

# TOWN OF PALM BEACH

Planning, Zoning & Building Department

## MINUTES OF THE ARCHITECTURAL COMMISSION WORKSHOP MEETING

WEDNESDAY, MAY 22, 1996 AT 8:00 A.M.

TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH

### I. CALL TO ORDER

The meeting was called to order at 8:09 a.m.

### II. ROLL CALL

PRESENT: Laurel Baker, Vice Chairman  
Bruce Helander, Member  
Ethel Kinsella, Member  
John H. Schuler, Member  
Lowry M. Bell Jr., Member  
Robert E. Deziel, Alternate Member  
Marvin Rosenberg, Alternate Member  
Floyd Wideman, Alternate Member  
John C. Randolph, Town Attorney  
Timothy M. Frank, Planner/Projects Coordinator

ABSENT: Leighton A. Rosenthal, Chairman  
Sally Gingras, Member  
Robert L. Moore, Director of Planning, Zoning & Building

RECORDING SECRETARY: Gretchen Dayton

### III. DISCUSSION

#### DESIGN GUIDELINES

Discussion took place regarding the new ARCOM applications which have been revised and in use as of April 18, 1996. The Commission will review the application and make comments at the next workshop meeting.

Mrs. Baker asked that the ARCOM application be reworded as follows:

“The new two story residential structures and major additions must have elevation photographs or and a line drawing showing relationship of proposed roof line to neighboring properties.”

Lengthy discussion took place regarding the burden placed on architects having to present complete packages for staff review before the meetings, i.e. in what cases should there be exceptions and should the project be heard if a couple of items are not addressed in the submission package. Mr. Frank stated the packages and drawings need to be complete to determine if a proposed project may need a variance.

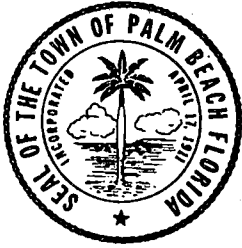
The topic of licensed and unlicensed architect was discussed. Mr. Frank said he has received letters from persons holding a professional license stating an unlicensed person may represent them for project approval. He felt accepting these letters may cause a problem as the unlicensed architect may not always work in the same office as the licensed architect.

#### CUBIC CONTENT RATIO OF HOMES ON NORTH OCEAN BOULEVARD

Joanna Frost-Golino addressed the Commission and complimented them on the work they have done. She said they need to look at each project case by case, visit the site and look at the relation of the project to the homes within 200 feet. The Commission has the ordinance to back up their decision to deny a project. The Commission should not have to prove that the house is inadequate. Rather, the applicant should prove the house will fit into the neighborhood.

#### **IV. ADJOURNMENT**

**MOTION BY MR. BELL TO ADJOURN THE WORKSHOP MEETING AT 9:11 A.M.  
MOTION SECONDED BY MRS. KINSELLA.  
MOTION CARRIED UNANIMOUSLY.**



# TOWN OF PALM BEACH

Planning, Zoning & Building Department

**MINUTES OF THE ARCHITECTURAL COMMISSION REGULAR MEETING  
IMMEDIATELY AFTER THE WORKSHOP MEETING  
WEDNESDAY, MAY 22, 1996  
TOWN COUNCIL CHAMBERS, 360 SOUTH COUNTY ROAD, PALM BEACH**

**I. CALL TO ORDER**

The regular meeting was called to order at 9:15 a.m.

**II. ROLL CALL**

**III. APPROVAL OF THE MINUTES FROM THE MARCH 27, 1996 WORKSHOP MEETING, MARCH 27, 1996 REGULAR MEETING, APRIL 24, 1996 WORKSHOP MEETING AND APRIL 24, 1996 REGULAR MEETING.**

Mrs. Kinsella wanted the minutes of March 27, 1996 to reflect that hedges will be planted along the bike trail reference project #A41-96. The minutes had been corrected prior to the meeting.

**MOTION BY MR. BELL TO APPROVE THE MINUTES.  
MOTION SECONDED BY MR. HELANDER.  
MOTION CARRIED UNANIMOUSLY.**

Vice Chairman Baker announced Leighton Rosenthal is recovering from surgery in Cleveland.

Let the record show Mr. Deziel and Mr. Wideman were voting members during this meeting.

Mr. Randolph reviewed the Sunshine Law for the new members and everyone present.

**IV. PROJECT REVIEW**

## **A. DEFERRALS AND CONTINUATIONS - MAJOR PROJECTS**

### **B39-96 Addition**

Applicant: Alan L. Shulman  
Address: 377 North Lake Way  
Architect: JHG/Brenner & Jones  
Project Description: One story addition at rear of existing two story residence.

This project was deferred from the April meeting.

Architect Stewart Brenner presented a photo board of the existing house. The keystone detail on the addition will match the keystone on the existing front elevation. The glass block window on the side elevation was changed to fixed glass. The side lites across the rear elevation were deleted to leave four sets of french doors with bay windows on either end. The architect will use true divided lites in this project which will match the existing french doors. It was agreed to allow the use of wood or aluminum in the divided lites and use wood in the jambs of the bay windows.

**MOTION BY MR. DEZIEL TO APPROVE THE PROJECT WITH THE ABOVE WINDOW SPECIFICATIONS.**

**MOTION SECONDED BY MR. WIDEMAN.**

**MR. SCHULER OPPOSED.**

**MOTION CARRIED 6-1.**

Mr. Schuler was opposed to the project as he felt the doors on the addition were too commercial looking for the house.

### **B4-96 Re-Study Windows**

Applicant: Joseph J. Bianco  
Address: 180 Barton Avenue  
Architect: Warren Bohn  
Project Description: This project was approved at the January meeting with the provision to re-study the windows on the east elevation.

This project was deferred from the February, March and April meetings.

Mr. Frank stated architect Gene Pandula will be representing this project at a later date and had no objection to the removal of this item.

**MOTION BY MR. SCHULER TO REMOVE THIS ITEM FROM THE AGENDA.**

**MOTION SECONDED BY MR. BELL.**

**MOTION CARRIED UNANIMOUSLY.**

**B6-96 Enclose Courtyard, New Loggia and Tennis Pavilion**

Applicant: Mr. and Mrs. Paul Van Der Grift  
Address: 1300 North Ocean Way  
Architect: The Pandula Architects  
Project Description: Enclose a courtyard with connecting walkway, new loggia and new tennis pavilion.

Mr. Frank said in fairness to adjacent property owners this item should be re-advertised as it has been deferred several times.

**MOTION BY MR. DEZIEL TO REMOVE THIS ITEM FROM THE AGENDA.  
MOTION SECONDED BY MR. BELL.  
MOTION CARRIED UNANIMOUSLY.**

**B7-96 Re-Study Front Entry**

Applicant: Addison Development  
Address: 228 Via Las Brisas  
Architect: Carlos Martin  
Project Description: This project was approved at the January meeting with the provision to re-study the front entry.

This project was deferred from the February, March and April meetings. Carlos Martin addressed the commission and asked for staff approval of this project. The Commission felt this item has been deferred too many times and advised the architect to reapply.

**MOTION BY MR. DEZIEL TO REMOVE THIS ITEM FROM THE AGENDA.  
MOTION SECONDED BY MR. BELL.  
MOTION CARRIED UNANIMOUSLY.**

**B13-96 Demolition and New Residence**

Applicant: Dr. and Mrs. Marvin Rosenberg  
Address: 1204 North Ocean Blvd.  
Designer: J.F. Brennan Design/Build, Inc.  
Project Description: Demolition of existing residence and construction of new single family home.

This project was deferred from the February, March and April meetings.

Dr. Rosenberg has a Conflict of Interest form on file regarding this item and left the dias at this time. A court reporter was present to record the proceedings of this of this meeting regarding this project.

Mr. Brennan stated the loggia on the east elevation was removed and five feet from each wing was deleted. The house was set back 41 ½ feet (at the north east corner) and 48 feet (at the south east corner) from North Ocean Blvd. The pool alignment was changed from last month's drawing to an east west alignment and pushed further away from the property line. He said the ceiling height was lowered and the two wings were reduced in size, therefore the house is smaller.

Discussion took place regarding the size variations this project has undergone from month to month. Mr. Brennen presented a chart showing square footage of the house for each of the presentations since February. He then mentioned the square footage of the air-conditioned space as opposed to the total square footage of the house. Mr. Frank asked Mr. Brennen not to use the term air-conditioned space as there is no provision for this in the Zoning Code.

Mr. Frank read nine letters in opposition and one in favor regarding this project.

The following persons addressed the Commission:

Mrs. Cole who resides at 1190 North Ocean Boulevard stated she was in favor of this project and felt it would be a nice addition to the neighborhood.

Dr. Lilja who resides at 1330 North Ocean Boulevard felt the project does not fit in the neighborhood. He said ARCOM'S authority is being challenged and urged the Commission to stand up for the guidelines and the town ordinances.

Donald Farry who resides at 110 Mockingbird Trail and 115 Nightingale asked the Commission to look at the neighborhood and stated this project should not be allowed.

Joe Turk who resides two lots away from this project stated bigger is not better.

Mr. Vegosen stated he did not mean to imply, at last month's meeting, the threat of litigation. He said that he felt his client had a valid legal position, but that Dr. Rosenberg was here to reach an agreement. Mr. Vegosen said he feels this project does not constitute a deviation from any ordinance nor is this project "maxed out." He felt this project is within almost every guideline of the zoning code. He stated that at last month's meeting he understood an agreement had been reached and quoted from the transcripts of the meeting. At this time he asked the Commission to approve the plans for this project.

