



# TOWN OF PALM BEACH

## Minutes of the Town Council Meeting Held on November 14, 2018

### I. CALL TO ORDER AND ROLL CALL

The Development Review Town Council Meeting was called to order Wednesday, November 14, 2018 at 9:30 a.m. in the Town Council Chambers. On roll call, all of the elected officials were found to be present with the exception of Council Member Araskog.

### II. INVOCATION AND PLEDGE OF ALLEGIANCE

Deputy Town Clerk Ruderman gave the invocation. Council President Moore led the Pledge of Allegiance.

### III. COMMENTS OF MAYOR GAIL L. CONIGLIO - None

### IV. COMMENTS OF TOWN COUNCIL MEMBERS AND DIRECTOR OF PLANNING, ZONING AND BUILDING - None

### V. COMMUNICATIONS FROM CITIZENS - None

### VI. APPROVAL OF AGENDA

The following changes were made to the agenda:

**DEFERRALS:** The following items were deferred to the December 12, 2018 Town Council meeting.

Item VII.B.1.d. Z-18-00034 Special Exception with Site Plan Review and Variances

Item VII.B.1.e., Z-18-00036 Variances

Item VII.B.1.f., Z-18-00138 Special Exception with Site Plan Review

Item VII.B.2.a., Z-18-00142 Special Exception with Site Plan Review and Variances

The following item was added to ANY OTHER MATTERS:

Resolution No. 194-2018

**Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, to approve the agenda, as amended above. On roll call, the motion carried unanimously.**

**Town Attorney Randolph expressed the importance of ex-parte communications. A discussion on ex-parte communications ensued.**

VII. DEVELOPMENT REVIEWS

A. Time Extensions and Waivers

1. Extension of Time Schedule for Completion of Construction  
Per Town Code Chapter 18, Section 18-237  
1906 South Ocean Boulevard

David Palmer of Livingston Builders provided details of the request.

Director Martin provided Staff comments.

**Motion was made by Council Member Lindsay, and seconded by Council Member Crampton, to approve Extension of Time Schedule for Completion of Construction Per Town Code Chapter 18, Section 18-237. On roll all, the motion carried unanimously.**

2. Extension of Time Schedule for Completion of Construction  
Per Town Code Chapter 18, Section 18-237  
270 Algoma Road

Andy Pizey of Euro Construction Services provided details of the request.

Director Martin provided Staff comments.

**Motion was made by President Pro Tem Zeidman, and seconded by Council Member Crampton, to approve Extension of Time Schedule for Completion of Construction Per Town Code Chapter 18, Section 18-237. On roll all, the motion carried unanimously.**

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. Z-18-00108 SPECIAL EXCEPTION WITH VARIANCE(S) Zoning District: C-TS Town Serving Commercial The application of Palm Beach Hotel Condominium Association, Inc., Applicant, relative to property located at 235 SUNRISE AVE SUITE: CM 23, legal description on file, is described below. A request for a variance and a special exception to expand a non conforming use ("hotel") to incorporate a 3,200 square foot space on the ground floor to be used as a gym

which is an accessory use to the condominium hotel. [Applicant's Representative: Maura Ziska Esq] If approved, consideration of proposed Declaration of Use Agreement.

Ex-parte communications were declared by Council Member Lindsay.

Attorney Ziska provided details of the project.

Architect Gonzales provided additional details.

Director Martin provided Staff comments.

Fire Marshal DeLoach provided additional comments.

Discussion took place on fire doors and safety of the building.

