

From: [Francis Lynch](#)
To: [Gail Coniglio](#); [Danielle Hickox Moore](#); [Julie Araskog](#); [Lew Crampton](#); [Bobbie Lindsay](#); [Margaret Zeidman](#)
Cc: [Wayne Bergman](#); [Paul Castro](#); [Steven Stern](#); [John \(Skip\) C. Randolph](#); [Kelly Churney](#)
Subject: Variance Application # Z-19-00236 / 70 Middle Road
Date: Thursday, July 09, 2020 4:49:07 PM
Attachments: [#FP.EASEMENT.4A OPTION A-EASEMENT ALTERNATIVE.pdf](#)
[#FP.EASEMENT.4B OPTION B-EASEMENT ALTERNATIVE.pdf](#)
[Scan Jul 8, 2020, 7:54 PM.pdf](#)
[202007090913.pdf](#)

*******Note:** This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Madam Mayor, Ladies and Gentleman of the Town Council and Town Staff:

Please be advised that I represent Avram and Jill Glazer, the owners of the property located at 195 Via Marina, the property located immediately to the west of the Applicant's property. As a point of information, the Glazers' home was awarded the 2020 Elizabeth and John Schuler Award for excellence in new architecture. The Glazers have also owned and renovated a landmarked home on Middle Road in the past.

We have received the application along with the Applicant's request that either the sidewalk on the north side of Via Marina be removed or that a chicane be created within Via Marina so that the Applicant, who is seeking the following variances:

1. To allow a generator to be placed in a street side yard with a setback of 8.5' in lieu of 25' required (this is closest to the Glazers' front door and bedroom side of their house),
2. A variance for lot coverage (which is already exceeded by more than 10% above that allowed by code) to allow for the construction of a laundry room,
3. To allow the already-exceeded cubic content ratio to be expanded even further (the existing cubic content ration is now more than twice that permitted by code, prior to the filing of this application),
4. To allow for a north side setback of 7.6' in lieu of 15' required to allow for the aforementioned laundry room and
5. To convert an existing flat roof to a covered balcony with a side yard setback of 7.6' in lieu of 15', which will loom over the Glazers' property.

As you are all aware, this house and its seemingly never-ending construction has been the subject of expired permits prior to the Applicant filing this Application.

As you are also well aware, the request by the town of an owner/applicant (and the consent of that owner/applicant) for a utility easement on an applicant's property has been a part of the zoning process since the town began considering the utility undergrounding program. The town's request for an easement should come as no surprise to this particular Applicant, however, in addition to the numerous variances

requested, the Applicant also seeks that her property not be subjected to easements on her property required by the town's current utility undergrounding project.

Last but not least, you are aware that Middle Road was, at one point, under consideration for landmarking as a district, given the significant number of landmarked homes located on that street. But this Applicant, despite the number of requests in her zoning Application, is unwilling to accept an easement on her property to allow the undergrounding to be shielded from view on her property, as many other property owners in the town have been asked, and agreed, to do.

Instead of doing this, the Applicant would like you to locate the utilities near the Glazers' property, either by removing a sidewalk or by placing a chicane in Via Marina, allowing the Glazers to bear the full brunt of the Applicant's zoning request. In the interest of being good neighbors, the Glazers have already submitted a letter consenting to the placement of the generator in the street side yard setback, an area closest to their front door and bedroom areas of their home. This consent was given prior to the Applicant's request related to the utilities and, should the Applicant continue to refuse to grant an easement on her property, the Glazers may elect to rescind this consent, as the Glazers are unwilling to bear the full brunt of these requests. The Glazers are extremely concerned that either the elimination of the sidewalk on the north side of Via Marina or the creation of a chicane on the north side of Via Marina, approximately 20' from the Glazers' driveway onto Via Marina, will create a dangerous condition for the Glazers and their guests.

I am attaching to this email Options A, B and the chicane, which I believe were prepared by the Applicant's representatives (although there is no block indicating that these were prepared by a licensed professional) and circulated to the neighbors. At the very least, I would hope that the town would prepare (or require that a professional prepare) the visual aids for these proposals, appropriated scaled and dimensioned, so that those potentially affected by these options can all see an unbiased presentation of what this will look like and exactly where it will be located before town council votes on something which could affect the neighbors' homes.

Both Options A and B involve removing the sidewalk on the north side of Via Marina. For those of you who may not know, there is no street light on either side of this block of Via Marina. As a result, at night, the street is very dark. Recently, the police directed the protesters from the recent march down Via Marina. One of them peered into the Glazers' security camera. As you can imagine, both the re-direction of the protest and the situation with the security camera were unsettling. This, coupled with a tall hedge to shield the equipment from view, creates not only a security issue for the Glazers, their property and their guests, but also creates a safety issue, impairing the visibility of those exiting the Glazers' driveway onto Middle Road as well as impairing the visibility of the Glazers' driveway for those traveling west along Via Marina. This would literally create an accident waiting to happen.

Eliminating the sidewalk on the north side of Via Marina would also mean that the contiguous sidewalks in this area would be eliminated. At present, the neighbors can walk along Middle Road, Via Marina, South County Road and Gulfstream Road without the need to cross a street.

