



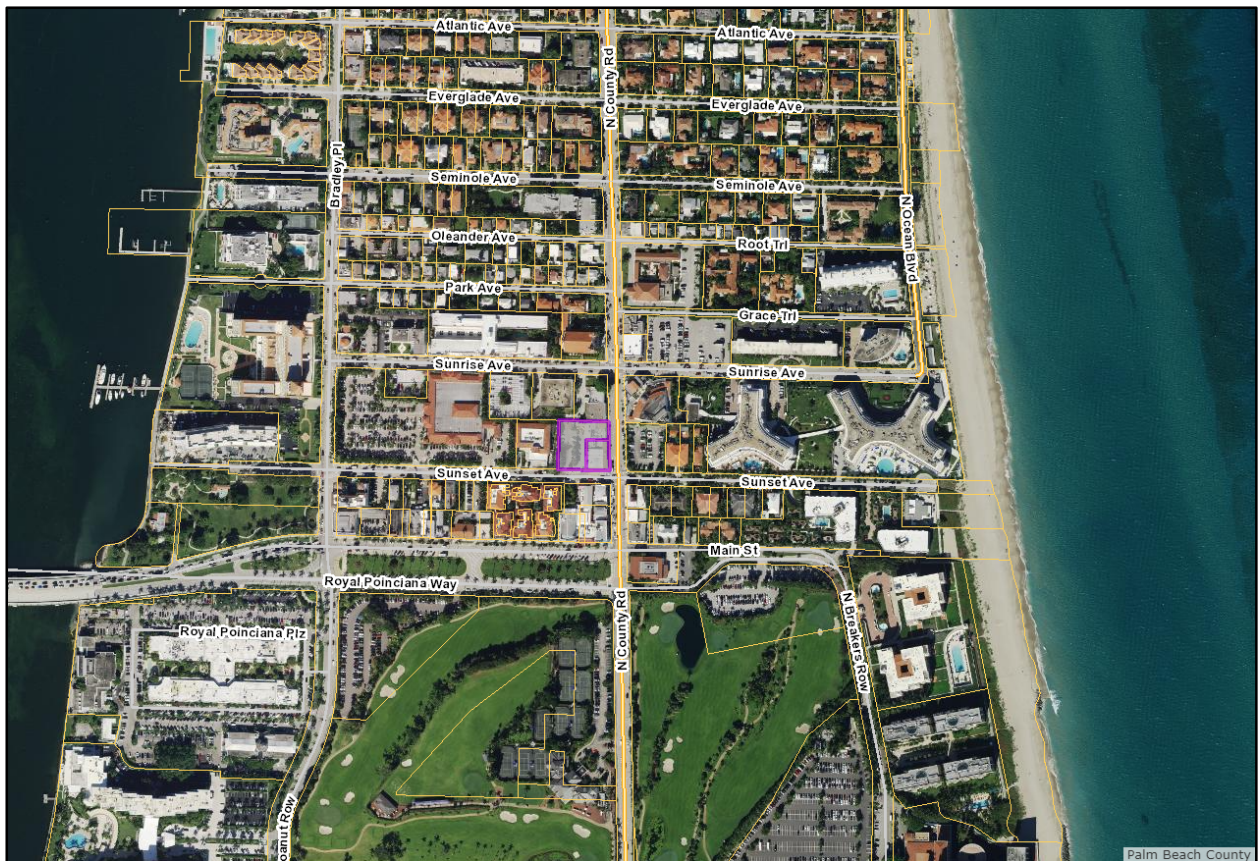
L E T T E R   O F   I N T E N T  
F I N A L   S U B M I T

**DATE:**     October 11, 2024  
**TO:**       Town of Palm Beach Planning, Zoning & Building Dept.  
**RE:**       120 – 132 N. County Rd. COA-24-0022 (ZON-24-0055)

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**REQUEST**

On behalf of Palm Beach Orthodox Synagogue, Inc. (“**Applicant**”), Shutts & Bowen LLP submits this request for a combo project for Town Council (“**TC**”) approval of a Special Exception (“**SE**”) with Site Plan Review (“**SPR**”) and Variances, and Landmarks Preservation Commission (“**LPC**”) approval of a Certificate of Appropriateness for the expansion and partial demolition of the existing buildings on the 0.72-acre site located at 120 and 132 N. County Road (“**Site**”).



**FIGURE 1 – Location map**

<b>Future Land Use (“FLU”):</b>	Commercial (“ <b>COM</b> ”)
<b>Zoning District:</b>	Commercial Town Serving (“ <b>C-TS</b> ”)
<b>Municipality:</b>	Town of Palm Beach (“ <b>Town</b> ”)

The Applicant requests approval of a SPR, SE, Variances, and a COA as follows:

- SPR required for the expansion of a synagogue (Sec. 134-1109).
- SE to modify the approved SE for a synagogue (Sec. 134-1109(10)).
- Variances from the Town’s Zoning Code of Ordinances (“**Code**”) related to parking, setbacks, landscape open space, loading zone, building area, width of sidewalk, and building length. See the **Exhibit “C”** of this Letter of Intent for details and analyses.
- COA for New Construction (Sec. 134-122).

Specifically, the Project includes:

- Expansion of the exiting synagogue from two-story 19,297 square foot synagogue with 158 seats, to a 230-seat synagogue (+ 72 seats) in a 36,815 in a two-story building (+ 17,518 sq. ft.)
- 18 surface parking spaces designed to comply with the current Code
- Demolition of greater than 50% of the non-landmarked existing building
- Preservation of the landmarked façade of the building
- Ancillary spaces to the synagogue (social hall, kitchen, library, conference room, youth center, accessory offices, flex spaces, quiet room, storage spaces, etc.). See the floor plans included with the application submittal for all details. All ancillary uses are directly related to the synagogue use. For clarification, the flex spaces are to be used for Sunday School as is customary to places of worship. There is no proposal for a public/private school use operating on a weekly basis as part of this application and thus these spaces are not a separate use requiring additional parking. See the Parking Study prepared by Simmons & White which discusses the Project and uses. It is certainly worth mentioning that such ancillary uses were previously approved as part of prior SE/SPR approvals. The Town approved these ancillary uses since they specifically allow for the synagogue members to meet socially and have learning sessions or other similar events.

### **BUILDING** – Architectural Design

The Applicant has gone to extraordinary efforts and expense to ensure architectural compatibility between the existing landmarked portion of the Project and the proposed new portion of the Project. The proposed additions and renovations meticulously harmonize with the visual integrity of the landmarked structure, ensuring that all datum lines—including those from the water table, door and window openings, cornices, roof, and ridge lines—are seamlessly integrated into the new design. The building’s volumes and width/height ratios are carefully scaled to reflect both the existing structure and the surrounding context, with proportions directly echoing the landmarked facades and preserved architectural elements.

