

# SNIFFEN & SPELLMAN, P.A.

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October 26, 2020

**Via E-mail**

Architectural Commission  
c/o Michael Small, Esq., Chair  
360 South County Road  
Palm Beach, Florida 33408

**Re: Objections and Concerns to ARCOM Application B-063-2020 ("Application")  
by LR Palm House LLC ("Owner")  
160 Royal Palm Way, Palm House Hotel ("Hotel")**

Dear Mr. Small:

Along with Thomas O. McCarthy, who resides at 140 Brazilian Avenue, our office now also represents Timothy and Gayle DeVries, the owners of their home at 141 Brazilian Avenue, as well as 149 Brazilian Avenue, which is the presently vacant lot directly behind the Palm House Hotel on which the DeVries plan to construct a separate home in the future. Reviewing the Revised Plans, the DeVries have a series of objections and concerns regarding the latest proposal.<sup>1</sup>

1. **Function Service Building/Banquet Prep Kitchen** – The DeVries object to the creation of a new 556 square foot Function Service Building which would house a Banquet Prep Kitchen attached to the Function Room. Outside of the fact that new construction may very well constitute the expansion of a nonconforming structure, and therefore not be permitted, the proposed new Function Service Building would be located at the top of the ramp of the east Private Drive at the height of a two- story building directly behind their property. *See*, Composite Exhibit "A." As such, the Function Service Building will become a source of constant noise, odors and headlights of vehicles going up and down the ramp not only to deliver food, flowers, and decorations for any function, but also to reverse that process during the take down and clean up of whatever event has ended, which will typically be late at night. Additionally, due to the limited space, any vehicles delivering to the Function Service Building will be required to back up in a small area in order to turn around and go back down the ramp. On top of the above, is the fact that there is virtually no setback between the outside wall of the ramp and loading area and the DeVries property at 149 Brazilian Avenue.<sup>2</sup> Without the Function Service Building, food, decorations, and flowers could simply come through the lobby or up from the existing kitchen area accessed from

<sup>1</sup> While our clients have a number of other objections with the proposed project, including, but not limited to, the addition of 36 new seats located on the pool deck, the hours of operation, the need for restrictions on live and loud music, the increase in the number of seats in the Function Room, the increase in lot coverage, the Applicant's apparent failure to meet the standards for a special exception or variance, the expansion of a non-conforming use and/or structure, and the terms of the Amended Declaration of Use Agreement, they are not waiving such issues, but will address those objections in further detail with the Town Council.

<sup>2</sup> In fact, the survey form Wallace Surveying contained in the Hotel's prior presentation shows that the rear property line of the Hotel is the centerline of a 5 foot utility easement. As such, there is only 2.5 feet available on the Hotel side for plantings to shield the DeVries property from the noise and light of the use of the Function Service Building.

**REPLY TO:**

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the West Private Drive A (next to commercial buildings which are unoccupied at night) and walked to the Function Room via the proposed covered walkway.

2. **Function Room Insulation and Enclosure** – The DeVries are also concerned that the Function Room itself will be the source of continued noise, including loud music as well as the vibration of music through the walls to the surrounding property. As such, they ask that the Function Room walls are required to be sufficiently insulated to stifle the noise of any music or bands as well as the 200 proposed guests, along with any required wait staff and other employees. While the DeVries do not object *per se* to the enclosing of the Function Room walkway/arcade, they assume the area would be air conditioned and would request that double doors be used to reduce any noise from the Pre-Function area escaping into the neighborhood.

3. **New Single Use Restrooms, Full Service Bar Area and Activated Event Lawn**– The DeVries also object to the construction of new single use bathrooms along with a new full service bar area on the west side of the Function Room. As originally designed, the bathrooms provided only internal entrances and exits to make sure that any odors stayed inside. As redesigned, there are also two single use bathrooms which would exit directly onto the pool patio area backed up to the south property line allowing noxious odors to escape.

At the same time, the addition of a newly proposed external bar<sup>3</sup> (which again, may well be an improper expansion of a nonconformity) would introduce a new source of noise and light into the surrounding neighborhood as guests from both the pool area and those waiting for a function to begin will congregate in front of the bar. Similarly, the new bar area will result in the active use the nearby Lawn area, which was specifically not permitted under the prior approval and Declaration of Use Agreement for the Hotel.

4. **South Property Line Walkway, Wall and Walkway** – Finally, the DeVries do not understand, nor it is clear from the plans, the exact location of the proposed 8.5 foot extended south retaining wall (which the DeVries agree should be extended), as well as the location of the proposed walkway for staff access to the pool, and/or where exactly the proposed lush vegetation and trees identified in the landscape plan will be placed. Again, from the survey there clearly does not appear to be enough space from the existing concrete wall in the easement to the neighboring property line to plant the large trees in what appears to be only 2-3 feet of space. Recent pictures of the area, demonstrate that the present retaining wall sits in the middle of the Town's utility easement with apparent gas and electric lines attached thereto. Even assuming such lines could be placed underground, again there simply is no room for a walkway and/or any plantings on the south side of the wall in the easement which is presently a ditch filled with weeds and water. *See*, Composite Exhibit "B." At the same time, the hotel cannot encroach on the neighboring owner's property to install plantings which are required to fulfill its Site Plan. Added to these difficulties is the fact that the easement has a change in elevation. As a result, absent additional information, it would appear that any improvements and plantings will necessarily need to be placed inside the Hotel's retaining wall.

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<sup>3</sup> Again, in accordance with the prior survey and plans, there was no outside bar located near the pool, but instead only a "pool service station" for the storage of equipment was approved for the area.

In light of the above, the DeVries would respectfully request that the plans as presently proposed be denied.

Very truly yours

  
John R Eubanks, Jr.

Attachments

cc: ARCOM Committee Members  
Wayne Bergman, Director Planning, Zoning & Building  
Kelly Churney, Administrative Specialist  
Town Clerk, Town of Palm Beach  
Thomas O. McCarthy  
Gayle and Timothy DeVries





**WARNING**  
THIS AREA IS A DESIGNATED  
CONSTRUCTION SITE AND ANYONE  
TRESPASSING ON THIS PROPERTY UPON  
CONVICTION SHALL BE GUILTY OF A FELONY.  
TRESPASSING IS A CRIME PUNISHABLE  
PERSUANT TO CHAPTER 810, FLORIDA STATUTES.



