The third option proposed by the Applicant, and only recently presented by the town (see Steven Steven's letter dated June 26, 2020), is the chicane. It is my understanding that a chicane is in use in only one other location in town- on Laurie Lane, adjacent to a property owned by a client of mine. In this particular instance, none of the neighbors was willing to grant an easement on their property. At the same time, none of the property owners in this area sought an ARCOM, LPC or zoning approval at the time the easement was requested. Subsequently, a property was sold to my client, that property required zoning approvals to build, and despite the chicane already existing, the approval granted required that an easement be placed on the property prior to a building permit being issued. Please see a copy of the zoning approval letter attached to this email. This would lead me to believe that even the town does not believe a chicane to be a desired method of placing the necessary equipment, but only as a last resort. In this particular instance, this Applicant is seeking a number of variances, the legal hardship for which may or may not exist, but is refusing to consent to an easement on her property. Additionally, Laurie Lane is a significantly less traveled street that is Via Marina. Many use Via Marina as a connector between South County Road and South Ocean Boulevard. In contrast, there are a total of six houses on Laurie Lane and only two have Laurie Lane addresses, according to the Palm Beach County Property Appraiser's website.

The Glazers' landscapers and other service providers already have difficulty parking and accessing their property; they cannot park on South County Road, so Via Marina is the only parking they have. In addition, landscape material from the Glazers' property is placed in this area for pick up. By the same token, the service providers for the Glazers' neighbors on South County Road providers also park on Via Marina as they cannot park on South County Road. The chicane will all but eliminate use of this area for parking or to allow the town to pick up landscape material.

The chicane appears to have a curb surrounding it. There is no curb on the north side of Via Marina in this block. Installing a curb around the chicane will create a tripping hazard, especially in a block that is very dark at night.

Via Marina is approximately thirty feet wide. The chicane, as painted in the street, appears to be about ten feet wide by thirty feet long. If the chicane is installed, that will narrow Via Marina in this area such that it will be difficult for two cars to safely pass one another.

It is interesting that the Applicant's chicane plan and the photograph in Mr. Stern's letter shows the FPL equipment surrounded by poles to protect it. This all but acknowledges that this chicane will create a dangerous condition for vehicles driving on

Via Marina. But what about the Glazers and their guests using the Glazers' driveway and backing out onto Via Marina? This also creates a dangerous condition for those who drive or walk along this portion of Via Marina as the Glazers' driveway will be obscured to those traveling west along Via Marina. As I said earlier, this would create an accident waiting to happen.

Last, but not least, a chicane would not be the most attractive addition to a neighborhood that includes landmarked and award winning homes.

If you are inclined to agree to a chicane, we would like to see it moved much further east adjacent to 70 Middle Road, closer to the intersection of Via Marina and Middle Road, with a street light placed on the north side of Via Marina. As Ms. Naegele indicates in her series of vitriolic emails, she will not see this as it will be on the other side of her '30 foot wall of green hedges'.

The Glazers want to be good neighbors and want to see that this house gets finished once and for all, but they do not want to create a safety or security risk for themselves or their guests or to be overburdened by this project, while the Applicant receives the full benefit from all of the approvals sought and bears none of the burden for any of this.

Thank you for your consideration of this matter.

Sincerely,
Frank Lynch

Francis X. J. Lynch, Esquire

<image001.jpg>

[605 North Olive Avenue](#), 2nd Floor
West Palm Beach, Florida 33401
T (561) 721-4000 / F (561) 721-4001 / D (561) 721-4004
E-mail: flynch@sniffenlaw.com
Website: www.sniffenlaw.com / Twitter: @Sniffenlaw

AS OF OCTOBER 1, 2019, WE HAVE JOINED THE FIRM OF SNIFFEN & SPELLMAN, P.A. PLEASE NOTE THE CHANGE OF E-MAIL ADDRESS. OUR TELEPHONE NUMBER, FACSIMILE NUMBER AND ADDRESS REMAIN THE SAME.

