

LETTER OF INTENT

ARC-23-161 and ZON-24-006 is a request for a new single-family residence at 129 Chilean Avenue containing 3,558 square feet of living area with no garage on a lot with a width of 65' and lot area of 8,125 square feet. The required plans and zoning history are submitted with this Application.

Sections 18-205, 134-229 and 134-201. Applicant is requesting architectural approval, special exception with site plan approval and variances to allow construction of a new single-family residence containing 3,558 square feet of living area with no garage on a lot with a width of 65' and lot area of 8,125 square feet. The following zoning relief is requested:

Criteria for ARCOM:

The request meets all of the criteria pursuant to Section 18-205(a) of the Town Code because the new residence is in conformity with good taste, is in harmony with the neighboring properties and is neither too similar or dissimilar as compared to neighboring proportion in the required radius.

Zoning Relief:

1. Section 134-893(c). Special exception and site plan approval to permit the construction of a new single-family residence on a non-conforming lot that is 65' wide in lieu of 100' required and with a lot area of 8,125 square feet in lieu of 10,000 square feet required. The lot is a combination of platted lots.
2. Section 134-893(a)(7). Variance to allow a new single-family residence with a west side yard setback of 8'6" in lieu of 12'6" minimum required. The existing home has a west side yard setback of 2'4".
3. Section 134-893(a)(7). Variance to allow a new single-family residence with an east side yard setback of 10'6" in lieu of 12'6" minimum required. The existing home has an east side yard setback of 2'5".
4. Section 134-2179(b)(2). Request to permit construction of a single-family residence on a lot with a width of 65' with no garage parking spaces in lieu of one garage parking space required.

The special exception should be granted because the proposed home is more conforming than the existing home and better utilizes this very narrow, small lot. This special exception has been granted many times on this street and in this vicinity because many of the lots are non-conforming.

The site plan should be approved because the new proposed home is more conforming than the existing home and will not cause any negative impact on the neighbors or the Town.

The hardship that runs with the property is that the lot is very narrow, small and non-conforming. The owners attempted to renovate the existing home, but the proposed new home is a better, more efficient use of the lot and renovation of the existing home built in 1909 would be extremely difficult and not as efficient a use of the lot.

Granting of the variances will not be contrary to the public's interest because no negative impact to the neighbors will result. The amount of zoning relief requested is considerably less than with the existing home. The elimination of the garage will not cause hardship to the neighbors because sufficient on-site parking is provided and no off-street parking spaces are being eliminated.

See Site History attached hereto as Exhibit "A."

Criteria for Site Plan Review

1. Single-family residence use is a permitted use under the Town of Palm Beach Zoning Code.
2. The proposed new residence enhances life/safety issues, so that the public's health, safety, welfare and morals will be protected and even enhanced.
3. The proposed new residence will not cause injury to the values of the other properties in the neighborhood as the new home is an upgrade to the neighborhood and is more conforming than the existing home.
4. The proposed new residence will be compatible with the intended purpose of the district in which it is to be located as the office use is consistent with the current use and R-B Zoning District.
5. The proposed use complies with Schedule of District Regulations for the R-B Zoning District.
6. The proposed new residence complies with all elements of the comprehensive plan. No change from the current use is proposed.
7. The proposed new residence will not result in substantial economic, noise, glare or other impact or odor impacts on adjoining properties, and other properties in the district; inasmuch as, the same type of use has existed for many years and it is compatible with adjoining and nearby properties. The current use is not changing and the proposed new home is more conforming than the existing home.
8. Adequate ingress and egress to the property and loading are provided.
9. The Applicant is the fee simple owner and person in control of the subject property.
10. The Applicant intends to continue with the current intended use of the property – a single-family residence in the R-B Zoning District.
11. Ingress and Egress to the subject property will be via Chilean Avenue.

