



TOWN OF PALM BEACH

PLANNING, ZONING, & BUILDING DEPARTMENT

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

APRIL 13, 2022

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

Danielle H. Moore, Mayor
Margaret A. Zeidman, President
Bobbie Lindsay, President Pro Tem
Julie Araskog
Ted Cooney
Lew Crampton

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR DANIELLE H. MOORE

IV. COMMENTS OF TOWN COUNCIL MEMBERS

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VI. APPROVAL OF AGENDA

VII. RESOLUTIONS

- A. RESOLUTION NO 030-2022 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Authorizing Ad Valorem Tax Exemptions For The Property Hereinafter Described And Stating That The Subject Property Meets The Criteria Set Forth In Chapter 54, Article V Of The Code Of Ordinances Of The Town Of Palm Beach, Relating To Landmarks Preservation And Titled "Tax Exemptions."
- B. RESOLUTION NO 041-2022 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 287 Pendleton Avenue Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach.

VIII. DEVELOPMENT REVIEWS

A. Appeals

- 1. **ARCOM APPEAL OF ARC-22-035 726 HI MOUNT ROAD
Request for Withdrawal Per Email From Craig Distel, Esq.**

B. Time Extensions and Waivers

- 1. Time Extension for 726 Hi Mount Road

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **Z-21-00374 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of JORDAN AND KRISTIN BENNETT GRAY, APPLICANTS, relative to property located at **224 LA PUERTA WAY**, legal description on file, is described below. The applicant is requesting four variances in order to build a two story addition which includes a 315 square foot one story addition to the garage, a 184 square foot addition for a covered terrace on the first floor, and a 930 square foot second floor addition for two bedrooms, including a 130 square foot covered balcony and two bathrooms. The requested variances are a for an east side yard setback of 11 feet in lieu of the 12.5 foot minimum side yard setback required for the garage addition in the R B Zoning District; an east side yard setback of 11 feet in lieu of the 15 foot minimum side yard setback for a second story

addition and covered balcony; an east side yard setback of 9.8 feet in lieu of the 10.5 foot minimum side yard setback required for a bay window on the first floor; and an east side yard setback of 9.8 feet in lieu of the 13 foot minimum side yard setback required for a bay window on the second floor in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project to the April 27, 2022 meeting. Carried 7-0.] **Request for Withdrawal per Email Dated March 31, 2022 from David Gengler**

- b. **ZON-21-003 (ARC-21-039) 380 SOUTH COUNTY ROAD (COMBO) – SPECIAL EXCEPTION W/ SITE PLAN REVIEW & VARIANCES** The applicant, 380 S County LLC (Phillip Norcross, Manager) has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review and including variances (1) to reduce the street side (south) setback for the proposed ground floor terrace addition, (2) to reduce required parking (by 36 number of spaces), and (3) to exceed the maximum height of rooftop mechanical equipment, (4) to forgo required off-street loading; in order to expand a lounge into a restaurant and increase second floor office use in an existing two-story building. The Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Motion carried 6-1.] [The Architectural Review Commission approved the project with conditions relating to the architecture. Carried 4-3.]
- c. **ZON-21-006 (ARC-21-040) 164 SEASPRAY AVENUE (COMBO) SPECIAL EXCEPTION REQUEST WITH SITE PLAN REVIEW AND VARIANCES** The applicant, Hayati Banastey, has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review for the construction of new two story residence on 2 platted lots deficient in lot width and lot area, including the following variances (1) a variance to reduce the required side (east) yard setback to 10 ft in lieu of 15 feet required for 2 story structure; (2) a variance to reduce the required side (west) yard setback to 10 ft in lieu of 12.5 feet required for the 1 story portion; (3) a variance to reduce the required side (west) yard setback to 10 feet in lieu of 15 feet required for the 2 story portion. [The Architectural Review Commission deferred the project to the April 27, 2022 meeting. Carried 5-2.] **Staff Recommends to Defer the Project to the May 11, 2022 Meeting.**
- d. **ZON-21-018 (HSB-21-004) 245 BARTON AVE (COMBO) - VARIANCES** The applicant, Elizabeth Sorrel, has filed an application requesting Town Council review and approval for variances (1) to reduce the front (south) setback for a new entry

addition, (2) to exceed the maximum allowable cubic content ratio 'CCR', and (3) to exceed the maximum allowable lot coverage, in order to construct a new 35 SF entry addition to a historically significant building. [The Landmarks Preservation Commission deferred the project to the April 20, 2022 meeting. Carried 7-0.]
Staff Recommends a Deferral to the May 11, 2022 Meeting.

