

FERGUSON &
SHAMAMIAN
ARCHITECTS

July 31st, 2024

Town of Palm Beach
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480

By E-mail: devrev@townofpalmbeach.com
And upload to the EPL portal

Re: ZON-24-0031
 195 Via Del Mar, Palm Beach, FL
 Letter of Intent

Supplemental Applications;
COA-24-0002: LPC – Development Order issued 6/24/2024
ZON 24-0009: Town Council – Variance for driveway area ZO 134-1668
ZON-24-0039: Town Council – Variance for Gateposts and gate height ZO 134-1668

Dear Members of the Town of Palm Beach Town Council;

Please find this Revised Submittal application on behalf of the Owner and Applicant, Guy Rabideau, as Trustee of the 195 Via Del Mar Trust. The applicant is submitting a proposal for a Variance Request to exceed maximum building height as it relates to a proposed second story addition in the Northeast corner of the property.

We consider the proposed design to be compatible with and subordinate to the 1928 Romanesque, Mediterranean Revival style house designed by Maurice Fatio (Landmarked 2/16/1990).

Property Description:

The Palm Beach County Appraiser's Office identifies the Property with Folio Nos. 50-43-43-35-00-001-0110. The Property is a rectangular shaped lot comprised of approximately 73,000 square feet.

Located in the R-A, Estate Residential Zoning District, the Property is surrounded by similar single-family houses. The residential area has two-story houses with pools, courtyards and lush landscaping.

Proposed Development:

The majority of the proposed scope of work for this property has been approved, with a Development Order, by the Landmarks Preservation Commission under File Number COA-24-0002 and reviewed at the June 21st, 2024 hearing.

The remaining scope of work, under consideration, in this application is outlined below;

Minor Addition:

- A 510 square foot second story addition, at the northeast corner of the property to partially enclose the Master Terrace, is proposed in subservient style and massing and similar materials as the existing house.

We are currently presenting two design options to the Commission:

- The Owner Preferred design has a slightly taller eave height. This eave height has been developed with careful consideration for the existing historical materials at the immediate adjacent structures.
 - The proposed eave height is slightly taller than that of the existing turret roof at the stair tower. This allows the existing roof at the stair tower to remain intact and unobstructed from the new addition roof.
 - The proposed eave height also allows for minimal removal of and obstruction to existing historic material at the existing north façade of the east wing. A minimal metal cricket will be installed to help aide water runoff.
- The Alternate design has been developed to address feedback from the Commission. We have incorporated a lowered eave height and hipped roof where the addition intersects the north façade of the east wing.
 - This lowered eave height, in line with the eave height of the turret roof at the stair tower, requires significant removals of existing roofing materials and rebuilding of the stair tower roof.
 - The Alternate design requires a larger metal cricket to be installed along the north façade of the east wing to aide water runoff. This metal cricket will obstruct a larger portion of historic material at the existing north façade.

- The chart below highlights the height differences in the Preferred and Alternate design Schemes.

	Preferred	Alternate	Allowable
Building height at eave	29.25'	28.0'	25.0'
Overall building height at ridge	32.6'	31.3'	35.0'
Interior perimeter wall height	9.0'	7.8'	NA
Interior high point of ceiling height	11.5'	10.2'	NA

The application addresses all pertinent review criteria in the following Ordinance sections;

54-122 - New Construction

The criteria set forth in Section 54-122, where applicable, have been met:

- Height and building proportions are unchanged.
- The proportions and relationships between doors and windows in the additions are consistent with the original façade.
- The rhythm of solids to voids created by openings are consistent with the original façade.
- The materials in the additions are consistent with the original façade
- The texture inherent in the façade is consistent with the original façade.
- The colors, pattern, and trim are to match the existing façade. Additionally, window muntin patterns will match the original façade.
- The design of the roof, including ridge lines, slopes, and materials will match the original façade.
- Existing asymmetrical rhythm created by the existing buildings masses and spaces between them will be preserved. The courtyards will be preserved.
- The street façade is not affected by the proposed additions. And view of the addition is minimally visible from the street.
- Architectural details will be related to the original detailing on the building.

