

MARTIN I. KLEIN, P.C.

ATTORNEY AT LAW

1060 NORTH OCEAN BOULEVARD

PALM BEACH, FLORIDA 33480

TELEPHONE : 407-881-8000

FAX : 407-881-8080

17 February 2021

All Via Electronic Mail

Mr. Michael Small, Chair  
Architectural Review Commission  
Town of Palm Beach  
360 South County Road  
Palm Beach, Florida 33480

Re: A-010-2021 1055 North Ocean Blvd.

Dear Michael,

I write in opposition to the proposed gate by Mr. William Rickman to close off neighborhood beach access at 1055 North Ocean Blvd. (Via Marila) to many of his neighbors. My opposition is based on the language of the Arcom ordinance, the philosophy of the Arcom ordinance, a variance which in my opinion may not have been properly authorized and which I believe undermines our zoning code, certain public policy arguments of a town-wide significance, and not the least, what I believe is a lack of transparency and candor that permeates this application and the applicant's Arcom process which should, in and of itself, be sufficient to deny approval.

I attach a copy of the Application dated 11 January 2021 (Exhibit 1) consisting of three pages submitted on behalf of Mr. William Rickman, the principal of 3200 Washington LLC and signed by Patrick W. Seagraves, as architect. I ask the Commission to take note particularly of the page 3 of the application showing "Elevation-Gate" dated 03 August 2020. Note again the Application is dated January 11, 2021 or 5 months after the drawing of the proposed gate. The proposed gate is 5 feet, 6 inches high.

I am directly affected by the proposed gate as I live across the street and, if approved, will have to look at the gate. I will also lose direct beach access but will seek court redress by way of a prescriptive easement. Until recently, there was a chain across the beach access (Exhibit 2) which I believe was inappropriate and which was the subject of a query to the Code Enforcement Officer and Building Department. I believe that the chain shows Mr. Rickman's contempt for his neighbors, believe he seeks to bar his neighbors from using the path to the beach and I believe, chained the access without benefit of a permit.

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I believe Mr. Rickman's expressed rationale for the gate, is that he does not want people to look into his house, yet he sought and received a variance from the Town Council in March 2019 resulting in a significant reduction in his side-yard setback. This is an interesting phenomenon. While it is true that his North side wall is no closer to the property line, the effect of the variance, in my opinion undermines our current zoning codes and permits him a much larger home. Our codes were amended, partially in response to resident concern over "mega mansions" requiring renovation of over 50% to comply with current zoning codes. How many times has our Zoning Manager expressed that view to Council and others? How many people have tried to thwart the rules by sequencing renovation over several years? The effect of this variance allowed Mr. Rickman, when all is said and done, to have a house that is almost double in living area on an 87' wide lot. While his outer wall remains, it still is close to the access path and hence, to people who may, according to him, look into his house. Attached is an annotated photo taken by a List Road neighbor (Exhibit 3). Without the variance, Mr. Rickman would have had to comply with current codes, and in my opinion, he likely would have had to move the outer wall of the home, making it smaller. I believe it's Mr. Rickman's own desire for a larger home that's created the situation about which he complains.

Interestingly, I went back to do the research on the variance. Attached as Exhibit 4 is a copy of the town's Development Review Committee Report dated January 22, 2019. I note the comment by Paul Castro indicating that Mr. Rickman needed to demonstrate the hardship supporting his requested variance. I then listened to the audio of the March 2019 Town Council meeting. I was surprised there was no discussion of the hardship. The audio record is silent on this point. Indeed, one or more council members who usually elicit information on variance hardships didn't do so in this instance. Since the record is devoid of any mention of a hardship to support the variance, it could be argued that the variance was not properly granted and hence any certificate of occupancy is not authorized. Moreover, had Mr. Rickman been candid in his ultimate goal to deny beach access to his neighbors, I believe his neighbors might not have been supportive or tolerant of his earlier variance request and his enlarged construction.

I also believe Mr. Rickman's lack of transparency and candor has resulted in what could be viewed as a "gaming of the situation". This application, in my opinion, also raises potential town wide issues by barring beach access to a significant number of residents thereby pitting neighbor against neighbor and creating a hostility that is contrary to our Palm Beach traditions. More about all of this below.

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First, let's look at the application submitted by Mr. Seagraves for gate approval. We begin, as we must, with the statute, in this case the Arcom ordinance, beginning at Section 18-146 of our Town code of Ordinances. Section 146 is entitled Statement of findings and purpose. Subsection (d) states in part, "the task of the architectural commission is therefore to preserve various elements of urban beauty.... Subsection (e) continues, "the essential foundation of beauty in communities is harmony...some local areas of natural beauty are the beaches, ocean and intracoastal waterway. The vistas and visual delight of these should be allowed only to be enhanced. (emphasis added).

The proposed gate does not, in my opinion, contribute to harmony or the enhancement of the vista and visual delight of the beach and ocean. In our conversation, the applicant was, in my opinion, unconcerned with harmony. Instead, he told me he only wanted to restrict people from walking on the path to the beach.

Turning again to the Statute, particularly Section 18-205 entitled "Criteria for building permit", we note the Commission's mandate to consider whether the applicant complies with the criteria stated. Subsection (a)(1) requires the structure to..."in general contribute(s) to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm and high quality". Placing a massive gate that is, at 5' 6" excessively dissimilar to other beach access gates, does not, in my opinion, contribute to the charm and high quality of Palm Beach nor does it comport with the statement of purpose of enhancing beach and ocean vistas. It does the opposite, presenting instead a vision of a divided, insular community, divided between the "haves (beach access) and the have nots (neighbors without beach access)".

Subsection (a) (4) requires the proposed gate to be "in harmony with the comprehensive plan for the town...." This application presents numerous deficiencies when looked at through the prism of the comprehensive plan. Objective 7 of the Coastal Management Section of the Comprehensive Plan states, "The Town will continue to enforce Land Development Regulations which establish priorities for shoreline uses. Objective 8 states, "the Town will provide and maintain existing public access to beach areas which have been nourished at public expense.... It is clear that the northern reaches of our Town have had their beaches renourished. Hence the existing public access ought to be maintained and the proposed gate disapproved. Indeed Mr. Rob Weber, our coastal expert, has expressed interest and concern with the Via Marila access. In an email to me dated January 19, 2021, Mr. Weber stated in part, "I have paid closer attention to Via Marila over the past few years since Woods Hole Group identified this location as vulnerable with respect to their coastal vulnerability study."

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Code Section 18-205 also refers to size, dissimilarity, and in effect to massing, etc. I am quite familiar with this concept having served on the Town's planning and zoning commission, as you know, for more than 20 years during which time we fostered a harmonious relationship between Arcor and Planning and Zoning. Size and Mass were matters under continuous review.

This proposed gate is 5 feet, 6 inches tall. It is imposing, massive, out of character and designed to intimidate and as such, it should be disapproved. Taking a look at the beach access gate to the North, at 1071, you will see that it is only 4 feet high. The proposed Rickman gate is almost 35% higher.

