

From: [Francis Lynch](#)
To: msmall@smallawpalmbeach.com; betsyshiverick@gmail.com; dan.floersheimer@icloud.com; ktcatlin@hotmail.com; johncorey84@gmail.com; [Alexander](#); amginny@aol.com
Cc: [Kelly Churney](#); [Wayne Bergman](#); [Paul Castro](#); [Bradley Falco](#)
Subject: 1015 South Ocean Blvd / ARCOM # B-073-2020
Date: Tuesday, March 23, 2021 2:40:55 PM

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Dear Mr. Chairman and Ladies and Gentlemen of the Architectural Review Commission and Town Staff:

With regard to the above and as indicated previously, I represent the owners of the property at 1020 South Ocean Boulevard, located immediately west of the subject property. Despite the revisions to the previously proposed plan, my clients continue to object to the revised plan as the house remains too close to South Ocean Boulevard and it is too tall, as evidenced by the need for the front yard setback and height plane variances sought.

The front yard setback sought is half the minimum setback required by code. The vicinity map presented by the Applicant in Page 5 of its application apparently seeks to justify the setback by comparing the front yard setback sought in the Applicant's application to those existing in the area. To the contrary, this illustration actually supports my client's contention that the setback variance sought by the Applicant is excessive when compared that of its neighbors. Further, greater portion of the north/south dimension of this house is non-compliant with the front yard setback requirement when compared to those in the vicinity.

While reduced, the building height plane variance remains, again indicating that the structure is too close to South Ocean Boulevard for the height sought, adding to the appearance of the mass of the structure.

The Applicant remains steadfast in its desire to compare that which it is seeking to my client's property yet it continuously ignores that my client built its house without the need for any variances or zoning approvals. If nothing else, that alone is what distinguishes these two properties.

All the while, please keep in mind that the Applicant chose to seek your approval to demolish the previous structure, despite the cautions of the ARCOM members that building on this lot would be very difficult without variances. Yet, the Applicant returns, asking for variances while ignoring that any hardship for those variances is entirely self-imposed.

I will leave the architectural design of the house for ARCOM to consider.

Based on the foregoing, my client respectfully requests that you deny the application.

Thank you for your consideration of this matter.

Sincerely,
Frank Lynch

Francis X. J. Lynch, Esquire

SNIFFEN & SPELLMAN, P.A.

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: flynnh@sniffenlaw.com

Website: www.sniffenlaw.com / Twitter: @Sniffenlaw

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Dear Chairman Small, Ladies and Gentlemen of the Architectural Review Commission and Town Staff:

Please be advised that I represent the owner of the property located at 1020 South Ocean Boulevard ("1020") which is located immediately west of the subject property.

1020 objects to the Application before you, specifically the variances requested for same, for the fundamental reason that the hardship established for these variances is entirely self-imposed.

While you may recall the Applicant's prior application involving this property, which sought to demolish all of the improvements on the property, I am attaching to this email a transcript of the August, 2020 ARCOM meeting at which the Applicant's former ARCOM Application B-046-2020 was heard. At the August hearing, the commissioners were virtually unanimous in their caution to the Applicant that this was a difficult site to work with for any number of reasons and that the commission did not want to see the Applicant come back to ARCOM seeking "a laundry list of variance requests". Those ARCOM commissioners were absolutely clairvoyant in their concerns as that the Applicant is now back before you seeking no less than four (4) variances to build back a house to replace the house that it demolished only months ago. Additionally, the Applicant is seeking a variance to build a second floor above the garage. In reviewing this portion of the Application, please keep in mind that a previous application filed by a prior owner and cited by the Applicant in the Zoning History section of the Applicant's Zoning Application #Z-20-00299 states that in May, 1981, Moratorium Waiver Request No. 5-81 was granted to allow an increased square

footage in return for eliminating the second floor above the garage. The minutes of the May, 1981 town council minutes for that approval are attached.

In each instance, the variance sought represents significant deviations from the minimum code requirements. The front yard setback sought is less than one-half the front yard setback required by code. The angle of vision variance seeks an increase by more than ten percent above that permitted by code. The height plane variance seeks a front yard setback of over eighteen feet less than that required by code. All of the foregoing reflect a structure that is too tall, too wide and too close to South Ocean Boulevard.

For the reasons indicated above, my client requests that the Application be denied.

Thank you for your consideration of this matter.

Sincerely,

Frank Lynch

Francis X. J. Lynch, Esquire

SNIFFEN & SPELLMAN, P.A.

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: flynn@sniffenlaw.com
Website: www.sniffenlaw.com / Twitter: @Sniffenlaw

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