Mr. Schuler asked Mr. Randolph what the "Harris Law" is and how it would effect the Commission's decision in this project and future projects.

Mr. Randolph stated under the Bert Harris Property Rights Act, the property owner would have to show, as a result of a rule or action of a Municipality, that an inordinate burden has been placed on their property. He said each application has to be looked at individually and apply the criteria within the ordinance.

**MOTION BY MR. DEZIEL TO DENY THE PROJECT UNDER ARCOM SECTION 5-387,  
SECTION D AND SECTION F.  
MOTION SECONDED BY MRS. KINSELLA.**

Mr. Vegosen said if the motion passes, in his mind it will compromise the integrity of this Commission because he felt there was an agreement to approve the project at the previous meeting.

Mr. Deziel stated the new plan includes different elements than were shown last month. Mr. Bell felt Mr. Vegosen took the Commission's comments out of context. He said the house would be lovely in the estate area, but not in this neighborhood. The rest of the Commissioners have been opposed to the size of this house which has not been corrected. He felt the Commission's point has been missed from the very beginning. Mr. Schuler said the pool wall and steps were some of the changes on the new plans which were not discussed at last month's meeting. He agreed with Mr. Bell and said the project is attractive but belongs in a different zone. Mr. Wideman said the house is too big for the area.

Mr. Brennan asked to have the project deferred to next month to substantially redesign the house for the size, height, and setbacks. He said his client was not aware that the neighbors had such a strong opposition to the project and wanted it known Dr. Rosenberg is not unsympathetic to the neighborhood.

Mrs. Baker stated the words "massive, big and dissimilar" are basic words and they carry a clear understanding for people. What has returned the last four months has not shown any real change. She felt the Commission was inappropriately compromised at last month's meeting. The house originally proposed was 56% bigger than the house that is presently on the property and that the massiveness of this project was reduced a total of 2.9%. She said we are here not as adversaries, we are here for the benefit of the town and the community.

**ROLL CALL VOTE:**

|                      |            |
|----------------------|------------|
| <b>MR. DEZIEL</b>    | <b>YES</b> |
| <b>MRS. KINSELLA</b> | <b>YES</b> |
| <b>MR. HELANDER</b>  | <b>YES</b> |
| <b>MR. SCHULER</b>   | <b>YES</b> |
| <b>MR. BELL</b>      | <b>YES</b> |
| <b>MR. WIDEMAN</b>   | <b>YES</b> |
| <b>MRS. BAKER</b>    | <b>YES</b> |

**MOTION CARRIED UNANIMOUSLY.**

Let the record show a five minute break was called at this time.  
The meeting reconvened at 11:00 a.m.

**B17-96 and C60-95 Demolition and New Residence**

Applicant: Sid H. Eibl  
Address: 286 Jamaica Lane  
Architect: Smith & Moore Architects  
Project Description: Demolition of existing residence and construction of a new residence.

A variance for a point of measurement for the height of the proposed house was denied by the Town Council at the December meeting.

This project was deferred from the December, January, February, March and April meetings.

Mr. Frank stated this is the first presentation by Smith & Moore Architects as they were recently hired to take over the project.

Mr. Deziel, Mrs. Baker and Mr. Schuler disclosed ex-parte communications.

Dr. Rosenberg returned to the meeting at this time.

Architect Harold Smith presented photographs of the existing one story, single family home. The home was built in 1947 and designed by John Stetson. The plan revisions include the second floor mass being reconfigured and the length of the two story element was reduced. The east set back was increased and the west set back was reduced, thereby centering the mass of the house on the property. The amount of window openings were reduced and reorganized. The CCR was reduced from 4.49 to 4.39. Mr. Smith presented a cubic content ratio study of the surrounding homes within 200 feet and a street scape elevation drawing. The project will include clay barrel tile roof, cypress outlookers and a rough textured stucco. The front door will be set back approximately 6 feet with a decorative wrought iron gate.

Mr. Helander felt this project fits in well with the neighborhood. Mr. Deziel said the project has twice the side yard setbacks as required by code and even though the CCR seems high, a lot of the home is in the rear yard so the street scape does not appear to be as massive. Mr. Schuler felt the front door was heavy for the house. There was discussion regarding the curb cuts, Mr. Frank said the Public Works Department would decide if there is a problem.

**MOTION BY MR. DEZIEL TO APPROVE THE PROJECT AS PRESENTED.**  
**MOTION SECONDED BY MR. HELANDER.**  
**MOTION CARRIED UNANIMOUSLY.**

### **B23-96 Facade Renovation**

Applicant: Turner Land Company, Inc.  
Address: 411 Sea Breeze Avenue  
Architect: John M. Kelly  
Project Description: New portico, front door, windows and gabled roof.

This project was deferred from the March and April meetings.

Staff recommends removal of this item from the agenda, as no one was present for this meeting as well as the last two meetings.

**MR. BELL MADE THE MOTION TO REMOVE THIS ITEM FROM THE AGENDA.  
MOTION SECONDED BY MR. DEZIEL.  
MOTION CARRIED UNANIMOUSLY.**

### **B25-96 Additions**

Applicant: Thomas and Silvia Hirschmann  
Address: 102 Flagler Drive  
Architect: Mark Ferguson  
Project Description: One and two story additions.

This project was deferred from the March and April meetings.

Mr. Deziel has a Conflict of Interest form on file regarding the project and left the meeting at this time.

Mr. Schuler and Mrs. Baker disclosed ex-parte communications regarding this item.

Mr. Frank stated the project had minor problems in which letters were sent to the architect in New York. At the time of staff review, it was thought a portion of this house may need a variance. It appeared this house had an illegal basement and it was going to be expanded. It was announced to people that this project would be deferred because it did not meet code. The problems have since been resolved, however the persons notified of the deferral could not be contacted. Mr. Frank asked that the project be reviewed at this meeting, without final action. The Commission agreed not to rule on this project allowing the general public to be present for next month's presentation.

Architect Mark Ferguson presented photographs of the surrounding area. The site is "L" shaped and is on the corner of Flagler Drive and Via Bethesda. He stated Flagler Drive is an unusual street as it is very short and is more of an alley. The building across the street has a front loading three car garage. A two story four-car garage will be added and will be facing Flagler Drive. A cloister will be created to the east of the garage wing which will lead to the main entrance.

The addition will be approximately 7,000 square feet including the covered walkways.

Mr. Schuler stated he discussed this project with the neighbors to the south and asked the architect to also discuss it with them. Mrs. Baker said she spoke with Mr. and Mrs. Oatley and they feel the additions would effect their privacy.

Letters from the Clive and Brooke Oatley opposing the project and giving suggested changes were read into the record.

The Commission felt, with the additions the house would be extremely long and massive looking. The garage facing the street was another concern and it was suggested to turn the garage 90 degrees and make the garage addition one story.

No action was taken at this meeting.

### **B30-96 Demolition and New Residence**

|                      |                                                                                                |
|----------------------|------------------------------------------------------------------------------------------------|
| Applicant:           | Sandsong Investments, Inc.                                                                     |
| Address:             | 206 North Ocean Blvd.                                                                          |
| Architect:           | Smith Architectural Group                                                                      |
| Project Description: | Demolition of existing residence and construction of a new, two story Mediterranean residence. |

This project was deferred from the April meeting.

Architects Jeff Smith and Don Kino presented photographs of the existing residence. The proposed residence is designed around numerous courtyards. There will be a loggia entrance and stair tower facing Seminole Avenue. The west elevation will have a one story guest house, garden wall and a four-car garage. The Everglades Avenue elevation will have a one story guest house, one story exercise room and a loggia with a garden wall.

The Commission felt the windows on the north elevation were too plain and suggested a more interesting fenestration on that side.

**MOTION BY MR. BELL TO APPROVE THE PROJECT WITH FENESTRATION CHANGES ON THE NORTH SIDE.**

**MOTION SECONDED BY MR. SCHULER**

**MOTION CARRIED UNANIMOUSLY.**

**MOTION BY MR. SCHULER TO APPROVE DEMOLITION OF EXISTING RESIDENCE WITH THE USUAL PROVISIONS.**

**MOTION SECONDED BY MR. BELL.**

**MOTION CARRIED ANONYMOUSLY.**

Mr. Deziel returned to the meeting at this time.

Mr. Bell asked Mr. Randolph if communication with a neighbor to the proposed project would require an ex-parte communication disclosure. Mr. Randolph said any communication regarding a project requires ex-parte communication disclosures.

**B31-96 Demolition and New Residence**

|                      |                                                                                               |
|----------------------|-----------------------------------------------------------------------------------------------|
| Applicant:           | Jonathan F. Rapaport                                                                          |
| Address:             | 233 Miraflores Drive                                                                          |
| Architect:           | Quincy Johnson, Barretta                                                                      |
| Project Description: | Demolition of existing residence and construction of a new one story single family residence. |

This project was deferred from the April meeting.

Jon Rapaport and Architect Ron Wiendel presented the project. The proposed 4,200 square foot, Regency style home will have true divided lites in the windows.

The Commission felt there were too many dividers in all of the windows. They also felt the two fixed windows in the breakfast area were not appropriate with the french doors on the rear elevation.