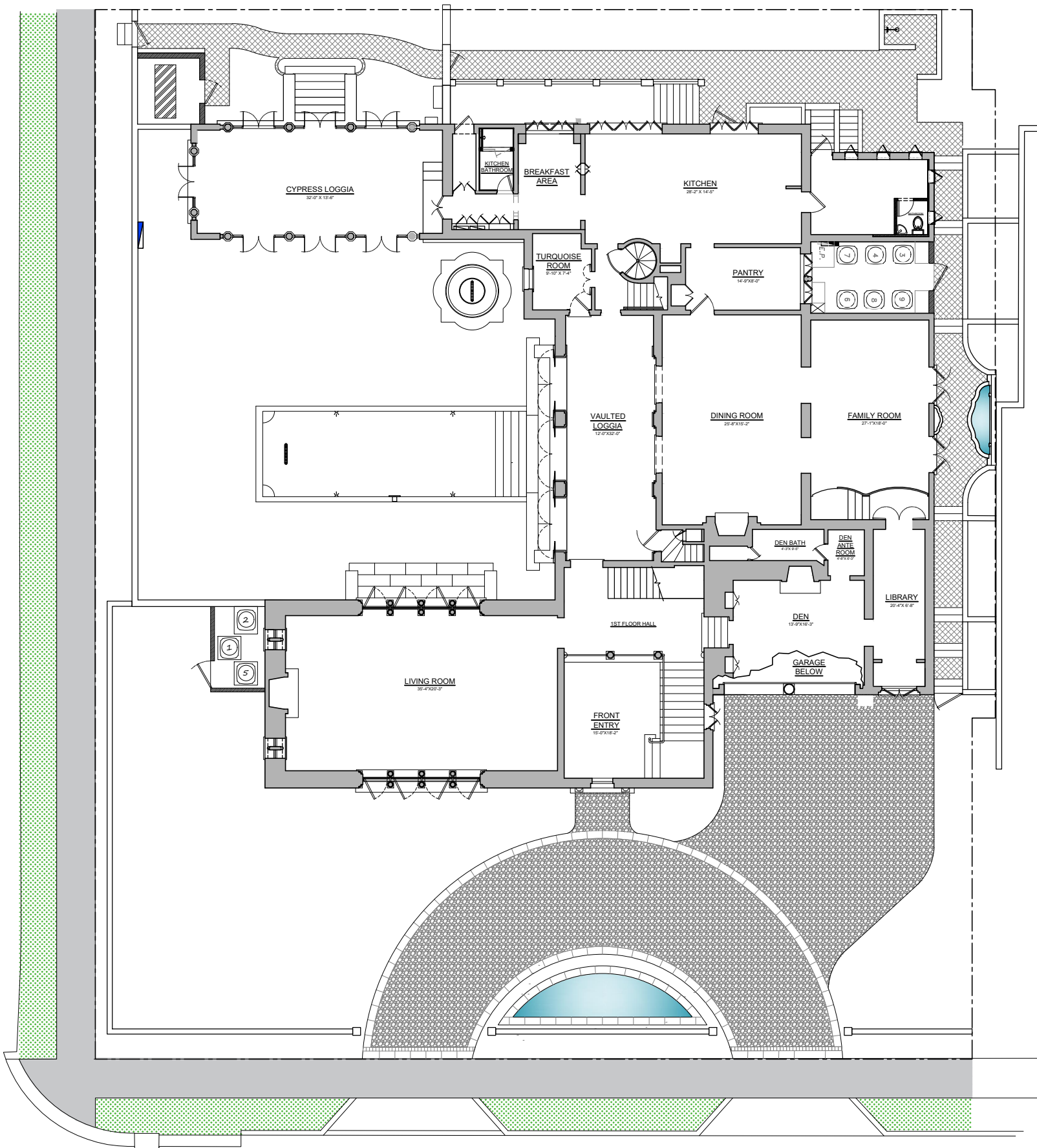
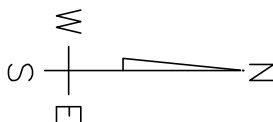
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DISCLAIMER: Pursuant to Circular 230 issued by the United States Treasury Department and relating to practice before the Internal Revenue Service, any comment or opinion in this communication relating to a federal tax issue is not intended to be used, and cannot be used, by a taxpayer for the purpose of avoiding tax-related penalties that may be imposed on the taxpayer