54-123 – Exterior Alterations

The criteria set forth in Section 54-122, where applicable, have been met:

- The alterations are sensitive to the intent of the original architecture by salvaging, reusing and reinstating much of the original fabric and design intent.
- The proposed exterior alterations will enhance the architectural quality as well as the historical character of the building. The historic plans and elevations by Maurice Fatio indicate design studies exploring a second-floor structure in a nearby location as being proposed in this application.

54-125 – Partial Demolition

The criteria set forth in Section 54-125, where applicable, have been met:

- The importance, historic and architectural significance of the house has been taken into consideration and is being preserved.
- The special character and aesthetic interest of the house has been taken into consideration and is being preserved and/or recreated to match original Maurice Fatio design intent.

Justification:

- 1) The property is located in the R-A Zoning District and the residence was constructed in 1928 and is a Landmarked Property. The minor addition will be beneficial to the neighborhood.
- 2) The proposed work is not injurious to the neighborhood.
- 3) The applicant is not proposing any special conditions of the property or residence that are not within the historical character of the residence.
- 4) The non-conforming building height at the proposed addition is in keeping with the original design intent of Maurice Fatio.

Variances:

Section 134-843(a)(1)a.:

Request for a variance to allow for a second story addition situated at the northeast portion of the house with a proposed building height (at the eave) above the 25.0 feet allowed by the Code.

Preferred design with a building height of 29.25 feet
(4.25 feet above allowable)

Alternate design with a building height of 28.0 feet
(3.0 feet above allowable)

Section 134-201 – Findings prior to authorization.

1. The special conditions and circumstances related to the subject property is that this is a landmarked house built in 1934 and, therefore, any additions or modifications made to the house need to be such that the existing character of the house is upheld. Further, due to the age of the house, many of the existing features of the house are not compliant with the existing Code.
2. The special conditions and circumstances are not the result of the applicant as the dimensions, physical features, and character of the house were in existence at the time of acquisition by the applicant.
3. Granting of the variance requested will not confer any special privilege that is denied to the neighboring properties as the owner is seeking to simply add a relatively modest addition to the house which will be in line with the existing features and character of the house.
4. The hardship, which runs with the land, is that building the proposed addition to Code would require the eaves to be situated lower; therefore, requiring dormers, which would be completely out of character with the existing landmarked house. The overall height of the proposed addition is compliant with the Code allowable overall height of 35.0 feet.

Preferred design overall building height is 32.6 feet
(2.4 feet lower than allowable)

Alternate design overall building height is 31.3 feet
(3.7 feet lower than allowable)

In order to maintain the character of this landmarked house, the eaves need to be situated where proposed.

5. The variance requested is the minimum necessary to make reasonable use of the land as the eaves of the proposed addition cannot be any lower without sacrificing the character of the house.
6. The granting of the variance will not be injurious to the neighborhood. The proposed addition is situated on the northeast portion of the existing house; therefore, the addition will not be noticeable to the public along S. County Road. The building height of the proposed addition is modest compared to many of the other portions of the house and will not detrimentally affect the neighbors or public passersby. The overall height of the proposed addition is compliant with the Code. Further, existing landscaping will buffer much of the proposed addition for the neighbors to the north and east.

Conclusion:

The Applicants' goal is to build a minor 510 square foot second story addition at the Northeast corner of the property to partially enclose the existing Master Terrace. The proposed addition is below the allowable overall building height. The variance request to exceed the allowable building height, at the bottom of the eave, is not out of character with the house. It is being requested to eliminate the need for dormer windows, an architectural feature that is not historic nor found elsewhere on the property.

Thank you for your time and attention to this matter.

We look forward to your review and feedback.

Sincerely,

FERGUSON & SHAMAMIAN ARCHITECTS



Scott J. Sottile

cc: Guy Rabideau, David Klein, Garrett Ellis,
William Rutledge, Karin Ames, Nicole Homeny

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