject: **Z-20-00278 VARIANCE(S)**
346 SEASPRAY AVE

Date: August 27, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

Applicant is proposing a 161 square foot addition to the existing loggia (which will be enclosed into a/c space); an 877 square foot two story addition to the northeast side of the property for a new garage and an upper level studio; and a 443 square foot pool loggia addition to the east side of the property. The following variances are being requested: Section 134-893(11): to allow a lot coverage of 30.3% in lieu of the 26.1% existing and the 30 percent maximum allowed in the R-B Zoning District. Section 134-893(13): to allow a cubic content ratio ("CCR") of 4.23 in lieu of the 3.57 existing CCR and the 4.11 CCR maximum allowed.

ADDRESS: 346 SEASPRAY AVE

OWNER: 346 SEASPRAY LLC

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-22-07-000-3690

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: POINCIANA PARK 2ND ADD LTS 369 371 373
375 377 & 379

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 7/24/20

APPLICATION NO.: Z-20-00278 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 346 SEASPRAY AVE

DESCRIPTION:

Applicant is proposing a 161 square foot addition to the existing loggia (which will be enclosed into a/c space); an 877 square foot two story addition to the northeast side of the property for a new garage and an upper level studio; and a 443 square foot pool loggia addition to the east side of the property. The following variances are being requested: Section 134-893(11): to allow a lot coverage of 30.3% in lieu of the 26.1% existing and the 30 percent maximum allowed in the R-B Zoning District. Section 134-893(13): to allow a cubic content ratio ("CCR") of 4.23 in lieu of the 3.57 existing CCR and the 4.11 CCR maximum allowed.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Director, Planning, Zoning & Building	8/3/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	8/28/2020	No comments: Stormwater management system depicted on plans. No calculation demonstrating the level of service provided were presented with the presentation.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	8/3/2020	There are no fire code concerns with this proposed project
PZB DIRECTOR	Wayne Bergman, Director, Planning, Zoning & Building	8/3/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	7/31/2020	The applicant is required to demonstrate to the Town Council that there is a hardship related to the the CCR and lot coverage variance requests.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 9, 2020

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00279 SITE PLAN REVIEW Zoning District: R-D(2) High Density Residential The application of The Cove Condominium Association, Inc., Applicant, relative to property located at **2784 S OCEAN BLVD**, legal description on file, is described below. The applicant is requesting site plan approval to install a 250 kW generator that will be located within an existing building. The proposed exhaust and towers are located on the front of the building (east elevation). Site plan review is required pursuant to 134-1729(2) (c) because the generator's output exceeds 100kW. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission approved the minor project as presented. Carried 7-0.]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated August 27, 2020 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 09, 2020

To: Mayor and Town Council

From: Wayne Bergman, Director, Planning, Zoning & Building Department

Subject: **Z-20-00279 SITE PLAN REVIEW**
2784 S OCEAN BLVD

Date: August 27, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

The applicant is requesting site plan approval to install a 250 kW generator that will be located within an existing building. The proposed exhaust and towers are located on the front of the building (east elevation). Site plan review is required pursuant to 134-1729(2) (c) because the generator's output exceeds 100kW.

ADDRESS: 2784 S OCEAN BLVD

OWNER: COVE COND AS IN DECL IN

OWNER'S REPRESENTATIVE: JAMES M CROWLEY ATTORNEY

PROPERTY CONTROL NO.: 50-43-44-23-05-000-0000

ZONING DISTRICT: R-D(2) High Density Residential

LEGAL DESCRIPTION:

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 7/24/20

APPLICATION NO.: Z-20-00279 **APPLICATION TYPE:** SITE PLAN REVIEW

ADDRESS: 2784 S OCEAN BLVD **TENANT:**The Cove

DESCRIPTION:

The applicant is requesting site plan approval to install a 250 kW generator that will be located within an existing building. The proposed exhaust and towers are located on the front of the building (east elevation). Site plan review is required pursuant to 134-1729(2)(c) because the generator's output exceeds 100kW.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Director, Planning, Zoning & Building	7/29/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	8/28/2020	No comment.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	7/29/2020	Generators have been a problem with each storm. The areas that they have been installed over heat and often trigger fire alarms that require emergency forces response. Please review with the manufacturer fresh air and exhaust demands of the unit that you intend to purchase. You do not want a new generator that you are unable to safely run for several days at a time.
PZB DIRECTOR	Wayne Bergman, Director, Planning, Zoning & Building	7/29/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	7/29/2020	I have no comments on this proposed site plan review for a 250 KW generator within the condominium building.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 9, 2020

Section of Agenda

Development Review - New Business

Agenda Title

Z-20-00281 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-D(2) High Density Residential and R-C Medium Density Residential The application of CH HOTEL, LLC (Andrew and Sarah Wetenhall and Family), relative to property located at **135 HAMMON AVE, 152 HAMMON AVE, AND 155 HAMMON AVE**, legal description on file, is described below. Request for a modification to the previously approved Special Exception for the Colony hotel use to allow the relocation of the previously held events on the west side of the ballroom building to the new east garden. The use of the garden area east of the ballroom building shall be primarily used as a pre-function space such as wedding ceremonies and cocktail receptions -all to be used in conjunction with the ballroom building that was approved by the Town Council In 1986. The Colony Hotel is requesting the following terms to be approved: 1) All pre-function events or ceremonies in the garden will be concluded by 10:00 p.m. 2) There shall be only background music allowed or live music of no more four instruments. 3) There shall be no DJ music 4) Microphone use shall be allowed for officiant for wedding services or an individual making remarks. 5) The hotel will agree to install a custom designed in-ground sound system to abate noise. 6) The hotel will install a mutually agreeable privacy/landscape buffer along the eastern property line. [Applicant's Representative: Maura Ziska Esq]

Presenter

ATTACHMENTS:

- ❑ **Memorandum Dated August 27, 2020 from Wayne Bergman, Director of Planning, Zoning and Building**
- ❑ **Comments from the Development Review Committee**
- ❑ **Letter Dated August 3, 2020 from Palm Beach Chamber of Commerce**
- ❑ **Email Dated July 24, 2020 from Paul Wood**
- ❑ **Email Dated July 24, 2020 from Paul Wood**

- ▢ **Email Dated July 24, 2020 from Paul Wood**
- ▢ **Email Dated July 24, 2020 from Paul Wood**
- ▢ **Email Dated July 24, 2020 from Paul Wood**
- ▢ **Email Dated July 24, 2020 from Paul Wood**
- ▢ **Email Dated July 23, 2020 from Dave and Cathy Brooker**
- ▢ **Email Dated July 14, 2020 from Alyssa Dweck**
- ▢ **Email Dated July 28, 2020 from Trish Jackson**
- ▢ **Email Dated July 16, 2020 from Linda Rochez**
- ▢ **Letter Dated July 20, 2020 from Paul Wood**
- ▢ **Photos from Letter Dated July 20, 2020 from Paul Wood**
- ▢ **Email Dated July 20, 2020 from Paul Wood**
- ▢ **Email Dated August 3, 2020 from Sarah Wetenhall**
- ▢ **Email Dated July 28, 2020 from Sarah Wetenhall**
- ▢ **Email Dated July 30, 2020 from Sarah Wetenhall**
- ▢ **Email Dated July 28, 2020 from Sarah Wetenhall**

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 09, 2020

To: Mayor and Town Council

From: Wayne Bergman, Director, Planning, Zoning & Building Department

Subject: **Z-20-00281 SPECIAL EXCEPTION WITH SITE PLAN REVIEW**
155 HAMMON AVE

Date: August 27, 2020

BACKGROUND

An application has been received for the following project:

REQUEST:

135, 152 & 155 HAMMON AVE Request for a modification to the previously approved Special Exception for the Colony hotel use to allow the relocation of the previously held events on the west side of the ballroom building to the new east garden. The use of the garden area east of the ballroom building shall be primarily used as a pre-function space such as wedding ceremonies and cocktail receptions -all to be used in conjunction with the ballroom building that was approved by the Town Council In 1986. The Colony Hotel is requesting the following terms to be approved: 1) All pre-function events or ceremonies in the garden will be concluded by 10:00 p.m. 2) There shall be only background music allowed or live music of no more four instruments. 3) There shall be no DJ music 4) Microphone use shall be allowed for officiant for wedding services or an individual making remarks. 5) The hotel will agree to install a custom designed in-ground sound system to abate noise. 6) The hotel will install a mutually agreeable privacy/landscape buffer along the eastern property line.