Going further North, you come to Queens Lane across from Mayor Coniglio's home and the gate there is 3 feet, 11 inches, again substantially less imposing than the proposed Rickman gate. You can keep going with the same result. The proposed Rickman gate is simply too massive and out of scale and should be disapproved.

There is also a public policy issue involved as well as an issue of transparency and integrity before this Commission and the Town. I believe the applicant's failure to comply ought to be an independent ground for disapproval of this gate.

By way of background, as you may know, my home fronts on three streets, List Road, Via Marila, and North Ocean Blvd. There is a direct path to the beach opposite Via Marila, and between 1055 North Ocean and 1063 North Ocean (the home just purchased by a Lauder family member). Myself and my neighbors on List Road, Via Marila and elsewhere have been using the Via Marila beach access for decades without complaint. At times, the path was decrepit and dangerous, filled with rusty nails, glass and other unseemly objects from construction or a cabana that was in ruins, however the path provided direct access to the beach. I've enclosed a photo of my daughter's dog sitting on the sea wall at the location and the beach (Exhibit 5).

I have, in the past two weeks, received calls from my neighbors concerning the attempt by Mr. William Rickman, to install a gate to prohibit beach access to neighbors, many of whom have been using the path, as I have, openly and notoriously, for 20 years or more. As you can see from the enclosed photo, he installed a chain barring people from using the path. I believe he asks path users where they live and turns some away if he's unsatisfied with their answers.

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Mr. Rickman has engaged in construction and upgraded his home and I believe has secured approval from various Town entities for his effort. I received his January 11 Arcom notice for a locked gate approval to limit access via a code to only residents who live on the South Side of Via Marila. He relies upon an old easement to 15 residents on the South Side of Via Marila to exclude others in the neighborhood. I believe the Via Marila (Coral Estate Subdivision) owners each have a 1/15<sup>th</sup> interest in the beach parcel (1-A). Yet the issue is unclear. According to a beach access survey by the Rabideau law firm, this is public access. See Exhibit 6.

Lately it appears the issue of restricting North End beach access has exacerbated with at least one additional gate being installed, this one I believe without Town approval. It is at the end of Orange Grove, 1071 North Ocean Blvd to be exact. The Code Board found a violation for gate installation without a permit, but I expect that Paul Castro may ultimately approve a permit there, thus adding to the potential for hundreds of North End homes losing beach access. Whether legal or not, this certainly is not the Palm Beach neighborly way. Instead, new residents seem to have no respect for traditions and simply do what they want and if caught, beg for forgiveness. Is this the type of community we want?

Based upon a cursory review, it appears that there is now no unrestricted beach access from the Palm Beach Country Club northward.

I point again to the photo showing Mr. Rickman's chain which I believe belies any honorable intent and supports my opinion of his motivation. I also point again to the photo submitted by a neighbor showing how this neighbor believes Mr. Rickman has apparently retained with a variance, his now enlarged home close to the property line.

Mr. Rickman's construction raises an interesting argument in my mind akin to what the Town has been doing with its variances and utility easements. Mr. Rickman has obtained at least one variance for his construction. To subject his neighbors to the general inconvenience of construction, to then seek a variance from the Town for additional construction, and only afterwards, to close off beach access because you allege people can look into your home (which by virtue of the variance remains closer to the lot line) is, in my opinion, disingenuous since you have maintained the hardship about which you are complaining. I believe Mr. Rickman added a second story to his home, thereby greatly expanding the size of his home, and of course, with the variance was able to keep it closer to the property line than he would have if he was required to comply with existing zoning codes. Moreover, I believe Mr. Rickman's neighbors would have raised objections at the variance hearing if they had known of his intentions. Interestingly the Town requires as a condition of granting a variance, that the recipient provide a utility easement if necessary.

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Full disclosure/transparency ought to apply in this type of an instance if not consideration for one's neighbors. Are we to become a hostile environment with fortress like gates pitting neighbor against neighbor?

As you know from my various letters to the Commission, I have a much more neighborly view of projects that could impact me. Recently I wrote supporting the demolition/construction of a new home by the Lauders at 1063 North Ocean Blvd., directly across from me. Would I like the house to be not as tall? Sure. Would I like it to be a bit smaller? Sure. But in the end, I want my neighbors to be healthy and happy and to enjoy their homes as I enjoy mine. I know the applicant and trust the family, his attorney and architect all of whom provided me assurances of no significant impact. I also was influenced that from a land use policy, the applicant was not seeking a single variance. Hence, I support the project.

Similarly, when Mr. Hunter Beebe, whom Mr. Rickman now tells me is the motivating force behind this gate access, was building his home, I cooperated with him. My only concern was screening, and we worked it out. Now I hear the sounds of his children and their music at their pool and can only hope they are enjoying their new home.

I tried to be the same good neighbor to Mr. Rickman. I wrote his attorney, Joel Koepfel, and then spoke with Mr. Rickman. Sadly, this same cooperative attitude did not extend to Mr. Rickman who in our conversation was, in my opinion, arrogant, evasive, and condescending, at one point saying if I wanted beach access, I could call him, and he'd consider opening the gate on a piece-meal basis.

He complained about people being able to look into his home yet when I raised the question of his side yard setback variance (almost 50%) approved by the Town Council on March 19, 2019, he hemmed and hawed until I started reading from the Town Council minutes. His argument was akin to that of a child who kills his parents and complains he is an orphan. If your house is 50% closer to the lot line, then by definition it's easier for people to look inside. I believe, but am not certain, he also added a glass door on the north side and perhaps more and larger windows thereby exacerbating the situation he now complains of.

Then, at the end of our conversation, when he failed to persuade me of his bona fides, Mr. Rickman indicated that I was talking to the wrong person. He stated I should be talking to Mr. Hunter Beebe. He claimed Mr. Beebe was the motivating force behind all of this effort. Mr. Beebe, he indicated, was behind the latest easement modification, which is, in my opinion, not so much an easement modification but a limitation of liability for Mr. Rickman.

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Now, let's talk about what in my opinion, could be called "gaming the system" or in my opinion, could also be deemed a lack of candor by the applicant.

By application dated November 5, 2020 (Exhibit 7), Mr. Rickman's landscape architect, Mr. Mario Nievera presented to this Commission "Landscape As-Built Plans and Related Hardscape Adjustments." The As-Built Plans show the beach easement and the driveway easement but significantly they fail to show any gate whatsoever. Arcom approved the plans without the gate.

Yet on Mr. Seagraves' Application dated two months later (January 11, 2021), the proposed gate elevation clearly shows it is dated August 3, 2020 or it was prepared months before the As Built Plans submission. So, I believe Mr. Rickman knew and intended all along to install his gate prohibiting beach access at least in August 2020 when he submitted As Built Plans in November showing the easement but no gate, and only now, after securing all the Town approvals, shows a desire to gate off beach access. This, I believe, is disingenuous. This I believe shows an intent to "game the system" and should not be allowed. This, I believe, estops Mr. Rickman from asking for the gate when he knew full well, months ago, he intended to ask for it but hid his intentions.

