



TOWN OF PALM BEACH

Planning, Zoning & Building Department

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

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

ACTION: APPROVED AS AMENDED

VII. DEVELOPMENT REVIEWS

A. **Variances, Special Exceptions, and Site Plan Reviews**

1. **Old Business**

- a. **Z-18-00134 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-A Estate Residential The application of Charles "Rusty" Holzer, Applicant, relative to property located at **977 S OCEAN BLVD**, legal description on file, is described below. 1) Section 134-840 and 134-893(c): Special Exception with Site Plan Review to allow the construction of a 6,546 square foot two story residence on a non-conforming lot that is 76.5 feet in depth in lieu of the 150 foot

minimum required in the R-A Zoning district and 12,813 feet in area in lieu of the 20,000 square foot minimum area required in the R-A Zoning district. 2) Section 134-843(a)(5): A request for a variance to allow the proposed residence to have a front setback of 21.2 feet in lieu of the 35 foot minimum required in the R-A Zoning District. 3) Section 134-843(a)(9): A request for a variance to allow the proposed residence to have a rear setback of 10 feet in lieu of the 15 feet minimum required in the R-A Zoning District. In addition, to allow the balconies to extend 3 feet from the building in lieu of the 2 feet maximum allowed. 4) Section 134-1757: A request for a variance to allow the proposed residence to have a swimming pool rear setback of 5.3 feet in lieu of the 10-foot minimum required in the R-A Zoning District. 5) Section 134-843(a)(11): A request for a variance to allow the proposed residence to have a Lot Coverage of 33.32% in lieu of the 25%percent maximum allowed in the R-A Zoning District. 6) Section 134-843(a)(6)b: A request for a variance to allow the proposed residence to have an Angle of Vision of 136 degrees in lieu of the 116 degrees maximum allowed in the R-A Zoning District. 7) Section 134-843(a)(7): A request for a variance to allow the proposed residence to have a Building Height Plane setback range of 21.2' to 29.9' in lieu of the range of 35' to 42' 11 1/4" minimum required in the R-A Zoning District for this proposed house. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred this project to their September 23, 2020 meeting at the request of the attorney. Carried 7-0] Request for Deferral to the October 14, 2020 Town Council Meeting per Letter Dated July 30, 2020 from Maura Ziska.

ACTION: DEFERRED TO THE OCTOBER 14, 2020 MEETING

- b. **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]

ACTION: DEFERRED TO THE SPETMEBER 9, 2020 MEETING

- c. **Z-20-00260 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND 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.]

ACTION: DEFERRED TO THE SEPTEMBER 9, 2020 MEETING

- d. **Z-20-00262 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 August 26, 2020 meeting at the request of the attorney. Carried 7-0.] Request for Deferral to the September 9, 2020 Town Council Meeting per Letter Dated July 30, 2020 from Maura Ziska.

ACTION: DEFERRED TO THE SEPTEMBER 9, 2020 MEETING

2. **New Business**

- a. **Z-20-00264 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Christopher J. and Jennifer Lazzara, Applicants, relative to property located at **272 QUEENS LN**, legal description on file, is described below. A request for a flood plain variance in order to construct the previously approved 3,468 square foot addition with a finished floor elevation of 5.5 feet North

American Vertical Datum ("NAVD") in lieu of the 7 foot NAVD required when construction exceeds 50% of the market value of the residence. [Applicant's Representative: Maura Ziska Esq]
[Landmarks Preservation Commission Recommendation: The proposed development will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. Carried 7-0.] [The Landmarks Preservation Commission deferred the project to the August 19, 2020 meeting. Carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATED TO UTILITY EASEMENT

- b. **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] [The Architectural Review Commission deferred this project to their August 26, 2020 meeting. Carried 7-0] Request for Deferral to the September 9, 2020 Town Council Meeting per Letter Dated July 30, 2020 from Maura Ziska.

ACTION: DEFERRED TO THE SEPTEMBER 9, 2020 MEETING

- c. **Z-20-00266 SITE PLAN REVIEW** Zoning District: R-AA Large Estate Residential The application of **1960 SOUTH OCEAN BLVD LLC**, Owner, relative to property located at 1960 S OCEAN BLVD, legal description on file, is described below. Section 134-1729(2): Site Plan Review request to have a new 180 KW generator to be enclosed In a 525 square foot building on the subject property. The proposed generator and building enclosure is replacing an existing generator and generator building and will meet the setback requirements. [Applicant's Representative: Maura Ziska Esq]

ACTION: APPROVED WITH CONDITION RELATED TO UTILITY EASEMENT

- d. **Z-20-00267 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Jeff and Nicola Marcus (Contract Purchasers), Applicants, relative to property located at **920 N LAKE WAY**, legal description on file, is described below. The applicant is proposing a renovation to the property that includes the demolition of a 337 square foot cabana, demolition of 52 square feet from existing loggia, demolition of 23 square feet from the south side of the house, adding a new 200 square foot entry, adding 143 square feet to the

existing loggia and small additions to the house on the north and south side. The following variances are being requested: 1. a north side yard setback for the one story addition ranging from 8.7 feet to 10.4 feet (to match existing) in lieu of the 15 foot minimum required; 2. a south side yard setback for the second floor addition with terrace of 9.9 feet (to match existing) in lieu of the 15 foot minimum required; and 3. lot coverage of 30.5 % in lieu of the 30 % maximum allowed for the proposed additions (no net change to existing lot coverage calculation of 30.5%). [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project as presented with conditions related to the landscaping. Carried 7-0.]

ACTION: APPROVED WITH CONDITION RELATED TO UTILITY EASEMENT

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

ACTION: PARTIAL APPROVAL, WHICH ONLY INCLUDES THE THIRD FLOOR RENOVATION AND RECONFIGURATION OF OLD LIVING QUARTERS, AND TO DEFER THE REST OF THE APPLICATION RELATED TO INCORPORATING 434 SEASPRAY AVENUE INTO THE FOUR ARTS COMPLEX TO THE SEPTEMBER 9, 2020 MEETING SO THAT A DECLARATION OF USE AGREEMENT CAN BE DRAFTED BY THE APPLICANT AND BROUGHT TO THE SEPTEMBER MEETING.

VIII. ORDINANCES

A. Second Reading

1. ORDINANCE 02-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 18, Buildings And Building Regulations, Town Code Of Ordinances, By Adding Article VI, Historic Conservation Districts; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

ACTION: APPROVED

2. ORDINANCE 03-2020 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Chapter 50, Floods, Town Code Of Ordinances, By Amending Article III, Definitions, Division 2, Definitions, Section 50-137.5, Definitions; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

ACTION: APPROVED

B. First 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.

ACTION: APPROVED

IX. RESOLUTIONS

- A. RESOLUTION NO 51-2020 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Adopting A Set Of Historic Conservation Districts That Are Located Throughout The Town Of Palm Beach, And As Described In Ordinance 02-2020

ACTION: APPROVED

- B. RESOLUTION NO 58-2020 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Adopting The ARCOM Project Designation Manual As Referenced In Chapter 18 Of The Town Code Of Ordinances; Providing An Effective Date.

ACTION: APPROVED

X. ANY OTHER MATTERS

XI. ADJOURNMENT