12. See attached elevation plan for proposed construction of the new residence.

Criteria for Special Exceptions

1. The single-family residence use is a permitted use in the R-B Zoning District.
2. The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected. The proposed new residence will not adversely impact the public or neighborhood but alternatively will provide enhancement to the building and is more conforming than the existing residence.
3. The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located. The proposed new residence will have no negative impact on the value of other properties in the neighborhood and should increase the neighboring property values.
4. The use will be compatible with adjoining development and the intended purpose of the R-B Zoning District in which it is to be located. The proposed new residence will be compatible with the neighborhood as this area is a residential district.
5. The use will comply with yard, other open space, and any special requirements set out in Article VI for the particular use involved. Other than the side yard setbacks (which are being enlarged), the building will comply with all other yard, other open space and any special requirements set forth in Article VI of the Zoning Code.
6. The use will comply with all elements of the comprehensive plan.
7. The use will not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district. The proposed new residence will not result in substantial economic, noise, glare, or odor impacts on the adjoining properties and properties in the district, as the new residence is more conforming than the existing residence and is more compliant with life/safety codes.
8. The proposed use will not place a greater burden than would be caused by a permitted use on municipal police services due to increased traffic or on fire protection services due to the existence of or increased potential for fire/safety code violations. The proposed new residence will bring the building into compliance with fire/safety code.

Criteria for Authorizing a Variance (Applicable to variance requests # 2, 3 and 4)

1. List the special conditions and circumstances peculiar to the land, structure or building which are not applicable to other lands, structures or buildings in the same zoning district.

The hardship and special conditions applicable to this property are that the building was constructed pursuant to a very different code and is non-compliant with current codes. In

addition, the lot is very narrow (65') and small (8,125 square feet). The setbacks are actually being increased and sufficient on-site parking is provided.

2. Indicate how the special conditions and circumstances do not result from the actions of the Applicant.

The special conditions existed upon construction of the building and change in zoning code and were not created by the Applicant. The Applicant is proposing to make the residence more compliant and to also greatly enhance the aesthetics of the building.

3. Demonstrate that the granting of the variance will not confer on the Applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district.

No special privileges will be conferred on the Applicant if the variances are granted because the proposed number of parking spaces is compliant. In addition, both side yard setbacks are being increased but are slightly non-compliant because of the very narrow lot.

4. Demonstrate how literal interpretation of this ordinance would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the Applicant.

Literal interpretation of the ordinances would deprive Applicant of the right to build a more conforming, safer new home.

5. Demonstrate that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

The requested relief is the minimum necessary for the requested use because (a) both of the side yard setbacks are being increased, and (b) sufficient on-site parking is provided and no off-site parking is being eliminated.

6. For granting of a variance to sections 134-387, or 134-390 through 134-392, pertaining to the regulation of nonconforming uses, the following additional findings must be demonstrated pertaining to the nonconforming use for which the variance is requested:

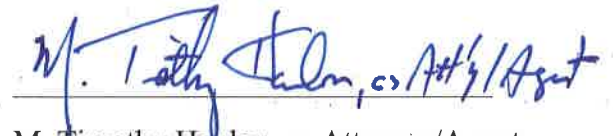
- a. It is the continuance of a unique hotel or residential use that has, for at least 15 years proven compatible with the surrounding uses; and
- b. Neither rezoning to a district which would allow the use, nor inclusion of the subject use as a permitted or special exception use in the district would act to achieve the preservation of the subject use without opening the possibility of the incursion of uses incompatible with the immediately surrounding area and, further, such variance shall:
 - i. Be granted only for the continuation of the same hotel or residential use; and,

- ii. Require the Applicant to submit a declaration of use limiting the utilization of the property for which the variance was granted to the same use as that existing at the time the variance was granted.

N/A

- 7. Show how the granting of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The granting of these variances is in harmony with the intent and purpose of the Zoning Code because the requested new residence is more conforming (setbacks are larger and open space is now compliant) than the existing residence and is an improvement to the neighborhood to improve the aesthetics and update the structure and life/safety features in the residence.


M. Timothy Hanlon, as Attorney/Agent

Date Signed: October 23, 2023

EXHIBIT "A"
Site History

1. None.