

John & Margaret Thornton
1236 South Ocean Boulevard
Palm Beach, FL 33480

October 22, 2021

Staci Rutman, Manager
1230 LLC
1230 S. Ocean Blvd.
Palm Beach, FL 33480

Re: Agreement regarding Variance Request and ARCOM Approval
For 1230 South Ocean Boulevard

Dear Mrs. Rutman:

This letter reflects our mutual agreement to the following issues to be completed in connection with your proposed renovation project at your home located at 1230 S. Ocean Blvd. You have requested approval from the Town's Architectural Commission and from Town Council to approve a variance to permit the installation of a new covered, but open loggia in the southeast corner of your residence (the "Covered but Open Loggia"), which loggia would encroach into the side yard setback adjacent to our property. The request is for a side yard setback of 15'8" in lieu of the 30' setback required by the Town's zoning code.

We are concerned with an additional room being added in this setback, but we are willing to not object to the request based upon your agreement to the following:

1. The roof to cover the loggia will never be a continuation of height or materials to the existing roof on the residence. The roof over the loggia will be at a maximum height of 21.58' NAVD or 11.83 feet above finished floor.
2. The loggia shall never be enclosed in any manner or respect and shall remain as an open air loggia in perpetuity or removed entirely.
3. You will construct a 7 foot tall concrete wall stepped down to 6 feet tall in the street side yard portion (if required by the Town of Palm Beach) on the 1230 South Ocean Boulevard East property line along the shared east-west boundary line between lots 1 and 2 of the Replat of the Replat of Emerald per Plat Book 45, Page 177 (the "New Wall"). We will each pay 50% of the cost of demolition and removal of the old wall and for construction of the New Wall. The aesthetics of the New Wall are subject to the approval of both parties, and the approvals shall not be unreasonably withheld. We shall share equally the cost to maintain the New Wall. We acknowledge that there is a 10' utility easement that runs along your southern boundary, and as a result the wall will run from 10' north of your southern boundary all of the way to the easement for Emerald Beach Way.

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4. Because the New Wall will be built, the existing wall that is located just east of our shared east-west property line will be demolished and removed. Further, we will collectively terminate that certain Wall/Landscape Agreement recorded in Official Records Book 5502, Page 831, Public Records of Palm Beach County, Florida (the "Wall Agreement"). You and we will execute and record a document necessary to terminate the Wall Agreement of record.

This Agreement shall be incorporated into the record at both the ARCOM and the Town Council meetings where you present the application and request for the variance and construction of the New Covered but Open Loggia.

Please sign below to confirm these agreements. If you have any questions, please contact us.

1230 LLC

By: Staci Rutman
Staci Rutman, as Manager

John Thornton
John Thornton


Margaret B. Thornton
Margaret Thornton

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

The foregoing instrument was acknowledged before me by means of [☒] physical presence or [☐]
online notarization, this 24th day of October, 2021 by Staci J. Rutman, Manager of 1230 LLC, who is:
[☒] personally known to me or [☐] produced _____ as Identification.

My commission expires:
12/08/2023




Print Notary Name: _____
Notary Public, State of Florida
Commission No. 66937761