**MOTION BY MR. SCHULER TO APPROVE THE PROJECT WITH THE PROVISION A LANDSCAPE PLAN BE PRESENTED AT A LATER DATE, REDUCE THE AMOUNT OF THE LITES IN ALL OF THE WINDOWS AND FRENCH DOORS, AND CHANGE THE SOLID GLASS WINDOWS ON THE REAR ELEVATION TO FRENCH DOORS.**

**MOTION SECONDED BY MR. HELANDER.**

**MRS. BAKER AGAINST.**

**MOTION CARRIED 6-1**

### **B32-96 Addition**

Applicant: Lois Mills  
Address: 570 North Lake Way  
Architect: Ames Bennett  
Project Description: New master bathroom addition.

This project was deferred from the April meeting.

Architect Ames Bennett presented the project. The addition will be attached to the existing master bedroom which will add a bathroom and closet area. There will be bay windows on either side with small oval windows in the middle to match the existing architecture. The addition will add approximately 650 square feet to the home.

**MOTION BY MR. BELL TO APPROVE THE PROJECT AS PRESENTED.**  
**MOTION SECONDED BY MR. HELANDER.**  
**MOTION CARRIED UNANIMOUSLY.**

Let the record show an lunch break was called at this time.  
The meeting reconvened at 2:00 p.m.

A roll call indicated Mrs. Baker, Mrs. Kinsella, Mr. Bell and Mr. Wideman were in attendance at this time.

### **B33-96 New Residence**

Applicant: Lucy Berkstorm  
Address: 151 Atlantic Avenue  
Architect: Randall Stofft  
Project Description: New two story residence.

This project was deferred from the April meeting.

Architect Randall Stofft stated the project is a two-story Mediterranean style home. It will have smooth stucco, stone reliefs, cypress outlookers and a garage facing the street. The lot is 100 feet by 100 feet and the square footage of the proposed house is approximately 4,400 square feet.

Let the record show Mr. Schuler, Mr. Deziel and Mr. Helander returned to the meeting at this time.

The Commission suggested having one driveway entrance centrally located to screen the garage from the street. Mr. Stofft stated he would present the driveway change with the landscape plan.

Discussion took place concerning the size of the lot and the size of the proposed house. It was felt

the house was too big for the lot and the project is at the maximum of what the code allows. It was further stated that the columns do not match and the ½ round windows with transoms on the rear elevation do not tie together. It was suggested to move the garage to the side, closer to the house and add a window on the front elevation. The roof hip was discussed and suggested to use a more classic roof line.

The architect felt the size of the house is modest and that the other houses on the street are more massive than this project. Mrs. Baker cited Section II, Article 4-10 of the Zoning Code to enlighten the architect to the criteria in the ordinance.

The architect did not have a roof scape line drawing or a CCR study of the surrounding homes to present. He was asked to bring this information to the next meeting.

**MOTION BY MR. SCHULER TO DEFER THE PROJECT TO JUNE FOR RE-STUDY.  
MOTION SECONDED BY MR. BELL.  
MOTION CARRIED UNANIMOUSLY.**

**B35-96 New Residence**

|                      |                                                  |
|----------------------|--------------------------------------------------|
| Applicant:           | Mr. and Mrs. John Rakolta, Jr.                   |
| Address:             | 537 Island Drive                                 |
| Architect:           | Bridges, Marsh & Carmo                           |
| Project Description: | New, two story, Mediterranean revival residence. |

This project was deferred from the April meeting.

Architect Richard Lucente presented a CCR study and a silhouette drawing showing the proposed project in relation to the existing homes on the street. He stated the tie beam was lowered 6 inches and the height of the garage area and tower were also lowered. The house was moved back an additional 2 ½ feet from the street and the size was reduced approximately 1,000 square feet.

Mr. Helander complimented the architect on the silhouette street scape drawing and suggested using this as an example for other architects. Mr. Bell felt the rustication on the front increased the massive appearance and the tower was not appropriate for this style of architecture. He also would like to see the drawings done in a 1/4 inch scale. Mr. Schuler felt the house was not in keeping with the neighborhood as it is very large and has a lot of fenestration. Mr. Helander felt the house is a superior design, but agreed it needs to be trimmed down. Mrs. Baker said the windows don't seem to relate on all sides of the building. Some of the Commission felt the house was not in keeping with Everglades Island and the overall consensus was that the house is too big.

**MOTION BY MR. SCHULER TO DEFER THIS PROJECT TO THE JUNE MEETING.  
MOTION SECONDED BY MR. HELANDER.  
MOTION CARRIED UNANIMOUSLY.**

### **B36-96 Addition and Entry Gate**

Applicant: Nasser Kazeminy  
Address: 760 Island Drive  
Architect: Architectural Forum, Inc. And John Leisinger  
Project Description: Entry hall addition, entry gate system and landscape.

This project was deferred from the April meeting.

Mr. Deziel left the meeting at this time and filed a Conflict of Interest form.

Mrs. Kinsella and Mr. Schuler declared ex-parte communications.

Architect Gerald Mazzara presented photos of the surrounding homes. The entry hall/pavilion is 320 square feet. The existing garden court at the front door will remain and the hall addition will be built around it with glass opening on both sides. There will be round windows on all four sides of the pavilion. A bronze tone door system with a flanking gate of similar material will enter into the court yard.

The Commission felt that the addition was too commercial looking, out of proportion with the existing house and too dissimilar for the area. The columns with the roof structure look very massive and the doors appear heavy.

At this time the architect presented a revised drawing showing the height of the doors raised to bring into proportion and more of a conservative metal work on the front doors.

Mr. Schuler felt the addition was not in keeping with the contemporary style of the house.

**MOTION BY MR. BELL TO APPROVE THE SECOND DESIGN PRESENTED.  
MOTION SECONDED BY MR. HELANDER.  
MR. SCHULER VOTED NEGATIVELY.  
MOTION CARRIES 6-1.**

Mr. Mazzara asked for review the gate system, but to defer approval to next month. He stated the Town Council approved a set back variance on the left driveway entrance only.

The Commission preferred a wall to the right of the entrance gates rather than a railing. It was felt the gate design was a bit eccentric, but does tie in with the architecture of the house.

**MOTION BY MR. SCHULER TO DEFER THE PROJECT TO THE JUNE MEETING.  
MOTION SECONDED BY MR. HELANDER.  
MOTION CARRIED UNANIMOUSLY.**

It was decided the landscaping would not have to be reviewed by ARCOM as it is an existing home.

Mr. Deziel returned to the meeting at this time.

**B37-96 New Residence**

Applicant: Mr. and Mrs. Mispah Ahdab  
Address: Lot 1.2 Primavera Estates (Via Sunny)  
Architect: Miklos & Associates  
Project Description: New two story single family residence.

This project was deferred from the April meeting.

Architect Gregory Miklos and his associate presented the project which is a two-story Mediterranean style with a side loading garage. A street scape showing the relation of the project to the neighboring properties was presented. The house will have a clay barrel tile roof and a light texture stucco finish with pecky cypress outlookers. Precast decorative treatments will be used on the windows and precast column details will be used around the recessed entryway. There will be true divided lite french doors on the rear with a small balcony above. The living room will have a two-story ceiling height.

The Commission felt that this house was not overdone and it is a nice example of Mediterranean architecture.

**MOTION BY MR. HELANDER TO APPROVE THE PROJECT AS PRESENTED.  
MOTION SECONDED BY MRS. KINSELLA.  
MOTION CARRIED UNANIMOUSLY.**

**B38-96 New Residence**

Applicant: Northwood University  
Address: 167 Dolphin Road  
Architect: Steven J. Bruh  
Project Description: New two story single family residence.

This project was deferred from the April meeting.

Mr. Schuler, Mr. Helander and Mrs. Baker disclosed ex-parte communications.

Architect Stephen Bruh stated the CCR of the project is 4.45, the square footage is 5,281 and it fits into the site coverage allowed in the zoning code. The style is neo classic with flat cement roof tiles and keystone accents.

Mrs. Baker referred to Zoning Code, Section II, Article 4-10 for the architect's information. The three curb cuts were discussed and it was stated that the Public Works Department would review the curb cuts.

The Commission commented as follows:

The house is too big.

The project is inappropriate for the neighborhood.

The tower is out of place.

The garage should be relocated due to the traffic on North Lake Way.

The project is trying to do too much on a small lot.

The features belong on a grander home.

Three letters were read into the record in opposition to the project. There were persons in the audience also in opposition to the project.

The architect agreed the house is larger than any other in the neighborhood and the suggested using one and two story elements. He was asked why the application reflects Northwood University as the applicant. He said the property is in the process of being sold to Mrs. Frankel.

**MR. BELL MADE THE MOTION TO DEFER THE PROJECT TO THE JUNE MEETING FOR RE-STUDY.**

**MOTION SECONDED BY MR. HELANDER.**

**MOTION CARRIED UNANIMOUSLY.**

It was suggested the architect meet with the neighbors regarding the project and look at the neighborhood.

**C18-96**

Applicant: Richard Furland  
Address: 745 Hi-Mount Road  
Architect:  
Project Description:

A variance request was scheduled for the April Town Council meeting. No ARCOM application has been received. Therefore, staff recommends deferral of this project.

**MOTION BY MRS. KINSELLA TO DEFER THIS PROJECT TO THE JUNE MEETING.  
MOTION SECONDED BY MR. SCHULER.**

**AMENDED MOTION BY MRS. KINSELLA TO REMOVE THIS ITEM FROM THE  
AGENDA.  
MOTION SECONDED BY MR. SCHULER.  
MOTION CARRIED UNANIMOUSLY.**

**B27-96 New Residence**

Applicant: Mr. and Mrs. Richard E. Smith  
Address: 1100 North Ocean Blvd.  
Architect: The Lawrence Group  
Project Description: New single family residence.

