

Direct Dial: 1.561.659.1799

Email: JMetzger@mcdonaldhopkins.com

McDonald Hopkins LLC
505 South Flagler Drive
Suite 300
West Palm Beach, FL 33401

P 1.561.472.2121
F 1.561.472.2122

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Via E-Mail & Certified Mail
PBrazil@TownofPalmBeach.com

Town of Palm Beach
Public Works Department
Attention: H. Paul Brazil, P.E.
Director of Public Works
951 Okeechobee Rd. Suite A
West Palm Beach, FL 33401

Re: 726 Hi-Mount Road – Request for Waiver from Sight Visibility Triangles Requirement as Established in the Public Works Rights-of-Way Manual.

Dear Mr. Brazil:

We represent, Irimar Ocean Properties, LLC (“Owner”) in this request for a waiver from the sight visibility triangles requirement as established in the Public Works Rights-Of-Way Manual¹ adopted by the Town of Palm Beach, Town Council (“Town Council”) on July 12, 1994, as it relates the subject property with an address of 726 Hi-Mount Road, Palm Beach, Florida, 33480 (“Property”).

On November 28, 2018, the Architectural Commission (“ARCOM”) approved the site plan and architecture plans (collectively “Plans”) for the Property. As you are aware, after receiving approval to proceed with the Plans, the staff within the Public Works Department advised that the Plans were not compliant with public work standards, failing to meet the requirements that: 1) there are to be no obstructions to vision greater than thirty inches (30”) or landscaping with a mature height greater than thirty inches (30”) within the prescribed sight triangle, and 2) driveways are to be at least 6-feet off the property line.

The Public Works Rights-Of-Way Manual (“Public Works ROW Manual”), specifically addresses “Driveways and Driveway Approaches” on pages 52 and 53, stating that: “All driveways shall have minimum sight visibility triangles established measuring eight (8) feet by fifteen (15) feet on each side of the driveway and be a minimum distance of six feet (6’) from the property line” (“Sight Visibility Triangle Requirements”). In accordance with the administrative

¹<https://www.townofpalmbeach.com/DocumentCenter/View/561/Town-of-Palm-Beach-Right-of-Way-Standards-Manual?bidId=>; See also Town of Palm Beach Code of Ordinances, Sec. 18-111., Compliance With Town's Right-Of-Way Manual.

procedures established under the Public Works ROW Manual in Sections 2.27 and 2.28, any requests for revision of any of the standards set by the Public Works ROW Manual must be made to the Director of Public Works in writing, and if applicant disagrees with the decision of the Director of Public Works, then they may appeal to the Town Council.

This correspondence is a request for a waiver of the Site Visibility Triangle Requirements for the Property, for both landscaping and setbacks. The existing driveway gates and wall have been on location and unchanged since 1990 – by means of a previously approved variance to allow the gate to exceed the 6ft height requirement at the time and the 15ft setback – and the ARCOM approved Plans do not contemplate any modifications to the driveway gates or wall. Compliance with the Site Triangle requirements will cause a significant financial hardship and a delay to complete the new construction based on the ARCOM approved Plans. The granting of this waiver will not be contrary to the public's interest, because the existing driveway gates and wall have been on location since 1990 without any traffic safety or other known problems.

Furthermore, since Hi Mount Road is a dead end road, the traffic is very light and there is minimal risk of conflict with the existing gate and wall location. To the best of Owner's knowledge, there has been no history of accidents or harm to the public over the past 29 years based on the location of existing improvements. Accordingly, the free and safe movement of vehicles is not being negatively impacted and there is no existing threat to the safety of pedestrians or vehicles. Allowing the existing driveway gates and wall to remain will not harm the public's interest as the existing conditions have not previously caused any harm to the public based on the existing location. The granting of the waiver will not confer any special privilege to the Applicant as the gates and wall shall remain in the same location with the same configuration and same aesthetic profile as it has previously maintained over the last 29 years, and is comparable to similarly situated residences with existing non-conforming uses.

With all the underlying safety concerns addressed, as described above, we hope that the Public Works Department will grant the Property a waiver from the Site Visibility Triangle Requirements as established in the Public Works Rights-Of-Way Manual.

Regards,



John T. Metzger