ADDRESS: 155 HAMMON AVE

OWNER: CH HOTEL LLC

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-26-00-001-0080

ZONING DISTRICT: R-D(2) High Density Residential

LEGAL DESCRIPTION: 26-43-43, BEING TH PT OF N 140FT OF S 1358.59
FT OF WLY 368.14 FT OF GOV LT 1 LYG E OF&
ADJ TO COUNTY RD

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Page Two

Attachment

cc: John C. Randolph, Town Attorney
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 7/24/20

APPLICATION NO.: Z-20-00281 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW

ADDRESS: 155 HAMMON AVE **TENANT:**THE COLONY HOTEL

DESCRIPTION:

135, 152 & 155 HAMMON AVE Request for a modification to the previously approved Special Exception for the Colony hotel use to allow the relocation of the previously held events on the west side of the ballroom building to the new east garden. The use of the garden area east of the ballroom building shall be primarily used as a pre-function space such as wedding ceremonies and cocktail receptions -all to be used in conjunction with the ballroom building that was approved by the Town Council In 1986. The Colony Hotel is requesting the following terms to be approved: 1) All pre-function events or ceremonies in the garden will be concluded by 10:00 p.m. 2) There shall be only background music allowed or live music of no more four instruments. 3) There shall be no DJ music 4) Microphone use shall be allowed for officiant for wedding services or an individual making remarks. 5) The hotel will agree to install a custom designed in-ground sound system to abate noise. 6) The hotel will install a mutually agreeable privacy/landscape buffer along the eastern property line.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Director, Planning, Zoning & Building	8/3/2020	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	8/28/2020	No comment.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	8/3/2020	The description indicates that the area is outside of the building. If restrictions are present to constrict exiting to a safe area of refuge fire codes could be a factor in the final plan. A life safety plan needs to be created especially if this is an area normally used for exiting the hotel occupants.
PZB DIRECTOR	Wayne Bergman, Director, Planning, Zoning & Building	8/3/2020	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	8/27/2020	The applicant received hardscape/landscape approval for improvement on the east side of the Colony ballroom. The owner is requesting special exception approval to allow the space to be used as an event venue for weddings, receptions and other possible events. Staff is concerned about the impacts of such activity on the neighbors that reside directly to the east of this area. Concern are related to the types of events, number, size and location. In addition, concern is also related to the noise that may emanate from this area to the condominium owners to the east. If the Council is to consider approving the use of the area, there should be a Declaration of Use Agreement that controls the use of this area, that until recently was a marginally used area used primarily as a buffer between the hotel and the residential property to the east.

August 3, 2020

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



TOWN OF PALM BEACH
AUG 05 2020
Town Manager's Office

RE: The Colony Palm Beach Garden

Dear Mayor & Town Council:

It is the chamber's hope that you will grant the necessary special exceptions to the hotel's garden area to the east. As a landmarked property – and one of the island's 'quintessential businesses' - every effort should be made to ensure its continued success. It is unfortunate that they must come back to council when approvals had already been given and approved by Landmarks.

Ownership has made significant efforts to address concerns regarding noise abatement. In addition to the installation of a state-of-the-art sound system, the hotel has structured its client contracts to include specific restrictions on activities and permissible music genres.

The current economic conditions on the island can ill-afford to further hamper commerce. Tourism is the major industry in Palm Beach, one heavily damaged by COVID-19. Similarly, far too many island businesses supported by tourism have suffered serious set-backs. Retail vacancies continue to rise. One bright spot has been your quick action for restaurants, having to operate at 50%, being allowed to have increased outdoor dining.

Independent enterprises, such as the Colony, are reliant upon their community's leadership to provide support not only for the free enterprise system, but survival. We trust you will agree and grant the special exceptions.

Sincerely,

palm beach chamber of commerce, inc.

400 royal palm way, suite 106, palm beach, fl 33480 www.palmbeachchamber.com
TC Dev Rev Meeting 9-9-20

561.655.3282

executive board

roy assad, chair
human capital group
ashley berry, vice-chair
brazilian court
john bowers, treasurer
td bank
laurel baker, ceo & secretary
palm beach chamber of commerce

board of directors

margrit bessenroth
salon margrit
carrie bradburn
capehart photography
joe chase
gunster
lilly leas ferreira
royal poinciana plaza
rob frisbie
the frisbie group
chris goldberg
bruce gendelman insurance
caroline harless
the harless group
yvonne jones, cpm, coim
the esplanade palm beach
carey o'donnell
o'donnell agency
david renna
the breakers palm beach
kirk blouin
town of palm beach, ex officio
harvey e. oyer, III, esq.
shutts & bowen, llp, historian

sandy coto
vp member relations
monique classen
member relations coordinator

From: [Paul Castro](#)
To: [Kelly Churney](#)
Subject: FW: Zoning Rules & The Colony Hotel
Date: Friday, July 24, 2020 12:19:44 PM

From: Paul Wood <paul@colonyvilla.com>
Sent: Tuesday, July 07, 2020 6:49 PM
To: Paul Castro <PCastro@TownofPalmBeach.com>
Cc: Kirk Blouin <KBlouin@TownofPalmBeach.com>; Wayne Bergman <wbergman@TownOfPalmBeach.com>; Carla Marcote <CMarcote@PalmBeachPolice.com>; Benjamin Alma <BAlma@PalmBeachPolice.com>
Subject: Re: Zoning Rules & The Colony Hotel

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Paul,

I have today received an email from The Colony Hotel attorney, **which states, that you were reckless and wrong in providing the advice below.** She goes on to state that the hotel will use the space as they see fit, including holding events.

Could you please clarify if the towns position remains as outlined below?

Kind Regards

Paul

From: Paul Castro <PCastro@TownofPalmBeach.com>
Date: Wednesday, June 24, 2020 at 12:52 PM
To: Paul Wood <paul@colonyvilla.com>
Cc: Kirk Blouin <KBlouin@TownofPalmBeach.com>, Wayne Bergman <wbergman@TownOfPalmBeach.com>, Carla Marcote <CMarcote@PalmBeachPolice.com>, Benjamin Alma <BAlma@PalmBeachPolice.com>
Subject: RE: Zoning Rules & The Colony Hotel

Mr. Wood,

Good afternoon. The Colony Hotel does not have permission to use the newly renovated garden on the east side of the Colony Hotel property for outdoor events. It is a passive space. They would need Town Council approval of a special exception in order to have events in that location. Via this email I am asking Code Enforcement to investigate your complaint. If you will send me your phone

number I will call you today when we get out of the Architectural Commission meeting. I am not sure when that will be as it is an all-day meeting.

Kindest regards,

Paul Castro, AICP

Zoning Manager

360 South County Road
Palm Beach, FL 33480
(561)227-6406
pcastro@townofpalmbeach.com

From: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Sent: Wednesday, June 24, 2020 11:15 AM
To: Paul Castro <PCastro@TownofPalmBeach.com>
Cc: Kirk Blouin <KBlouin@TownofPalmBeach.com>
Subject: Fwd: Zoning Rules & The Colony Hotel

Paul please call Mr. Wood today. Thank you.

Wayne Bergman
Sent from my iPhone

Begin forwarded message:

From: Paul Wood <paul@colonyvilla.com>
Date: June 24, 2020 at 10:49:44 AM EDT
To: Wayne Bergman <wbergman@TownOfPalmBeach.com>, Kirk Blouin <KBlouin@TownofPalmBeach.com>
Cc: Gail Coniglio <GConiglio@TownofPalmBeach.com>
Subject: Re: Zoning Rules & The Colony Hotel

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Messer's. Bergman and Blouin,

I would appreciate a reply to my questions outlined below in the original mail sent on Jun 9th, I find it difficult to understand how it takes over 2 weeks for a reply to a resident on what appear to be simple requests.

Whilst I was initially skeptical about a statement made by the General Manager of The Colony "that the town is on their side on this topic and won't respond to our complaints" I am being to think that there is perhaps truth in the statement that the town has taken a position on this topic and is choosing to ignore us.

In the absence of some clarity and action by the town on an issue that is significantly disturbing for multiple residents, and is causing harm, discomfort, repose, peace health and safety, we clearly will need to consider our next steps to resolve this issue.

Kind Regards

Paul Wood

From: Paul Wood <paul@colonyvilla.com>
Date: Monday, June 15, 2020 at 12:35 PM
To: "wbergman@townofpalmbeach.com" <wbergman@townofpalmbeach.com>
Cc: "kblouin@townofpalmbeach.com" <kblouin@townofpalmbeach.com>
Subject: Re: Zoning Rules & The Colony Hotel

As we are about to encounter event #2 with amplified sound this evening; I would be grateful if you could let me know when you will be able to provide an answer to my questions below.

Kind Regards

Paul Wood

From: Paul Wood <paul@colonyvilla.com>
Date: Tuesday, June 9, 2020 at 2:53 PM
To: "wbergman@townofpalmbeach.com" <wbergman@townofpalmbeach.com>
Subject: Zoning Rules & The Colony Hotel

Dear Sir,

I would like to understand the zoning rule and permits issued to The Colony Hotel.

I am a resident / President of the Board for The Ocean Colony Palm Beach COA which is located directly alongside the hotel. The Colony recently renovated the East Garden area and have started to use it as an event space. Last evening they held an event that had amplified music from a live band, singing and other noise. This noise at times reached over 98DBA when measured from my home. The impact of this noise is significant and infringes on the life and comfort of the residents of Ocean Colony COA. Indeed, I believe that given the close proximity (2.5 feet) to the residences, it would always directly contravene, S42-196 (3) of the Town Ordinance on prohibited noise.

The residents of Ocean Colony (5 homes) have no issues with the outside space being used but strongly believe the use of the new event space should be restricted and have a covenant to prohibit the use of live music and amplified sound that would inevitably contravene S42 -196(3) of the Town ordinance, otherwise every time there is an event of any kind that disturbs us we are going to have to seek enforcement by the police.