A rhythmic street presence is thoughtfully maintained through landscaped planar recesses in the façades, offering calming vignettes for pedestrians. The historically inspired windows feature patterned screens and stained glass, paying homage to the historic sanctuary and drawing upon precedents from synagogues and cathedrals of Medieval Revival, Moorish, and Romanesque design.

The materials used in the expansion exhibit depth and craftsmanship, complementing the historic fabric without overwhelming the existing presence at the corner of Sunset Avenue and County Road. Colors, patterns, and trim have been meticulously researched to create a cohesive yet distinctive visual continuity along the street.

The roof design mirrors the existing parapet and terra cotta tile, elegantly revealing the second floor while discreetly concealing mechanical equipment. Along County Road, the pedestrian experience remains consistent with the



present, while the rooflines on Sunset Avenue extend the existing form, set back from the sidewalk with lush landscaping.

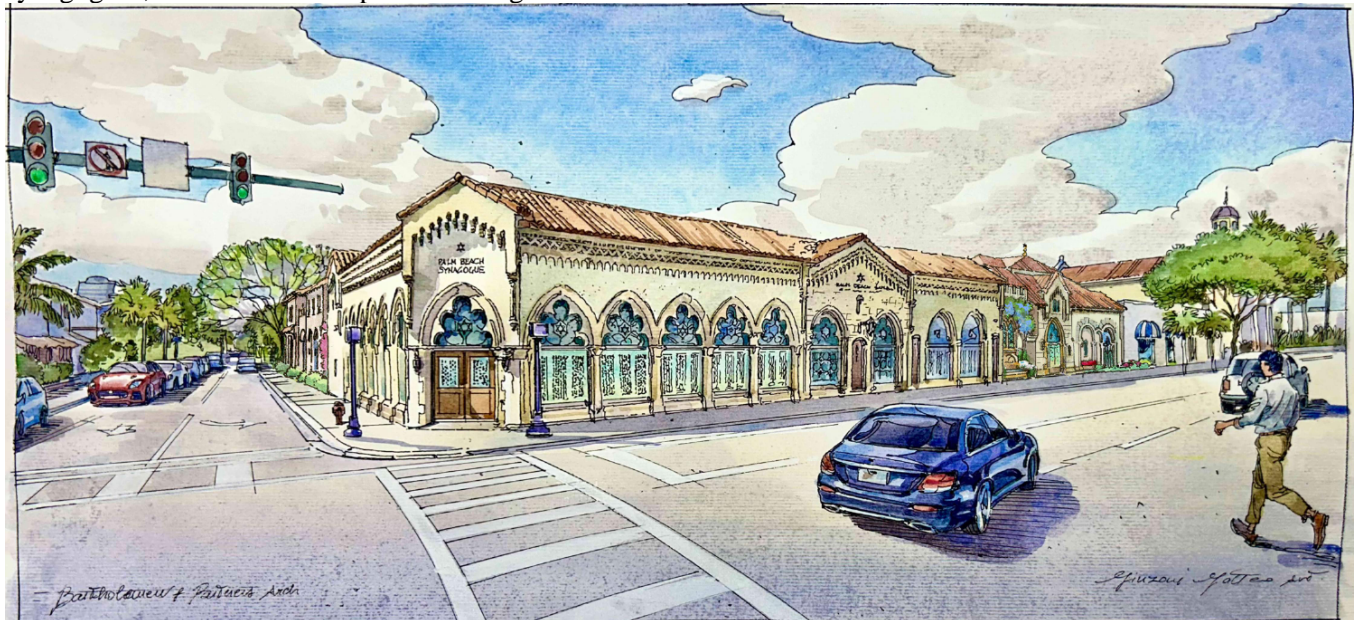
The rhythm along N. County Road is thoughtfully preserved through a façade relief that distinguishes the existing structure from the renovation, featuring a hand-carved fountain adorned with Blue Sky Vine framing a stained-glass window. On Sunset Avenue, the proposed façade maintains a similar rhythmic cadence and introduces planar breaks, enhanced by landscaped bougainvillea and intricately patterned window elements at the southern exposure. The proposed design significantly enhances the existing street and sidewalk landscaping. On Sunset Avenue, the addition is set back from the street, allowing for the introduction of a 5 to 7-foot-wide mature landscape buffer. Bougainvillea, selected for its vibrant character, will be planted at full height upon completion of construction. Similarly, on N. County Road, landscaping is introduced within the façade setbacks, with the east-facing Blue Sky Vine grown to maturity and installed at full height. The courtyard will feature a carefully curated selection of native tropical plants, citrus trees, and specimen trees as depicted in the renderings.

The north and west property setbacks will be defined by detailed ironwork fencing, complemented by native screening and a dense, elegant buffer to ensure privacy for neighboring properties. The landscape architect will provide further details on the specific planting species and layout.

The proposed new buildings artfully reinforce and enhance the prominent horizontal datum lines of the existing landmarked façade. The stone water table, composed of limestone and Jerusalem stone, elegantly extends across the façades, unifying the buildings with a continuous architectural language. Door and window heights are meticulously aligned with the existing structure, while the design of the cornices and soffits is consistently carried across the new buildings, preserving the visual harmony and adjacency reference.

The architectural detailing is thoughtfully derived from the landmarked façade and the historic character of the adjacent buildings, incorporating an array of materials and textures such as hand-hewn limestone, coquina, Jerusalem stone, crafted stucco, tapered terracotta tiles, stained glass, ornamental screening, mahogany, and bespoke ironwork.

The design reflects a nuanced exploration of architectural traditions, drawing upon the influences of Moorish and Near Eastern design, Gothic Revival, Romanesque, Byzantine, and the storied architecture of Jerusalem, synagogues, and historic European Jewish ghettos.





## **PARKING STATEMENT**

A Traffic Statement which includes a parking analysis was prepared based on Section 134-2176 of the Code, a copy of which is included with the application submittal.

The Applicant prefers to maintain a record of the applicability of the principle of equivalency for reference. Furthermore, the Town's Traffic Consultant has requested that this reference be maintained and elaborated on via a separate parking statement document ("**Parking Statement**"). As such, the Parking Statement has been prepared by the Traffic Engineer and is included in the second submittal.

A summary of the vested and proposed parking calculations is provided below.