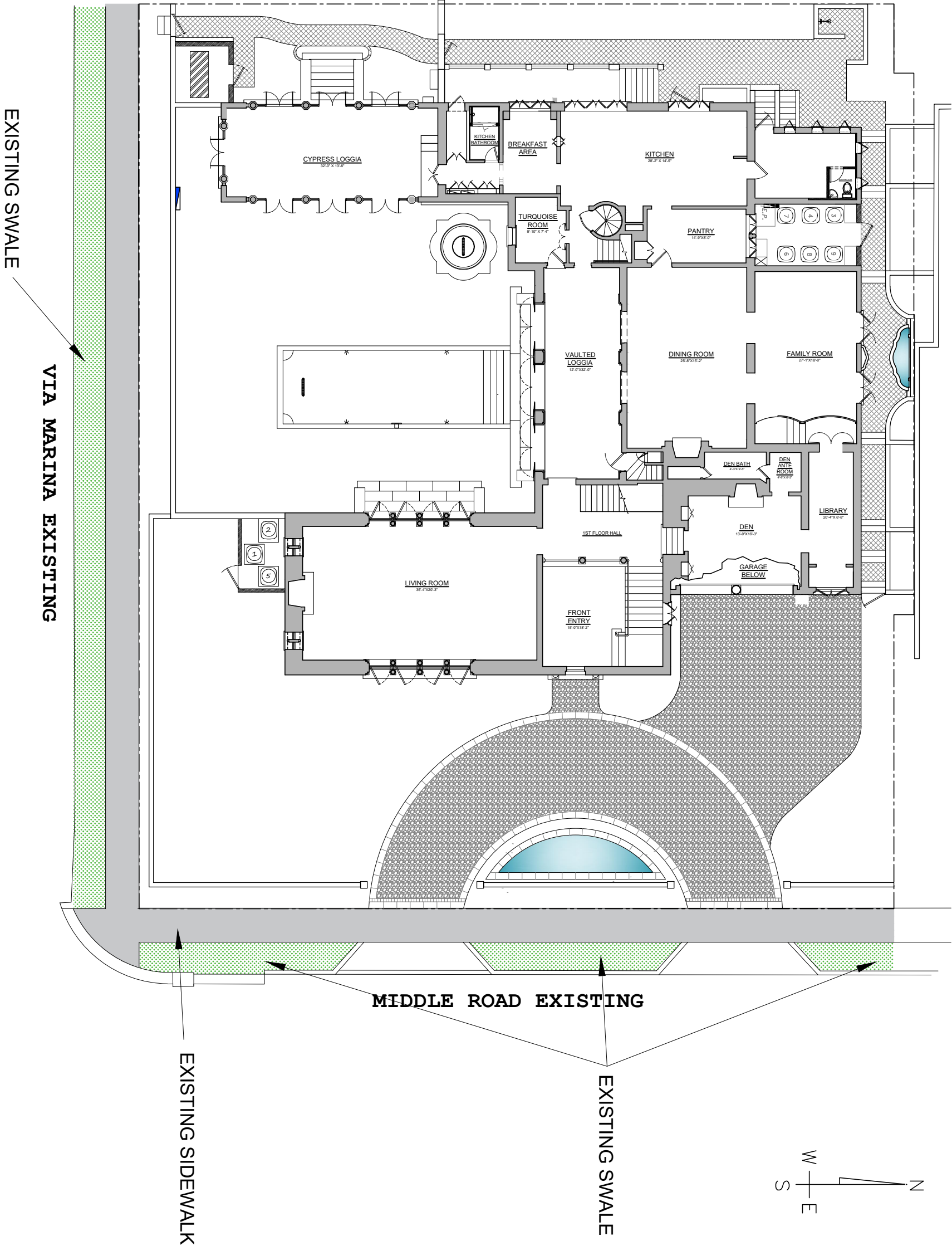
SITE & LANDSCAPE DESIGN

VIA MARINA EXISTING

MIDDLE ROAD EXISTING

NOTE:
SIDEWALK IN FRONT OF (AND
ADJACENT TO) 70 MIDDLE RD:
TO BE REMOVED
TO ACCOMMODATE UTILITIES
EASEMENT.*

* EXACT LOCATION OF UTILITIES EASEMENT
TBD WITH STEVEN STERN (AND ALL).



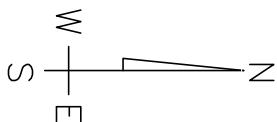
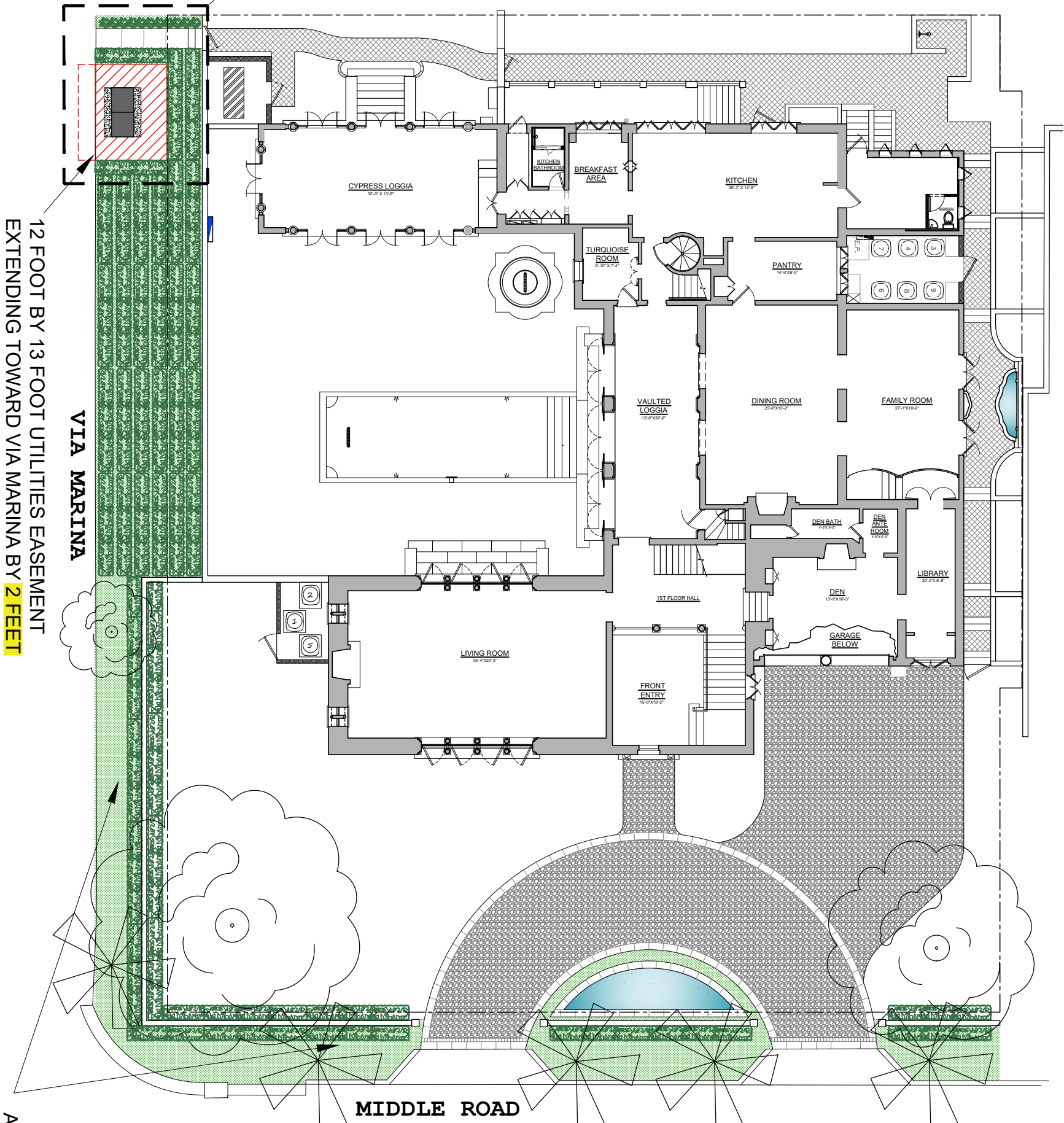
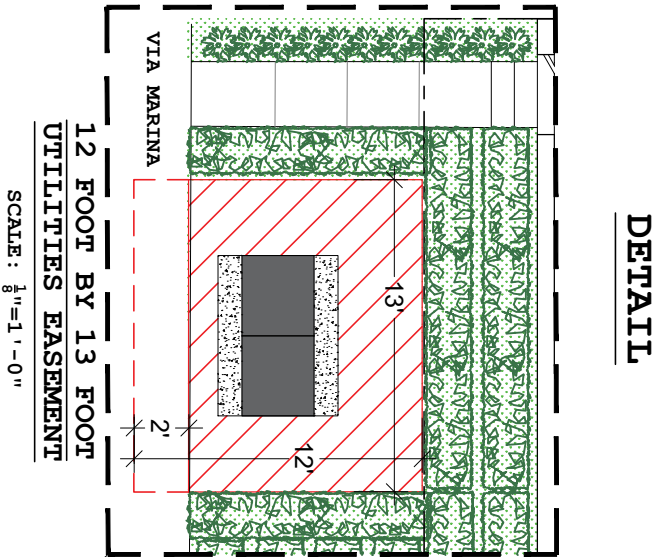
SITE & LANDSCAPE DESIGN WITHOUT UTILITIES EASEMENT

