

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 9, 2018

To: Mayor and Town Council

From: Paul W. Castro, Acting Director of Planning, Zoning & Building

Re: Deferral Request for ARCOM Appeal
446 North Lake Way
Case # B-054-2017 New Home with Landscape, Hardscape & Swimming Pool

Date: May 1, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council consider and rule upon the deferral request for the appeal of Stephen A. Levin (“Owner”) filed with the Town on February 5, 2018.

GENERAL INFORMATION

Owner Stephen A. Levin originally made application to ARCOM on May 23, 2017 for “Project Description: New contemporary 2 story home and 1 story accessory garage totaling 13,093 gross s.f. and associated landscaping, hardscape and swimming pool” located at 446 North Lake Way.

The owner’s architect for the project is Benjamin Schreier from Affiniti Architects; however, the owner’s architectural designer, Daniel Ménard from LeBerge & Ménard, presented the revised project to the Commission on January 24, 2018. The project was previously presented to the Commission on June 28, 2017, September 27, 2017, and on November 29, 2017 where the Commission deferred the project and asked that a major restudy of the project be done. The January 24, 2018 presentation included photographs, streetscape plans, revised site plan, revised elevations, dimensioned architectural details, and a listing of the Commission’s comments from the November 29, 2017 meeting. James Green (attorney for the applicant) advocated for the project, and noted that he had worked with the neighbor to the north to make sure he was comfortable with the design.

While the Commission did state that there were positive advances made with the project, they also voiced several concerns, including a lack of a full restudy of the project and that the project did not fit-in to Palm Beach. Following all discussion, it was moved by Mr. Garrison and seconded by Ms. Grace to defer the project to the February 28, 2018 ARCOM meeting. Mr. Green requested that the Commission deny the project instead of deferring it; however, the motion to defer carried with a 4-3 vote (Messrs. Ives, Corey and Mrs. Vanneck opposed).

On February 5, 2018, the applicant's attorney filed an appeal of the Architectural Commission's decision to defer the project (copy attached); as stated in his appeal he contends that ARCOM's actions were flawed because of the following:

1. "ARCOM exceeded its authority and scope of its review by unreasonably withholding approval where all the ARCOM criteria had been met."
2. "ARCOM's actions were inconsistent and not in conformity with the Palm Beach Code of Ordinances."
3. "[S]talling approval of a matter before ARCOM is arbitrary and capricious."
4. "ARCOM's arbitrary insertion of differing and higher standards for contemporary designs violates the Property Owner's right to due process, particularly given the time and expense incurred by the Property Owner in responding to ARCOM's concerns."

In summary, the applicant's attorney is requesting that Town Council reverse ARCOM's decision to defer the application at their January 24, 2018 meeting, and to direct ARCOM to approve the project at its next regularly scheduled meeting.

DEFERRAL REQUEST

On March 13, 2018 the Town received a deferral request from the appellant/applicant's attorney James Green requesting deferral of the appeal to the April 11, 2018 Town Council meeting (copy attached). The rationale for the deferral request is to see if the appellant/applicant's architect and architectural designer can address ARCOM's comments and concerns, and obtain approval for the project at the March 28, 2018 ARCOM meeting.

cc: John C. Randolph, Town Attorney
Architectural Commissioners
James K. Green
Benjamin Schreier
Daniel Ménard

Attachments