This project was informally heard at the March meeting and deferred from the April meeting.

Mr. Bell, Mr. Schuler and Mrs. Baker disclosed ex-parte communications.

Attorney Doyle Rogers addressed the Commission. Mr. Rogers felt the objections from the neighbors and comments from the Commission have been addressed.

Architect Gene Lawrence stated the changes to the plans include smaller windows throughout the house. The round windows on the front elevation were replaced with rectangular windows. The roof on the entrance portico was changed to a flat roof. The building will have a deeply scored stucco finish such as a rusticated stone wall. The height of the lanai on the rear elevation was lowered and the amount of glass was reduced. It was agreed to take two feet off of the height of the chimneys covers. Aluminum removable shutters will be used for hurricane protection.

Mr. Lawrence agreed to bring back a sketch showing the changes.

Attorney Peter Broberg addressed the Commission and said he represents Mr. and Mrs. Grubman, who live across the street to this project. His clients would like the site screening, particularly the 30 foot high seagrapes at the corner remain.

**MOTION BY MR. DEZIEL TO APPROVE THE PROJECT WITH THE PROVISION TO CHANGE THE ROOF LINE, CHANGE THE ½ ROUND WINDOW ABOVE THE PORTE COCHERE TO A RECTANGULAR WINDOW, REWORK THE WINDOWS ON THE EAST SIDE ADDING TRANSOMS, CHANGE THE ARCHES AT THE LIVING ROOM AND KEEP THE SEAGRAPES AS LONG AS POSSIBLE DURING CONSTRUCTION.**

**MOTION SECONDED BY MR. SCHULER.**

**MR. BELL OPPOSED.**

**MOTION CARRIED 6-1.**

### **B. NEW BUSINESS - MAJOR PROJECT**

#### **B40-96 New Two Story Commercial Building**

Applicant: James C. Gavigan  
Address: 396 Royal Palm Way  
Architect: The Lawrence Group Architects  
Project Description: New two story commercial bank building.

Mr. Lawrence stated the project needs to go to Town Council for a Special Exception and asked for deferral.

**MOTION BY MRS. KINSELLA TO DEFER THIS PROJECT TO THE JUNE MEETING.**

**MOTION SECONDED BY MR. SCHULER.**

**MOTION CARRIED UNANIMOUSLY.**

Let the record show a five minute break was called at this time.

### **B41-96 Garage Addition**

Applicant: Douglas Mattson  
Address: 241 La Puerta Way  
Engineer: Stephen Sinclair  
Project Description: Garage addition.

Engineer Steven Sinclair presented the project. An existing car port will be enclosed and off street parking will be provided. A small one car garage will be added with a side entrance.

**MOTION BY MR. HELANDER TO APPROVE THE PROJECT AS PRESENTED.  
MOTION SECONDED BY MRS. KINSELLA.  
MOTION CARRIED UNANIMOUSLY.**

### **B42-96 New Two Story Residence**

Applicant: Addison Development  
Address: 217 Via Tortuga  
Architect: Carlos Martin  
Project Description: New two story residence.

This item was heard after item #A53-96.

Architect Carlos Martin presented the project. The proposed home is a two story classical French style with a buff color flat concrete tile roof. There will be one main entry drive with a motor court and an entrance portico with a balcony above. The garage doors will face the street with a hedge to screen it from view. The rear elevation will have a loggia facing the pool area. The transoms above the french doors, on the rear elevation, will be clear with round iron work details in the center. Mr. Martin preferred applied iron work for the muntins in the windows. The square footage of the house is 7,600, making the house 1,100 square feet under the maximum allowed in the zoning code.

Mr. Deziel said he has not seen this style of architecture in Palm Beach. Mr. Bell agreed, but the Commission did ask for something different in the Phipps Estates.

The Commission comments are as follows:

The front entrance is too heavy and it was suggested moving the entry closer to the house.

The garage should have a side entry with two doors.

Details of the windows should be presented next month as well as a sample of the roof tile.

The house is very close to being oversized for the lot.

A CCR study of the surrounding area is needed for next month's meeting.

**MOTION BY MR. BELL TO DEFER TO THE JUNE MEETING FOR RE-STUDY.  
MOTION SECONDED BY MR. SCHULER.  
MOTION CARRIED UNANIMOUSLY.**

**B43-96 New Carport, Gardens and Terraces**

Applicant: Mr. and Mrs. Applebaum  
Address: 325 Via Linda  
Architect: Ike & Kligerman  
Project Description: New carport, gardens and terraces.

Architect Tom Kligerman and Landscape Architect Linda Zylman presented the project. The proposed three-car carport will be facing the street.

Alternative suggestions were given to the architect to avoid a front loading carport.

**MOTION BY MRS. KINSELLA TO DEFER THE PROJECT TO THE JUNE MEETING.  
MOTION SECONDED BY MR. SCHULER.  
MOTION CARRIED UNANIMOUSLY.**

**B44-96 Entry Addition**

Applicant: Mr. and Mrs. Koontz  
Address: 232 La Puerta Way  
Architect: H. Gilbert & Associates  
Project Description: Entry addition.

Harry Gilbert presented the project and said the entry addition will be 165 square feet. The loggia on the rear will be reconfigured to include a fire place and french doors. A new roof is necessary on the existing house which will be done at the time of construction.

**MOTION BY MR. DEZIEL TO APPROVE THE PROJECT AS PRESENTED.  
MOTION SECONDED BY MRS. KINSELLA.**

Mr. Frank stated Mr. Gilbert is not a licensed architect and he was informed that he had to have a licensed architect in attendance.

Mr. Deziel withdrew his motion. Mrs. Kinsella withdrew her second to the motion.

**MOTION BY MRS. KINSELLA TO DEFER TO THE JUNE MEETING.  
MOTION SECONDED BY MR. SCHULER.  
MOTION CARRIED UNANIMOUSLY.**

Mr. Gilbert asked the Commission if a letter from his licensed associate would allow him to present projects. He said the rule is unjust and unfair.

Mr. Frank said letters from licensed architect and engineers allowing others to present projects may cause problems.

**B45-96 New Two Story Guest House**

Applicant: Mr. and Mrs. Wallace  
Address: 1472 South Ocean Blvd.  
Architect: Lindley M. F. Hoffman  
Project Description: New two story guest house.

This item was heard after item #B41-96.

Mr. Schuler filed a Conflict of Interest form and left the meeting at this time.

Architect Lindley Hoffman presented photographs of surrounding properties and the subject property. The house was built by John Volk in the 1950's. The proposed guest house will reflect the style of the main house. A deck in front of the guest house will echo the existing patio of the main house. The owners wanted a red clay flat tile roof on both houses.

There were comments on the front door looking too narrow for the scale of the building. Mr. Hoffman offered to lower the height of the door. The roof was discussed and it was thought a red roof would not match the Georgian style of the house. White flat cement tile roofing material was preferred. Mrs. Wallace addressed the Commission and spoke in favor of the red clay roof. She said there are other John Volk houses, not of a Mediterranean style, with red clay roofing material. Mr. Hoffman offered to bring back samples of the proposed roofing material along with landscaping plans for approval.

**MOTION BY MR. BELL TO APPROVE THE PROJECT WITH A WHITE TILE ROOF.  
MOTION SECONDED BY MR. HELANDER.  
MOTION CARRIED UNANIMOUSLY.**

**B46-96 New Residence**

Applicant: Mrs. Arnold Miller  
Address: 1415 South Ocean Blvd.  
Architect: John Gosman  
Project Description: New single family residence.

Staff recommends deferral of this project.

This item was heard first on the agenda as a member of the general public wanted to ensure this item would in fact be deferred.

**MOTION BY MR. SCHULER TO DEFER THIS PROJECT TO THE JUNE MEETING.  
MOTION SECONDED BY MR. HELANDER.  
MOTION CARRIED UNANIMOUSLY.**

**C. DEFERRALS AND CONTINUATIONS - MINOR PROJECTS**

**A39-96 Hard scape**

Applicant: Wittman Building Corporation  
Address: 200 El Vedado Way  
Architect: Lang Design Group  
Project Description: Pool, raised patio, wall fountain and driveways.

Mr. Frank recommended removal from the agenda as this project is a patio design change only and can be staff approved.

**MOTION BY MRS. KINSELLA TO REMOVE THIS ITEM FROM THE AGENDA.  
MOTION SECONDED BY MR. SCHULER.  
MOTION CARRIED UNANIMOUSLY.**

#### **A49-96 Landscape**

Applicant: Paivi Alperson  
Address: 157 Everglade Avenue  
Architect: Brett Armstrong  
Project Description: Landscape plan

Landscape architect Brett Armstrong said confederate jasmine will be planted along the fence on the left property line.

**MOTION BY MRS. KINSELLA TO APPROVE THE PROJECT AS PRESENTED.  
MOTION SECONDED BY MR. DEZIEL.  
MOTION CARRIED UNANIMOUSLY.**

#### **D. NEW BUSINESS - MINOR PROJECTS**

#### **A52-96 Building Colors**

Applicant: Dilow Estates, Inc.  
Address: 220 Banyan Road  
Architect: John Gosman  
Project Description: Building colors

This item was heard after item #B45-96.

Architect Lowry Bell stated the building will be peach or rose color with seafoam green trim around the windows and an orange clay Altousa "S" tile roof.

**MOTION BY MR. HELANDER TO APPROVE AS PRESENTED.  
MOTION SECONDED BY MRS. KINSELLA.  
MOTION CARRIED UNANIMOUSLY.**

**A53-96 Building Colors**

Applicant: Dilow Estates, Inc.  
Address: 700 South County Road  
Architect: John Gosman  
Project Description: Building colors

Architect Lowry Bell stated the building color will be yellow okra with a light green trim.