### **Parking Equivalency Calculations**

Land Use	Parking Ratio	Existing Use		Proposed Use	
		Intensity	Number of Spaces	Intensity	Number of Spaces
Synagogue	1 per 4 seats	164 Seats	41	230	58
Fine Dining	1 per 3 Seats	168 Seats	56	N/A	0
Total			97		58

The Project will result in a parking reduction of 40 spaces from the historically vested use as documented above and in the parking analysis. As shown on the survey, a total of 18 parking spaces are existing but many of them do not meet the minimum parking size or drive aisle width requirements of the Town. Based on the existing number of spaces, the Site is currently non-conforming to the minimum parking requirements. It is acknowledged due to the



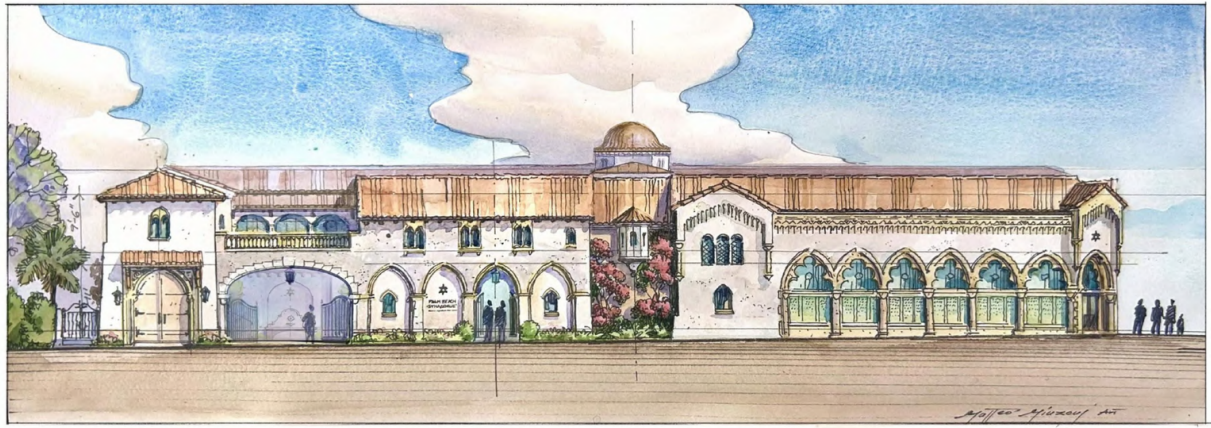
demolition of more than 50% of the building, the legal non-conformity for parking is no longer vested. Therefore, a parking variance is required. If not for the demolition of 50% or more of the existing building, no additional parking would be required according to the Principle of Parking Equivalency in Section 134-2175 of the Code since the redevelopment results in a reduction from vested parking requirements. Furthermore, with the redevelopment of the Site, the proposed 18 parking spaces will now comply with the minimum dimension and drive aisle width requirements of the Town code, remedying a non-conformity.

Moreover, approximately 198 households which are members of the synagogue live within one mile of the Project. Many members currently walk to the synagogue utilizing the existing sidewalk infrastructure within the Town including Sunset Avenue and N. County Road. The proximity and number of the members to the synagogue greatly reduces the parking demand of the Site. Additionally, it is understood that the synagogue is coordinating with nearby businesses to provide additional parking for its members on Saturdays and religious holidays when a higher parking demand may occur.

As it relates to the use of vehicles and a synagogue use. The use of vehicles is forbidden in Halacha (*Halakha* is often translated as "Jewish law", although a more literal translation might be "the way to behave" or "the way of walking"). Unless lives are on the line, observant Jews will not travel by car on Shabbat. The prohibition adds to what so many Jews feel is the holy and timeless quality of the day. That said, Orthodox Jews generally do not drive during the Sabbath. Orthodox Jews have never challenged prohibitions against driving on Shabbat, but rather have striven to make any accommodations necessary to avoid this activity, including living within walking distance of a synagogue and other places where they wish to visit regularly during Shabbat, walking long distances when the need arises, and staying at home throughout Shabbat when this is not possible.



PROPOSED UNCOVERED PARKING LOT



PROPOSED ACCESS GATE ON SUNSET AVENUE

### **SUPPLEMENTAL APPLICATION REQUIREMENTS**

- As required, attached are the responses to the review standards/guidelines for the SE, SPR, Variances and COA requests:
  - **Exhibit A:** Special Exception in accordance with Section 134-229.
  - **Exhibit B:** Site Plan Review in accordance with Section 134-329.
  - **Exhibit C:** Findings prior to authorization of a Variance Section 134-201.
  - **Exhibit D:** Criteria for a Certificate of Appropriateness for New Construction in accordance with Section 18-122.
- **Exhibit E:** A detailed history in chronological order of all zoning-related requests processed on or after January 1, 1970 specific to the Site.
- **Exhibit F:** Property Info sheet with the Location Map.
- **Exhibit G:** Legal Description.
- **Exhibit H:** Town-serving Affidavit



## **EXHIBIT A**

### **Sec. 134-229. Requirements for granting a Special Exception.**

The requirements for granting a special exception use under this chapter are as follows:

- (1) The use is a permitted special exception use as set forth in article VI of this chapter.

**RESPONSE:** *A synagogue is a permitted SE use pursuant to Sec. 134-1109(10) of the Code. The request is to allow the expansion of the approved SE for the synagogue from 158 seats to 230 seats.*

- (2) The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.

**RESPONSE:** *The requests will have no adverse effect on the public health, safety, welfare or morals.*

- (3) The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

**RESPONSE:** *The proposed Project will not cause substantial injury to the value of other properties in the neighborhood where it is to be located.*

- (4) The use will be compatible with adjoining development and the intended purpose of the district in which it is to be located.

**RESPONSE:** *The Project is and continues to be compatible with the adjoining development and the intended purpose of the district in which it is located.*

- (5) The use will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.

**RESPONSE:** *The Site exists today with legal non-conformities related to the open space requirements. That said, the Project proposes to decrease the existing non-conformity from 7% to 10.03% by providing additional landscaping where feasible throughout the Site. Moreover, the front yard landscape non-conformity is improved by providing 7.5% more landscaping along Sunset Avenue (from 10.6% to 18.05%) and 14.7% more landscaping along N. County Road (from 0.5% to 15.2%). Wherever possible, the architectural design creates opportunities for landscape planters and significant improvements of the greenspace within the front yard areas.*

- (6) The use will comply with all elements of the comprehensive plan.

**RESPONSE:** *The Project complies with all the elements of the comprehensive plan.*

- (7) The use not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district.

**RESPONSE:** *The Project has been designed and situated in such a manner to have minimal impact on adjoining properties and will not result in substantial economic, noise, glare, or odor impacts on adjoining properties or properties generally in the district. As noted above, the Applicant has gone to extraordinary efforts and expense to ensure architectural compatibility between the existing landmarked portion of the Project and the proposed new portion of the Project.*

- (8) Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

**RESPONSE:** *Adequate ingress and egress to the Project is being provided. In fact, today there are two access points located on Sunset Avenue and the Project proposes to eliminate one, thus reducing traffic conflict on Sunset Avenue.*

- (9) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact shall be compatible and in harmony with properties in the district.

**RESPONSE:** *All proposed signs and exterior lighting will be compatible and in harmony with properties in the district.*

- (10) Location, availability and compatibility of utility service for the use shall be satisfactory to ensure health and safety.