**Motion was made by Council Member Crampton, and seconded by President Pro Tem Zeidman, to defer Z-18-00108 Special Exception with Variance(s) to the December 12, 2018 Town Council Meeting. On roll call, the motion carried unanimously.**

b. Z-18-00113 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)  
Zoning District: B-A Beach Area The application of 1178 OCEAN LLC, Applicant, relative to property located at 1178 N OCEAN BLVD SUITE:BEACH CABANA, legal description on file, is described below. The Applicant seeks to reconstruct an existing beach house east of Ocean Boulevard adjacent to the east of property owned by the Applicant on the existing footprint in the existing location. Due to changes in the zoning code since the beach house was originally built, the variances indicated below are required, since greater than 50% of the existing structure, determined by cubic footage, is being demolished (per Code Section 134 417). To permit construction of a beach house with a square footage of 519 square feet, existing and proposed, in lieu of 350 square feet allowed by Special Exception. To permit the construction of a beach house with a depth dimension of 24' 8 1/2", existing and proposed, in lieu of 20' maximum dimension allowed by Special Exception. To permit the construction of a beach house with a width dimension of 21 ', existing and proposed, in lieu of 20' maximum dimension allowed by Special Exception. To permit the construction of a beach house with a setback of 5' 3 1/2", existing and proposed, in lieu of a minimum setback of 10' permitted by code. To permit a maximum hedge height/wall height existing and proposed to remain at +/- 6' 0"; in lieu of 4' 0" permitted by code. To permit a minimum ocean vista, existing and proposed, 0% of lot width, in lieu of 50% of lot width permitted by code. [Applicant's Representative: Francis X. J. Lynch] [Architectural Review Commission Recommendation: Implementation of the proposed special exception with site plan review and variance will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Review Commission approved the project at the August 22, 2018 meeting. Carried 7-0.]

Ex-parte communications were declared by Mayor Coniglio, Council Members Crampton and Lindsay and President Pro Tem Zeidman.

Attorney Lynch provided details of the project. The applicant withdrew the variances for the maximum hedge and wall height related to the ocean vista.

Zoning Administrator Castro provided Staff comments.

Discussion took place on neighboring properties, the hardship, and the lot size.

**Motion was made by Council Member Crampton, and seconded by President Pro Tem Zeidman, that Special Exception Z-18-00113 shall be granted, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met. On roll call, the motion carried unanimously.**

**Motion was made by Council Member Crampton, and seconded by President Pro Tem Zeidman, that Site Plan Review Z-18-00113 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried unanimously.**

**Motion was made by Council Member Crampton, and seconded President Pro Tem Zeidman, that Variance No. Z-18-00113 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.**

c. Z-18-00121 SITE PLAN REVIEW WITH VARIANCE(S) The application of 456 South Ocean LLC (Dave Frisbie, Manager), Applicant, relative to property located at 456 S OCEAN BLVD SUITE: SITE, legal description on file, is described below. A request for Site Plan Review to construct a two-story, four (4) unit, townhouse building group with associated swimming pools and hardscape. Each unit will be approximately 8,800 square feet with basement garages. The following variances are being requested: 1. A request for a variance to allow the maximum building dimension of the building group to be 184.16 feet in length in lieu of the 150 foot maximum length allowed for a townhouse building group. 2. A request for a variance to not provide 25% of the building to be setback an additional 10 feet from the front setback along South Ocean Boulevard. [Applicant's Representative: Maura Ziska Esq] [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 at the October 24, 2018 meeting. Carried 7-0.]

Ex-parte communications were declared by Council Member Crampton.

Attorney Ziska provided detail of the project.

Architect Janssen provided additional details.

Zoning Administrator Castro provided Staff comments.

Director Brazil provided additional comments.

**Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Site Plan Review Z-18-00121 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11 with the caveat that the owner will provide a utility easement satisfactory to the Town of Palm Beach, prior to building permit issuance. In addition all conditions outlined previously (cross access easement dedication; drainage agreements; party wall agreement, and the right-of-way improvements) must be met. On roll call, the motion carried unanimously.**