SCALE:
 $\frac{1}{16}'' = 1' - 0''$

#FP.EASEMENT.4A

JN: OPTION A: EASEMENT ALTERNATIVE
70 MIDDLE ROAD, PALM BEACH, FL 33480

NOTE:
SIDEWALK IN FRONT OF (AND
ADJACENT TO) 70 MIDDLE RD.
TO BE REMOVED
TO ACCOMMODATE UTILITIES
EASEMENT.*



* EXACT LOCATION OF UTILITIES EASEMENT
T.B.D. WITH STEVEN STERN (AND ALL).

PROPOSED SITE & LANDSCAPE DESIGN WITH UTILITIES EASEMENT
OPTION A

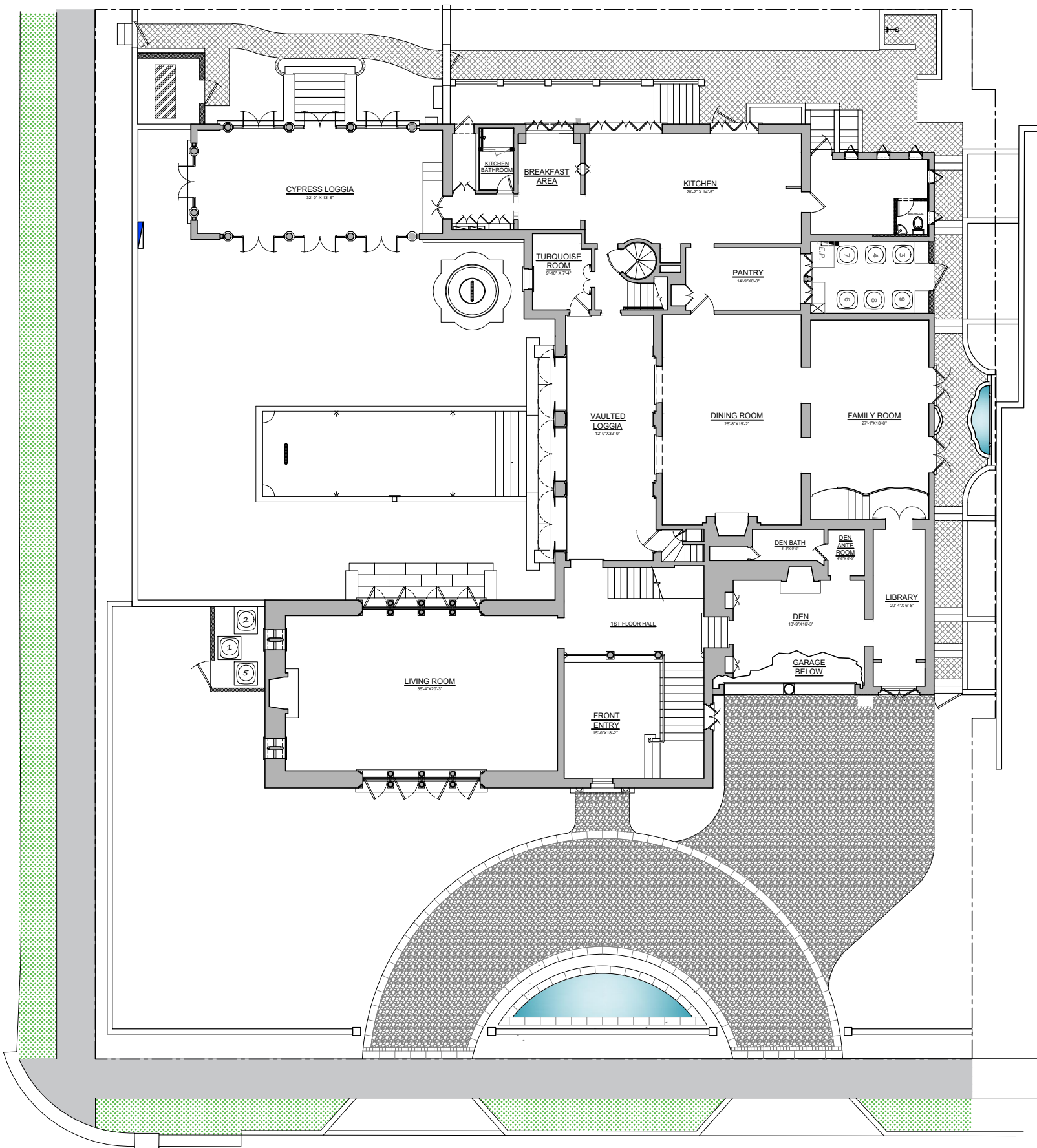
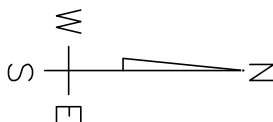
ALL FUTURE LANDSCAPE ON
SOUTH AND EAST SITE WALLS
T.B.D. BY JN AND S.M.I.

