

# SNIFFEN & SPELLMAN, P.A.

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December 3, 2021

**Via E-mail**

Mayor, Town Council and Staff  
c/o Maggie Zeidman, President  
Town Council of the Town of Palm Beach  
360 South County Road  
Palm Beach, Florida 33408

**Re: Application No. Z-20-00299 / 1015 South Ocean Boulevard  
("Application")**

Dear Madam Mayor, Ladies and Gentlemen of the Town Council 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.

You may recall the Applicant's first application to ARCOM involving this property sought to demolish all of the improvements on the property. Attached to this e-mail is a transcript of the August, 2020 ARCOM meeting at which the Applicant's demolition ARCOM Application #B-046-2020 was heard. At that August 2020 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". While the Applicant's previous application to build a home on this property was denied by ARCOM, this Application still requires a significant front yard setback variance to build.

This Application seeks a variance of nearly fifteen feet (15.0') less than the minimum front yard setback required by code. This places the house slightly more than twenty feet (20') from South Ocean Boulevard. More than one-half (1/2) of the entire north/south dimension of the proposed house is in the code-required minimum front yard setback. This reflects a structure that is far too close to South Ocean Boulevard.

While this Application seeks a significant variance to the front yard setback minimum requirement, that variance is also a textbook example of a self-imposed hardship.

The house at 1015 South Ocean Boulevard which the Applicant has torn down was built in 1935 and designed by Treanor and Fatio. That structure was built prior to the enactment of the current zoning code and was nonconforming as to its front yard setback among other nonconformities.

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Rather than work within that structure and preserve those grandfathered nonconformities, the Applicant, fully aware that the property did not meet the minimum lot depth requirements of the Zoning Code for a property in the R-A Zoning District and despite the cautions of ARCOM, voluntarily elected to demolish that structure and now seeks a variance, citing as its hardship the property's insufficient lot depth, creating a textbook example of a self-imposed hardship. Nevertheless, the Applicant now seeks to construct a home which is too large for the lot, requiring a variance which would allow for a front yard setback of more than forty percent (40%) less than the thirty-five foot (35.0') minimum front yard setback required by code. This house could easily be constructed without the need for this variance, by merely sliding the house to the east. The Applicant is claiming hardship but that hardship was created by the Applicant.

While property owners often claim they have a "property right" to build on their lot, there simply is no "property right" to a variance in violation of the Town Code. A variance should not be granted except in the most extreme circumstances where, absent a variance, the Code would not allow for virtually any use at all of the property. This is not one of those circumstances. Section 134-201 of the Town Code is clear that only variances that "will result in **unnecessary and undue hardship**" can be granted (emphasis added). The case law is also clear that an applicant for a variance must demonstrate a "unique hardship" to qualify for a variance. *Bernard v. Town of Palm Beach*, 569 So. 2d 853 (Fla. 4th DCA 1990) (citing, *Nance v. Town of Indialantic*, 419 So. 2d 1041 (Fla. 1982)). By definition, a "**hardship**" **may not be found unless no reasonable use can be made of the property without the variance**; or, stated otherwise, "**the hardship must be such that it renders it virtually impossible to use the land for the purpose for which it is zoned.**" *Bernard* at 854 (citing, *Town of Indialantic v. Nance*, 485 So. 2d 1318, 1320 (Fla. 5th DCA); see also *Thompson v. Planning Comm'n*, 464 So. 2d 1231, 1237 (Fla. 1st DCA 1985)(emphasis added).

The neighboring property owners do, however, "have a right to rely on existing zoning conditions and they have a right to a continuation of these conditions in the absence of a showing that the variance is proper." *Thompson v. Planning Com. of Jacksonville*, 464 So. 2d 1231 (Fla. 1st DCA 1985); see also, *Allapattah Cmty. Asso. v. Miami*, 379 So. 2d 387 (Fla. 3d DCA 1980). As such, often it is the "property rights" of neighbors like my client that get trampled by the approval of an unsupported variance.

In the case of *Bernard v. Town of Palm Beach*, 569 So. 2d 853 (Fla. 4th DCA 1990) the desire to construct a 35 to 40 foot master bedroom, bath and den above an existing south portion of the house resulting in a rear setback of 5 feet instead of 15 feet was not a "hardship."<sup>1</sup> The house could continue to be used for its purpose, albeit with a smaller bedroom and bathroom.