**MOTION BY MR. HELANDER TO APPROVE.  
MOTION SECONDED BY MRS. KINSELLA.  
MOTION CARRIED UNANIMOUSLY.**

**V. OTHER BUSINESS**

There was no discussion under this topic.

**VI. ADJOURNMENT**

**MOTION BY MR. SCHULER TO ADJOURN THE MEETING AT 5:45 P.M.  
MOTION SECONDED BY MR. DEZIEL.  
MOTION CARRIED UNANIMOUSLY.**

The next meeting of the Architectural Commission will be held on June 26, 1996 immediately following a workshop meeting beginning at 8:00 a.m. These meetings will be held in the Town Hall, Town Council Chambers, 360 South County Road, Palm Beach.

Respectfully submitted,

Laurel Baker,  
Vice-Chairman

gd

DENIAL

CERTIFICATION OF ACTION BY ARCHITECTURAL COMMISSION

The Architectural Commission has denied the following request in accordance with the criteria set forth in Article IX, ARCHITECTURAL REVIEW AND PROCEDURE, Section 5-387 (Criteria)

Application Number and Title: B 13-96

Applicant: Dr & Mrs Rosenberg

Address: 1204 South Ocean Blvd

Architect: \_\_\_\_\_

Project Description: Denial

The above request has been denied by the Architectural Commission for the following reasons:

- ☐ a. The plan for the proposed building or structure is not in conformity with good taste, good design, and in general, does not contribute to the image of Palm Beach as a place of beauty, spaciousness, balance, taste, fitness, charm and high quality.
- ☐ b. The plan for the proposed building or structure does not indicate the manner in which the structures are reasonably protected against external and internal noise, vibrations, and other factors which may tend to make the environment more desirable.
- ☐ c. The proposed building or structure is, in its exterior design and appearance, inferior in quality such as to cause the nature of the local environment to materially depreciate in appearance and value.
- ☒ d. The proposed building or structure is not in harmony with the proposed developments on land in the general area, with the Comprehensive Plan for Palm Beach, or with any precise plans adopted pursuant to the Comprehensive Plan.

— e. The proposed building or structure is excessively similar to other structures existing or for which a permit has been issued or to other structures included in the same permit application, facing upon the same or intersecting public or private way (alleys not included) and within two hundred (200) feet of the proposed site in respect to one or more of the following features of exterior design and appearance:

- (1) Apparently visibly identical front or side elevations.
- (2) Substantially identical size and arrangement of either doors, windows, porticos or other openings or breaks in the elevation facing the street, including reverse arrangement, or
- (3) Other significant identical features of design such as but not limited to, material, roof line and height or other design elements.

✓  
— f. The proposed building or structure is visibly excessively dissimilar in relation to any other structures existing or for which a permit has been issued or to any other structures included in the same permit application, facing upon the same or intersecting public or private way (alleys not included) and within two hundred (200) feet of the proposed site in respect to one or more of the following features:

- (1) Cubical contents,
- (2) Gross floor area,
- (3) Height of building or height of roof,
- (4) Other significant design features such as materials or quality of architectural design.

— g. The proposed building or structure is not appropriate in its 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).

— h. The proposed development is not in conformity with the standards of this Code and other applicable ordinances insofar as to the location and appearance of the building and structures which are involved.

— i. The project's location and design does not adequately protect unique site characteristics such as those related to scenic views, rock outcroppings, natural vistas, waterways, and similar features.

The applicant is advised that appeals must be filed with the Town Clerk within 10 days in accordance with Article IX, Section 5-388 of the Town Code of Ordinances.

CERTIFICATION:

The above denial was issued by the Architectural Commission at their meeting on May 22, 1996.  
(date)

TOWN OF PALM BEACH

Laurie B. Baker

Chairman, Architectural Commission

✓ Acting

LEWIS, VEGOSEN, ROSENBAACH & SILBER, P.A.

ATTORNEYS AT LAW  
500 SOUTH AUSTRALIAN AVENUE, 10th FLOOR  
WEST PALM BEACH, FLORIDA 33401

ROBERT M. LEWIS (1932-1982)

CASS W. CHRISTENSON  
GARY M. DUNKEL  
CYNTHIA J. JACKSON  
JOHN B. LEVITT  
MARSHALL J. OSOFSKY  
DEAN J. ROSENBAACH \*  
JOHN R. SHEPPARD, JR.  
LOUIS M. SILBER \*  
SAMUEL A. THOMAS  
KENNETH A. TREADWELL  
DEAN VEGOSEN  
GARY WALK

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WEST PALM BEACH, FL 33402-4388

OF COUNSEL  
EDWARD BOBICK

TELEPHONE (561) 659-3300  
FAX: (561) 832-1991

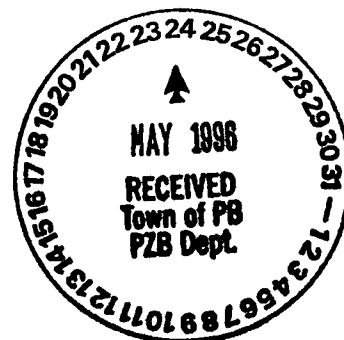
\* Board Certified Civil Trial Lawyer

May 23, 1996

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Leighton A. Rosenthal  
Chairperson  
Architectural Review Committee  
Town of Palm Beach  
656 North County Road  
Palm Beach, FL 33480

RE: B13-96  
DR. AND MRS. MARVIN ROSENBERG  
1204 NORTH OCEAN BLVD.



Dear Mr. Rosenthal:

In accordance with Section 5-387 of Article IX of the Palm Beach Code request is hereby made for a copy of the action taken by the Architectural Commission at its May 22, 1996 meeting with respect to the captioned, signed by you.

Since only ten days is allowed for appeal of any action taken by the Architectural Commission and an order of the Architectural Commission becomes effective ten days after a ruling by the Commission, I would appreciate your furnishing the requested written action within ten days of May 22, 1996.

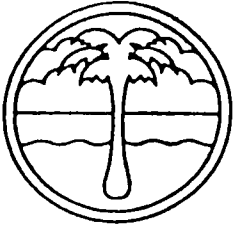
Thank you for your cooperation.

Sincerely,

*Dean Vegosen*  
Dean Vegosen

DV:eem

cc: Mrs. Laurel Baker, Vice-Chair (via CM-RRR).  
Timothy M. Frank  
Dr. and Mrs. Marvin Rosenberg  
Joe Brennan



## TOWN OF PALM BEACH

Post Office Box 2029 • 360 South County Road  
Palm Beach, Florida 33480 • (305) 655-5341

### MEMORANDUM

May 25, 1996

Re: Rosenberg  
1204 North Ocean Blvd.

Dear Mr. Vegosen,

Enclosed please find a copy of the Certification of Action  
by Architectural Commission signed by Acting Chairman Baker.

If I can be of further assistance, please do not hesitate to call.

Yours truly,

Gretchen Dayton,  
ARCOM Secretary

\

# 'Too large' Rosenberg house nixed

By SUSAN BEACH  
Daily News Staff Writer

"Massive." "Overbearing."  
"Just too much house."

That is how Nightingale Trail residents described a proposed oceanfront home Wednesday to architectural commissioners — prior to the panel's unanimous denial of the project.

Agreeing in part with some residents, the commission denied Dr. Marvin Rosenberg's plans to replace a brick bungalow with a two-story, 8,679-square-foot home at 1204 N. Ocean Blvd. on the corner of Nightingale. The panel voted 7-0, saying the proposed home would not harmonize with houses in the area and would be "excessively dissimilar" to the surrounding houses in size.

"The size has never been corrected to this date," said Commissioner Lowry Bell. "It's too large. It has been too large."

The commission has critiqued the plans monthly since February.

"The massiveness of this project was reduced a total of 2.9 percent — 2.9 percent; it's a closet ... We are here not as adversaries. We are here for the benefit of the town," said Commissioner Laurel Baker, who chaired the daylong meeting in the absence of Chairman Leighton Rosenthal. Rosenthal was out of town and recovering from surgery.

The commission had deferred ruling on the plans last month and asked the designer to reduce the home's size by removing a front loggia and to make other changes to the plans for the Mediterranean revival-style home.

Although Rosenberg's attorney objected to the vote, saying it compromised the integrity of the commission, Rosenberg said he will prepare a new design.

"We're going to resubmit another set of plans to address the concerns of the neighbors and the issues of the Architectural Commission," a smiling Rosenberg said after the meeting. Rosenberg, who serves as an alternate member of the commission, declared a conflict of interest and took a seat in the audience during his architect's presentation.

Rosenberg began working on new plans during the lunch break. "I wish this had occurred three months ago rather than have this process needlessly prolonged," he added.

Eight residents wrote the town about the project — seven in opposition, one in favor — and several spoke at the meeting.

Marcia Cole, who lives on Ocean Boulevard south of Rosenberg's 19,872-square-foot lot, said

the home would be a good addition to the street and would replace "an old-fashioned brick house that belongs up North."

Jo Turk, who lives on Nightingale Trail, said at the meeting that commissioners were elected to "keep Palm Beach the same." In her letter, she wrote that zoning laws protect against the destruction of neighborhoods. "That is what government is for — to do what we can't do for ourselves, according to Abraham Lincoln," she also wrote in her letter.