I believe Arcom proceedings are quasi-judicial ones in which witnesses are sworn and candor and integrity are paramount. I believe Mr. Rickman knew well before his prior submission to Arcom, and I believe possibly before his variance application, that he intended to prohibit his neighbors from using their beach access. He failed to disclose this to the Town and to Arcom. His as built plans show the easement and no gate. As such, I believe he is estopped from now asking for a gate.

Still trying to be a good neighbor, I telephoned Mr. Pat Seagraves, whom I know and know to be a thoughtful and honorable architect. To his credit and consistent with his reputation, he was quite candid with me. He claimed he was only asked to present the gate by Mr. Nievera. He claimed to know little about the easement situation. He candidly stated his opposition to gates in general and specifically, he stated that he saw no reason for this gate. Quite a refreshing bit of candor but that's Pat's reputation.

I have reread Skip's memo to Wayne Bergman concerning Root Trail and summarizing Florida law on prescriptive beach access. I am comfortable with my legal position having complied with Skip's criteria for decades. However, from a town-wide perspective, litigation should not be the Palm Beach way. Similar to Root Trail, I am hoping that the Town will agree that a prescriptive easement has ensued to those on List Road who have openly used this access for decades.

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Additionally, I hope the Town will address the broader issue of beach access and especially in the context of homeowners obtaining variances and other relief from the Town and only then indicating a desire to close off beach access to their neighbors who endure the vagaries of additional construction.

Finally, I hope the Town will address the issue of candor and completeness in applications to Arccom and for variances and not allow applicants to "game the system" by submitting piecemeal applications.

While Mr. Rickman's background is in the gaming industry, Palm Beach is not a casino and land use in Palm Beach is not a roll of the dice or a crap shoot. Palm Beach has a well-developed land use doctrine anchored by our revered Comprehensive Plan and buttressed by our Zoning Code which has done so much to preserve our way of life. We do not take kindly to those who attempt to thwart our rules and tradition by "gaming the system".

Whatever one may think of piecemeal applications, the net effect of what Mr. Rickman has done is to almost double the living area of the house. I believe that the MLS shows the previous living area was 5,623 square feet and currently I believe it is 10,204 square feet. And all of this is done on a lot that is only 87 feet wide!

To make matters worse, I believe his neighbors supported his right to enjoy his home but now Mr. Rickman proposes the very un-neighborly act of barring beach access with a massive, dissimilar locked gate after having obtained at least one variance to construct a house that would not normally be allowed. How much should his neighbors be asked to endure?

What used to be a spirit of neighborliness and respect for others seems, with an influx of new monied residents, is being replaced by litigation. Disputes used to be resolved over drinks; now they are sorted by the Courts. We need to revert to our traditions and respect our neighbors. We need to come together.

Based on all of the foregoing, I believe the proposed Application should be denied and the Town's PZB Department should direct that no further applications be processed, nor a certificate of occupancy be issued until an investigation occurs into the circumstances surrounding this project have been fully investigated.

I thank you and the Commission for its consideration.

MARTIN I. KLEIN, P.C.

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Sincerely,



Martin I. Klein

C: Members of the Architectural Commission  
Mayor and Town Council  
Mr. Kirk Blouin  
Mr. Wayne Bergman  
Ms. Laura Groves van Onna  
Ms. Kelly Churney  
Mr. Pat Seagraves

## EXHIBIT 1



TOWN OF PALM BEACH  
Planning, Zoning & Building Department  
360 S. County Rd.  
Palm Beach, FL 33480

APPLICATION FOR PROJECT REVIEW BY THE ARCHITECTURAL REVIEW COMMISSION

Application Number: A-010-2-21

Date: 1-11-21

Application Type:

☐

Major  
Minor

☒

Combination\*  
Minor with notice

\*If Town Council review required, include Zoning Application Number: \_\_\_\_\_

I. PROJECT ADDRESS: 1055 N. OCEAN BLVD

II. DESCRIPTION OF THE REQUEST: The exact wording in this section will appear on the ARCOM Agenda. Please include a comprehensive summarized description of the proposed project.

Proposed gate for desired beach access in  
property easement on outside of property

Whole Structure Demolition? Yes \_\_\_\_\_ or No \_\_\_\_\_

Number of Stories: \_\_\_\_\_ Roof Material (type): W/A

Const. Type: CBS: \_\_\_\_\_ Frame: \_\_\_\_\_ Colors: Building: \_\_\_\_\_ Roof: \_\_\_\_\_

Trim: \_\_\_\_\_ Shutters: \_\_\_\_\_ \*this information to be included on the cover sheet of the ARCOM plans

III. DESIGN PROFESSIONAL(S):

☒  
☐  
☐

Architect

Landscape Architect

Other: \_\_\_\_\_

☐  
☐  
☐

Design Consultant

Engineer

Check if you are an ARCOM member and this project will result in a voting conflict for you.

Name of Professional: SKA ARCHITECT + PLANNER License #: AR0010181

Phone number: (561) 655-1110 Email address: pate@skaarchitect.com  
daniel@skaarchitect.com

IV. OWNER/AGENT INFORMATION:

Property Owner's Name: 3200 Washington LLC

Owner's Address (If different from Subject Address): 145 Clarendon Ave, Palm Beach

Patrick J. O'Connell Phone number: (301) 928-4520

Signature (owner or owner's legally authorized agent\*): \_\_\_\_\_

\*If signed by a legally authorized agent, must be accompanied by a Power of Attorney or statement from the property owner authorizing the signer to sign on the owner's behalf.

(printed name and title) Patrick J. O'Connell, Principal Architect



Town of Palm Beach  
Notification to Property Owners

Architectural Review Commission Project Notice

TO BE HEARD BY THE ARCHITECTURAL REVIEW COMMISSION ON February 24, 2021  
AFTER 9:00 A.M., in the Town of Palm Beach Council Chambers located on the 2<sup>nd</sup> floor, 360 South County Road, Palm Beach. Pursuant to Section 18-202 (1) of the Town Architectural Review Ordinance, this application is being sent to all property owners within 250' radius of the location of the subject application.

All interested persons may appear and be heard at said Public Hearing and may likewise submit written statements prior to and at said Public Hearing. If any person decides to appeal any decision made by the Architectural Review Commission with respect to this matter, he/she will need to ensure that a verbatim record of the proceeding is made which record includes the testimony and evidence upon which the appeal is to be based. Please be advised that the Town does not enforce private covenants or deed restrictions.