In this Application, the Applicant has indicated that the hardship which runs with the land is that property is only 97.97 feet in depth as opposed to the required 150 feet minimum required by code. The Applicant asserts that this lack of depth of the property is the hardship that entitles the Applicant to the variance. However, the Applicant fails to assert that no reasonable use of the

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<sup>1</sup> See also, *Herrera v. Miami*, 600 So. 2d 561, 562 (Fla. 3d DCA 1992) (reversing approval of a variance where there is no finding that "it is virtually impossible to use the land as it is presently zoned."); *Auerbach v. City of Miami*, 929 So. 2d 693, 694 (Fla. 3d DCA 2006) ("Florida courts have held that a legal hardship will be found to exist only in those cases where the property is **virtually unusable**...")(citing to *Mauro v. City of Coral Gables*, 619 So. 2d 455, 456 (Fla. 3d DCA 1993)).

property can be made without this variance. To the contrary, the house can be moved to the east to eliminate the need for the front yard setback variance. Therefore, the Applicant cannot meet the requisite hardship needed for a variance.

Situations in which property owners **are fully aware of the shape and size of a lot, but still design a building which is too large for the lot, constitutes a self-created hardship.** *Thompson v. Planning Com. of Jacksonville*, 464 So. 2d 1231, 1237 (Fla. 1st DCA 1985); *see also, Namon v. State Dept. of Environ. Reg.*, 559 So. 2d 504 (Fla. 3d DCA 1990). In the present case, the Applicant was (or should have been) fully aware of the property's size, location and setbacks, yet designed a house which was too large and encroached into the required front yard setback. Further, the Applicant voluntarily demolished a nonconforming structure to build the house for which the Applicant now seeks a variance. Such a choice clearly represents a self-created "hardship" which cannot support the variance sought.

Several of the nearby properties share the same property configuration and size issues as the subject property does. Under Section 134-201(a)(1) of the Code, an applicant must demonstrate that "special conditions and circumstances exist which are peculiar to the land, structure or building involved **which are not applicable to other land lands, structure or buildings in the same zoning district.**" (emphasis added). "A prerequisite to the granting of a hardship zoning variance is the presence of an exceptional and unique hardship to the individual landowner; **unique to that parcel and not shared by other property owners in the area.**" *Indialantic v. Nance*, 400 So. 2d 37, 40 (Fla. 5th DCA 1981)(emphasis added). Therefore, as is the case here, where an applicant's lot has a similar size, shape and topography and is subject to the same zoning requirements, including the height, setback, and landscaping, restrictions, the restrictions are common difficulties and cannot establish the unique hardship required to support the proposed variances.<sup>2</sup> The properties in the general vicinity of the subject property in the area are the same general shape and size. As such, the limitations on the property are shared by other lands, structures and buildings in the same zoning district and cannot be the basis for a hardship.

The circumstances in the Application simply do not factually or legally support the requisite "hardship" needed for a variance under the Town Code or the case law. The plan can be modified to allow for the construction of a house without the need for the front yard setback variance.

In addition, any "hardship" is clearly self-imposed by the Applicant by: (a) designing a home too large on too small of a lot, despite knowing the shape and size limitations of the property and (b) voluntarily electing to demolish the existing nonconforming, grandfathered structure despite the cautions from ARCOM of the problems doing so would create. Under these circumstances, the neighbors should be allowed to rely upon the protections in the Town Code and not be forced bear the burden of the Applicant's desire for a house that is too close to South Ocean Boulevard.

Accordingly, for the reasons indicated above, we respectfully request that the Application be denied.

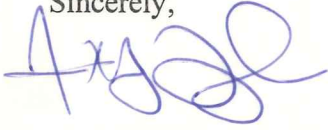
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<sup>2</sup> Likewise, a variance application **cannot rely upon previously approved variances in the jurisdiction.** *See, City of Jacksonville v. Taylor*, 721 So. 2d 1212 (Fla 1st DCA 1998); *see also, Herrera v. City of Miami*, 600 So. 2d 561, 563 (Fla 3d DCA 1992)("on review of an administrative grant of a zoning variance, **the standard is not whether variances have been granted to similarly-situated applicants in the community...**") (emphasis added)

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Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'FXJL', with a large, stylized flourish at the end.