d. Z-18-00134 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: R-A Estate Residential The application of Charles Holzer, Applicant, relative to property located at 977 S OCEAN BLVD, legal description on file, is described below. 1) Special Exception with Site Plan Review to allow the construction of a 9,685 square foot two-story, single family residence on a non-conforming lot that is 77 feet in depth in lieu of the 150 foot minimum required In the R-A Zoning District and 13,662 square feet in area in lieu of the 20,000 square foot minimum area required in the R-A Zoning District. 2) A request for a variance to allow the proposed swimming pool to have a 5 foot rear yard setback in lieu of the 10 foot minimum required and a 30 foot front yard setback in lieu of the 35 foot minimum required in the R-A Zoning District. 3) A request for a variance to allow a building height plane setback to be 35 feet in lieu of the 50 foot minimum setback required. [Applicant's Representative: Maura Ziska] [The Architectural Review Commission deferred this project to the November 28, 2018 meeting at the request of staff. Carried 7-0.]

*Item was deferred to the December 12, 2018 Town council meeting*

e. Z-18-00136 VARIANCE(S) Zoning District: R-B Low Density Residential The application of Neil and Ann Corkery, Applicant, relative to property located at 120 CHILEAN AVE, legal description on file, is described below. Request a variance to construct a 7 foot by 30 foot swimming pool on the east side of the residence that will result in a 23.8% landscaped open space in lieu of the 32.3% existing and the minimum 45% required in the R-B district. [Applicant's Representative: Maura Ziska Esq ]

*Item was deferred to the December 12, 2018 Town council meeting*

f. Z-18-00138 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-B Low Density Residential The application of Palm Beach Day Academy, Inc., Applicant, relative to property located at 241 SEAVIEW AVE SUITE: SITE, legal description on file, is described below. 1. Request for Special Exception with Site Plan Review approval to create 30 paved parking spaces on the west lawn to be used by Palm Beach Day Academy faculty, families and guests to the school. 2. Request to modify the existing Declaration of Use Agreement (a copy of the Agreement is on file at the Town of Palm Beach Building Department). [Applicant's Representative: Maura Ziska Esq] [The Landmarks Preservation Commission Recommendation: Implementation of the proposed special exception with site plan review and variance will not cause negative architectural impact to the subject landmark property. Carried 4-1. The Landmarks Preservation Commission deferred the project to the November 16, 2018 meeting at the request of the attorney. Carried 7-0.]

*Item was deferred to the December 12, 2018 Town council meeting*

g. Z-18-00139 VARIANCE(S) Zoning District: R-C Medium Density Residential The application of Ken Moreland-Pearce, Applicant, relative to property located at 265 PARK AVE, legal description on file, is described below. 1. A variance request to allow construction of a new 2,000 square foot two-story residence on a lot with a width of 50 feet in lieu of the 75 foot minimum required, a depth of 70 feet in lieu of the 100 foot minimum required and a lot area of 3,500 sq. ft. in lieu of the 10,000 sq. ft. minimum required. 2. A variance request to allow a west side yard setback to be 5 feet in lieu of the 10-foot minimum required. [Applicant's Representative: Maura Ziska Esq] [The 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 at the October 24, 2018 meeting. Carried 7-0.]

No ex-parte communications were declared.

Attorney Ziska provided details of the project.

Zoning Administrator Castro provided Staff comments.

Architect Keitel provided additional details.

**Motion was made by Council Member Lindsay, and seconded by President Pro Tem Zeidman, that Variance No. Z-18-00139 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met with the caveat that the owner provide a utility easement or easement agreement satisfactory to the Town of Palm Beach, prior to building permit issuance. On roll call, the motion carried unanimously.**

## 2. New Business

a. Z-18-00142 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-A Estate Residential The application of Ken and Claudia Silverman, Applicant, relative to property located at 830 S COUNTY RD, legal description on file, is described below. Special Exception with Site Plan Review to allow the construction of a 5,990 square foot two-story, single family residence on a non-conforming lot that is 139.99 feet in depth in lieu of the 150 foot minimum required. [Applicant's Representative: Maura Ziska Esq.] [Architectural Review Commission Recommendation: Implementation of the proposed special exception with site plan review will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Review Commission deferred the project to the November 28, 2018 meeting. Carried 7-0.]