SCALE:
 $\frac{1}{16}$ "=1'-0"

#FP.EASEMENT.4A

JN: OPTION A: EASEMENT ALTERNATIVE
70 MIDDLE ROAD, PALM BEACH, FL 33480





MIDDLE ROAD EXISTING

VIA MARINA EXISTING

SITE & LANDSCAPE DESIGN

SCALE:
 $\frac{1}{16}"=1'-0"$

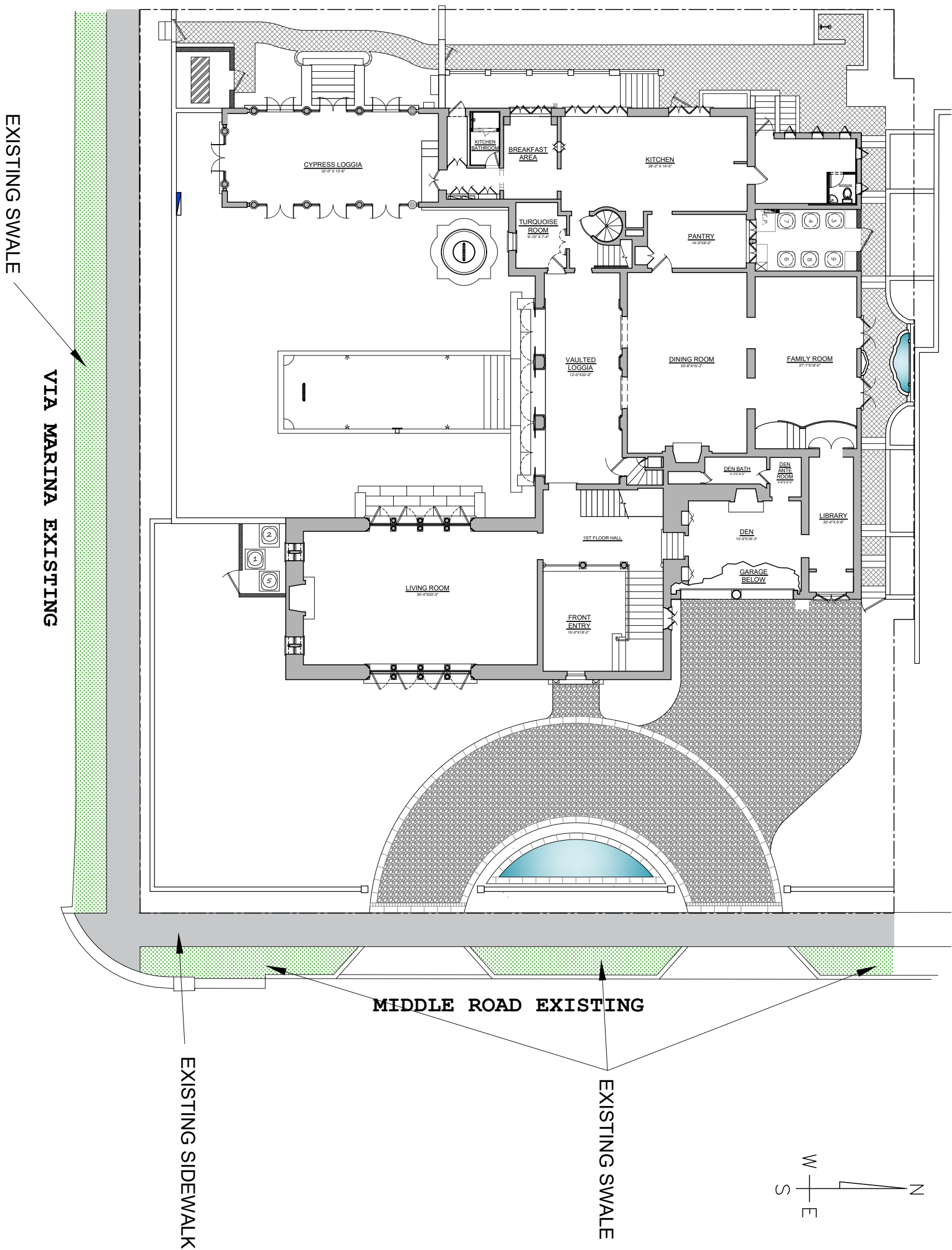
#FP.EASEMENT.4B

JN: OPTION B: EASEMENT ALTERNATIVE
70 MIDDLE ROAD, PALM BEACH, FL 33480