**RESPONSE:** *The current request does not affect the location, availability or compatibility of utility services.*

- (11) Refuse and service areas for the use shall not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.

**RESPONSE:** *The refuse and service areas for the Project does not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe. The Project has been designed to have the refuse and service areas away from the primary pedestrian areas and are conveniently located to not inhibit vehicular flow. These areas are proposed to be located at the northwest corner of the Site which is basically the furthest point away from the primary use areas.*

- (12) In all districts except the C-OPI district, and also with the exception of hotel, motel and timeshare uses, the proposed special exception use will not attract the principal portion of its customers/clients from off-island locations. The applicant shall submit evidence satisfactory to the town council that not less than 50 percent of the customers of the proposed use will be town persons. Evidence submitted in support of this contention shall include credible data or information suitable for review by the town to determine the credibility and the appropriateness of the applicant's conclusion. The submittal shall include a description of the types of information used and the methodology employed to arrive at the conclusion. Information used shall include, but shall not be limited to, lists of customer/client addresses or certification thereof by an independent certified public accountant approved by the town, market studies prepared by independent professional firms, or data from similar operations under the control of the applicant. The town may in the future require the applicant to demonstrate to the satisfaction of the town council that the special exception use is continuing to be town-serving.

**RESPONSE:** *The Project is a synagogue which is town-serving and serves townpersons. The Applicant has provided an affidavit certifying the same, a copy of which is included with the application submittal.*

- (13) If historic/specimen trees are located on the subject property, the location of said historic/specimen trees shall be identified on a signed and sealed survey. In addition, adequate landscaping, screening and barricade protection of historic/specimen trees shall be demonstrated to be provided as required in this chapter.

**RESPONSE:** *There are no historic specimen trees located on the Site.*

- (14) 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.

**RESPONSE:** *The Project does not propose any additional burden on Town Police or Fire Rescue Services.*



## **EXHIBIT B**

### **Sec. 134-329. Review by town council for Special Review.**

Within 30 days of receipt of the application for site plan review, the town council shall review and consider the application. Before any site plan shall be approved, approved with changes, or denied, the town council shall make a finding that the approval of the site plan will or will not adversely affect the public interest and certify that the specific zoning requirements governing the individual use have or have not been met and that, further, satisfactory provision and an arrangement has or has not been made concerning the following matters, where applicable:

- (1) Sufficiency of statements on ownership and control of the subject property and sufficiency of conditions of ownership or control, use and permanent maintenance of common open space, common facilities or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the town.

**RESPONSE:** *Applicant is the fee simple owner and in control and possession of the entire parcel which is subject of this application. The Applicant is responsible for the care and upkeep of the entire site. No maintenance responsibility will become the obligation of the Town.*

- (2) Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon; provided, however, that nothing in this subsection shall be construed as granting the town council the authority to reduce residential densities below that permitted by the use regulations in article VI of this chapter.

**RESPONSE:** *The request is to allow the expansion of the approved SE for the synagogue from 158 seats to 230 seats. As stated in this Letter of Intent, the synagogue use exists today and the Applicant is only seeking to increase the services within the use. That said, nothing is being requested of the Town Council to reduce residential densities below that which is permitted.*

- (3) Ingress and egress to the property and the proposed structure thereof, with particular reference to automotive and pedestrian safety; separation of automotive traffic; traffic flow and control; provision of services and servicing of utilities and refuse collection; and access in case of fire, catastrophe or emergency.

**RESPONSE:** *Adequate ingress and egress to the Project is being provided. In fact, today there are two access points located on Sunset Avenue and the Project proposes to eliminate one, thus reducing traffic conflict on Sunset Avenue.*

*The refuse and service areas for the Project does not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe. The Project has been designed to have the refuse and service areas away from the primary pedestrian areas and are conveniently located to not inhibit vehicular flow. These areas are proposed to be located at the northwest corner of the Site which is basically the furthest point away from the primary use areas.*

- (4) Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns within the property, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.

**RESPONSE:** *The Project proposes a total of 18 surface parking spaces located at the western limits of the Site. Eight of these spaces are proposed to be covered and ten are proposed to be uncovered. There is a gate proposed to screen the parking, which will be open during the hours the synagogue is open for services.*

- (5) Proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the property boundaries.

**RESPONSE:** *The Site is located at the corner of N. County Road and Sunset Avenue. It is designed so the use is predominantly internal to the Site. In fact, the architectural design of the building maintains the landmarked portion of the building while ensuring there is external harmony and compatibility with the new facades being added, and maintains compatibility with the uses within the building.*

- (6) Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall town capacities.

**RESPONSE:** *The Project will comply with all drainage requirements of the Town. Conceptual approval has already been obtained from the Town, and the civil plans have been submitted as part of this application for further review by Town staff.*

- (7) Utilities, with reference to hook-in locations and availability and capacity for the uses projected.

**RESPONSE:** *Conceptual approval has been obtained from the Town for the hook-in locations and that there is sufficient capacity for the Project; however, the civil plans have been submitted as part of this application for further review by Town staff. All hook-in locations for utilities will obtain final Town approval as part of the building permit process.*

- (8) Recreation facilities and open spaces, with attention to the size, location and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the property, and relationship to communitywide open spaces and recreation facilities.

**RESPONSE:** *There are no changes proposed that impact recreation facilities.*

- (9) Such other standards as may be imposed by this chapter for the particular use or activity involved.

**RESPONSE:** *There are no other standards that may be imposed by the Code for the Project.*

- (10) Height of commercial structures with reference to adjoining buildings, the effect on uniformity in height, and the general principle of retaining the low profile scale of commercial architecture.

**RESPONSE:** *The Project meticulously harmonizes with the visual integrity of the landmarked structure, ensuring that all datum lines—including those from the water table, door and window openings, cornices, roof, and ridge lines—are seamlessly integrated into the new design. The building's volumes and width/height ratios are carefully scaled to reflect both the existing structure and the surrounding context, with proportions directly echoing the landmarked facades and preserved architectural elements.*

- (11) Visible size and bulk. The proposed development should be so arranged that it minimizes the visible bulk of the structures to drivers and pedestrians on abutting roadways, the point of reference being the centerline of the abutting roadways, with the intent being to maintain visual impact of multistory buildings at the same relative level of intensity as a single-story building at the minimum required setback.