*Item was deferred to the December 12, 2018 Town council meeting*

b. Z-18-00143 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R-B Low Density Residential The application of 212 Seaspray, LLC, Applicant, relative to property located at 212 SEASPRAY AVE, legal description on file, is described below. Site Plan Review to allow the redevelopment of a landmarked house on a non-conforming lot which is 50 feet in width in lieu of the 100-foot depth required in the R-B Zoning District. Because the house is being redeveloped in excess of 50% of its current value, the following variance is being requested: 1) Section 50-114: Request to develop the property in excess of 50% of its current value, including the raising of the rear (south side) of the house, such that the entire house will have an elevation of 5.9 N.A.V.D. in lieu of the minimum 7.0 N.A.V.D. required by Code. In addition, the following variances are requested in connection with the redevelopment: 2) Section 134-893(7)b): Request to raise the rear (south side) of a landmarked house with a west second story side yard setback of 3.0 feet in lieu of the 15-foot minimum required. 3) Section 134-893(9)b): Request to raise the rear (south side) of a landmarked house with a second story rear yard setback of 4.7 feet in lieu of the 15-foot minimum required. 4) Section 134-893(13): Request to raise the rear (south side) of a landmarked house, thereby increasing the cubic content ratio from 6.89 to 7.11 in lieu of the 4.39 maximum allowed. 5) Section 134-893(7)b): Request to add an awning to the house with an east side yard setback of 0.0 feet in lieu of the 12.5-foot minimum required. [Applicant's Representative: David E. Klein Esq.] [Landmarks Preservation Commission Recommendation: Implementation of the proposed site plan review with variances will not cause negative architectural impact to the subject landmarked property. Carried 7-0. The proposed development will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. Carried 7-0.]

No ex-parte communications were declared.

Attorney Klein provided details of the project.

Zoning Administrator Castro provided Staff comments.

Director Martin provided additional comments.

Landmarks Preservation Commission Chairman Cooney spoke about floodplain variances and asked council to remain supportive.

Deputy Clerk Ruderman swore in all those who would be providing testimony.

Architect Seagraves provided additional information.

**Motion was made by Council Member Crampton, and seconded by Council Member Lindsay, that Site Plan Review Z-18-00143 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11 with the caveat that the owner will provide a utility easement, satisfactory to the Town of Palm Beach, prior to building permit issuance. On roll call, the motion carried unanimously.**

**Motion was made by Council Member Crampton, and seconded by Council Member Lindsay, that Variance No. Z-18-00143 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.**

c. Z-18-00144 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: C-TS Town-Serving commercial The application of Palm Beach Centennial Commission, Inc. on behalf of the Town of Palm Beach, Applicant, relative to property located at 360 S COUNTY RD, MEMORIAL FOUNTAIN, legal description on file, is described below. A special exception with site plan review request to modify Town Hall public open space as identified below. Applicable Zoning sections - Section 134-1109, Section 134-229, Section 134-327, Section 134-329. 1. Construction of stairs onto the south side of the Memorial Park Fountain area as geographically described on the plans and specifications submitted with this application. 2. Repair of any existing landscaping disturbed by the construction process. [Applicant's Representative: John C. Randolph, Esq.] [Landmarks Preservation Commission Recommendation: Implementation of the proposed special exception with site plan review will not cause negative architectural impact to the subject landmarked property. Carried 5-2.]

Deputy Clerk Ruderman swore in all those who would be providing testimony.

Ex-parte communications were declared by Council Members Crampton and Lindsay, Mayor Coniglio, Council President Moore and President Pro Tem Zeidman.



Zoning Administrator Castro provided Staff comments.

Addison Link, 251 Esplanade Way, spoke in opposition of the Memorial Fountain stair construction.