ARCOM#: A-010-2021

Address: 1055 N. OCEAN BLVD

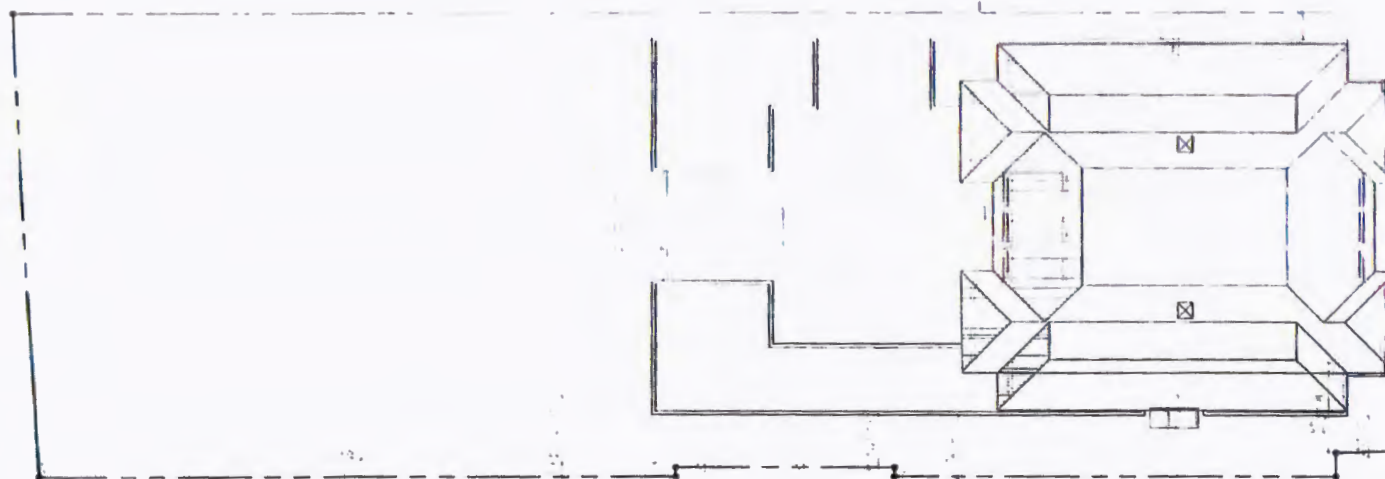
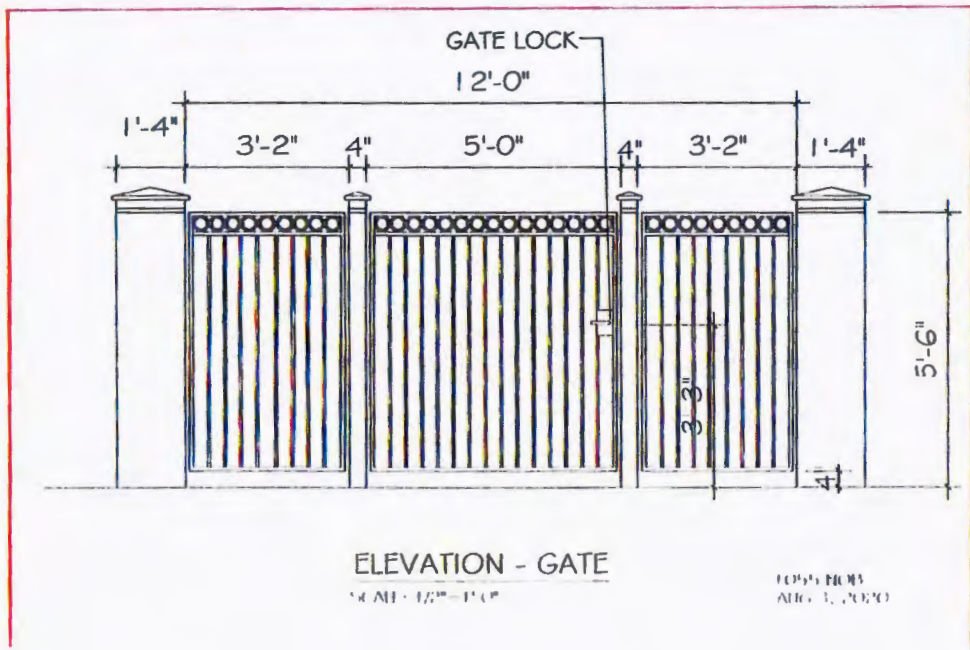
Applicant: 3200 Washington LLC

Project Description: Proposed gate for deeded beach access  
in property easement on north side of property.

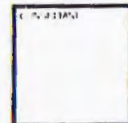
This notification is not to solicit approval or disapproval. It is a required notification to surrounding property owners. The plans for the project are on file in the Planning, Zoning & Building Department and are available for review Monday through Friday between 8:30 a.m. and 4:30 p.m. or may be available via the Town's website at [www.townofpalmbeach.com/index.aspx?NID=476](http://www.townofpalmbeach.com/index.aspx?NID=476). Please note that the applicant may submit revised plans and materials up to 9 days prior to the meeting date; therefore, if you are an interested party, you will need to contact the Town using the information below to verify if revisions have or have not been submitted.

If you would like to be automatically informed of changes to the ARCOM Agenda and Back-up Material, please visit our website [www.townofpalmbeach.com](http://www.townofpalmbeach.com) and click on the "Stay Informed" button on the main page and follow the instructions provided and select Architectural Commission (ARCOM).

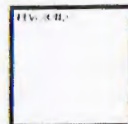
If you need further information relative to this project, please contact Planning, Zoning and Building at 561-838-5431.



**SKA**  
 S. J. ARCHITECT & PLANNER  
 1100 11th Street, NW  
 Suite 200  
 Washington, DC 20004  
 Phone: 202-462-7000  
 Fax: 202-462-7001  
 Email: info@skadec.com



PROPOSED RESIDENCE FOR:  
**3200 WASHINGTON, LLC**  
 3200 WASHINGTON, LLC  
 3200 WASHINGTON, LLC  
 3200 WASHINGTON, LLC



**SHEET NO. 001**  
**PSP-1**

ISSUE DATE: 01-15-19  
 JOB NO: B-009-2019  
 2-19-00-72

## EXHIBIT 2



## EXHIBIT 3

12:15



Carol >

Wed, Jan 20, 5:23 PM



This is why Mr Rickman does not want any of us using the path. You can look right into his house because it's right on the property line. It does not appear that he's adding any more landscaping to give him privacy



## EXHIBIT 4

# TOWN OF PALM BEACH

Information for Town Council Meeting on: March 19, 2019

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To: Mayor and Town Council

From: Josh Martin, Director, Planning, Zoning & Building Department

Subject: **Z-19-00172 VARIANCE(S)**  
**1055 N OCEAN BLVD**

Date: March 05, 2019

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## **STAFF RECOMMENDATION**

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

## **BACKGROUND**

An application has been received for the following project:

### **REQUEST:**

The applicant is proposing to add a 450 sq. feet addition onto the north side of the second story to balance the roof line to correspond to the south side of the previously approved application to create a symmetrical design and is requesting a north side yard setback of 8 feet in lieu of the 15 foot minimum setback required to add the second story addition.