7/6/20

1/3

NOTE:
SIDEWALK IN FRONT OF (AND
ADJACENT TO) 70 MIDDLE RD:
TO BE REMOVED
TO ACCOMMODATE UTILITIES
EASEMENT.*

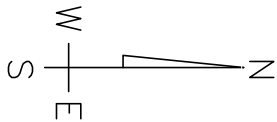
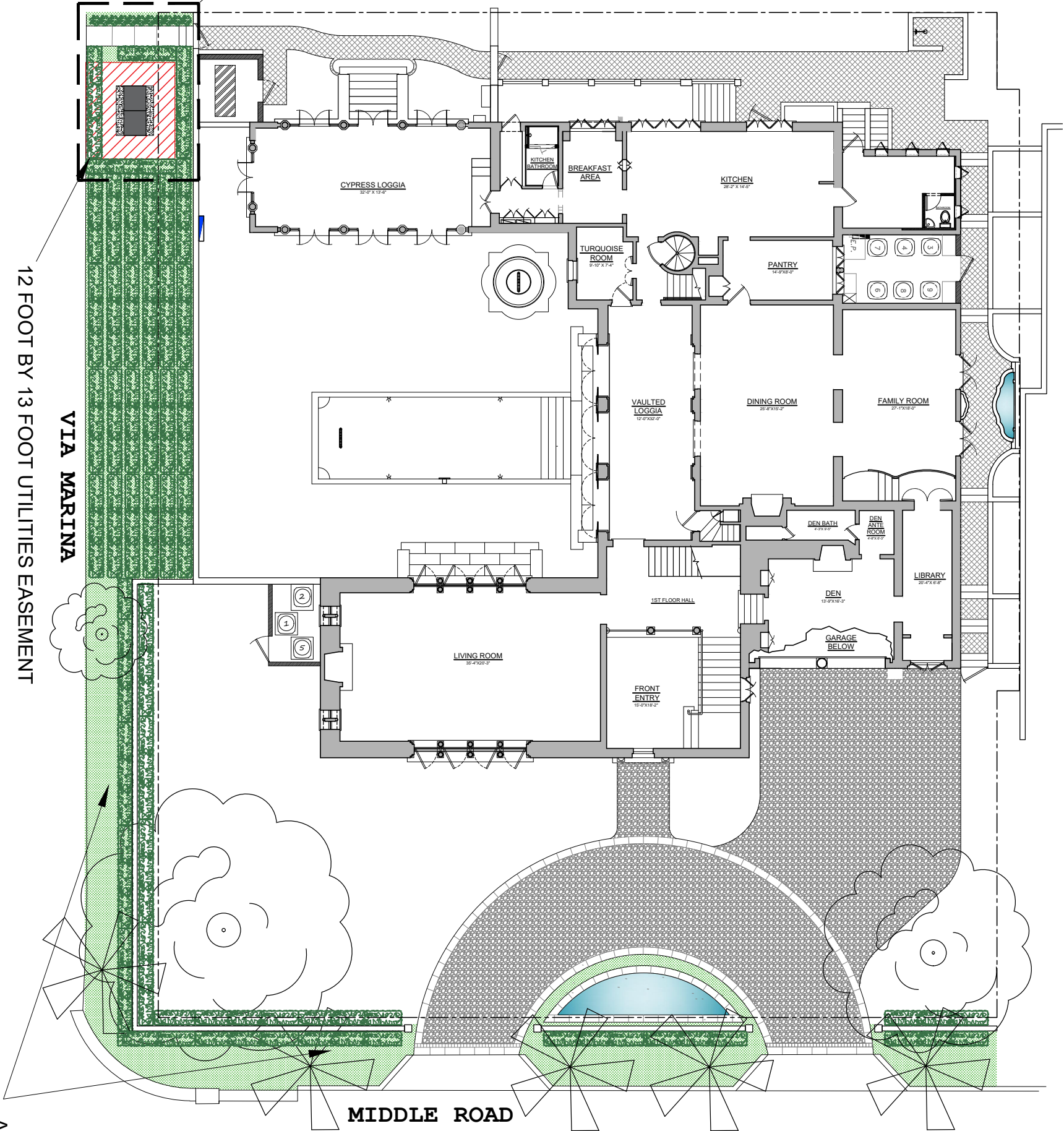
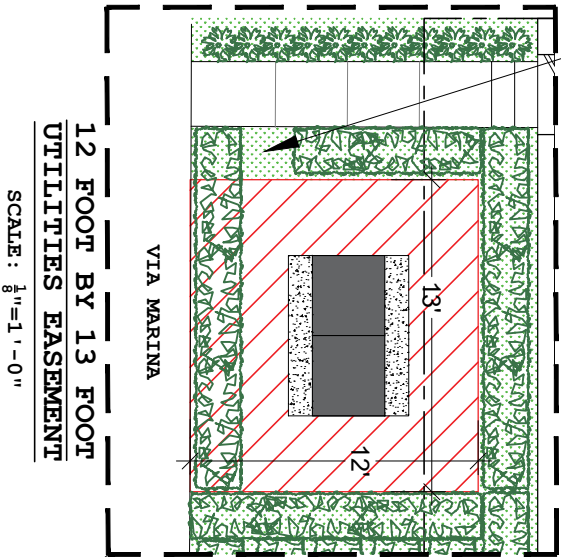


* EXACT LOCATION OF UTILITIES EASEMENT
TBD WITH STEVEN STERN (AND ALL).