Rob Link, 251 Esplanade Way, played a telephone message from a State Historic Preservation Officer, Tim Parsons, and provided information from 2014 letter from former State Historic Preservation Officer.

Director Brazil clarified status of State grant money.

Attorney Eubanks, requested that if Special Exception with Site Plan Review is approved to be sure to clarify that it does not include parking.

Deputy Clerk Ruderman swore in others who would be providing testimony.

Rene Silvin, Australian Avenue, spoke in favor of the stair construction.

Ted Cooney, Landmarks Preservation Chairman, provided historical information on the grant from the State.

Director Martin reported on restricted covenant on grants for fountain / stairs.

Thomas Bradford, 44 Chestnut Trail, Tequesta, asked when the discussion would take place for parking around Memorial Fountain.

Ann Pepper, 333 Seaspray Avenue, does not want to risk losing the grant.

Deputy Clerk Ruderman swore in others who would be providing testimony.

Anita Seltzer, Cocoanut Row, spoke in opposition of the Memorial Fountain stairs.

***Clerk's Note: Council Member Araskog arrived at 11:15 a.m. She was not present for entire presentation and did not vote on the item.***

Attorney Bone, provided additional details, and requested that the special exception be granted so that the process of constructing the stairs may begin.

Architect Vertesh provided details on Memorial Fountain stair addition.

**Motion was made by President Pro Tem Zeidman, and seconded by Council Member Crampton that Special Exception Z-18-00144 shall be granted, based upon the finding that such grant will not adversely affect the public interest and that the applicable criteria set forth in Section 134-229 of the Town Code have been met subject to approval by the State and that parking is not part of the approval. On roll call, the motion carried 3-1 with Council President Moore dissenting.**

**Motion was made by President Pro Tem Zeidman, and seconded by Council Member Crampton that Site Plan Review Z-18-00144 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council**

**certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11. On roll call, the motion carried 3-1 with Council President Moore dissenting.**

*The Town Council recessed at 12:05 p.m. and reconvened at 12:10 p.m.*

d. Z-18-00145 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: C-TS Town-Serving Commercial The application of Bradley Park Owner, LLC, Applicant, relative to property located at 280 SUNSET AVE SUITE: SITE, legal description on file, is described below. The property owner is requesting Site Plan Review with Variances, including a variance to modify an existing, nonconforming Landmarked hotel. The renovations include relocating the hotel entrance and lobby east into the space currently occupied by C'est Si Bon Gourmet Grocery, adding a swimming pool and pool deck in the north courtyard area, renovation of all rooms, improvement of the parking lot by replacing asphalt with pavers, construction of a pergola connecting the new entrance to the street, and the modification of an existing rooftop utility structure by adding roof tiles and decorative elements. The new hotel lobby will include 18 accessory bar or dining seats based on the principle of equivalency from the former C'est Si Bon Gourmet Grocery retail space. The existing restaurant, Trevini, is not being changed at this time, and the number of hotel rooms will remain at 32. In addition to the modification of the variance for hotel use in the C-TS district, which is required by 134-387, other variances are requested, including: 1. A variance from Chapter 50, Flood Damage Prevention, requesting relief from the requirement to raise the finish floor elevation of the hotel to 7.0 NAVD. 2. A variance from Chapter 134, Article IV, Nonconformities, to allow the height of the nonconforming hotel to be increased by 4.25' to accommodate a new decorative roof element. 3. A variance from Chapter 134, Sec. 1113(11)b., that requires a minimum of 25% landscaped open space. The existing landscaped open space is 15.26% and proposed is 14.70%, for a reduction of 0.56%. 4. A variance from Chapter 134, Sec. 1113(11)c., that requires a minimum of 35% landscaped open space in the front yard. The existing front yard landscaped open space is 9.32% and proposed is 6.63%, for a reduction of 2.69%. 5. A variance from Chapter 134, Sec. 1113(5)b. that requires a minimum front yard setback for unattached accessory structures, to allow a front setback of 1.75' in lieu of the 5' minimum required for a pergola connecting the new front lobby entrance to the public sidewalk on Sunset Avenue. [Applicant's Representative: James M. Crowley Esq] [Landmarks Preservation Commission Recommendation: Implementation of the proposed site plan review with variances will not cause negative architectural impact to the subject landmarked property. Carried 6-1. The proposed development will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. Carried 7-0.]