Could you advise if we need to petition the zoning board to seek such a restriction to the use of the East garden?

Could you also please clarify if event permits are required for events at the hotel?

Is a permit required to erect temporary structures such as tents and stages?

Kind Regards

Paul Wood
President Ocean Colony Palm Beach COA

Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do

not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.

From: [Paul Castro](#)
To: [Kelly Churney](#)
Subject: FW: Zoning Rules & The Colony Hotel Gathering of 150
Date: Friday, July 24, 2020 12:19:59 PM

From: Paul Wood <paul@colonyvilla.com>
Sent: Wednesday, June 24, 2020 2:01 PM
To: Benjamin Alma <BAAlma@PalmBeachPolice.com>; Paul Castro <PCastro@TownofPalmBeach.com>; Aly Serrano <aserrano@TownOfPalmBeach.com>
Cc: Kirk Blouin <KBlouin@TownofPalmBeach.com>; Wayne Bergman <wbergman@TownOfPalmBeach.com>; Carla Marcote <CMarcote@PalmBeachPolice.com>
Subject: Re: Zoning Rules & The Colony Hotel Gathering of 150

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Ben,

To be specific the events were held on Jun 8th and 15th both in the evening after 7pm. On the evening of the first event we called the 24 hour police line and reported the noise as the level was in excess of 98DBA.

On both days the event was set up throughout the day; on the first event they dismantled the stage and the associated equipment throughout the night with the contractors breaking down the stage after midnight.

We are trying to be reasonable about the use of area, and we were surprised (and pleased) by the note from zoning that the space cannot be used for events as The Colony Management and CEO have told us it was approved by the town.

Our main issues is the amplified sound and live music when they are approximately 2.5 feet from our property line and all there is to divide us area shrubs, so having a commercial grade speak outside your living room blasting amplified trumpet and saxophones, is not conducive to a healthy home life.

Thanks

Pail

From: Benjamin Alma <BAAlma@PalmBeachPolice.com>
Date: Wednesday, June 24, 2020 at 1:35 PM
To: Paul Wood <paul@colonyvilla.com>, Paul Castro <PCastro@TownofPalmBeach.com>, Aly

Serrano <aserrano@TownOfPalmBeach.com>

Cc: Kirk Blouin <KBlouin@TownofPalmBeach.com>, Wayne Bergman <wbergman@TownOfPalmBeach.com>, Carla Marcote <CMarcote@PalmBeachPolice.com>

Subject: RE: Zoning Rules & The Colony Hotel Gathering of 150

Good afternoon,

Hope everyone is staying safe and healthy.

I don't see where a violation has occurred, yet. It appears the concern is that a violation may occur. If I am wrong, please let me know the date/time of the violation(s).

Please call 561-838-5454, 24/7, to report any violation.

I am also attaching the emails which Mr. Wood sent to Code Officer John Moriarty and the Town Manager's Office.

Thank you,

Ben

From: Paul Wood <paul@colonyvilla.com>

Sent: Wednesday, June 24, 2020 12:56 PM

To: Paul Castro <PCastro@TownofPalmBeach.com>

Cc: Kirk Blouin <KBlouin@TownofPalmBeach.com>; Wayne Bergman <wbergman@TownOfPalmBeach.com>; Carla Marcote <CMarcote@PalmBeachPolice.com>; Benjamin Alma <BAлма@PalmBeachPolice.com>

Subject: Re: Zoning Rules & The Colony Hotel

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Kind Regards

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Sent from my iPhone

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Paul Castro, AICP

Zoning Manager

360 South County Road

Palm Beach, FL 33480

(561)227-6406

pcastro@townofpalmbeach.com

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Subject: Fwd: Zoning Rules & The Colony Hotel

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Cc: "kblouin@townofpalmbeach.com"

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Subject: Re: Zoning Rules & The Colony Hotel

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<wbergman@townofpalmbeach.com>

Subject: Zoning Rules & The Colony Hotel

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From: [Paul Castro](#)
To: [Kelly Churney](#)
Subject: FW: Zoning Rules & The Colony Hotel Gathering of 150
Date: Friday, July 24, 2020 12:20:11 PM

From: Paul Wood <paul@colonyvilla.com>
Sent: Wednesday, June 24, 2020 1:45 PM
To: Benjamin Alma <BAlma@PalmBeachPolice.com>; Paul Castro <PCastro@TownofPalmBeach.com>; Aly Serrano <aserrano@TownOfPalmBeach.com>
Cc: Kirk Blouin <KBlouin@TownofPalmBeach.com>; Wayne Bergman <wbergman@TownOfPalmBeach.com>; Carla Marcote <CMarcote@PalmBeachPolice.com>
Subject: Re: Zoning Rules & The Colony Hotel Gathering of 150

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If as described by Mr Castro, that the space is for passive use only, and the hotel is not permitted to hold outside events there, then there have been 2 breaches of that rule. They have held 2 weddings in the outside space. On both occasions they erected temporary stages, had outside music which was amplified and disturbed us. Those would appear to be the code violations.

Both of these events are mentioned in my mails to Code Enforcement when I was seeking clarity on the use of the space.

Regards

Paul Wood

From: Benjamin Alma <BAlma@PalmBeachPolice.com>
Date: Wednesday, June 24, 2020 at 1:35 PM
To: Paul Wood <paul@colonyvilla.com>, Paul Castro <PCastro@TownofPalmBeach.com>, Aly Serrano <aserrano@TownOfPalmBeach.com>
Cc: Kirk Blouin <KBlouin@TownofPalmBeach.com>, Wayne Bergman <wbergman@TownOfPalmBeach.com>, Carla Marcote <CMarcote@PalmBeachPolice.com>
Subject: RE: Zoning Rules & The Colony Hotel Gathering of 150

Good afternoon,

Hope everyone is staying safe and healthy.

I don't see where a violation has occurred, yet. It appears the concern is that a violation may occur. If I am wrong, please let me know the date/time of the violation(s).

Please call 561-838-5454, 24/7, to report any violation.

I am also attaching the emails which Mr. Wood sent to Code Officer John Moriarty and the Town Manager's Office.

Thank you,
Ben

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Importance: High

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Subject: FW: Zoning Rules & The Colony Hotel
Date: Friday, July 24, 2020 12:21:05 PM

From: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Sent: Tuesday, June 09, 2020 3:18 PM
To: Paul Castro <PCastro@TownofPalmBeach.com>; Bradley Falco <bfalco@TownOfPalmBeach.com>
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From: [Paul Castro](#)
To: [Wayne Bergman](#); [Laura Groves van Onna](#); [Bradley Falco](#); [Kelly Churney](#)
Subject: FW: The Colony Hotel Use of East Garden
Date: Thursday, July 23, 2020 12:59:41 PM

fyi

From: D B <brookerde@gmail.com>
Sent: Thursday, July 23, 2020 11:52 AM
To: Paul Castro <PCastro@TownofPalmBeach.com>
Cc: Cathy Brooker <brookerce@gmail.com>
Subject: The Colony Hotel Use of East Garden

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Dear Mr Castro,

My wife and I live in Unit #4 at 129 Hammon Ave. We purchased the property in September of 2018 and have been living here largely year-round. During our ownership the area to the East side of our property has never been used by The Colony Hotel for any outside activity; it was a grassed area with a footpath. From our second floor unit we rarely even saw people in this area.

I now understand that having renovated the East Garden, The Colony Hotel intends to use this space for events. This comes as a surprise and alarm to us as we were never notified of any use considerations for that space. Given there were two recent experiences of 2 events where they used amplified sound and had live music and singing, such new use will significantly impact my home. It would significantly impact our comfort, repose, peace and health. I strongly object to the new use of the space as an event space and in particular the use of amplified sound.

I would also add to this that during the construction of the East Garden The Colony Hotel has degraded the appearance of the property from our side. Specifically they have failed to maintain their hedge along the property line, left the backside of the newly constructed water feature completely unfinished and failed to monitor their contractors who left trash, tarps and other construction debris that made it's way onto our property. All of which was brought to their attention. Point being, The Colony Hotel has failed to have any regard for the surrounding neighbors which leave us to believe they will not comply with noise limitations for events nor will they keep the area free of trash.

Please bring my objection to the notice of any of the Town Bodies or Council that are considering a formal application for a change of use, or appeal against the current use to change the use of this space.

Kind Regards

Dave and Cathy Brooker
129 Hammon Ave., #4

From: [Paul Castro](#)
To: [Maura Ziska](#)
Cc: [Wayne Bergman](#); [Kelly Churney](#)
Subject: FW: noise issue
Date: Tuesday, July 28, 2020 12:22:44 PM

Maura,

Here is another complaint letter I didn't realize I had.

Paul Castro, AICP
Zoning Manager

360 South County Road
Palm Beach, FL 33480
(561)227-6406
pcastro@townofpalmbeach.com

From: Alyssa Dweck <alyssadweck@gmail.com>
Sent: Tuesday, July 14, 2020 11:28 AM
To: Paul Castro <PCastro@TownofPalmBeach.com>
Cc: Evan Krakovitz <ekrakovitz@gmail.com>
Subject: noise issue

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Mr Castro,

I own a property at Unit 1 129 Hammon Ave.