**ADDRESS:** 1055 N OCEAN BLVD

**OWNER:** 3200 WASHINGTON LLC

**OWNER'S REPRESENTATIVE:** KOEPPPEL LAW GROUP PA

**PROPERTY CONTROL NO.:** 50-43-43-03-18-000-0011

**ZONING DISTRICT:** R-A Estate Residential

**LEGAL DESCRIPTION:** CORAL ESTATES LOT 1 /LESS S 87.5 FT  
& TRACT IN OR 755 P 35

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney  
pf & zf



PLANNING, ZONING AND BUILDING DEPARTMENT  
Town of Palm Beach  
360 S County Rd  
Palm Beach, FL 33480

**DEVELOPMENT REVIEW COMMITTEE REPORT**

DRC MEETING: 1/22/19

**APPLICATION NO.:** Z-19-00172 **APPLICATION TYPE:** VARIANCE(S)

**ADDRESS:** 1055 N OCEAN BLVD

**DESCRIPTION:**

The applicant is proposing to add a 450 sq. feet addition onto the north side of the second story to balance the roof line to correspond to the south side of the previously approved application to create a symmetrical design and is requesting a north side yard setback of 8 feet in lieu of the 15 foot minimum setback required to add the second story addition.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Assistant Director PZB	1/23/2019	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	3/6/2019	Project will need to comply with Sec. 30-114. - Drainage and Sec. 86-95. - Threshold requirements. A Stormwater management system designed to treat the initial 2-inches of stormwater runoff from the site will need to be developed for the proposed improvements.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	1/18/2019	The proposed project does not have any fire code concerns.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	1/25/2019	This project will require Architectural Commission (ARCOM) review and approval as a major combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	1/22/2019	No Comment
PZB DIRECTOR	Josh Martin, Director, Planning, Zoning & Building	3/5/2019	No comments
PZB - ZONING	Paul Castro, Zoning Administrator	3/5/2019	The applicant needs to demonstrate the hardship for the proposed north side yard setback for the proposed addition onto the house.

## EXHIBIT 5

11:30



missie\_lkr 3h



Send message



11:29



michale\_13 3h



Send message



## EXHIBIT 6

Fill out the boxes below to find beach access for any property in the Town of Palm Beach

\_\_\_\_\_ ▼ \_\_\_\_\_

1060

None

Ocean

Blvd.

SEARCH

\*Information deemed reliable but not guaranteed.

1060 N. Ocean Blvd.

**Nearest Public Access:**

The east end of Via Marila per website  
<https://ca.dep.state.fl.us/mapdirect/>

focus=coastalaccess.

Direct Access:	No
Deeded Access:	No
Easement Access:	No
Platted Access:	No
Association Access:	No
Notes:	

No More Results Found

More

## Contact

Guy Rabideau, Esq.

✉ grabideau@rabideauklein.com

📞 561.655.6221

📠 561.655.3221

David E. Klein, Esq.

✉ dklein@rabideauklein.com

📞 561.655.6221

## EXHIBIT 7



**TOWN OF PALM BEACH**  
Planning, Zoning & Building Department  
360 S. County Rd.  
Palm Beach, FL 33480

**APPLICATION FOR PROJECT REVIEW BY THE ARCHITECTURAL REVIEW COMMISSION**

Application Number: A-069-2020

Date: 11.05.20.

Application Type:



Major  
Minor



Combination\*  
Minor with notice

\*If Town Council review required, include Zoning Application Number: \_\_\_\_\_

I. **PROJECT ADDRESS:** 1055 NORTH OCEAN BLVD.

II. **DESCRIPTION OF THE REQUEST:** The exact wording in this section will appear on the ARCOM Agenda. Please include a comprehensive summarized description of the proposed project.

LANDSCAPE AS-BUILT PLANS AND RELATED HARDSCAPE  
ADJUSTMENTS.

Whole Structure Demolition? Yes \_\_\_\_\_ or No X

Number of Stories: \_\_\_\_\_ Roof Material (type): \_\_\_\_\_

Const. Type: CBS: \_\_\_\_\_ Frame: \_\_\_\_\_ Colors: Building: \_\_\_\_\_ Roof: \_\_\_\_\_

Trim: \_\_\_\_\_ Shutters: \_\_\_\_\_ \*this information to be included on the cover sheet of the ARCOM plans

III. **DESIGN PROFESSIONAL(S):**



Architect  
Landscape Architect  
Other: \_\_\_\_\_



Design Consultant  
Engineer

Check if you are an ARCOM member and this project will result in a voting conflict for you.

Name of Professional: MARIO NIEVERA License #: 6666858

Phone number: (561) 659 28 20 Email address: grace@nieverawilliams.ca

IV. **OWNER/AGENT INFORMATION:**

Property Owner's Name: William Rickman, Jr

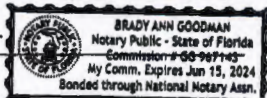
Owner's Address (if different from Subject Address): \_\_\_\_\_