**RESPONSE:** *The proposed additions and renovations meticulously harmonize with the visual integrity of the landmarked structure, ensuring that all datum lines—including those from the water table, door and window openings, cornices, roof, and ridge lines—are seamlessly integrated into the new design. The building's volumes and width/height ratios are carefully scaled to reflect both the existing structure and the surrounding context, with proportions directly echoing the landmarked facades and preserved architectural elements. A rhythmic street presence is thoughtfully maintained through landscaped planar recesses in the façades, offering calming vignettes for pedestrians. The historically inspired windows feature patterned screens and stained glass, paying homage to the historic sanctuary and drawing upon precedents from synagogues and cathedrals of Medieval Revival, Moorish, and Romanesque design. The materials used in the expansion exhibit depth and craftsmanship, complementing the historic fabric without overwhelming the existing presence at the corner of Sunset Avenue and County Road. Colors, patterns, and trim have been meticulously researched to create a cohesive yet distinctive visual continuity along the street. The roof design mirrors the existing parapet and terra cotta tile, elegantly revealing the second floor while*



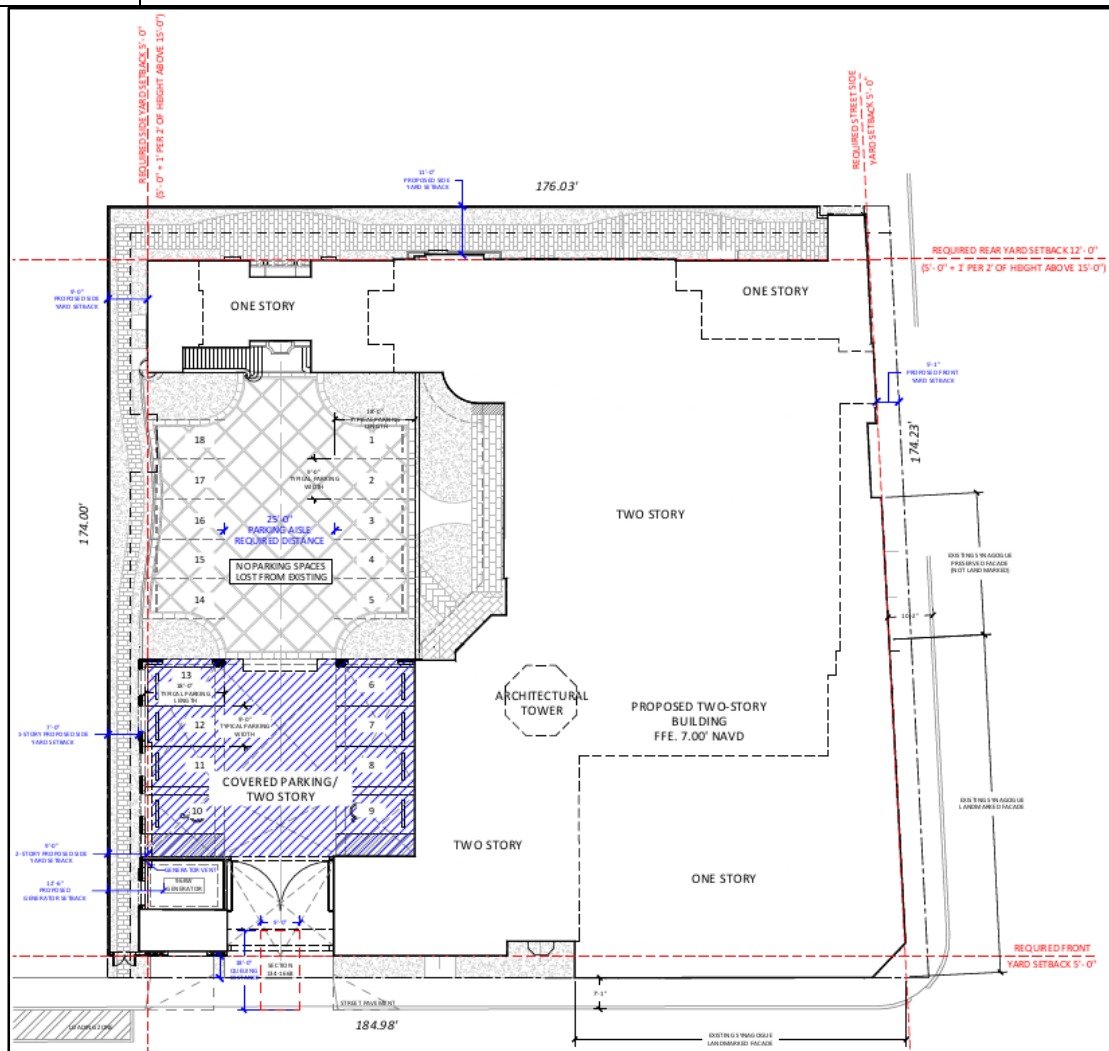
*discreetly concealing mechanical equipment. Along County Road, the pedestrian experience remains consistent with the present, while the rooflines on Sunset Avenue extend the existing form, set back from the sidewalk with lush landscaping.*

## EXHIBIT C

### VARIANCES

<b>Code Section</b>	<b>Variance</b>
<b>Sec. 134-2176 Parking</b>	(V1) To allow the continuation of an existing legal non-conformity for a decrease in the required parking from 58 spaces to 18 spaces, which improves the legal non-conformity from the existing 97 required spaces.
<b>Sec. 134-1113(5) Front Yard Setback</b>	(V2) To allow the continuation of an existing legal non-conformity for a decrease in the minimum front yard setback from 5 ft. to 0.2 ft. along Sunset Avenue. The variance is specific to the exiting portion of the building which is landmarked. The proposed addition complies with the minimum front yard setback requirements. There is no change to the existing landmarked façade of the building. This results in the need to request the variance to allow the continuation of a legal non-conformity since the existing faced must be preserved in place.
<b>Sec. 134-1113(6) Street Side Yard Setback</b>	(V3) To allow the continuation of an existing legal non-conformity for a decrease in the minimum street side yard setback from 7 ft. to 5 ft. along N. County Road. The variance is specific to the exiting portion of the building's height which is landmarked. The proposed addition complies with the minimum front yard setback requirements. There is no change to the existing landmarked façade of the building. This results in the need to request the variance to allow the continuation of a legal non-conformity since the existing faced must be preserved in place.
<b>Sec. 134-1113(11) Landscape Open Space</b>	(V4) To allow the continuation of an existing legal non-conformity for a decrease in the landscaped open space from 25% to 10.03%, which improves the legal non-conformity from 7% to 10.03% (+3.03%).
<b>Sec. 134-1113(11) Front Yard Landscape Open Space</b>	(V5) To allow the continuation of an existing legal non-conformity for a decrease in the front yard landscaped open space from 35% to 18.05 % along Sunset Avenue, which improves the legal non-conformity from 10.6% to 18.05% (+7.45% more landscaping); and a decrease from 35% to 15.2% along N. County Rd., which improves the legal non-conformity from 0.5% to 15.2% (+14.7% more landscaping). There is no change to the existing landmarked façade of the building thus no space is being added to provide the required front yard landscaped open space. This results in the need to request the variance to allow the continuation of a legal non-conformity since the existing faced must be preserved in place.
<b>Sec. 134-1113(12) Gross Building Area</b>	(V6) To allow an increase in the gross building area from the existing 19,297 sq. ft., which is an existing legal non-conformity, to 36,815 sq. ft. The Project is for a proposed use as a synagogue. As such, the Project was designed as one contiguous structure to allow patrons to move from one portion of the building to another uninterrupted and without being exposed to the elements.
<b>Sec. 134-1113(10) Building Length</b>	(V7) To allow the continuation of an existing legal non-conformity for the building length along N. County Road from a maximum of 150 ft. to 172.1 ft. There is no change to the existing landmarked façade of the building. This results in the need to request the variance to allow the continuation of a legal non-conformity since the existing faced must be preserved in place.
<b>Sec. 134-1113(10) Building Length</b>	(V8) To allow the continuation of an existing legal non-conformity for the building length along Sunset Avenue from a maximum of 150 ft. to 173 ft. This