During my ownership the area to the side of my property has never been used by The Colony Hotel for any outside activity; it was a car parking and grassed area with a footpath.

I now understand that having renovated the East Garden, The Colony Hotel intends to use this space for events, and from our recent experiences of 2 events, where they used amplified sound systems had live music and singing, such new use will significantly impact my home. The NEW use has never been noticed to us as a change, and it significantly impacts our comfort, repose, peace and health. I strongly object to the new use of the space as an event space and in particular the use of

amplified sound. Please bring my objection to the notice of any of the Town Bodies or Council, that are considering a formal application for a change of use, or appeal against the current use to change the use of this space.

Kind Regards

Alyssa Dweck MD and Evan Krakovitz MD

From: [Paul Castro](#)
To: [Maura Ziska](#)
Cc: [Wayne Bergman](#); [Kelly Churney](#)
Subject: FW: Re Colony Hotel's use of East Garden
Date: Tuesday, July 28, 2020 3:16:01 PM

FYI

From: Trish Jackson <trishrjackson@hotmail.com>
Sent: Tuesday, July 28, 2020 2:58 PM
To: Paul Castro <PCastro@TownofPalmBeach.com>
Subject: Re Colony Hotel's use of East Garden

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Mr. Castro,

My name is Patricia Jackson and I reside at 129 Hammon Ave, apartment 3. I want to let you know that, despite the attorney of the Colony's notes to the town, neither I, nor anyone else in our complex, was notified at all of the hotel's intent to convert their East Garden into a space for live events. This area directly abuts our property at 129 and 133 Hammon and is in very close proximity to all of our units.

The area where the Colony's East Garden is now used to be a quiet space between the hotel and our property. Based on the live events that have been hosted in the new space just so far, with raucous loud, amplified sounds and music continuing too late into the night, it's clear that continued use of that area as planned by the Colony would significantly impede on our right to quiet enjoyment of our homes.

The fact that the Colony converted this space without notifying any of their neighbors of their intent, knowing ahead of time that it would inevitably cause us great disturbance, is very disheartening. This isn't a cosmetic change that they want to push through; it's something that will have long-lasting ramifications on our ability to live in and enjoy our own homes peacefully. Because of this, I ask you to please bring my objection to the notice of any of the Town Bodies or Council that are considering the application for a change of use of that space.

Kind regards,

Patricia R Jackson

From: [Paul Castro](#)
To: [Kelly Churney](#)
Subject: FW: Colony Hotel East-side Garden Area
Date: Friday, July 24, 2020 12:18:17 PM

-----Original Message-----

From: linda strulowitz <lrochez@aol.com>
Sent: Thursday, July 16, 2020 3:04 PM
To: Paul Castro <PCastro@TownofPalmBeach.com>
Subject: Colony Hotel East-side Garden Area

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Mr. Castro,

As one of the first original owners at 129 Hammon Ave., Unit 2, since 2013, we've never have had any problems with noise from the Colony Hotel until recently.

Since the Colony has renovated and expanded to the east side of their property, we have had very loud and unpleasant noises and extremely loud music coming from there.

I usually receive notifications in the mail from the Town of Palm Beach regarding any changes or variances to properties around our building, but I do not remember receiving anything that mentioned the usage changes to the east side of their property that would allow them to make all those loud music, singing and dancing noises.

I strongly object to the new usage of their east side property, along with my other Ocean Colony neighbors.

Please bring my objections to the notice of the Palm Beach Town Board or whomever oversee's these types of changes of use or appeal the current use to change the use of this space.

Best Regards,

Linda Rochez
129 Hammon Ave., Unit 2
Palm Beach, FL 33480
Ph: 561-951-5476

Ocean Colony Palm Beach COA

129 Hammon Ave, Unit 5, Palm Beach, Florida 33480

July 20, 2020

**Mayor and Town Council
Town of Palm Beach
By EMAIL**

Dear Mayor and Members of the Town Council,

OBJECTIONS TO CHANGE OF USE – EAST SIDE GARDEN – THE COLONY HOTEL

I write to you as a resident and The Board President of The Ocean Colony Palm Beach Condo Association (129 Hammon Ave, Palm Beach). The objections outlined in this letter are those of the Board of the Association (representing all 5 residents).

Ocean Colony Condominiums are located next to The Colony Hotel on Hammon Ave in Palm Beach. The hotel has recently established a new garden area on the east side of the hotel, adjacent to the ballroom. Prior to the conversion to a garden space, the area had a tandem car parking space, and a grassed area with a pathway leading from Hammon Ave to The Esplanade. To give the Council some perspective, this new garden area is separated from our property by only a Fichus hedge and directly abuts our property line and homes. There is no solid barrier between the two properties. (see photographs attached). Events held in this space have no noise barrier to subdue the sounds from The Hotel Garden to our properties.

Having established the new garden area, the hotel has started to use it for outside events. Two events (both weddings) have taken place in the new garden in the month of Jun. At both of these events, the hotel used amplified sound systems to provide music, singing, a live band and speeches associated with the ceremonies. On the first occasion, the noise from the speakers, which were positioned adjacent to the property line exceed 98DBA after 7 pm in the evening. The second events amplified sound averaged 65DBA but was again after 7pm in the evening. The use of this adjacent area so close to our property line for events with amplified sound systems, singing and live music is not conducive with a residential area. Notwithstanding the area is both commercial and residential, this new / change of use was done without any consultation or reference to the adjacent properties.

Following the 2 events held in the East Garden we complained to the Town of Palm Beach Zoning Manager about this use; we have been advised that such use has not been approved and that The Colony Hotel is in breach of its current Special Exception. We understand that the hotel is now appealing the decision and is seeking agreement from the town council to have the East Garden approved for outside events.

The Board of Ocean Colony Palm Beach Condo Association and all 5 residents, want to formally lodge our objections to this proposed new use. We firmly believe that if the hotel is allowed to use the East Garden for outside events and have amplified sound, bands, live music or singing it will significantly detract from the residential aspect of our homes. We also are of the view that any of these activities would be contrary to Section 42-196 the Town of Palm Beach Ordinance on Prohibited noise:

Sec. 42-196. - Prohibited noise.

It shall be unlawful for any person to make, continue, or cause to be made or continued:

- (1) Any loud or raucous noise;
- (2) Any noise that tends to annoy the community or injure the health of the citizens in general;
or
- (3) Any noise that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any considerable number of persons. A considerable number of persons, for this section, shall mean three or more unrelated persons in separate households.

Any amplified sound, music, singing, speeches, live bands, so close to our property line would breach this ordinance as it would be impacting 5 residents in different properties.

The hotel has ample outside space which it has always used for outside events and weddings. We see no justification to permit an extension of this Special Exception to include the East Garden Area. As one of original owners and founders of the Association has indicated, the hotel has never used this space for outside events and she has owned at the Ocean Colony since 2013; so this proposed use of this area is NEW and any change of use needs to consider the impact on the nearby residents, who will be significantly disturbed by the proposal. All of the residents believe this will impact their health, peace, comfort and repose and should be prohibited.

If the Town should feel that the area should be permitted for outside use, and the area of the Special Exception for the Hotel is extended, then we believe, at a minimum, the compromise must be that a restriction is placed on the use that prohibits at all times the use of amplified sounds, live music, singing, bands, musical instruments and speeches; all of which would be disturbing to the residents adjacent and beyond.

Kind Regards

Electronically Signed Paul Wood

Paul Wood

President Ocean Colony (Palm Beach) COA



View of Garden and 129 Hammon showing close proximity and dividing hedge.



View of Garden and hedge and new water fountain.

At the first event a stage was erected on the lawn area and speakers positioned close to Hedge near to Unit 5. The speakers were separated from 129 Hammon by only the 2.5 feet hedge.



Area where commercial grade amplified speaker was positioned at first event showing close proximity to 129 Hammon Unit 5 and no barrier to prevent sound.

From: [Paul Castro](#)
To: [Wayne Bergman](#)
Cc: [Laura Groves van Onna](#); [Bradley Falco](#); [Kelly Churney](#)
Subject: FW: Objections to the Extension of the Special Exception - The Colony Hotel
Date: Monday, July 20, 2020 10:47:19 AM
Attachments: [TPB COMPLAINT.docx](#)
[Photo Supplement.docx](#)

Wayne,

For your information.

Paul Castro, AICP
Zoning Manager

360 South County Road
Palm Beach, FL 33480
(561)227-6406
pcastro@townofpalmbeach.com

From: Paul Wood <paul@colonyvilla.com>
Sent: Monday, July 20, 2020 9:52 AM
To: Town Council <TCouncil@TownofPalmBeach.com>
Cc: Paul Castro <PCastro@TownofPalmBeach.com>
Subject: Objections to the Extension of the Special Exception - The Colony Hotel

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Mayor and Members of the Town Council,

We understand that The Colony Hotel is appealing the decision made by the Town Zoning Manager that the newly renovated area to the East of the Hotel Ballroom cannot be used for outside events.