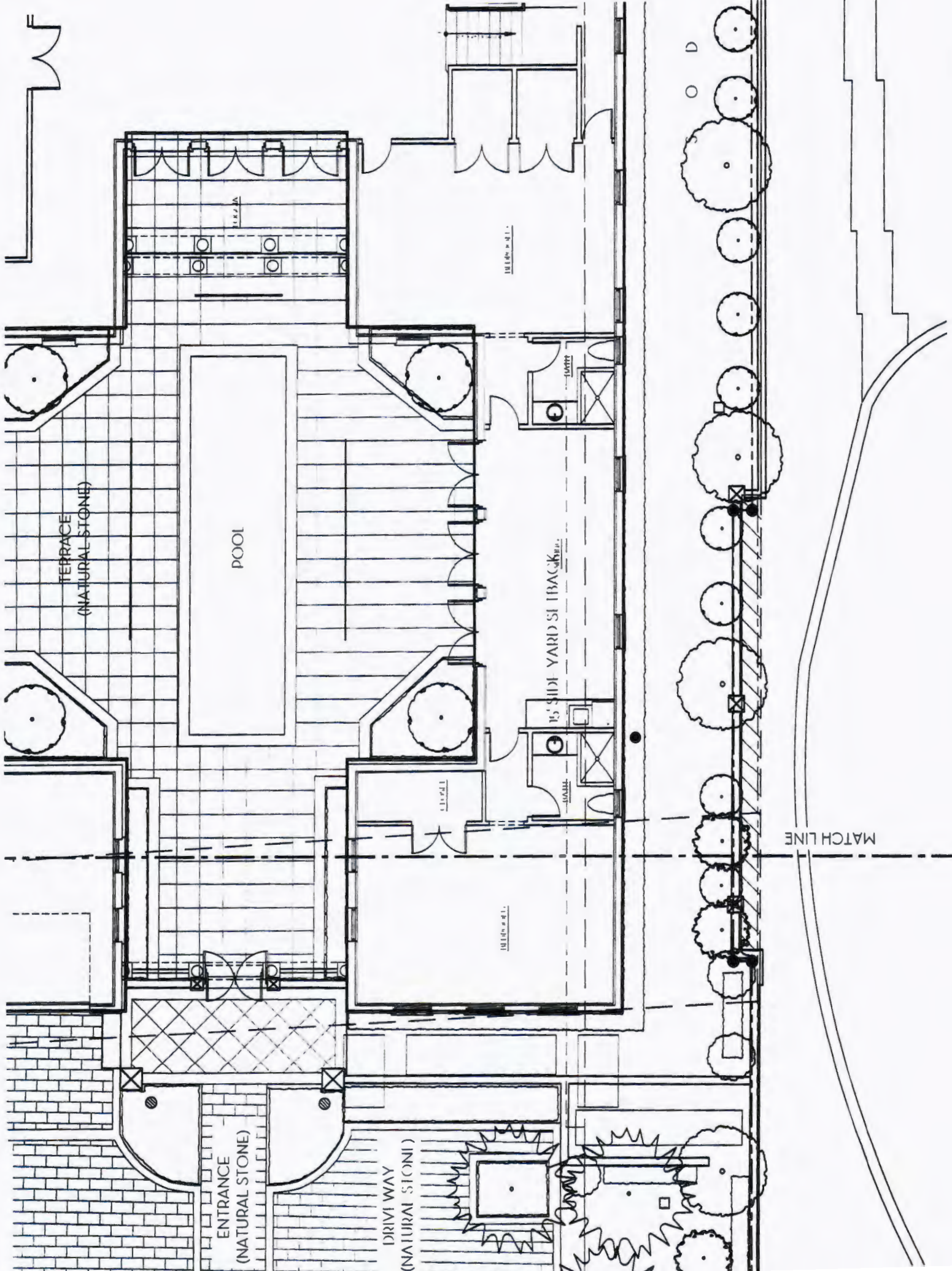
Phone number: (561) 455-1116

Signature (owner or owner's legally authorized agent\*): [Signature]

\*If signed by a legally authorized agent, must be accompanied by a Power of Attorney or statement from the property owner authorizing the signer to sign on the owner's behalf.

(printed name and title) William Rickman, Jr





TERRACE  
(NATURAL STONE)

POOL

15' SIDE YARD SETBACK

MATCH LINE

ENTRANCE  
(NATURAL STONE)

DRIVE WAY  
(NATURAL STONE)

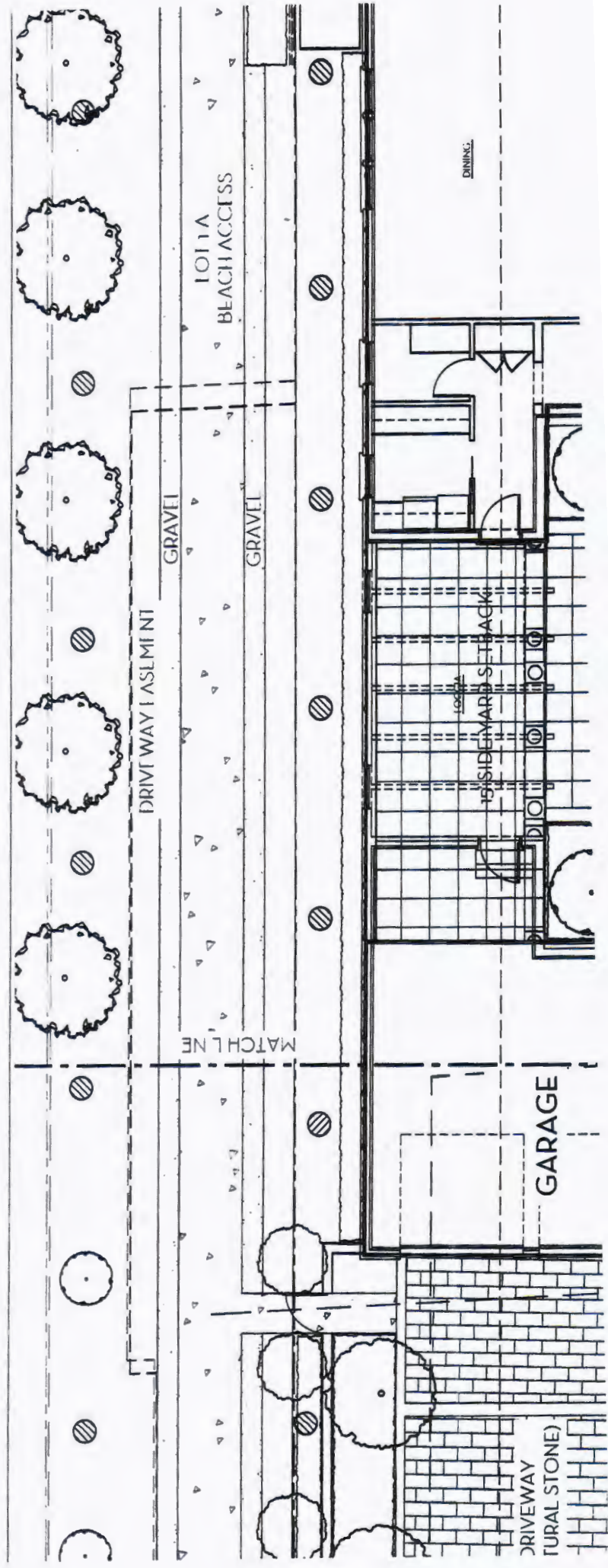
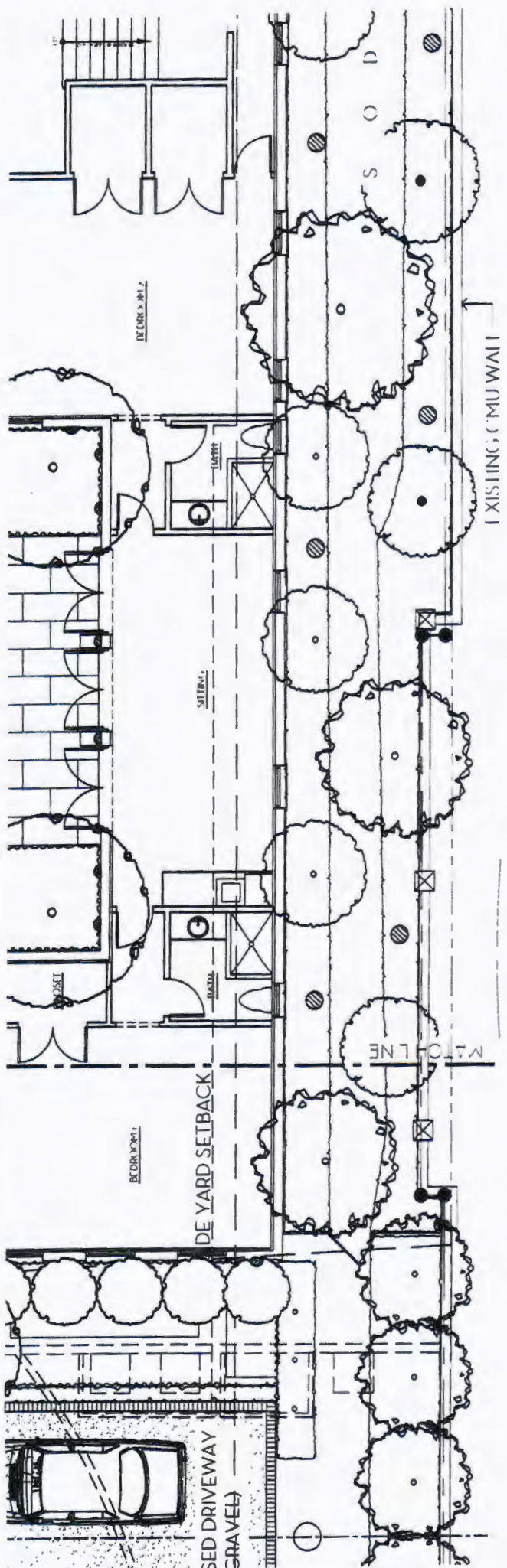
10' 0" x 11' 0"