Alternate Commissioner Robert Deziel, who voted in place of Rosenthal, made the motion to deny the plans. Commissioner Ethel Kinsella seconded the vote. Commissioners John Schuler and Bell praised the architecture of the home but said it was not suitable for the lot.

"It belongs in a different zone," Schuler said.

Also on Wednesday, the commission reviewed plans for many new homes and additions to houses. The agenda often is lengthy this time of year because property owners like to have plans approved so they can build during the summer. The town's noise ordinance allows heavier machinery in the summer, when the town is less populated than in the winter.

The commission:

■ approved, 6-1, a two-story, 10,426-square-foot, modern-style home with stylized roofs and two chimneys, to be built on the vacant lot adjacent to the former Kennedy house. The lot, at 1100 N. Ocean Blvd., is 40,821 square feet. The commission approved the plans with the stipulation that the tall seagrapes on the north side of the property remain and that the designer make several minor changes to the plans. Bell cast the dissenting vote, saying the rustication detail proposed for the home is not appropriate for two-story buildings.

■ unanimously approved a request to demolish a home on a 51,095-square-foot parcel of land at 206 N. Ocean Blvd., and replace it with a 16,388-square-foot Mediterranean-style residence. The home, designed around courtyards, features an exercise room, four-car garage and open-air pool pavilion adjacent to a swimming pool.

■ unanimously approved a two-story, 8,461-square-foot Mediterranean-style home for a 37,804-square-foot lot on Via Sunny.

■ unanimously approved a request to demolish a home built in 1947 at 286 Jamaica Lane and build a 6,505-square-foot home on

the 16,806-square-foot lot.

■ unanimously approved plans to demolish a home and replace it with a one-story, Regency-style, 4,270-square-foot house on a 12,250-square-foot lot at 233 Miraflores Drive.

■ approved, 6-1, plans for a one-story addition to the rear of a two-story home at 377 N. Lake Way. Schuler voted against the approval, saying the glass doors looked commercial and the architecture was dissimilar to that on the front of the house.

■ unanimously approved a two-story guest house that would match the style of the main house at 1472 S. Ocean Blvd. The 1950s home was designed by John Volk. The commission did not like the proposed red tile for the roof and asked that white tile be installed; or that the architect return to present tile samples. The vote was 6-0, with Schuler declaring a conflict of interest and leaving the room. Schuler's wife is the real estate agent handling the sale of the property.

■ unanimously approved a 650-square-foot bathroom and dressing-room addition to a home at 570 N. Lake Way.

■ approved, 6-1, a 320-square-foot entry addition to a Bermuda-style home at 760 Island Drive. Schuler cast the dissenting vote, saying the addition looks commercial and out of proportion to the house.

■ deferred voting on plans for a two-story, French-style home at 217 Via Tortuga in the Phipps Estates subdivision. The commission asked the architect to redesign the garage so that it does not face the street, to reduce the massiveness of the front entry, and to define details on the house.

■ deferred voting on plans for a two-story Mediterranean-style home at 151 Atlantic Ave., and asked the architect to reduce the mass of the house and redesign the garage so it does not face the street.

■ deferred voting on plans for a two-story Mediterranean-style home at 537 Island Drive, saying the home is too large for the lot.

■ deferred voting on plans for a two-story home with a tower at 167 Dolphin Road, asking the architect to reduce the size of the structure.

■ deferred voting on plans for one- and two-story additions to a home at 102 Flagler Drive to allow neighbors, who were told the hearing would be held next month, to comment. The commission also suggested reducing the size of the additions and redesigning the garage entrance.

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

|                                                                   |                      |                                                                                                                      |  |
|-------------------------------------------------------------------|----------------------|----------------------------------------------------------------------------------------------------------------------|--|
| LAST NAME—FIRST NAME—MIDDLE NAME<br><b>DEZIEL, ROBERT EDWARDS</b> |                      | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE<br><b>Anti-Corruption Commission</b>                     |  |
| MAILING ADDRESS<br><b>P.O. Box 936</b>                            |                      | THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:                                |  |
| CITY<br><b>PALM BEACH</b>                                         | COUNTY<br><b>FL.</b> | <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY |  |
| DATE ON WHICH VOTE OCCURRED<br><b>5/22/96</b>                     |                      | NAME OF POLITICAL SUBDIVISION:<br><b>Town of Palm Beach</b>                                                          |  |
|                                                                   |                      | MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE                     |  |

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

You must abstain from voting and disclose the conflict in the situations described above and in the manner described for elected officers. In order to participate in these matters, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

**IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:**

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, ROBERT ABZIE, hereby disclose that on May 22, 19 96:

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, \_\_\_\_\_;
- ☐ inured to the special gain or loss of my relative, \_\_\_\_\_;
- ☒ inured to the special gain or loss of Mr. and Mrs. Kazeminy, by whom I am retained; or
- ☐ inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Attorney for Applicant

Date Filed

5/22/96

Signature

Robert Abzie

**NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.**

134594

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

|                                                                  |                             |                                                                                                                      |  |
|------------------------------------------------------------------|-----------------------------|----------------------------------------------------------------------------------------------------------------------|--|
| LAST NAME—FIRST NAME—MIDDLE NAME<br><b>SCHULER JOHN HAMILTON</b> |                             | NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE<br><b>ARCHITECTURAL COMMISSION</b>                       |  |
| MAILING ADDRESS<br><b>200 JUNGLE ROAD</b>                        |                             | THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:                                |  |
| CITY<br><b>PALM BEACH FL</b>                                     | COUNTY<br><b>PALM BEACH</b> | <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY |  |
| DATE ON WHICH VOTE OCCURRED<br><b>5-22-96</b>                    |                             | NAME OF POLITICAL SUBDIVISION:<br><b>ARCHITECTURAL COMMISSION</b>                                                    |  |
|                                                                  |                             | MY POSITION IS:<br><input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE                   |  |

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

You must abstain from voting and disclose the conflict in the situations described above and in the manner described for elected officers. In order to participate in these matters, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

**IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:**

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, JOHN H. SCHULLER, hereby disclose that on 5-22, 19 96.

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, \_\_\_\_\_;
- ☐ inured to the special gain or loss of my relative, \_\_\_\_\_;
- ☐ inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- ☐ inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

MY WIFE IS <sup>THE</sup> LISTING REALTOR  
ON THIS PROPERTY SALE. THE  
CLOSING IS NOT SCHEDULED  
UNTIL JUNE

5-22-96  
Date Filed

John H. Schuller  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

DATE: 22 May 96

RE: MAJOR PROJECT NO. B 27-96  
or MINOR PROJECT NO. \_\_\_\_\_

STREET ADDRESS: 1100 No Ocean Blvd

ITEM FOR ARCHITECTURAL COMMISSION MEETING ON: 22 May 96

NOTE: This form is to record disclosures of the following information regarding authorized ex-parte communications in quasi-judicial matters relating to Town of Palm Beach Council, its Commissions and Boards, pursuant to Town Resolution No. 21-95, which was adopted by Town Council at its July 11, 1995 meeting:

1. Name of individual who has communicated with a  
Commission Member: Doyle Poven & Gen Lawrence
2. Name of person or group whom the individual represents:  
Richard E. Smith
3. Content of communication: Reviewed Plans -
4. Circle one: Commission Member contacted individual  
Individual contacted Commission Member
5. Site visit conducted on: \_\_\_\_\_
6. Other disclosure information: \_\_\_\_\_

NAME: Lawrence in Bell Jo  
TITLE: ARCOM Member

DATE: 5-22-96

RE: MAJOR PROJECT NO. B-27-96  
or MINOR PROJECT NO. \_\_\_\_\_

STREET ADDRESS: 1100 N. OCEAN BLVD

ITEM FOR ARCHITECTURAL COMMISSION MEETING ON: \_\_\_\_\_

NOTE: This form is to record disclosures of the following information regarding authorized ex-parte communications in quasi-judicial matters relating to Town of Palm Beach Council, its Commissions and Boards, pursuant to Town Resolution No. 21-95, which was adopted by Town Council at its July 11, 1995 meeting:

1. Name of individual who has communicated with a  
Commission Member: MR. EUGENE LAWRENCE  
MR. DOYLE ROGERS
2. Name of person or group whom the individual represents:  
MR. & MRS. RICHARD SMITH
3. Content of communication: DISCUSS DESIGN OF  
PROPOSED DESIGN
4. Circle one: Commission Member contacted individual  
☒ Individual contacted Commission Member
5. Site visit conducted on: NA
6. Other disclosure information: NA

NAME: John N. Scully  
TITLE: Arch Commission

DATE: 5/19/96

RE: MAJOR PROJECT NO. B2796  
or MINOR PROJECT NO. \_\_\_\_\_

STREET ADDRESS: 1100 North Ocean Blvd

ITEM FOR ARCHITECTURAL COMMISSION MEETING ON: 5/22/96

NOTE: This form is to record disclosures of the following information regarding authorized ex-parte communications in quasi-judicial matters relating to Town of Palm Beach Council, its Commissions and Boards, pursuant to Town Resolution No. 21-95, which was adopted by Town Council at its July 11, 1995 meeting:

1. Name of individual who has communicated with a

Commission Member: Dore Rogers, Esq.  
John Lawrence

2. Name of person or group whom the individual represents:

Mr. Smith

3. Content of communication: Reviewed Revised Plans  
questioned the oversized 1 1/2 round  
& their appropriateness to site  
fold glass windows don't match.