	results in the need to request the variance to allow the continuation of a legal non-conformity since the existing faced must be preserved in place.
<b>Sec. 134-2211 Number and Dimension of berths for commercial uses</b>	(V9) To allow the elimination of the required two required berths for commercial uses. The synagogue is not a commercial use and does not operate as a commercial use. As such, deliveries are limited to smaller vans and similar vehicles for deliveries of basic supplies and materials. There is no need for a full-12 ft. x 25 ft. x 14 ft. high berth, much less a need for two full size berths. Furthermore, there is an on-street loading zone that has customarily been used for deliveries as is the common practice throughout the Town, which the Applicant proposes to use on an as-needed basis.
<b>Sec. 134-1113(5)(c) Ten-foot wide pedestrian walkway</b>	(V10) To allow the continuation of an existing legal non-conformity for a decrease in the minimum width of the pedestrian walkway from ten ft. to 7.1 ft. along Sunset Avenue. The variance is specific to the exiting portion of the building which is landmarked. There is no change to the existing landmarked façade of the building. This results in the need to request the variance to allow the continuation of a legal non-conformity since the existing facade must be preserved in place.



VARIANCE DIAGRAM – See Sheet SP3.1 and SP3.2 of the Architectural Plans for more details

**Sec. 134-201. Findings prior to authorization.**

(a) The town council may authorize upon appeal such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this chapter will result in unnecessary and undue hardship. In order to authorize any variance from the terms of this chapter, the town council must and shall find the following:

(1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

**RESPONSE:** *There are special conditions and circumstances existing which are peculiar to the land, structures and buildings involved and which are not applicable to other lands, structures or buildings in the same zoning district. All requested variances relate to a decrease of already existing legal non-conformities on the Site and the use. See above for a full analysis of each variance and how the literal interpretation of the Code has created an undue burden on the Applicant.*

(2) The special conditions and circumstances do not result from the actions of the applicant.

**RESPONSE:** *The special conditions and circumstances do not result from the actions of the Applicant. See the above for a full analysis of each variance and how the literal interpretation of the Code has created an undue burden on the Applicant.*

(3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in this same zoning district.

**RESPONSE:** *The granting the variance requested will not confer on the Applicant any special privilege that is denied by the Code to other lands, buildings or structures in this same zoning district. In fact, these variances can be requested by any property owner affected by the applicable regulations.*

(4) Literal interpretation of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.

**RESPONSE:** *The literal interpretation of this chapter would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the Applicant. See the above for a full analysis of each variance and how the literal interpretation of the Code has created an undue burden on the Applicant.*

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

**RESPONSE:** *The requested variances are the minimum variances that will make possible the reasonable use of the land. See the above for a full analysis of each variance and the applicability to the use of the land.*

(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 shall be made 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:
  1. Be granted only for the continuation of the same hotel or residential use; and
  2. 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.



**RESPONSE:** N/A

- (7) The grant 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. In granting any variance, the town council may prescribe appropriate conditions and safeguards in conformity with this chapter. Upon granting a variance the town council may require the landowner to provide a declaration of use agreement which shall be recorded in the public records to ensure continuing compliance with town council imposed conditions of such grants. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

**RESPONSE:** *Granting of the variances will be in harmony with the general intent and purpose of the Code. Additionally, granting of the variances will not be injurious to the area involved or otherwise detrimental to the public welfare.*

## **EXHIBIT D**

### **Sec. 54-122. New construction.**

- (a) The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related:
- (1) The height, the gross volume, and the proportion between width and height of the facade;
  - (2) The proportions and relationships between doors and windows;
  - (3) The rhythm of solids to voids created by openings in the facade;
  - (4) The materials used in the facade;
  - (5) The texture inherent in the facade;
  - (6) The colors, pattern and trim used in the facade; and
  - (7) The design of the roof.

#### **RESPONSE:**

*The proposed additions and renovations meticulously harmonize with the visual integrity of the landmarked structure, ensuring that all datum lines—including those from the water table, door and window openings, cornices, roof, and ridge lines—are seamlessly integrated into the new design.*

*The building's volumes and width/height ratios are carefully scaled to reflect both the existing structure and the surrounding context, with proportions directly echoing the landmarked facades and preserved architectural elements.*

*A rhythmic street presence is thoughtfully maintained through landscaped planar recesses in the façades, offering calming vignettes for pedestrians*

*The historically inspired windows feature patterned screens and stained glass, paying homage to the historic sanctuary and drawing upon precedents from synagogues and cathedrals of Medieval Revival, Moorish, and Romanesque design.*

*The materials used in the expansion exhibit depth and craftsmanship, complementing the historic fabric without overwhelming the existing presence at the corner of Sunset Avenue and County Road.*

*Colors, patterns, and trim have been meticulously researched to create a cohesive yet distinctive visual continuity along the street.*

*The roof design mirrors the existing parapet and terra cotta tile, elegantly revealing the second floor while discreetly concealing mechanical equipment. Along County Road, the pedestrian experience remains consistent with the present, while the rooflines on Sunset Avenue extend the existing form, set back from the sidewalk with lush landscaping.*

- (b) Existing rhythm created by existing building masses and space between them should be preserved.

#### **RESPONSE:**

*The rhythm along North County Road is thoughtfully preserved through a façade relief that distinguishes the existing structure from the renovation, featuring a hand-carved fountain adorned with Blue Sky Vine framing a stained-glass window.*

*On Sunset Avenue, the proposed façade maintains a similar rhythmic cadence and introduces planar breaks, enhanced by landscaped bougainvillea and intricately patterned window elements at the southern exposure.*

- (c) The landscape plan should be sensitive to the individual building and its occupants and needs and should be visually compatible with the buildings and environment with which it is visually related.