The 5 residents of Ocean Colony Palm Beach Condominium Association (12 Hammon Ave) which directly abuts the East Garden strongly object to this proposed use or any extension of the Hotels Special Exception status to use this area for outside events.

Please find attached a letter that we hope you will consider carefully when reviewing

the appeal.

Use of this space for outside events where amplified sound systems, music, live bands and other similar activities are used would significantly impact the quality of life for all 5 homes.

Kind Regards

Paul Wood
President Ocean Colony COA

From: [Paul Castro](#)
To: [Wayne Bergman](#)
Cc: [Bradley Falco](#); [Laura Groves van Onna](#); [Kelly Churney](#)
Subject: FW: East Garden Plans
Date: Monday, August 03, 2020 10:25:23 AM

Wayne,

For your information.

Paul Castro, AICP
Zoning Manager

360 South County Road
Palm Beach, FL 33480
(561)227-6406
pcastro@townofpalmbeach.com

From: Sarah Wetenhall <swetenhall@thecolonypalmbeach.com>
Sent: Monday, August 03, 2020 10:19 AM
To: Paul Wood <paul@colonyvilla.com>
Cc: Alyssa Dweck <alysadweck@gmail.com>; CB <brookerce@gmail.com>; Evan Krakovitz <ekrakovitz@gmail.com>; Trish Jackson <trishrjackson@hotmail.com>; Linda Rochez <lrochez@aol.com>; Matt Leeson-Wood <matt@colonyvilla.com>; Paul Castro <PCastro@TownofPalmBeach.com>; Maura Ziska <MZiska@floridawills.com>
Subject: Re: East Garden Plans

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Good morning Paul and other neighbors at 129/133 Hammon Avenue, I would be happy to schedule a Zoom call with the collective owners at 129/133 Hammon Avenue at a day and time that is mutually agreeable to you all this week, so we can together discuss the current situation on Hammon Avenue. It is my sincere hope that we can come to this conversation with open eyes and open minds - truly willing to hear each other's perspectives and develop a mutually acceptable usage. The proposal made in email below is unchanged from the demands made in the letter Paul placed in my mailbox on June 10, 2020. The Colony Hotel is willing to negotiate and place reasonable limitations on how we use the East Garden for its commercial intent in an effort to be community-minded and neighborly - but for this conversation to work, you and your fellow owners must also be willing to give as well. To that end, please send through some days/times that work for the group, and I will arrange the Zoom link.

With warmest regards from our Pink Paradise,

Sarah J. Wetenhall
The Colony Hotel Palm Beach
155 Hammon Avenue
Palm Beach, FL 33480
www.thecolonypalmbeach.com
917.603.4990 mobile
561.531.5417 office



On Jul 28, 2020, at 2:27 PM, Paul Wood <paul@colonyvilla.com> wrote:

Dear Sarah,

I hope you all got home safely and are staying safe and well.

The Town of Palm Beach has advised us all of the proposal to seek a special exception and extend the current Hotel exception to include the East Garden and allow you to use it for events with amplified sound and musicians. While we have not yet seen the proposed variation the town have suggested that we reach out to you personally to outline our concerns as the neighbors abutting the area as those that will be directly impacted by the proposed use. I know your attorney has made it clear that we should only communicate through her, but as you indicated in a mail to Paul Castro, it seem that you are open to having a discussion about the topic before the Town hearing.

I am therefore writing to you once again on behalf of your neighbors (all copied here) with regard to the planned use of the East Garden area. As I mentioned when we spoke, we are all pleased to see the improvements to the east garden area and fully understand your desire to make use of it. However, each of your 5 neighbors feels very strongly that any use of the garden area that involves events that use amplified sound, has live music and /or musicians will have a direct impact on our lives and homes. It will significantly disturb us as there is no barrier between the two properties, other than the fichus hedge which offers no sound protection at all. Use of amplified sound systems, live music and musicians will annoy each of us,

it will endanger our comfort, repose, peace and safety. We have already experienced this on the 2 occasions that you have held events there, when we (Unit 5) could not even hear our own television as the commercial grade speaker was less than 2.5 feet from our front door.

We all would like you to consider that when using the east garden for events you do not allow the use of amplified sound systems, have no live music or musicians and for the events to stop at 9pm. The Hotel has always used the outside space you have in the area of the pool and that has never concerned or impacted us, and we would respectfully ask that you continue with that use and limit the use of the East Garden to events that don't need the amplified sound or live music.

The Board of the Association would be more than happy to hold a call with you to discuss this further if that would be helpful.

I do hope you can understand the impact the use of garden as proposed will have on our community and we ask that you take our concerns seriously so as to ensure we continue to have good neighborly relations.

Kind Regards

Paul

774-994-7766

From: [Sarah Wetenhall](#)
To: [Paul Castro](#)
Cc: [Wayne Bergman](#); [Maura Ziska](#); [Kelly Churney](#); [Town Council](#)
Subject: response to Linda Rochez complaint - The Colony Hotel
Date: Tuesday, July 28, 2020 12:26:38 PM

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Paul,

I am writing you in response to Ms. Linda Rochez' email dated July 16, 2020 complaining about the East Garden of The Colony Hotel. It is the purpose of this communication to set the record straight regarding the facts addressed in her note. A few things for you, town staff and the Town Council to be aware of:

--[if !supportLists]-->• <!--[endif]-->Ms. Rochez does herself not reside in Unit 2 at 129 Hammon Avenue and she personally was not present in June 2020 when the two events in question took place. In fact, Ms. Rochez has had a tenant in her unit for multiple years, Ms. Sarah Rebecca Maier Robinson, who runs a fashion business out of the apartment, Rebecca Charles Collections, Inc. This business is registered on SunBiz as having its principal address at 129 Hammon Avenue, Apartment 2, Palm Beach Florida 33480 and has filed documentation since 2018 using this address.

--[if !supportLists]-->• <!--[endif]-->At the date of her email, Ms. Rochez was actually in contract to sell Unit 2.

--[if !supportLists]-->• <!--[endif]-->Ms. Rochez did indeed receive notice from the Town of Palm Beach regarding the East Garden, LPC Case Number COA-017-2019. The notice was sent to her at 340 S US Highway 1, Apartment 207, Jupiter Florida 33477 which is the town's mailing address on file for their property, PCN 50434326090020020.

--[if !supportLists]-->• <!--[endif]-->Ms. Rochez notes in her message that 'we have had very loud and unpleasant noises and extremely loud music coming from there.' The Colony Hotel has only executed two events in our East Garden, Rabbi Scheiner's daughter's wedding on June 8th and then another small, socially distant Orthodox wedding ceremony the following Monday on June 15th. I am unsure exactly what 'unpleasant noises' she is referring to, as both ceremonies were happy occasions consisting of music and singing. My family resides just to the west at 125 Hammon Avenue, and we were in residence during the time in question and

we certainly didn't hear any 'unpleasant noises.' I think her description is indicative of the fact that Ms. Rochez wasn't indeed present to experience the two events personally and was instead likely compelled to complain by Mr. Paul Wood, her board president.

--[if !supportLists]-->• <!--[endif]-->For the record, this email is the first I am hearing of any complaint from Ms. Rochez. While my team and I have spoken with Mr. Paul Wood regarding similar matters previously, I am surprised that Ms. Rochez would not first speak with someone from The Colony about how we could work to find common ground before lodging her complaint with town staff.

Thank you kindly taking my email under consideration and for adding it to the appropriate record. Please don't hesitate to contact me if you have any questions or require further information.

With warmest regards from our Pink Paradise,

Sarah

Sarah J. Wetenhall
The Colony Hotel Palm Beach
155 Hammon Avenue
Palm Beach, FL 33480
www.thecolonypalmbeach.com
917.603.4990 mobile
561.531.5417 office



From: [Sarah Wetenhall](#)
To: [Paul Castro](#)
Cc: [Maura Ziska](#); [Town Council](#); [Kelly Churney](#); [Wayne Bergman](#)
Subject: response to Jackson complaint - The Colony Hotel
Date: Thursday, July 30, 2020 3:58:09 PM

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Paul,

I am writing you in response to Patricia Jackson's email dated July 28, 2020 complaining about the East Garden of The Colony Hotel. It is the purpose of this communication to set the record straight regarding the facts addressed in her note. A few things for you, town staff and the Town Council to reference:

- Ms. Jackson states that she and her neighbors did not receive notice as to the development of the garden. Ms. Jackson indeed did not receive notice of this nature, as she was not a homeowner at 129 Hammon Avenue during 2019 when The Colony Hotel received all relevant permissions and notifications were mailed to all of our neighbors. Ms. Jackson has only recently purchased Unit 3 at 129 Hammon Avenue in April of 2020, so she would not have received notice from the Town of Palm Beach regarding the East Garden, LPC Case Number COA-017-2019. Instead notice was sent to the owner of Unit 3 during that time, Ms. Diana Standish at 401 North Wabash Avenue, Unit 38H Chicago Illinois 60611, which was the town's mailing address on file for her property, PCN 50434326090020030.
- Ms. Jackson states that the East Garden has never been used for any outside activity. This is factually incorrect as that space has not only been used as the Hotel's employee entrance since December 2016, but it is also the loading zone for all events that take place at the hotel. So, it is without doubt a very active area that sees heavy foot traffic, loading and unloading noise, and whatnot for every event that takes place within the hotel's ballroom facility.
- She also comments in her email that the live events have had 'raucous loud, amplified sounds and music continuing too late into the night.' This is a blatant mischaracterization of the facts. On June 8th one wedding ceremony took place from 6:30pm to 7:30pm in the East Garden and then again on June 15th a second wedding ceremony took place from 7:00pm to 8:30pm in the East Garden. Neither were 'raucous' or 'late into the night' - they were joyful wedding ceremonies both of which took place on Monday evenings. The Colony is happy to provide the Run of Show from both wedding planners to evidence the timing of the events if necessary. It is worth noting that in both cases the receptions following these ceremonies took place within The Colony's inside ballroom function facility, as is the plan for future weddings going forward.
- It is also important to be aware that of June 26, 2020 when my family departed Palm Beach for the summer, Ms. Jackson had yet to move into her new condo on Palm Beach. She was not personally present to experience these events, nor has she experienced a previously positive or negative relationship as a neighbor of The Colony Hotel. Her description of these events, and of what the East Garden space used to look like and sound like are purely hearsay

- as is her comment that The Colony is trying to 'push through' this cosmetic change. Ms. Jackson, being a newcomer to Hammon Avenue, isn't familiar with the processes that the Hotel has gone through in previous years or the permissions recieved by the previous Director of Planning, Zoning and Building as well as the Landmarks Comission. She has likely been compelled by Mr. Paul Wood, the president of the condo association, to make such statements, who himself is a relative newcomer to the situation as he only purchased his condo in November of 2019.

Thank you kindly for your time and attention regarding this email. Don't hesitate to let me know if you have questions or need further information.

With warmest regards from our Pink Paradise,

Sarah J. Wetenhall
The Colony Hotel Palm Beach
155 Hammon Avenue
Palm Beach, FL 33480
www.thecolonypalmbeach.com
917.603.4990 mobile
561.531.5417 office



From: [Sarah Wetenhall](#)
To: [Paul Castro](#)
Cc: [Town Council](#); [Maura Ziska](#); [Wayne Bergman](#); [Kelly Churney](#)
Subject: response to Brooker complaint - The Colony Hotel
Date: Tuesday, July 28, 2020 12:41:22 PM

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Paul,

I am writing you in response to Dave and Cathy Brooker's email dated July 23, 2020 complaining about the East Garden of The Colony Hotel. It is the purpose of this communication to set the record straight regarding the facts addressed in their note. A few things for you, town staff and the Town Council to reference:

--[if !supportLists]-->• <!--[endif]-->Despite statements to the contrary, as far as we know the Brookers do not reside year-around in Unit 4 at 129 Hammon Avenue nor were they present in June 2020 when the two events in question took place. For the record, my family and I reside in our personal home at 125 Hammon Avenue (which is directly to the West side of 129 Hammon Avenue), and we were at home during the time period referenced. It is a small community that lives on Hammon Avenue, especially during COVID-19 when the hotel is closed, and we often interacted with Mr. Paul Wood and Mr. Matthew Leeson, as well as with our neighbors from Winthrop House, but not once did we see the Brookers in residence.

--[if !supportLists]-->• <!--[endif]-->I take personal offence with The Brookers summary statement that 'The Colony Hotel has failed to have any regard for the surrounding neighbors.' The Colony Hotel prides itself on being a town-serving business, a leader in the community, and we always attempt to be kind and thoughtful to our neighbors; when we make mistakes we address them in a timely fashion and we apologize when appropriate, as I did personally to Mr. Paul Wood when he complained after our first event on June 8th. But surprisingly, The Brookers have not once complained to The Colony about any of the issues that they bring up in this note. As their neighbor on both sides, I am dismayed by this lack of common courtesy and neighborly behavior.

--[if !supportLists]-->• <!--[endif]-->Mr. and Mrs. Brooker did indeed receive notice from the Town of Palm Beach regarding the East Garden, LPC Case Number COA-017-2019. The notice was sent to them at 1619 19th Street NW, Washington DC 20009, which is the town's mailing address on file for their property, PCN 50434326090020040.

--[if !supportLists]-->• <!--[endif]-->The Brookers state that the East Garden has never been used for any outside activity. This is factually incorrect as that space has not only been used as the Hotel's employee entrance since December 2016, but it is also the loading zone for all events that take place at the hotel. So, it is without doubt a very active area that sees heavy foot traffic, loading and unloading noise, and whatnot for every event that takes place within the hotel's ballroom facility.

--[if !supportLists]-->• <!--[endif]-->I would like to point out that the statement that The Colony Hotel has failed to maintain 'their' hedge along the property line is erroneous. The Ficus Benjamina that is planted on the lot line between 135 and 129 Hammon Avenue is a shared hedge that both The Colony Hotel and The Ocean Colony Palm Beach Condo Association have joint responsibility to maintain. The Ficus is infested with Whitefly and is indeed not thriving. Earlier in 2020 The Colony approached Mr. Paul Wood, the President of the Condo Association, to ask if they be willing to share the cost of a new Podocarpus hedge. The Podocarpus would provide better screening and privacy for all parties involved and also be Whitefly resistant, but this suggestion was declined. Since then, The Colony gardeners have trimmed the existing Ficus hedge on both sides (with their permission) to allow sunlight to permeate, and they have been feeding and attempting to maintain the hedge as best as possible. But it is a challenge given the nature of the hedge and the infestation – additionally to make the situation worse, our gardeners discovered that the workers who were hired to paint 129 Hammon Avenue were dumping paint run-off into the root system of the Ficus hedge. In summary, The Colony is doing all we can to maintain an unhealthy and severely damaged hedge, that is in truth a shared responsibility between the two entities.

--[if !supportLists]-->• <!--[endif]-->Indeed, the water feature in the East Garden remains unfinished, as the tiles lining the face of the fountain arrived in the wrong color. As soon as the correct color tiles arrive the water feature will be finished. This was an error that is completely out of our control.

--[if !supportLists]-->• <!--[endif]-->Mr. and Mrs. Brooker are correct, the contractors who were hired to build the garden were storing some construction materials on the back side of the water feature at the end of each day, in an attempt to leave a clean worksite that was visually pleasing to all from Hammon Avenue. This was erroneous on the part of the workers, but they were attempting to do the 'correct' thing from the town's perspective and leave a tidy site. As soon as The Colony learned of this practice we requested that the contractors immediately cease storing the items behind the fountain and instead store their materials inside the hotel at the end of their workday. Again, it was an innocent error that was rectified as soon as I was made aware.

I thank you for taking the time to read this note and seeing that it gets added to the appropriate file. I am happy to speak on the phone if you have any questions.

With warmest regards from our Pink Paradise,

Sarah J. Wetenhall
The Colony Hotel Palm Beach
155 Hammon Avenue
Palm Beach, FL 33480
www.thecolonypalmbeach.com
917.603.4990 mobile
561.531.5417 office



With warmest regards from our Pink Paradise,

Sarah

Sarah J. Wetenhall
The Colony Hotel Palm Beach
155 Hammon Avenue
Palm Beach, FL 33480
www.thecolonypalmbeach.com
917.603.4990 mobile
561.531.5417 office



TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 9, 2020

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE 12-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 54, Historical Preservation, Town Code Of Ordinances, Article III, Certificate Of Appropriateness, Division 1, Generally, Section 54-71, Required, Subsection (f), Removing The Value Threshold For Minor Projects; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated June 29, 2020 from Wayne Bergman, Acting Director of Planning, Zoning and Building**
- ▣ **Ordinance 12-2020**
- ▣ **Backup relating to Ordinance 12-2020**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 12, 2020

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Asst. Director of Planning, Zoning & Building



Re: Proposed Changes to Chapter 54 – Historical Preservation
Ordinance No. 12-2020 - First Reading

Date: July 29, 2020

STAFF REQUEST & RECOMMENDATION

Staff requests that the Town Council consider Ordinance No. 12-2020 (revisions to Chapter 54, Historical Preservation). Staff further recommends that the Town Council approve Ordinance No. 12-2020 on First Reading.

GENERAL INFORMATION

Chapter 54, Historical Preservation, contain a section (54-71) that limits administrative (staff) approvals to a \$2,000 maximum. This section has been routinely overlooked by staff and by the Landmarks Chairman over the past several years, as that low dollar value was established in the 1980's and very little work can be performed under that threshold. This matter was discussed with the Landmarks Preservation Commission (LPC) last month and the consensus was to draft an ordinance that removes this limitation. The matter was also discussed with Skip Randolph, who is generally adverse to any amendment to Chapter 54. We discussed other options, such as enacting an administrative policy to forgo this \$2,000 limit, but ultimately Skip suggested that this section of the code be removed.

The ordinance has been reviewed by the Town Attorney for legal form and sufficiency. Ordinance No. 12-2020 (Chapter 54) is ready at this time to be approved on First Reading.