4. Circle one: Commission Member contacted individual

☒ Individual contacted Commission Member

5. Site visit conducted on: 4/2

6. Other disclosure information: \_\_\_\_\_

NAME: Laurel Bond

TITLE: Vice Chair

DATE: \_\_\_\_\_

RE: MAJOR PROJECT NO. B13-96  
or MINOR PROJECT NO. \_\_\_\_\_

STREET ADDRESS: 1204 North Ocean Blvd

ITEM FOR ARCHITECTURAL COMMISSION MEETING ON: 5/22/96

NOTE: This form is to record disclosures of the following information regarding authorized ex-parte communications in quasi-judicial matters relating to Town of Palm Beach Council, its Commissions and Boards, pursuant to Town Resolution No. 21-95, which was adopted by Town Council at its July 11, 1995 meeting:

1. Name of individual who has communicated with a

Commission Member: Dr. Lily

5/20 " "

Don Orisk

2. Name of person or group whom the individual represents:

3. Content of communication: development of the

Yours bid - excessive size - question  
code interpretation of building to meet  
the all aspects (setbacks, etc.)

4. Circle one: Commission Member contacted individual

☒ Individual contacted Commission Member

5. Site visit conducted on: \_\_\_\_\_

6. Other disclosure information: \_\_\_\_\_

NAME: James H. Alexander

TITLE: ARCH. Commissioner

DATE: 5/10/96

RE: MAJOR PROJECT NO. B17-961  
or MINOR PROJECT NO. C60-95

STREET ADDRESS: 280 Quince

ITEM FOR ARCHITECTURAL COMMISSION MEETING ON: 5/22/96

NOTE: This form is to record disclosures of the following information regarding authorized ex-parte communications in quasi-judicial matters relating to Town of Palm Beach Council, its Commissions and Boards, pursuant to Town Resolution No. 21-95, which was adopted by Town Council at its July 11, 1995 meeting:

1. Name of individual who has communicated with a  
Commission Member: Harold Smith

2. Name of person or group whom the individual represents:  
RLM Rible

3. Content of communication: Stairway window

4. Circle one: Commission Member contacted individual  
☒ Individual contacted Commission Member

5. Site visit conducted on: \_\_\_\_\_

6. Other disclosure information: \_\_\_\_\_

NAME: [Signature]  
TITLE: Arch. Commissioner

DATE: 22 May 96

RE: MAJOR PROJECT NO. B31-96  
or MINOR PROJECT NO. \_\_\_\_\_

STREET ADDRESS: 233 Miraflores Drive

ITEM FOR ARCHITECTURAL COMMISSION MEETING ON: \_\_\_\_\_

NOTE: This form is to record disclosures of the following information regarding authorized ex-parte communications in quasi-judicial matters relating to Town of Palm Beach Council, its Commissions and Boards, pursuant to Town Resolution No. 21-95, which was adopted by Town Council at its July 11, 1995 meeting:

1. Name of individual who has communicated with a

Commission Member: ARCHITECT - RON WIENDIEL

2. Name of person or group whom the individual represents:

Quinn Johnson Burnett

3. Content of communication: Review Plans

4. Circle one: Commission Member contacted individual

Individual contacted Commission Member

5. Site visit conducted on: \_\_\_\_\_

6. Other disclosure information: \_\_\_\_\_

NAME: Lawrence M. Bell Jr

TITLE: ARCOM member

DATE: 22 May 96

RE: MAJOR PROJECT NO. B25-96  
or MINOR PROJECT NO. \_\_\_\_\_

STREET ADDRESS: 102 RAGLEN Drive

ITEM FOR ARCHITECTURAL COMMISSION MEETING ON: \_\_\_\_\_

NOTE: This form is to record disclosures of the following information regarding authorized ex-parte communications in quasi-judicial matters relating to Town of Palm Beach Council, its Commissions and Boards, pursuant to Town Resolution No. 21-95, which was adopted by Town Council at its July 11, 1995 meeting:

1. Name of individual who has communicated with a  
Commission Member: CLIVE DAWLEY  
\_\_\_\_\_
2. Name of person or group whom the individual represents:  
Neighborhood -  
\_\_\_\_\_
3. Content of communication: Objected to New Addition  
\_\_\_\_\_  
\_\_\_\_\_
4. Circle one: Commission Member contacted individual  

Individual contacted Commission Member
5. Site visit conducted on: \_\_\_\_\_  
\_\_\_\_\_
6. Other disclosure information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAME: Howard M Bell Jr  
TITLE: Arcom Member

DATE: 22 May 96

RE: MAJOR PROJECT NO. B 38-96  
or MINOR PROJECT NO. \_\_\_\_\_

STREET ADDRESS: 167 Dolphin Rd

ITEM FOR ARCHITECTURAL COMMISSION MEETING ON: 22 May 96

NOTE: This form is to record disclosures of the following information regarding authorized ex-parte communications in quasi-judicial matters relating to Town of Palm Beach Council, its Commissions and Boards, pursuant to Town Resolution No. 21-95, which was adopted by Town Council at its July 11, 1995 meeting:

1. Name of individual who has communicated with a  
Commission Member: Steven J. Brown
2. Name of person or group whom the individual represents:  
Northwood University
3. Content of communication: Review Plans
4. Circle one: Commission Member contacted individual  
Individual contacted Commission Member
5. Site visit conducted on: \_\_\_\_\_
6. Other disclosure information: \_\_\_\_\_

NAME: Lawrence M. Bell Jr.  
TITLE: Atcom Member

DATE: May 22, 1996

RE: MAJOR PROJECT NO. 130-96  
or MINOR PROJECT NO. \_\_\_\_\_

STREET ADDRESS: 760 Island Drive

ITEM FOR ARCHITECTURAL COMMISSION MEETING ON: \_\_\_\_\_

NOTE: This form is to record disclosures of the following information regarding authorized ex-parte communications in quasi-judicial matters relating to Town of Palm Beach Council, its Commissions and Boards, pursuant to Town Resolution No. 21-95, which was adopted by Town Council at its July 11, 1995 meeting:

1. Name of individual who has communicated with a  
Commission Member: M/A Kazemiy  
\_\_\_\_\_
2. Name of person or group whom the individual represents:  
Owner  
\_\_\_\_\_
3. Content of communication: Look over lot  
plan  
\_\_\_\_\_
4. Circle one: Commission Member contacted individual  
Individual contacted Commission Member
5. Site visit conducted on: at home  
\_\_\_\_\_
6. Other disclosure information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAME: Ellen Kowalik

TITLE: Green Comm.

DATE: May 22 1996

RE: MAJOR PROJECT NO. \_\_\_\_\_  
or MINOR PROJECT NO. H-19-96

STREET ADDRESS: 157 Zephyrus Ave

ITEM FOR ARCHITECTURAL COMMISSION MEETING ON: May 22 1996

NOTE: This form is to record disclosures of the following information regarding authorized ex-parte communications in quasi-judicial matters relating to Town of Palm Beach Council, its Commissions and Boards, pursuant to Town Resolution No. 21-95, which was adopted by Town Council at its July 11, 1995 meeting:

1. Name of individual who has communicated with a  
Commission Member: \_\_\_\_\_  
\_\_\_\_\_
2. Name of person or group whom the individual represents:  
\_\_\_\_\_  
\_\_\_\_\_
3. Content of communication: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Circle one: Commission Member contacted individual  
Individual contacted Commission Member
5. Site visit conducted on: Feb  
\_\_\_\_\_
6. Other disclosure information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAME: John Kowale

TITLE: Area Cn

RECEIVED

+ Mrs.

Mr. Donald Elliott Farry  
110 Mockingbird Trail

MAY 21 1996

Palm Beach, Florida 33480

TOWN OF PALM BEACH  
BUILDING & ZONING

May 20, 1996

Re: B 13-96 Demolition and New Residence

Dear Ladies and Gentlemen of ARCOM,

We are the adjacent neighbors directly to the west and northwest of Dr. Rosenberg's proposed house.

We own the two "old dilapidated bungalow homes" within 200' of the project. \* We do take offense to this description of our Bermuda style residences.

We own two adjoining lots at 110 Mockingbird Tr. and 115 Nightgale Tr. We have over 25,000 sq. feet of property and 3 buildings which total

ARCOM  
\*(a quote from the minutes 2-28-96 p.7.)

approximately 5000 sq. feet. The house at 115 Nighthale is our 1,000 sq. ft. guest house; it is well maintained and ~~heavily~~ <sup>barely</sup> visible from the street. (2)

Dr. Rosenberg's proposed house is overbearing to our property. He would be looming into our large green yard, and into our jacuzzi, pool and patio area. It would not only infringe on our privacy, it would also block the ocean breeze and sunlight to our property.

We are also concerned with the drainage problems that may result from the large amounts of paved surfaces.

We believe that the house is too large for the lot and does not in any way conform to the existing neighborhood.

We have lived in Palm Beach for over 40 years. We have had many different addresses - from the estate section (south of Worth Ave), center of town on the lake, mid-town, and the north-end.

We have chosen the north-end because of the special ambiance of the neighborhood. We like the privacy, tranquility, the smaller and simpler scale of life and the ocean.

Our neighbors are a mélange of old Palm Beach families, young professional families with children, and retired families. We all seem to like to live in an unassuming environment.