**RESPONSE:**

*The proposed design significantly enhances the existing street and sidewalk landscaping. On Sunset Avenue, the addition is set back from the street, allowing for the introduction of a 5- to 7-foot-wide mature landscape buffer. Bougainvillea, selected for its vibrant character, will be planted at full height upon completion of construction.*

*Similarly, on North County Road, landscaping is introduced within the façade setbacks, with the east-facing Blue Sky Vine grown to maturity and installed at full height.*

*The courtyard will feature a carefully curated selection of native tropical plants, citrus trees, and specimen trees as depicted in the renderings.*

*The North and West property setbacks will be defined by detailed ironwork fencing, complemented by native screening and a dense, elegant buffer to ensure privacy for neighboring properties. The Landscape Architect will provide further details on the specific planting species and layout.*

- (d) A new street facade should blend directionally with other buildings with which it is visually related; which is to say, when adjacent buildings have a dominant horizontal or vertical expression, that expression should be carried over in the new facade.

**RESPONSE:**

*The proposed new buildings artfully reinforce and enhance the prominent horizontal datum lines of the existing landmarked façade. The stone water table, composed of limestone and Jerusalem stone, elegantly extends across the façades, unifying the buildings with a continuous architectural language.*

*Door and window heights are meticulously aligned with the existing structure, while the design of the cornices and soffits is consistently carried across the new buildings, preserving the visual harmony and adjacency reference.*

- (e) Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent architectural characteristics of the area.

**RESPONSE:**

*The architectural detailing is thoughtfully derived from the landmarked façade and the historic character of the adjacent buildings, incorporating an array of materials and textures such as hand-hewn limestone, coquina, Jerusalem stone, crafted stucco, tapered terracotta tiles, stained glass, ornamental screening, mahogany, and bespoke ironwork.*

*The design reflects a nuanced exploration of architectural traditions, drawing upon the influences of Moorish and Near Eastern design, Gothic Revival, Romanesque, Byzantine, and the storied architecture of Jerusalem, synagogues, and historic European Jewish ghettos.*



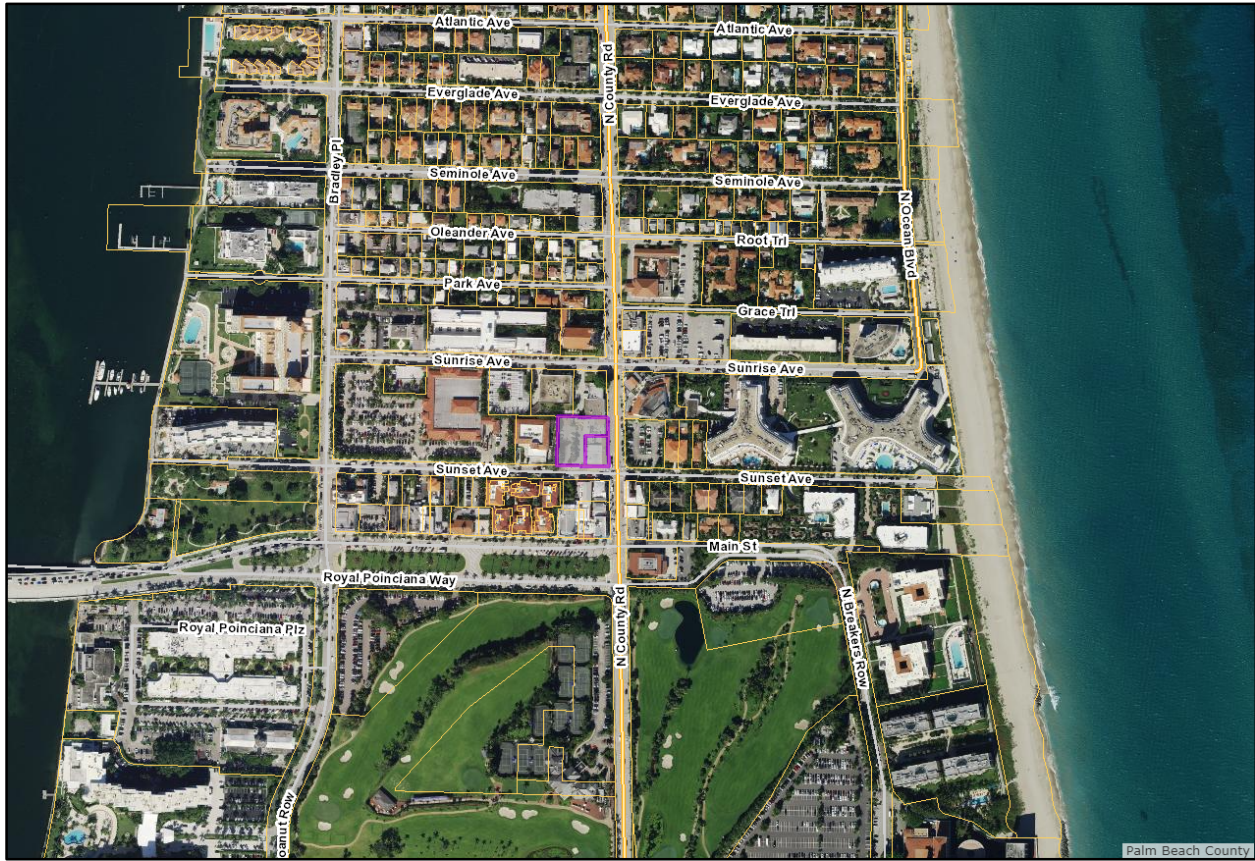
## **EXHIBIT E**

### **SITE HISTORY**

June 12, 1990	VAR 29-90	Denial of a variance to allow a business identification sign.
July 13, 1993	SE 18-93	Approval for a modification to a special exception with site plan review and variances for an increase in the gross leasable area, a reduction in the required parking, and reduction in the required setback.
August 9, 1994	SE 25-94	Approval for a modification to a special exception with site plan review to allow the relocation of an ancillary use from the first floor to the second floor of the restaurant.
March 7, 1996	COA 64-95	Approval of a COA for a new front door.
September 9, 1997	SE 27-97	Approval for a modification to a special exception with site plan review to allow Fortress Company to occupy 2,500 sq. ft. for retail space.
June 8, 1999	SE 14-99	Approval for a modification to a special exception with site plan review for an increase in the seats and ancillary uses specific to the synagogue.
December 11, 2001	SE 27-2001	Approval for a modification to a special exception with site plan review for the expansion of the multi-function ancillary use room for the synagogue use.
May 27, 2005	SE 15-2005	Approval for a modification to a special exception with site plan review for an increase in the seats and ancillary uses specific to the synagogue.
March 13, 2007	SE 3-2007	Approval for a modification to a special exception with site plan review for an increase in the seats and ancillary uses specific to the synagogue.
August 21, 2008	COA 16-08	Approval for the replacement of exterior windows and doors.
December 16, 2009	SE 10-2009	Approval for a modification to a special exception with site plan review and variances for changes to the pediment of the building and variances for the pediment, setbacks, and building height.
January 10, 2010	COA 2-10	Approval of a COA for changes to the building for a gabled parapet, barrel tile, a shed roof, and new signage.
June 2, 2022	A-22-02393	Approval for repair of roof