SITE & LANDSCAPE DESIGN WITHOUT UTILITIES EASEMENT

NOTE:
SIDEWALK IN FRONT OF (AND
ADJACENT TO) 70 MIDDLE RD:
TO BE REMOVED
TO ACCOMMODATE UTILITIES
EASEMENT.*

DETAIL



* EXACT LOCATION OF UTILITIES EASEMENT
TBD WITH STEVEN STERN (AND ALL).

PROPOSED SITE & LANDSCAPE DESIGN WITH UTILITIES EASEMENT
OPTION B

ALL FUTURE LANDSCAPE ON
SOUTH AND EAST SITE WALLS
T.B.D. BY JN AND S.M.I.

SCALE:
 $\frac{1}{16}$ "=1'-0"

#FP.EASEMENT.4B

JN: OPTION B: EASEMENT ALTERNATIVE
70 MIDDLE ROAD, PALM BEACH, FL 33480





TOWN OF PALM BEACH

Town Manager's Office

June 26, 2020

Avram Glazer
Jill Glazer
195 Via Marina
Palm Beach, FL 33480
Re: 195 Via Marina

Re: Underground Utilities Conversion Project - Phase 3 South Notice of two
Street Chokers – Via Marina & Middle Road

Dear Mr. & Mrs. Glazer,

The Town of Palm Beach is sending this notice to inform property owners of the Town's planned use of a Street Choker also known as a "Chicane" or "Traffic Calming Device" within the Public Right-of-Way¹ on Via Marina and Middle Road. The installed Street Choker will be used to facilitate equipment placement for the Underground Utilities Conversion Project.

Property owners have been overwhelmingly supportive of the project and have granted nearly all of the necessary easements the Town has requested. However, two additional voluntary easements are needed for electric and communications services. The first transformer supports services to 20, 22 & 30 Middle Road within a chicane planned to be deployed to the east of 30 Middle Road. The second transformer supports services to 70 Middle Road within a chicane planned to be deployed to the south of the property along Via Marina.

The purpose of this letter is to inform the neighborhood of the proposed Street Chokers and make a final attempt to request an easement where installation is feasible on a property served by the device. If we remain unsuccessful, we have no choice but to move forward and deploy the Street Chokers within the Public Right-of-Way.

We are available to discuss the option of equipment placement within a voluntary easement at any of the served properties. Please contact me by calling (561) 838-5410 or emailing sstern@townofpalmbeach.com.

Your time and consideration concerning this important matter is appreciated.

Thank you,

Steven N. Stern
Underground Utilities Project Manager

Note: You may view a deployed Street Choker in the Phase 1 North construction area on Laurie Lane. An image of this recently installed Traffic Calming Device is shown on the following page.



Figure 1: Laurie Lane, Phase 1 North, Street Choker

cc:

Mayor & Town Council
Underground Utilities Task Force
Kirk Blouin, Town Manager
H. Paul Brazil, P.E., Director, Public Works
Patricia Strayer, P.E., Town Engineer
Kevin Schanen, P.E., Kimley- Horn

1. For more information and answers to frequently asked questions about the Right of Way visit the Town's Undergrounding Web Site at <http://undergrounding.info/newsletters/> and click on the June 2018 newsletter.

Post Office Box 2029 • 360 South County Road • Palm Beach, Florida 33480
Telephone (561) 838-5410 • Facsimile (561) 838-5411 • townmanager@townofpalmbeach.com



TOWN OF PALM BEACH

Planning, Zoning & Building Department

November 25, 2019

Mr. Francis X.J. Lynch, Esq.
605 North Olive Avenue
2nd Floor
West Palm Beach, FL 33401

Subject: Z-19-00224, 218 Debra Lane

Dear Mr. Lynch:

The Town Council, at its November 13, 2019 meeting, conditionally approved your client's site plan review application to construct a 3,539 square foot, 2-story home, hardscape and swimming pool on an existing 10,393 square foot platted lot with a depth of 90' in lieu of 100' minimum required. The following variances were conditionally approved for the proposed swimming pool:

1. A front yard setback of twenty feet, four inches (20.33') in lieu of the twenty-five foot (25.0') minimum front yard setback required by code.
2. A proposed swimming pool in a required street side yard with a continuous hedge of three feet (3.0') in height in lieu of six feet (6.0') minimum required.

The condition of approval is that prior to the issuance of a building permit, your client shall either provide a recorded utility easement or an easement agreement satisfactory to the Town that ensures undergrounding of utilities in the area. The Town Council approval is identified on the stamp approved and stamp dated plan package dated September 27, 2019 from Laberg & Mernard, Inc., Todd Maclean, Gruber Consulting Engineers and Nexgen Surveying, LLC, all of which are made part of the approval of this application.

The approval of this zoning application constitutes only zoning approval and does not relieve the owner and/or applicant from obtaining additional Town approvals as may be required such as construction permits. The work authorized under the approval of this zoning application must be commenced within three years from the date of approval or said approval will expire.

Sincerely,

Paul Castro, AICP
Zoning Manager

cc: Josh Martin, Director of Planning, Zoning and Building
Wayne Bergman, Asst. Director of Planning, Zoning and Building
John Lindgren, Planning Manager
pf