- e. **ZON-22-013 (ARC-22-009) 215 SEABREEZE AVE (COMBO) - VARIANCES** The applicant, Edward & Margot Mehm, has filed an application requesting Town Council review and approval for a variance to reduce the required side yard setback in order to construct a pergola in the required yard. The Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 6-1.] [The Architectural Review Commission approved the project with the condition that the pergola shall be lowered to 8 feet. Carried 6-1.]
- f. **ZON-22-018 (COA-22-003) 340 ROYAL POINCIANA WAY (COMBO) - VARIANCES AND SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The applicant, RPP Palm Beach Property LP (Samantha Perry David, President), has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review and including variances (1) to reduce the required landscape open space, (2) and (3) to exceed the maximum building height for rooftop mechanical equipment and exhausts, (4) to exceed the maximum overall building height for additions to a building, (5) to exceed the maximum length of a building, (6) a variance from Chapter 50 for the required floor elevation for the new ground floor additions on a landmarked building in order to renovate and expand with additions a landmarked playhouse structure, (7) to reduce the required drive aisle width, (8) to eliminate the required loading berth for new construction over 4,000 SF, (9) to eliminate 39 of the existing required parking spaces, and (10) and (11) to allow new parking spaces in the required side street setback and front setback, (12) to allow new and existing tandem parking, and (13) to exceed the maximum overall building height to retain the existing building when demolition of an elevation or roof for more than 50% occurs. Additionally, the applicant is requesting to amend the 1979 Development Agreement for the site. [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmark property. Carried 7-0.] [The Landmarks Preservation Commission approved the project as presented. Carried 7-0.]
- g. **ZON-22-024 (ARC-22-028) 1540 S OCEAN BLVD (COMBO) - SPECIAL EXCEPTION W/ SITE PLAN REVIEW &**

VARIANCES The applicant, 1540SOcean LLC (Steven Kirsch, Managing Director), has filed an application requesting Town Council review and approval for Special Exception to modify an existing beach cabana structure and Special Exception with Site Plan Review and including variances for (1) and (2) to reduce required side setbacks for a new beach access tunnel, (3) to reduce the required ocean bulkhead line setback for a new beach access tunnel and (4) to exceed the maximum allowed lot coverage in relation to the construction of a new beach access tunnel. ARCOM will perform design review of the application.

[Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project as presented. Carried 5-2.]

- h. **ZON-22-027 (ARC-22-038) 225 INDIAN ROAD (COMBO) - VARIANCES** The applicant, White Oak, LLC, a Wyoming LLC, as Trustee for 225 Trust u/a/d 12/13/2019 (Dennis Walsh, Trust Officer), has filed an application requesting Town Council review of a variance for a loggia addition with staircase, to encroach into a required setback. ARCOM will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variances will cause negative architectural impact on the subject property. Carried 5-2.] [The Architectural Review Commission approved the project with the exception of the additional terrace and staircase. Carried 7-0.] **Request for Withdrawal Per Email from Maura Ziska, Esq.**
- i. **ZON-22-032 (HSB-22-003) 594 NORTH COUNTY RD (COMBO) - VARIANCES** The applicant, George and Sandra Marucci, has filed an application requesting Town Council review and approval for variances to reduce both side yard setback requirements for one-story additions to a historically significant building and for a variance from Chapter 50 for the required floor elevation for the new ground floor addition on a historically significant building to construct a ground floor addition with a finished floor of 6.49' NAVD in lieu of the required 7' NAVD. [The Landmarks Preservation Commission deferred the project to the April 20, 2022 meeting. Carried 7-0.] **Staff Recommends a Deferral to the May 11, 2022 Meeting.**
- j. **ZON-22-033 (ARC-22-001) 108 EL MIRASOL (COMBO) - VARIANCES** The applicant, ANK Palm Beach LLC (Anand "Andy" Khubani, Managing Member), has filed an application requesting Town Council review and approval for a variance to allow a basement in a North side-yard setback for basement vehicular access in relation to the construction of a new single family residence. The Architectural Commission will perform design review of the application. [The Architectural Review

Commission deferred the project to the April 27, 2022 meeting. Carried 7-0.] **Staff Recommends to Defer the Project to the May 11, 2022 Meeting.**