## EXHIBIT F

### PROPERTY INFORMATION



Location map

<b>Address:</b>	120 – 132 N. County Rd.
<b>Property Owner:</b>	Palm Beach Orthodox Synagogue, Inc.
<b>Municipality:</b>	Town of Palm Beach

## **EXHIBIT G**

### **LEGAL DESCRIPTION**

**PROPERTY ADDRESS:**

132 and 120 N County Road  
Palm Beach, FL 33480

**LEGAL DESCRIPTION:**

A parcel of land bounded by the existing exterior walls of the Richardson Greenfield Securities Building and the West right-of-way line of South County Road, Town of Palm Beach, Florida; said parcel of land being part of Lots 175 and 176, Plat of **FLORAL PARK**, according to the Plat thereof as recorded in Plat Book 2, Page 6, Public Records of Palm Beach County, Florida, and being more fully described as follows:

**COMMENCING** at the Southeast corner of said Lot 176;

Thence, North 90°00'00" West, along the South line of said Lot 176, a distance of 15 feet to the intersection thereof with the West right of way line of South County Road and the **POINT OF BEGINNING**;

Thence, continue North 90°00'00" West, along the South line of said Lot 176, a distance of 5 feet, more or less, to the Southeast corner of the said Richardson Greenfield Securities Building;

Thence, continue North 90°00'00" West, along the South face of said building, a distance of 76 feet, more or less, to the Southwest corner of said building;

Thence, Northerly along the West face of said building, a distance of 27.9 feet;

Thence, Easterly along the Northerly face of said building a distance of 5.4 feet;

Thence, Northerly, along the West Face of said building, a distance of 5.3 feet;

Thence, Easterly along the North face of said building, a distance of 74.41 feet, more or less, to the Northeast corner of said building;

Thence continue Easterly along said line, a distance of 5 feet to the West right of way line of said South County Road;

Thence, South 02°45'00" East, along said right of way line a distance of 33.2 feet, more or less, to the **POINT OF BEGINNING**.

The bearings stated herein are based on an assumed North 90°00'00" West, along the South line of Lot 176;

**AND**

Lots 173 through 176 together with lots 180 through 183, inclusive, Plat of **FLORAL PARK**, as recorded in Plat Book 2, page 6, Public Records of Palm Beach County, Florida.

**LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCELS**

The South 8.14 feet of Lot 175, Less the East 15 feet thereof, and Lot 176, less the East 15 feet thereof, of the Plat of **FLORAL PARK** according to the Plat thereof, as recoded in Plat book 2, Page 6, of the Public Records of Palm Beach County, Florida, being conveyed out by Warranty Deed, recorded in official Records Book 13287, Page 1027, in the Public Records of Palm Beach County, Florida.

**AND**

**LESS AND EXCEPT:**

Lots 178 and 179, **FLORAL PARK**, according to the Plat thereof, as recorded in Plat Book 2, Page 6, Public Records of Palm Beach County, Florida, being conveyed out by Warranty Deed, recorded in Official Records Book 11295, Page 435.

**AND**

**Parcel A:**

The South 8.14 feet of Lot 175, less the East 15 feet thereof, and Lot 176, less the East 15 feet thereof, **FLORAL PARK**, according to the Plat thereof as recorded in Plat Book 2, Page(s) 6, Public Records of Palm Beach County, Florida.

**Parcel B:**

Lot 177, **FLORAL PARK**, according to the Plat thereof as recorded in Plat Book 2, Page(s) 6, Public Records of Palm Beach County, Florida, Less the East 15 feet thereof.

**Parcel C:**

Lots 178 and 179, **FLORAL PARK**, according to the Plat thereof as recorded in Plat Book 2, Page(s) 6, Public Records of Palm Beach County, Florida, Less the East 15 feet thereof.



**EXHIBIT H**

**Town-Serving Affidavit**



FOUNDING RABBI  
Moshe E. Scheiner

PRESIDENT  
Bob Keats

1ST VICE PRESIDENT  
Harry Lis

2ND VICE PRESIDENT  
Casey Klein

IMMEDIATE PAST  
PRESIDENT  
Michael Scharf

DIRECTOR-AT-LARGE  
Ira Gerstein

TREASURER  
Abe Haruvi

FINANCIAL SECRETARY  
Carol Rydell

RECORDING SECRETARY  
Lisa Schreier

BOARD OF DIRECTORS

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Sol Boucai  
Lynn Brodsky  
Ara Cohen  
Tamar Daniels  
Fred Endzweig  
Harris S. Fried  
Mirta Galante MD  
Jaffa Halfon MD  
Abe Himelstein  
Barbara Hines  
Morris Kener  
Martin Klein  
Hillary Regelman  
Jane Shalam  
Sari Simpson  
Dean Tansman  
Aron Tendler MD  
Eric Weiner MD \*  
Barbara Zimet \*

\*Past President

## TOWN - SERVING AFFIDAVIT

The undersigned, (the "Affiant"), Rabbi Scheiner, of Palm Beach Orthodox Synagogue, Inc. located at 120 N. County Road, Palm Beach, FL 33480 ("Synagogue"), does hereby certify that:

1. Affiant states that he/she is familiar with the nature of an oath and with the penalties as provided by the laws of the State of Florida for falsely swearing to statements made in an instrument of this nature.

2. Affiant has read the foregoing Affidavit and states that each and every statement contained herein is true and correct.

3. The Zoning Code of Ordinances (the "Code") of the Town of Palm Beach (the "Town") defines "Town-Serving" as establishments principally oriented to serving the needs of townpersons which would not substantially rely upon the patronage of persons not defined as townpersons. The Code defines "townpersons" as all full-time and seasonal residents as well as visitors staying at accommodations and employees working in establishments located within the Town.

4. Affiant has reviewed the records of the members of the Synagogue.

5. Affiant has concluded that a minimum of 51% of the members at the Synagogue qualify as "townpersons" as defined in the Code.

6. The Synagogue will be redeveloped and expanded to the adjacent space located at 132 N. County Road, Palm Beach, FL 33480 (the "Synagogue Expansion").

7. As the Synagogue is a "Town-Serving" establishment, the Synagogue Expansion will be "Town-Serving" as defined by the Code.

[SIGNATURES ON NEXT PAGE]



FOUNDING RABBI  
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Hillary Regelman  
Jane Shalam  
Sari Simpson  
Dean Tansman  
Aron Tendler MD  
Eric Weiner MD \*  
Barbara Zimet \*

\*Past President

Wherefore Affiant has signed this Affidavit this 22 day of July, 2024.

Moshe Scheiner

STATE OF FLORIDA

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 22 day of July, 2024, by Moshe Scheiner who ☒ is personally known to me or ☐ has produced \_\_\_\_\_ as identification.

(NOTARY SEAL)



Paula Beth Haber

Notary Public, State of Florida

Name: Paula Beth Haber

My commission expires: 5/10/26

Serial No.: HH 262894