10' 0" x 11' 0"

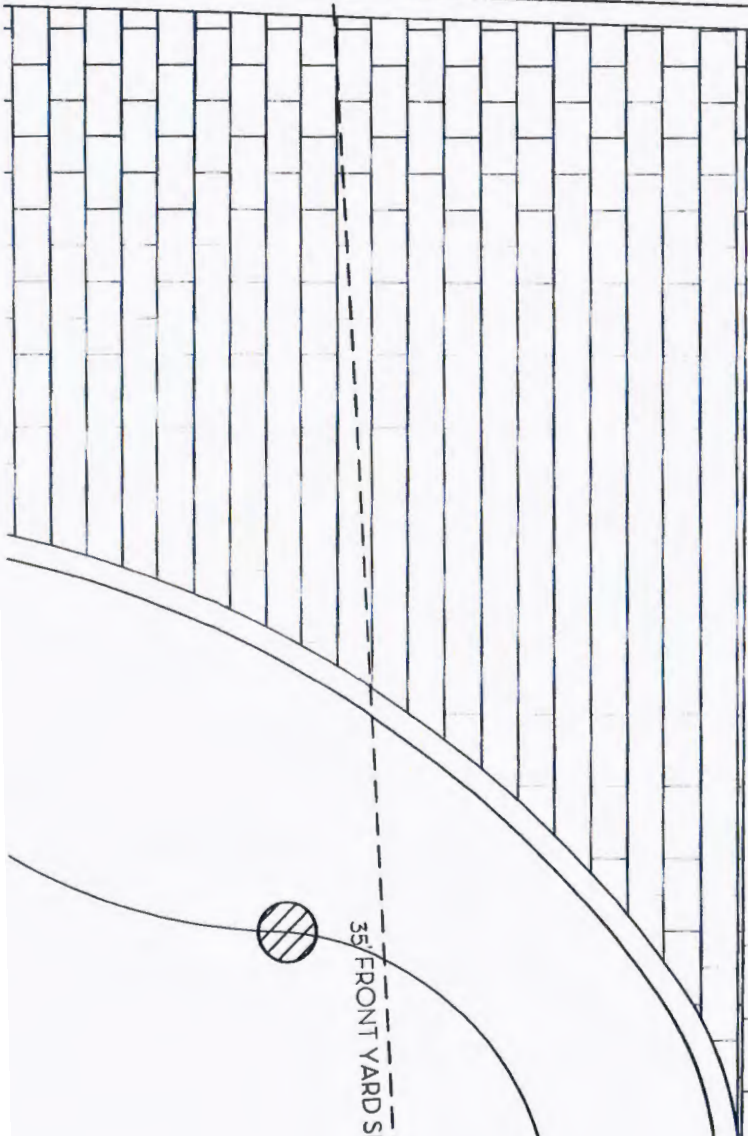
10' 0" x 11' 0"

10' 0" x 11' 0"

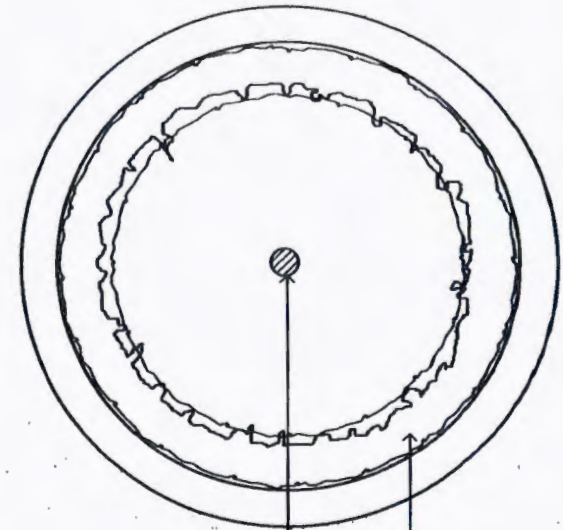
10' 0" x 11' 0"



(1) PIGEON PLUM, 12 HT. x 4' SPR.



35' FRONT YARD SETBACK



(4) FICUS BENJAMINA, 20' HT. x 10' SPR.

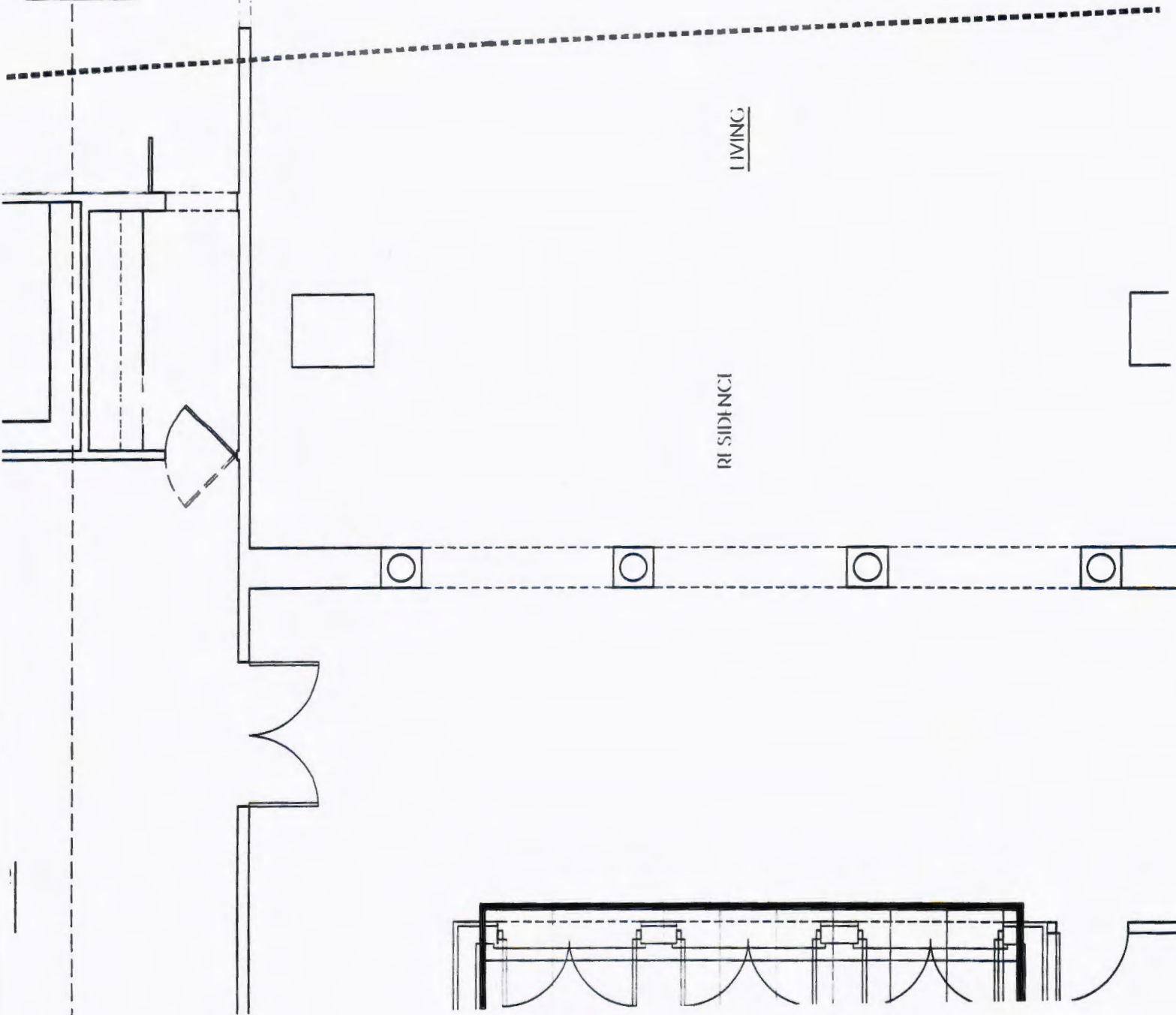
GREEN ISLAND FICUS, 12' HT.