- k. **ZON-22-037 (ARC-22-040) 60-70 BLOSSOM WAY (COMBO) – SITE PLAN REVIEW** The applicant, Blossom Way Holdings LLC and Providencia Partners LLC (Maura Ziska, Authorized Representative), has filed an application requesting Town Council Site Plan Review as required for the installation of a generator with an output capacity over 100kW, in conjunction with the construction of a new single family residence. ARCOM will perform design review of the application. [The Architectural Review Commission deferred the project to the April 27, 2022 meeting. Carried 7-0.] **Staff Recommends to Defer the Project to the May 11, 2022 Meeting.**

2. New Business

- a. **ZON-22-029 (HSB-22-002) 854 S COUNTY RD (COMBO) - VARIANCES**. The applicant, Todd Glaser, has filed an application requesting Town Council review and approval for variance (1) to retain the existing nonconforming side (north) setback to accommodate substantial additions to a historically significant building. The Landmarks Preservation Commission will perform design review of the application. [The Landmarks Preservation Commission deferred the project to the April 20, 2022 meeting. Carried 7-0.] **Staff Recommends a Deferral to the May 11, 2022 Meeting.**
- b. **ZON-22-035 (COA-22-011) 350 S COUNTY RD STE 100 (COMBO) - SPECIAL EXCEPTION W/ SITE PLAN REVIEW** The applicant, BUCCAN (Sam Slattery, Manager), has filed an application requesting Town Council review and approval for modifications to a previously approved Special Exception w/ Site Plan Review for modifications to the western portion of the site plan within the west side access service yard including exterior storage of ancillary restaurant equipment and elements and installation of new access gates and minor landscape changes and the installation of a new screening wall along the south property line. The Landmarks Preservation Commission will perform design review of the application. [The Landmarks Preservation Commission approved this project as presented. Carried 7-0.]
- c. **ZON-22-038 (ARC-22-058) 220 BRAZILIAN AVE (COMBO) - VARIANCES** The applicant, I220 PB LLC (Guy Rabideau), has filed an application requesting Town Council review and approval for variances (1-2) to install AC equipment within both (east and west) side yards of a duplex building not fully screened by a 7' high wall and (3-4) to install an emergency generator in the side (west) yard setback exceeding maximum height allowed and not

completely screened by a 7' high wall. The Architectural Commission will perform design review of the application. [The Architectural Review Commission deferred the project to the April 27, 2022 meeting. Carried 7-0.] **Staff Recommends to Defer the Project to the May 11, 2022 Meeting.**

- d. **ZON-22-039 (ARC-22-067) 107 DOLPHIN RD (COMBO) - SPECIAL EXCEPTION W/ SITE PLAN REVIEW AND VARIANCES** The applicant, Irwin Ackerman, has filed an application requesting Town Council review and approval for Special Exception w/ Site Plan Review for the construction of a beach cabana in the BA zoning district including variances (1) from the minimum lot and area requirements for the BA zoning district and (2) and (3) West setback and ocean bulkhead setback requirements. The Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 6-1.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]
- e. **ZON-22-040 (ARC-22-061) 1950 S OCEAN BLVD (COMBO) - VARIANCES** The applicant, Earl Mack, has filed an application requesting Town Council review and approval for variance (1) to encroach into the (south) side-yard setback in conjunction with the renovation and approximately 150 sq. ft. addition to a pool cabana. The Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project as presented. Carried 7-0.]
- f. **ZON-22-048 (ARC-22-060) 224 SOUTHLAND RD (COMBO) – VARIANCES** The applicant, MR. & MRS. FROST, has filed an application requesting town council approval for (1) variance to expand an existing nonconforming East side-yard setback in conjunction with a 750 sq. ft. addition to the existing structure. The Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to subject property. Carried 7-0.] [The Architectural Review Commission approved the project with conditions relating to the architecture. Carried 7-0.]
- g. **ZON-22-061 (ARC-22-056) 250 SANDPIPER DR (COMBO) – VARIANCE** The applicant, Judith Guest, has filed an application requesting Town Council review and approval for a variance to allow a second floor encroachment into the required 2-story East side-yard setback, conjunction with a major renovation of the

existing structure within its existing footprint. The Architectural Commission will perform design review of the application. [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.] [The Architectural Review Commission approved the project with conditions relating to the architecture. Carried 7-0.]

IX. ANY OTHER MATTERS

X. ADJOURNMENT

PLEASE TAKE NOTE:

- Note 1:** Please submit written comments/materials to council@townofpalmbeach.com or in person to the Town Clerk's Office, located at Town Hall, 360 South County Road. No written materials received after 3:30 p.m. on the Wednesday 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 3:30 p.m. on Wednesday 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 Technology (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.