Ex-parte communications were declared by Council Member Crampton.

Mayor Coniglio recused herself, left the dais, and provided a Memorandum of Voting Conflict Form 8B to Deputy Town Clerk Ruderman.

Attorney Crowley provided details of the project.

Architect Spina provided additional details.

Ned Grace, New England Development, provided additional details.

Doug Karp, New England Development, provided additional details.

Zoning Administrator Castro provided Staff comments.

Director Brazil provided information on drainage.

Discussion took place on construction vehicle parking, the pool location, and the courtyard layout.

Landmarks Preservation Commission Chairman Cooney spoke in favor of the project with the exception of the pool.

Director Martin provided additional Staff comments.

**Motion was made by Council Member Crampton, and seconded by President Pro Tem Zeidman, that Site Plan Review Z-18-00145 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11 with the caveat that the owner will provide a utility easement, satisfactory to the Town of Palm Beach, prior to building permit issuance. On roll call, the motion carried unanimously.**

**Motion was made by Council Member Crampton, and seconded by President Pro Tem Zeidman, that Variance No. Z-18-00145 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.**

e. Z-18-00146 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-A Estate Residential The application of Harvey E. Oyer, III, Esq. on behalf of Mar-a-Lago Club, Inc., Applicant, relative to property located at 1100 S OCEAN BLVD, legal description on file, is described below. 1. The Applicant seeks approval of a Special Exception with Site Plan Review to add an accessory dock to the property in the approximate location of the prior historic dock. The dock is to be located at the northwest corner of the site and projects 25 feet from the existing seawall into the Lake Worth Lagoon. [Applicant's Representative: Harvey E Oyer III Esq] [The Landmarks Preservation Commission deferred this project to the November

16, 2018 meeting at the request of the attorney. Carried 7-0.] Request for Deferral to the December 12, 2018 Town Council Meeting Per Letter Dated October 12, 2018 from Harvey Oyer

*Item was deferred to the December 12, 2018 Town council meeting*

f. Z-18-00147 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R-AA Large Estate Residential The application of Lara J. Coraci, as Trustee of the Anthony Coraci Marital Trust, Applicant, relative to property located at 400 REGENTS PARK, legal description on file, is described below. Site Plan Review to allow the redevelopment of a house on a non-conforming lot which is 137 feet in depth in lieu of the 150-foot depth required in the R-AA Zoning District. Because the house is being redeveloped in excess of 50% cubic volume, the following variances are being requested 1) Sections 50-114 and 134-419: Request to develop the property in excess of 50% of its current value, requiring a variance for the first-floor elevation of the main house of 6.26 N.A.V.D. in lieu of the minimum 7.0 N.A.V.D. required by Code. In addition, the following variances are requested in connection with the redevelopment: 2) Section 134-793(a)5: Request to expand the guest house with a front yard setback (north side) of 10 feet in lieu of the 35-foot minimum required. 3) Section 134-793(0)8: Request to expand the guest house with a side yard setback (east side) of 9.3 feet in lieu of the 30-foot minimum required. 4) Section 134-793(0)8: Request to expand the main house with a side yard setback (north side) of 4.5 feet in lieu of the 30-foot minimum required. [Applicant's Representative: David E. Klein Esq] [Landmarks Preservation Commission Recommendation: Implementation of the proposed site plan review with variances will not cause negative architectural impact to the subject landmarked property. Carried 7-0. The proposed development will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. Carried 7-0.]

No ex-parte communications were declared.

Attorney Klein provided details of the project.