The affect of this house, that has maxed out on the lot, is - that it is

too massive for this neighborhood. (4)

we are also concerned, not only with the size of this project, but also the effect this house will have on our taxes and property values. Perhaps the taxes will go up, but the value of our Bermuda Gungelaws will go down. - A classic CATCH-22 situation. - good for the buyers (developers), bad for the long time homestead owners.

we thank you for your considerations in this matter,

Nancy and Donald Farry

MRS. FRANK S. BELL  
231 NIGHTINGALE TRAIL  
PALM BEACH, FLORIDA 33480

Dear Commissioner Frank,  
I am distressed to hear  
we may have a very large  
house at the head of our  
Street. I think that any  
loss of green space is  
vitally important to us,  
the Residents and to our  
Town.

Sincerely yours,  
Margery T. Bell

May 19, 1996



1190 North Ocean Boulevard  
Palm Beach, Florida 33480  
March 17, 1996

Architectural Commission  
The Town of Palm Beach  
360 South County Road  
Palm Beach, Florida 33480

Gentlemen:

At your last meeting, you deferred approval of the architectural plans of Dr. and Mrs. Marvin Rosenberg for a home to be built at 1204 North Ocean Boulevard.

Among the reasons you cited were its excessive size in comparison to surrounding homes and its use of certain architectural features which further enhance its "stature."

While I support your vigilance in seeking to maintain high standards in the quality of homes built in our community and to deter inappropriate structures, I believe your concerns are misplaced insofar as the Rosenbergs' home.

The Rosenbergs have been extraordinarily sensitive to their future neighbors. As my home would be among those impacted by its presence, they reviewed their plans with me. I, for one, believe the home would be a good addition to the street.

The home's focus and orientation are directed toward the ocean, and it is from this vantage that most people will view the house. From the drawings I have seen, it would appear that the home "fits" well with its companions on North Ocean Boulevard.

In addition, the value of an ocean front home is not solely calculated in terms of the dollar premium paid for a costly lot. The Rosenbergs appreciate and are renewed by water views. To challenge their desire for open vistas is to denigrate the reason they chose this particular lot and reduce its value in their eyes.

The Rosenbergs presented thoughtfully conceived architectural drawings for your review. I urge you to find a thoughtfully designed compromise allowing approval of the Rosenbergs' plans--one that will not diminish their enjoyment of their new home.

Sincerely,

*Mrs. Joseph E. Cole*

5/20/96 - RJD

Re: Item for ARCOM meeting on May 22, 1996 - 1204 North Ocean Blvd.

xc: Mayor and Town Council

Randolph

Moore

Frank

Castro

Pollitt (original)

RANDOLPH A. HOPKINS

Insurance Consultants & Agents

140 Royal Palm Way

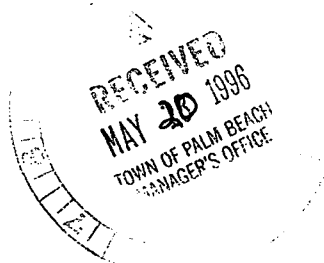
P.O. Box 69

Palm Beach, FL 33480

Telephone (407) 655-4837

Fax (407) 655-5203

May 17, 1996



Mayor & Town Council

P.O. Box 2029

Palm Beach, FL 33480

Dear Ladies & Gentlemen:

I am opposed to the new home which has been proposed for construction on Nightingale Trail and No. Ocean Blvd. I feel it will be too large for the neighborhood. The reason we live in the North end is because we do not want to become another estate section.

Additionally, not only myself, but my neighbors resent being called a run down neighborhood. If the Doctor wants an estate house let him build it in an estate section.

Thank you for your consideration.

Sincerely,

Randolph A. Hopkins

RAH/ts

cc: Robert Moore  
Tim Frank

Tim F

MRS. WORLEY SEWELL, JR.  
228 NIGHTINGALE TRAIL  
PALM BEACH, FLORIDA 33480

May 17, 1996

Mr. Tim Frank  
P.O. Box 2029  
Palm Beach, Florida

Dear Mr. Frank:

This letter is in reference to the house proposed by Dr. and Mrs. Marvin Rosenberg, to be built on the corner of North Ocean Boulevard and Nightingale Trail. We want to go on record as being opposed to the building as it is planned.

A pretentious house on that lot would be an unattractive, undesirable addition to this neighborhood, and certainly, not fit into the character of the community of the north end of Palm Beach. Those of us who have chosen this area for our residences do not want its character to be changed.

Please give due consideration to our wishes to preserve the quality of this neighborhood.

Sincerely,

*Frances and Worley Sewell*

copy: Town Council

Monday May 20, 1996

RECEIVED

MAY 20 1996

TO: Mr. Leighton Rosenthal  
Architectural Committee  
Fax: 835-4621

TOWN OF PALM BEACH  
BUILDING & ZONING

FROM: William Tracy  
President, Nightingale Trail Association  
Fax: 842-2316  
Phone: 842-0101 ✓

Re: Proposed building N. Ocean Blvd/Nightingale Tr.

I am receiving resident concern on the new residential home proposed by M/M Rosenberg at the above location. Would you kindly advise as to whether I can circulate to the neighboring residents a fax copy of the architectural drawings of the proposed building. There is apparently serious concern as to appropriateness of it's height, size and architectural style.

Please advise if this could be faxed to me. Also advise me what action can be taken by any resident wishing to communicate their concern in writing.

Thank you for your trouble.

5/20/96 I spoke w/ Mr. Tracy and suggested W T  
he come into the office to look at the plans  
and faxed him an agenda. gpl

Dear Mr. Frank.

I have been advised by my neighbors. that the new owner of the house on the N.E. Corner of N.E. Road. of Moughtingole place to be built a very large home on the present lot, it is my opinion that this is uncomparable with the present houses on Moughtingole St.

Sincerely  
A. H. Graubart.



RANDOLPH A. HOPKINS  
Insurance Consultants & Agents

7mf  
140 Royal Palm Way  
P.O. Box 69  
Palm Beach, FL 33480  
Telephone (407) 655-4837  
Fax (407) 655-5203

May 17, 1996

RECEIVED

MAY 20 1996

TOWN OF PALM BEACH  
BUILDING & ZONING

Mayor & Town Council  
P.O. Box 2029  
Palm Beach, FL 33480

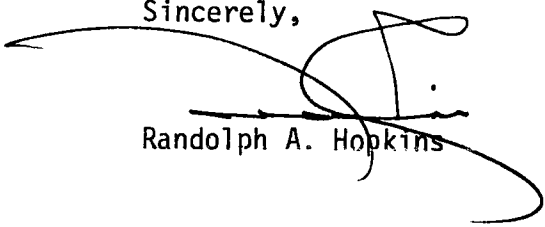
Dear Ladies & Gentlemen:

I am opposed to the new home which has been proposed for construction on Nightingale Trail and No. Ocean Blvd. I feel it will be too large for the neighborhood. The reason we live in the North end is because we do not want to become another estate section.

Additionally, not only myself, but my neighbors resent being called a run down neighborhood. If the Doctor wants an estate house let him build it in an estate section.

Thank you for your consideration.

Sincerely,

  
Randolph A. Hopkins

RAH/ts

cc: Robert Moore  
Tim Frank

**JOHN E. FRANKS  
1214 North Ocean Blvd.  
Palm Beach, FL 33480**

May 21, 1996

ARCOM  
Palm Beach, FL  
VIA Fax: (407)835-4621

Gentlemen:

As the northern abutter to the Marvin Rosenberg property at 1204 North Ocean Boulevard, I am quite concerned about the size and configuration of the house he is planning to build.

Previously, I wrote you addressing the landscaping issue and the elevation change, which will cause a wall to be built between our properties thereby changing the beauty of the property and diminishing sunlight on my property.

The massive size of the house and outbuildings is of great concern, since it is not in keeping with the style and ambiance of the neighborhood and is just too much house for such a small land area.

I am told that the additional story planned on the ocean side will make it the only house that has two stories facing the ocean that is not on a double lot. If this is true, can't something be done to build a smaller house and not change the current elevations. Both of these factors adversely affects us.

Sincerely,



John E. Franks

JEF/smp

212 Nightingale Trail  
Palm Beach, FL 333480  
May 18, 1996



Mr. Tim Frank  
P.O. Box #2029  
Palm Beach, Florida 33480

Dear Mr. Frank:

My neighbors and I are alarmed at the prospect that a large, ostentatious house could be built at the top of our street where it would definitely change the character of our neighborhood.

We have chosen to live in the north end rather than another part of Palm Beach precisely because of the small-town, almost provincial, low-key atmosphere here. We love it specifically for the beach, the bike trail, the lack of traffic, and the more modest air of this particular section. Any showy, expensive building would turn this neighborhood into a different (and therefore less desirable) place, especially because this house would be at the top of the street, dominating the surroundings.

There is also another, more practical reason that its construction would offend not only our hearts but also our pocketbooks: it would raise our taxes. We have already had severe blows as to taxes. My husband and I suffered a 140% rise in the year that the rest of the county was complaining about a 60% rise, and two years later another 130% rise came along. We were told this outrage was due to the building and then expansion of the house across the street from us. Palm Beach has already borne the burden of the growth we never wanted, and if our taxes go up again we simply will not be able to live here where we have been for forty-seven years.

I do not think it right that I should be done out of my lifelong home (one that I personally designed in 1949) because non-neighbors want to move in and build a house whose existence would be tantamount to a zoning change.

The zoning laws need to protect us from that sort of destruction of our neighborhood values. That is what government is for--to do what we can't do for ourselves (according to A. Lincoln). Please help us who have lived here through several decades to preserve the tone we moved here to enjoy. We truly do not wish to live surrounded by huge houses looming over us.

Thank you sincerely for your consideration.

Yours very truly,

*C.C.: Bruce Dzyensky*

*Jo M. Turk*  
Jo M. Turk