



TOWN OF PALM BEACH

Town Manager's Office

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

**TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD**

AGENDA

JULY 13, 2016

9:30 AM

Welcome!

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

I. CALL TO ORDER AND ROLL CALL

Mayor Gail L. Coniglio
Michael J. Pucillo, President
Richard M. Kleid, President Pro Tem
Bobbie Lindsay
Danielle H. Moore
Margaret A. Zeidman

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. RECOGNITIONS

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VII. APPROVAL OF AGENDA

VIII. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeal from Palm Beach Atlantic Association, Inc. (PBAA)
224 Atlantic Avenue / New Plant Material
John S. Page, Director of Planning, Zoning and Building
2. Appeal of Administrative Decision that MacKenzie Childs Cannot
Operate a Subordinate Accessory Use to a Permitted Principal Use in a
Separate and Distinct Commercial Tenant Space from the Principal Use
"Staff Recommendation: Refer the Issue of Accessory Storage Space
to the Planning and Zoning Commission for Review and
Recommendation of Potential Zoning Code Change
Deferred from the June 15, 2016, Town Council Meeting
John S. Page, Director of Planning, Zoning and Building

B. Time Extensions and Waivers

1. Request for One-Year Time Extension, Variance No. 17-2015, 201
Bahama Lane
John S. Page, Director of Planning, Zoning and Building

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **SPECIAL EXCEPTION #17-2016 WITH SITE PLAN REVIEW AND VARIANCES** The application of Terry R. Taylor; relative to property commonly known as **780 S. Ocean Blvd.**, described as lengthy legal description on file; located in the B-A Zoning District. The applicant is requesting a Special Exception with Site Plan Review to modify an existing 500 sq. ft. beach cabana with a 500 sq. ft. addition (1,000 sq. ft. total) in the Beach Area Zoning District. The following Variances are being requested in order to expand and modify the existing beach cabana: 1) to allow a front yard setback of 22.5 feet in lieu of the 35 ft minimum setback required; 2) to allow a 16.25 ft roof height in lieu of 16 ft maximum allowed, 3) to retain the existing 43 inch wall in lieu of a wall at the required height of 30 inches in the beach vista area. The vista is required to be 75% of the lot width in this case. [Attorney: Peter S. Broberg, Esq.]
[Landmark Commission Recommendation - Implementation of the proposed variances will not cause negative architectural impact to the subject landmark property. Carried 7-0]
Deferred from the June 15, 2016, Town Council Meeting
John S. Page, Director of Planning, Zoning & Building

2. New Business

- a. **VARIANCE #12-2016** The application of Mitchell and Victoria Evans; relative to property commonly known as **168 East Inlet Dr.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to add a 1,595 square foot second story addition onto the existing one story residence.

The proposed addition will not require the demolition of more than 50% cubic footage of the existing house. The following variances are being requested: 1) lot coverage of 37.8% in lieu of the 30% maximum allowed for a two story structure.; 2) cubic content ratio ("CCR") of 4.92 in lieu of the 3.21 existing and 3.99 maximum allowed. [Attorney: Maura Ziska, Esq.]

[Architectural Commission Recommendation: Implementation of the proposed variance will cause negative architectural impact to the subject property. Carried 4-3.]

Request for Deferral to the August 16, 2016, Town Council Meeting Per Letter Dated July 5, 2016, from Maura Ziska

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

- b. **VARIANCE #14-2016** The application of Gary Pohrer, Managing Member of 412 Brazilian Partners LLC; relative to property commonly known as **412 Brazilian Ave.**, described as lengthy legal description on file; located in the R-C Zoning District. The applicant is requesting to construct a new 5,098 square foot, two story residence on a lot with a width of 50 feet in lieu of the 75 minimum required and a lot area of 8,560 sq. ft. in lieu of the 10,000 sq. ft. minimum required. [Attorney: Maura Ziska, Esq.]

[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.]

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

- c. **VARIANCE #15-2016** The application of Molly and Patrick Ryan; relative to property commonly known as **341 Brazilian Ave.**, described as lengthy legal description on file; located in the R-C Zoning District. The applicant is proposing to demolish a 750 square foot one story garage/cabana in the rear of the property and construct a new 1,836 square foot two story cabana/guest house/garage addition in the same general location. The following variances are being requested: 1) rear yard setback of 8 feet in lieu of the 15 foot minimum required for a two story structure; 2) west side yard setback of 5.3 feet in lieu of the 15 foot minimum required for a two story structure; 3) lot coverage of 35.5% in lieu of the 33.4% existing and the 30% maximum allowed for two story structures; 4) a drive aisle width to the garage to be 18.2 feet in lieu of 25 foot minimum for back up space. [Attorney: Maura Ziska, Esq.]

[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.]

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

3. Other

- a. Planning & Zoning Commission Record and Report: Proposed Modifications and Changes to Chapter 134, Zoning

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

IX. ORDINANCES

X. ANY OTHER MATTERS

XI. ADJOURNMENT

PLEASE TAKE NOTE:

- Note 1:** No written materials received after 5:00 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 5:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.
- Note 2:** The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.
- Note 3:** If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
- Note 4:** Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.
- Note 5:** Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.
- Note 6:** All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website (townofpalmbeach.com).

PROCEDURES FOR PUBLIC PARTICIPATION

Citizens desiring to address the Town Council should proceed toward the public microphones when the applicable agenda item is being considered to enable the Town Council President to acknowledge you.

PUBLIC HEARINGS: Any citizen is entitled to be heard on an official agenda item under the section entitled "Public Hearings," subject to the three minute limitation.

COMMUNICATIONS FROM CITIZENS: Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to

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

OTHER AGENDA ITEMS: Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation.

Town Council Meetings are public business meetings and, as such, the Town Council retains the right to limit discussion on any issue.