Attachments: Ordinance No. 12-2020 (Chapter 54)
Partial Minutes from the June 17, 2020 LPC Meeting

WRB

ORDINANCE NO. 12 - 2020

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 54, HISTORICAL PRESERVATION, TOWN CODE OF ORDINANCES, ARTICLE III, CERTIFICATE OF APPROPRIATENESS, DIVISION 1, GENERALLY, SECTION 54-71, REQUIRED, SUBSECTION (f), REMOVING THE VALUE THRESHOLD FOR MINOR PROJECTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Be it Ordained by the Town Council of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1. Chapter 54, Historical Preservation, Article III, Certificate of Appropriateness, Division 1, Generally, Section 54-71, Required, Subsection (f) shall be amended, as follows:

"ARTICLE III. - CERTIFICATE OF APPROPRIATENESS

DIVISION 1. - GENERALLY

Sec. 54-71. - Required.

(a) No landmark nor any building or site planning feature, including but not limited to landscaping, garden walls, pools, fountains, etc., on a landmark site or within an historic district shall be erected, altered, restored, moved or demolished until after an application for a certificate of appropriateness as to exterior architectural features has been submitted to and approved by the commission. Similarly, if earthworks of historical or archaeological importance exist in an historic district, or on a landmark site, there shall be no excavating or moving of earth, rock or subsoil in or about such earthworks without a certificate of appropriateness. For the purpose of this article, "exterior architectural features" shall include but not be limited to the architectural style, scale, general design and general arrangement of the exterior of a building, including the kind and texture of the building material and type and style of roofs, windows, doors and signs. The style, scale, design, materials and location of advertising signs and bill posters on a landmark site or within an historic district, if located or plainly visible from out-of-doors, shall be under the control of the commission.

(b) The commission shall not consider interior arrangement or use, except as this may affect a request for exterior changes.

(c) *Nothing in this article shall be construed to prevent ordinary maintenance or repairs that do not involve a change of design or material or that do not affect the outward appearance of a building.*

(d) *The commission shall exercise only those powers and duties granted by this article and those powers and duties that may be assigned to it at a later date by the town council.*

(e) *For an exterior change project consistent with division 3 of this article, a determination may be made that this is a minor exterior change and the requirement of a certificate of appropriateness may be waived. Such determination shall be made by the landmarks project coordinator, with the concurrence of the chair or such other member of the commission as may be designated by the commission, who will so advise the building official, who may then issue a building permit.*

(f) *An exterior change project determined by the landmarks project coordinator to be inappropriate, potentially controversial or precedent setting shall be submitted by the staff to the commission for review. ~~No exterior change project with an estimated expenditure exceeding \$2,000.00 as determined by the building official shall fall within the definition of this minor project category.~~*

(g) *Review of minor exterior change projects for which certificates of appropriateness have been waived will be reviewed quarterly by the commission."*

Section 2. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, Florida, on the First Reading this ____ day of _____, 2020; and for the Second and Final Reading on this ____ day of _____, 2020.

Gail L. Coniglio, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Patricia Gayle-Gordon, Acting Town Clerk

Danielle H. Moore, Town Council Member



**TOWN OF PALM BEACH
PLANNING, ZONING AND BUILDING
DEPARTMENT**

**MINUTES OF THE REGULAR LANDMARKS PRESERVATION COMMISSION
MEETING HELD ON WEDNESDAY, JUNE 17, 2020.**

Please be advised that in keeping with a directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com.

I. CALL TO ORDER

Chairman Silvin called the GoToWebinar meeting to order at 9:35 a.m.

II. ROLL CALL

Richard Rene Silvin, Chairman	PRESENT
Sue Patterson, Vice Chairman	PRESENT
Jacqueline Albarran, Member	PRESENT
Patrick Segraves, Member	PRESENT
John T. Gannon, Member	PRESENT
Kim Coleman, Member	PRESENT
Anne Fairfax, Member	PRESENT
Anne Metzger, Alternate Member	PRESENT
Fernando Wong, Alternate Member	PRESENT (audio at 9:42 am)
Brittain Damgard, Alternate Member	PRESENT

Staff Members present were:

Wayne Bergman, Acting Director of Planning, Zoning and Building
Paul Castro, Zoning Manager
Kelly Churney, Board Secretary to the Landmarks Preservation Commission
Emily Stillings, Preservation Consultant
Janet Murphy, Preservation Consultant

III. PLEDGE OF ALLEGIANCE

Chairman Silvin led the Pledge of Allegiance.

IV. RULES OF ORDER AND PROCEDURE

Mr. Bergman announced that the meeting was being held electronically due to the CDC guidelines, and in accordance with State Executive Order 20-69. Mr. Bergman suggested the Chair perform a roll call after a lunch break. Mr. Bergman discussed the procedures for the meeting.

2. 130 Barton Avenue – Report from Wayne Bergman

Mr. Silvin read the conclusion from the report submitted from Mr. Bergman. Mr. Bergman responded that he believed his conclusion was correct.

Ms. Fairfax questioned the proposed gray slate roof and stated her belief that the original roof was not slate. Ms. Metzger agreed.

M. Tim Hanlon, Attorney for the owners, stated that the Commission approved the project at the last meeting, which included the slate roof. He did not feel it was appropriate to be discussed at this time. Mr. Silvin indicated the Commission should move forward and he expected full cooperation from the owners.

3. ARCOM Project Designation Manual Proposed Changes

Mr. Bergman discussed the ARCOM Project Designation Manual. He discussed the reasons some of the changes were made and asked the Commissioners for feedback.

4. Dollar Value Threshold of Administrative/Staff Approvals

Mr. Silvin proposed removing the dollar value threshold and discussed his reasons for his proposal. He asked the Commissioners for feedback on his proposal. A consensus of the Commissioners was in agreement with Mr. Silvin.

XII. STAFF APPROVALS

Mr. Bergman introduced this item and stated that the Commissioners would begin receiving all of the staff approvals completed within the last 30 days, prior to their meeting.

Mr. Silvin asked the Commissioners if they had any feedback regarding the staff approvals from the last 30 days. There were no comments heard at this time.

XIII. COMMENTS OF THE LANDMARKS PRESERVATION COMMISSION AND PLANNING, ZONING & BUILDING DEPARTMENT DIRECTOR.

Amanda Skier, Executive Director of the Preservation Foundation of Palm Beach, suggested using a design approval matrix during staff approvals. She described the design approval matrix used by the City of West Palm Beach where level one was approved by staff and level 2 went before the Commission. She also asked Mr. Bergman if in his findings, he had found any information about the removal of the interiors at 130 Barton Avenue. Mr. Bergman responded and stated he would send his report to Ms. Skier.

Ms. Skier stated she looked forward to working with the Commission to promote landmarked homes in the Shiny Sheet.

Ms. Skier discussed the ongoing Heritage Education Program for 4th graders.

Mr. Silvin raised the issue of the placement of 261 Sanford Avenue under consideration for landmarking.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 9, 2020

Section of Agenda

Any Other Matters

Agenda Title

Request to Suspend Annual Town-Serving Submittal Required for a Limited Number of Businesses and Clubs in the Town

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated August 31, 2020 from Wayne Bergman, Director of Planning, Zoning and Building**
- ▣ **List of Annual Town-Serving Businesses and Clubs**

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 9, 2020

To: Mayor and Town Council

From: Wayne Bergman, Director of Planning, Zoning & Building

Re: Request to Suspend the Annual Town-Serving Submittal Required for a Limited Number of Businesses and Clubs in the Town

Date: August 31 2020

STAFF RECOMMENDATION

Staff recommends that the Town Council consider a one-year suspension of the required annual submittal of Town-serving documentation that is a condition of approval for limited commercial businesses in the Town.

BACKGROUND

Over the years, past Town Councils have required an annual Town-serving documentation submittal for only a small, limited number of businesses and clubs. The requirement was a condition of approval for some special exception applications. At this time there are only thirteen (13) businesses and two (2) clubs in Town that are required to provide annual Town-serving documentation. That list is attached.

Approximately six years ago, the Town Council questioned this additional Town-serving requirement. The Council at that time asked staff if the Town could blanket approve elimination of that requirement as it only was required in very limited circumstances. It was determined that because it was a condition of approval of a zoning application, that the Council could only approve eliminating the condition by an applicant filing a special exception to modify the approval to eliminate the condition.