(7) NORFOLK PINE ISLAND.

(2) PIGEON PLUM, 8' HT x 4' SPR.

15' SIDE YARD SETBACK  
GREEN ISLAND FICUS, 5' HT., FTB.

GREEN ISLAND FICUS, 18" HT.



## EXHIBIT 8

<https://www.palmbeachdailynews.com/business/real-estate/big-for-nixon-slept-here-house-facing-ocean-palm-beach/HdTY8Rqwf0Y7N8okqoSXNK/>

This article shows before and after photos of the house. The lot is only 87' wide. Amazing they could put a second story on the house.

# Palm Beach Daily News

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Business

## Big re-do OK'd for 'Nixon-slept-here' house facing ocean in Palm Beach

By **Darrell Hofheinz**

Posted Aug 3, 2017 at 12:01 AM

Updated Aug 3, 2017 at 12:56 PM

Palm Beach homeowner William M. Rickman Jr. finally has won approval to overhaul a dated oceanfront house that has a distinctive feature — a guest wing used by the late President Richard Nixon on his visits to the island.

Rickman's plans to transform the one-story, flat-roofed house's appearance from a modified Regency style to a two-story Mediterranean squeaked by the Architectural Commission last week in a 4-3 vote. It was the third time the project had been reviewed by the board.

Owner William M. Rickman Jr. just got approval to add a second-floor addition to this Regency-style house at 1055 N. Ocean Blvd. Photo courtesy SKA Architect + Planner

Daily News Staff Writer

When Rickman paid \$13 million for the property in June 2016, the house at 1055 N. Ocean Blvd. was widely regarded as a tear-down. The 6,667-square-foot house likely dates to the 1950s, according to sources familiar with the property.

### **RELATED: More Palm Beach Real Estate news**

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But Rickman surprised many real estate observers by instead proposing an extensive renovation that would add a partial second story. The design would keep intact the house's western courtyard flanked by two wings. But it would add signature design elements of the Mediterranean style, including a barrel-tile roof, decorative stonework and arched loggias.

### **RELATED: 'Nixon-slept-here' house sells for \$13 million**

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Rickman told commissioners he liked the house for its layout, which is similar to his Mediterranean-style home in the Estate Section. He plans to move to the North End property once the renovation is finished.

But in April, architectural commissioners were cool to the plan, largely because the so-called “non-conforming” lot is narrower than allowed by today’s code regulations. The property is 87 feet wide at the street and about 360 feet deep, extending well into the ocean. The initial plan, which kept the house’s footprint unchanged, would have required the Town Council to grant four setback variances. The commission refused to endorse the request and asked for design revisions to conform to existing zoning regulations.

“This is a very quirky, small lot,” Rickman reminded the commission last Wednesday.

He later added: “I don’t really think I should be held to the standards of a brand new house, which isn’t what we’re doing ... There have to be compromises when you are doing something of this nature.”

In June, the board reviewed revised plans prepared by architect Patrick Segraves of SKA Architect + Planner and asked for significant changes, which were presented last week.

Commissioners had complained that in previous plans, the second-floor addition facing the sea looked like it had been plopped onto the first level rather than arising logically from it.

### **Initial design downscaled**

In response, Segraves altered the ocean side so that the second-floor addition — totaling just under 4,000 square feet — was more in line with the first floor. “The house is all one house (now), basically,” Segraves said at the meeting.

He also downscaled the overall plan, shaving 277 square feet off the first floor and moving the west pool and fountain toward the house.

Commissioner Bob Vila, meanwhile, said he admired the owner for not razing and replacing the house.

“It’s a pretty good (example) of adaptive re-use,” Vila said. “It’s a green thing to do, rather than scrapping it and starting over. I’m happy about that.”

But he added: "It's never going to be what you could have achieved if you started from scratch."

Commissioner Michael B. Small unabashedly favored the project. Posing a rhetorical question, Small asked if the renovation enhanced the character and beauty of the neighborhood.

"Absolutely, yes," Small said.

Alternate Commissioner John David Corey, sitting in for absent Commissioner Maisie Grace, said the revised architecture was better than before. But he ultimately criticized the house as too large for its lot.

Among the points of contention was whether the garage should face the street or the north side of the property. Commissioners endorsed the street-facing garage. But they asked for a new gate design as part of their approval.

### **Nixon connection**

Rickman, who owns casinos in Maryland and Delaware, bought the house from the estate of the late Mamdouha Bobst. Her late husband — businessman and pharmaceutical executive Elmer Bobst — was President Nixon's close friend and adviser. Nixon, who in his later years owned a bayfront home in Miami, stayed at the Bobsts' house in the 1960s and '70s. Nixon's daughter, Patricia Nixon Cox, served as a co-trustee of the trust that sold the house last year to Rickman's ownership company.

Commissioner Alexander C. Ives joined Corey and board Chairman Richard S. Sammons in the minority voting against the project.

"I really feel for what you're trying to do on this," Ives told Segreaves and Rickman. "If we just pulled this house out on its own and looked at it, you can't say it's working the way it should."

The east elevation, which would only be seen by boaters and passersby on the beach, just couldn't hold its own against the restraints of the renovation and the zoning code, in Ives' opinion. If Rickman entertains guests on the beachfront terrace and they chanced to look back at the house, he added, they "might wonder how many cocktails" they had imbibed.





▲ HIDE CAPTION

Owner William M. Rickman Jr. just got approval to add a second-floor addition to this Regency-style house at 1055 N. Ocean Blvd. Photo courtesy SKA Architect + Planner - Daily News Staff Writer