Zoning Administrator Castro provided Staff comments.

Architect Seagraves provided additional information.

**Motion was made by Council Member Lindsay, and seconded by President Pro Tem Zeidman, that Site Plan Review Z-18-00147 be approved, based upon the finding that the approval of the site plan will not adversely affect the public interest and that the Council certifies that the specific zoning requirements governing the individual use have been met and that satisfactory provision and arrangement has been made concerning Section 134-329, items 1 through 11 with the caveat that the owner will provide a utility easement, satisfactory to the Town of Palm Beach, prior to building permit issuance. On roll call, the motion carried unanimously.**

**Motion was made by Council Member Lindsay, and seconded by President Pro Tem Zeidman, that Variance No. Z-18-00147 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met. On roll call, the motion carried unanimously.**

g. Z-18-00148 VARIANCE(S) Zoning District: R-A Estate Residential The application of Paul and Elizabeth Shiverick, Applicant, relative to property located at 16 GOLFOVIEW RD, legal description on file, is described below. The Applicant is proposing to construct a 1,625.5 square foot, two story addition consisting of a garage and kitchen on the first floor and a master bedroom suite with office on the second floor that will require the following variances: 1) West street side yard setback of 15 feet in lieu of the 35 foot minimum required; 2) Rear yard setback of .4 feet in lieu of the 15 foot minimum required; 3) Lot coverage of 32.2% in lieu of the 25.1% existing and the 25% maximum allowed; 4) Landscaped open space of 40% in lieu of the 43% existing and the 50% minimum required. [Applicant's Representative: Maura Ziska Esq.] [Landmarks Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmarked property. Carried 7-0.]

Ex-parte communications were declared by Council President Moore.

Attorney Ziska provided details of the project.

Architect Torres provided additional details.

Zoning Administrator Castro provided Staff comments.

**Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, that Variance No. Z-18-00148 be granted and find, in support thereof, that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met with the caveat that the owner provide a utility easement or easement agreement satisfactory to the Town of Palm Beach, prior to building permit issuance. On roll call, the motion carried unanimously.**

## VIII. ORDINANCES

### A. Second Reading

1. ORDINANCE NO. 15-2018 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Future Land Use Map And Related Data And Analysis Within The Future Land Use Element By Changing The Future Land Use Designation From "Recreation" To "Multi-Family Moderate Density (Maximum 6 Du/Gross Palm Beach Acre)" For A 0.3-Acre Piece Of Private

Property (Commonly Know As “Kaplan Park”) That Is Located On The Southwest Corner Of The Intersection Of Hammon Avenue And South Ocean Boulevard, Which Has An Address Of 456 South Ocean Boulevard; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Hereof; Providing For Codification; Providing An Effective Date.

**Motion was made by President Pro Tem Zeidman, and seconded by Council Member Lindsay, to adopt Ordinance No. 15-2018 on second reading. On roll call, the motion carried unanimously.**

IX. ANY OTHER MATTERS

A. RESOLUTION NO. 196-2018 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Notifying Palm Beach County that, Pursuant to this Resolution, the Town of Palm Beach has opted out the Article III of Chapter 15 Entitled “Housing, Places of Public Accommodation; and providing for an Effective Date.

***Clerk’s Note: On November 19, 2018, Town Clerk Dominguez provided Resolution No. 196-2018 and requested that the number be changed from 194-2018.***

**Motion was made by Council Member Crampton, and seconded by President Pro Tem Zeidman, to approve Resolution No. 196-2018 on first reading. On roll call, the motion carried unanimously.**

Rene Silvin complimented Landmarks Preservation Commission Chairman Ted Cooney for all the hard work he does on behalf of the Town.

X. ADJOURNMENT

There being no further business, the Development Review Town Council meeting of November 14, 2018, was adjourned at 1:30 p.m.

APPROVED:

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Danielle H. Moore, Town Council President

ATTEST:

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Kathleen Ruderman, Deputy Town Clerk