Recently, staff has been asked by some of the businesses that are required to submit the annual Town-serving documentation if they could get a pass this year because of the difficult situation placed upon them by the pandemic. Staff believes that the Town Council should consider allowing such a request. This does not eliminate the conditions of approval for those businesses but gives them a reprieve during this difficult time. Our recommendation is to grant this request.

cc: Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
Paul Castro, Zoning Manager
John Randolph, Town Attorney
pf

Status Code	Business Name	Customer Full Address	Primary Address Phone #	Primary contact fi	Primary contact last name
Active	THE MAR-A-LAGO CLUB LLC	1100 S OCEAN BLVD PALM BEACH FL 33480	() -	EDWARD	RAYMUNDO
Active	THE MAR-A-LAGO CLUB LLC	1100 S OCEAN BLVD PALM BEACH FL 33480	(561) 833-2466	EDWARD	RAYMUNDO
Active	THE MAR-A-LAGO CLUB LLC	1100 S OCEAN BLVD PALM BEACH FL 33480	(561) 833-2466	EDWARD	RAYMUNDO
Active	THE MAR-A-LAGO CLUB LLC	1100 S OCEAN BLVD PALM BEACH FL 33480	(407) 833-2466	EDWARD	RAYMUNDO
Active	THE MAR-A-LAGO CLUB LLC	1100 S OCEAN BLVD PALM BEACH FL 33480	(561) 833-2466	EDWARD	RAYMUNDO
Active	THE MAR-A-LAGO CLUB LLC	1100 S OCEAN BLVD SPA PALM BEACH FL 33480	(561) 837-2600	PAMELA	DANGELO
Active	MARY OVERALL REAL ESTATE	139 N COUNTY RD 14 PALM BEACH FL 33480	(561) 832-1777	MARY NELL	OVERALL
Active	BANK OF AMERICA NA	140 N COUNTY RD PALM BEACH FL 33480	(561) 653-2072	RACHEL	ALLEN
Active	STARBUCKS CORPORATION	150 WORTH AVE 110 PALM BEACH FL 33480	(561) 744-3399	MARY	HER
Active	SBF INVESTMENTS INC	151 N COUNTY RD BLDG 1 PALM BEACH FL 33480	(561) 832-4443	ALLEN	RUTMAN
Active	JP MORGAN SECURITIES LLC	205 ROYAL PALM WAY PALM BEACH FL 33480	(561) 838-8700	ERIK	WYTENUS
Active	J P MORGAN CHASE BANK N A	205 ROYAL PALM WAY PALM BEACH FL 33480	(561) 838-8700	ERIK	WYTENUS
Active	SMITH ARCHITECTURAL GRO UP INC	206 PHIPPS PLZ B PALM BEACH FL 33480	(561) 832-0202	JEFFERY	SMITH
Active	RAMPELL DIVISION OF MOR RISON BROWN ARGIZ & FAR RA LLC	223 SUNSET AVE 200 PALM BEACH FL 33480	(561) 655-5855	RICHARD	RAMPELL

Count: 21

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15 businesses
with
TS
REQMNT.

Status Code	Business Name	Customer Full Address	Primary Address Phone #	Primary contact fi	Primary contact last name
Active	WELLS FARGO BANK NA	254 SUNRISE AVE BLDG 1 PALM BEACH FL 33480	(561) 835-5685	AMIE	SWISSLER
Active	WELLS FARGO BANK NA	255 S COUNTY RD BLDG 1 PALM BEACH FL 33480	(561) 820-1281	AMIE	SWISSLER
Active	MILDRED HOIT INC	265 SUNRISE AVE 100 PALM BEACH FL 33480	(561) 833-6010	MARY	GUSHEE
Active	313 WORTH AVE LLC	313 1/2 WORTH AVE PALM BEACH FL 33480	(561) 835-1600	PIER MARIO	DELROSSO
Active	313 WORTH AVE LLC	313 1/2 WORTH AVE PALM BEACH FL 33480	(561) 835-1600	PIER MARIO	DELROSSO
Active	EVERGLADES CLUB INC	356 WORTH AVE PALM BEACH FL 33480	(561) 655-7810	STEPHEN JOHN	BRANEY
Active	CHURCH MOUSE	374 S COUNTY RD PALM BEACH FL 33480	(561) 659-2154	REED	SPRAGUE
Count: 21					
<Filter is Empty>					

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 9, 2020

Section of Agenda

Any Other Matters

Agenda Title

Discussion of the Planning & Zoning Commission's request to review zoning regulations for commercial and retail businesses

Presenter

ATTACHMENTS:

- **Memorandum Dated September 2, 2020 from Wayne Bergman, Director of Planning, Zoning and Building**

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 9, 2020

To: Mayor and Town Council

From: Wayne Bergman, Director of Planning, Zoning & Building

Re: Discussion of the Planning and Zoning Commission's request to review zoning regulations for commercial and retail businesses.

Date: September 2, 2020

STAFF RECOMMENDATION

Staff recommends that the Town Council consider allowing the Planning and Zoning Commission and staff to pursue possible changes to the Zoning Code related to the commercial regulations in the Town.

BACKGROUND

On August 18, 2020, the Planning and Zoning Commission voted unanimously to request that the Town Council allow the Commission to study possible changes to the uses allowed in the commercial zoning districts. The intent would be to reduce the number of vacant store fronts; provide for better opportunity of adaptive reuse of commercial buildings; and in general, encourage a more vibrant commercial mixed use environment. Staff supports such a request. In fact, this issue was one of the eleven code reform topics that staff presented to the Town Council at its March 11, 2020 meeting. At that time, it was not a priority item, however, with the evolving internet shopping opportunities; the closing of the Neiman Marcus Store; and the increasing number of vacant store fronts, both staff and the Commission believe a fresh look at the commercial zoning districts is warranted.

Therefore, both the Planning and Zoning Commission and staff is requesting permission to move forward to study the commercial regulations. Staff is prepared to discuss this issue at the Town Council meeting.

cc: Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
Paul Castro, Zoning Manager
John Randolph, Town Attorney
Planning and Zoning Commission
pf

TOWN OF PALM BEACH

Town Council Meeting Development Review on: September 9, 2020

Section of Agenda

Any Other Matters

Agenda Title

Conflicts of Interest for ARCOM and LPC Commissioners

Presenter

ATTACHMENTS:

- ▣ **Backup Relating to Conflict of Interest for ARCOM and LPC Commissioners**

We have language in both Chapter 18 (Arcom) and Chapter 54 (Landmarks) that triggers an automatic removal of a commissioner once they declare five or more conflicts of interest in a calendar year, which is the definition in each code for “excessive”. The code references are below. Thank you.

Sec. 18-170. - Conflicts of interest.

(a)

If excessive conflicts of interest arise during any one calendar year, the architectural commission member shall be automatically removed from the commission. Excessive conflicts of interest are defined as five or more conflicts of interest in any one calendar year. Continuing conflicts of interest on a single application, once declared, shall not be counted as additional conflicts of interest. This rule shall apply from the date of adoption to the end of the 2013 calendar year and shall be applicable, thereafter, on a calendar year basis.

(b)

If a member of the commission has a conflict of interest resulting from that member or the member's firm representing an applicant before the commission, it shall be the duty and obligation of the member having the conflict to comply with the following requirements: (1)

Notification of the conflict of interest shall be noted on the application form at the time of the submission of the application. The conflict will be identified on the commission agenda. (2)

The member having the conflict of interest shall not participate in the discussion and shall leave the chamber until the item is concluded. (3)

The member having the conflict shall not present the project to the commission, except in a case where the commission member is a sole practitioner who is unable to represent a client through an associate.

(Ord. No. 11-2015, § 1(Att.), 4-15-15)

Sec. 54-38. - Removal provisions; absences; conflicts of interest.

(a)

All members of the commission, including alternates, serve at the pleasure of the town council and may be removed from the commission with or without cause. Members of the commission shall be automatically removed for lack of attendance, which is defined as failure to attend three regularly scheduled meetings in any one calendar year. Excused absences due to illness, a death in the family, religious holidays and requirements of legal process shall not constitute lack of attendance. The member shall notify the director of planning, building and zoning office in writing of the board member's intended absence at least seven business days prior to the regularly scheduled meeting. Failure to do so, absent an emergency which prevents timely notice, will cause the absence to be unexcused. Excused absences shall be entered into the minutes at the next regularly scheduled meeting of the commission after the absence. A member may petition the town council, in the event of extenuating circumstances, to excuse an absence otherwise not automatically excused pursuant to the provisions of this article .(b)

In the event of excessive conflicts of interest during any one calendar year, the commission member shall be automatically removed from the commission by the town council or, in the event of excessive conflicts of interest during any one term, a commission member may not be reappointed to a successive term. Excessive conflicts of interest are defined as five or more conflicts of interest in any one calendar year. Continuing conflicts of interest on a single application, once declared, shall not be counted as additional conflicts of interest. This rule shall apply from the date of adoption to the end of the 2013 calendar year and shall be applicable, thereafter, on a calendar year basis. (c)

If a member of the commission has a conflict of interest resulting from that member or the member's firm representing an applicant before the commission, it shall be the duty and obligation of the member having the conflict to comply with the following requirements:(1)

Notification of the conflict of interest shall be noted on the application form at the time of the submission of the application. The conflict will be identified on the commission agenda. (2)

The member having the conflict of interest shall not participate in the discussion and shall leave the chamber until the item is concluded. (3)

The member having the conflict shall not present the project to the commission, except in a case where the commission member is a sole practitioner who is unable to represent a client through an associate.

(Code 1982, § 16-35; Ord. No. 12-95, § 1(c), 9-12-95; Ord. No. 8-99, § 3, 11-9-99; Ord. No. 18-04, § 4, 10-1-04; Ord. No. 13-09, § 5, 7-14-09; Ord. No. 19-2011, § 1, 9-13-11; Ord. No. 9-2013, § 1, 7-9-13)