FRANCIS X. J. LYNCH

FXJL/kh  
Attachment

TOWN OF PALM BEACH  
ARCOM MEETING  
AUGUST 26, 2020  
AGENDA ITEM: B-046-2020

1015 S. OCEAN BOULEVARD

Transcribed by Louanne Rawls

Notary Public, State of Florida

West Palm Beach Office #J6373274



1 IN ATTENDANCE:

2  
3 MICHAEL B. SMALL, CHAIRMAN

4 ROBERT N. GARRISON, VICE CHAIRMAN

5 JOHN DAVID COREY, MEMBER

6 MAISIE GRACE, MEMBER

7 ALEXANDER C. IVES, MEMBER

8 BETSY SHIVERICK, MEMBER

9 KATHERINE CATLIN, ALTERNATE MEMBER

10 DAN FLOERSHEMIER, ALTERNATE MEMBER

11 TED COONEY, ALTERNATE MEMBER

R E C O R D E D P R O C E E D I N G S

- - -

CHAIRMAN SMALL: Moving on to the next item,  
another demolition.

B04620201015, South Ocean Boulevard. Professional  
is Harold Smith. Project description, demolition of an  
existing single-family residence, pool, landscape,  
hardscape.

Call for ex parte at this time.

MR. GARRISON: I reviewed the plans and spoke to  
Harold about the project.

CHAIRMAN SMALL: Thank you. Mr. Ives?

MR. IVES: I had an e-mail that sent me the plans  
and reviewed them.

CHAIRMAN SMALL: Ms. Grace?

MS. GRACE: I just reviewed the plans.

CHAIRMAN SMALL: Mr. Corey?

MR. COREY: Reviewed the plans.

CHAIRMAN SMALL: Ms. Shiverick?

MS. SHIVERICK: I drove by the site. I spoke to  
the architect and I reviewed the plans.

CHAIRMAN SMALL: Mr. Sammons?

MR. SAMMONS: My spacer button is not working  
anymore.

None. Thank you very much.



1 CHAIRMAN SMALL: Okay. Ms. Catlin?

2 MS. CATLIN: Reviewed the plans, received an  
3 e-mail, tried to meet with the architect and was unable  
4 to.

5 CHAIRMAN SMALL: Mr. Floersheimer?

6 MR. FLOERSHEIMER: Reviewed the plans and have  
7 visited the site on prior occasions when they were on the  
8 agenda.

9 CHAIRMAN SMALL: Mr. Cooney?

10 MR. COONEY: Reviewed the plans.

11 CHAIRMAN SMALL: And as far as the Chair is  
12 concerned, visited the site, reviewed the mini set, and  
13 received an e-mail from the architect, Harold Smith.

14 Who is appearing on behalf of the applicant now?

15 HAROLD SMITH: I will be, Harold Smith.

16 CHAIRMAN SMALL: Anyone else with you who is going  
17 to speak?

18 HAROLD SMITH: Yes.

19 STEVE WEST: Steve West with Parker-Yannette.

20 CHAIRMAN SMALL: Okay. So Harold and Steve, have  
21 you been sworn yet?

22 STEVE WEST: Yes.

23 HAROLD SMITH: Not yet.

24 STEVE WEST, HAROLD SMITH, and MAURA ZISKA,  
25 having first been duly sworn or affirmed, testified as follows:



1 HAROLD SMITH: I do.

2 STEVE WEST: I do.

3 MAURA ZISKA: I do.

4 CHAIRMAN SMALL: Maura, you're going to speak on  
5 this also?

6 MAURA ZISKA: If there are any questions, I do  
7 represent this project, so I'm on standby.

8 CHAIRMAN SMALL: Okay. Harold, if you're going to  
9 start, before you start, let me just ask you to respond.

10

11 The Architectural Review Commission requests that  
12 the owner voluntarily agree to dedicate a utility  
13 easement supporting the undergrounding project subject to  
14 the satisfaction of the Town.

15 Does the applicant agree?

16 HAROLD SMITH: The applicant agrees.

17 CHAIRMAN SMALL: Thank you very much. Go ahead and  
18 proceed.

19 HAROLD SMITH: Thank you. For the record, Harold  
20 Smith with Smith and Moore Architects.

21 We're here today to review our proposal to demolish  
22 the existing single family residence pool, hardscape, and  
23 landscape at 1015 South Ocean Boulevard.

24 The property is located approximately one-third of  
25 a mile north of the Southern Boulevard bridge on the east

1 side of South Ocean Boulevard. Here you see an aerial  
2 view of the existing property looking east toward the  
3 ocean.

4 And a view of the property looking back to the  
5 west. That's our property in the foreground.

6 This is our demolition survey, for the record. But  
7 I'll flip through the following sheets as we review the  
8 report.

9 1015 South Ocean Boulevard was originally designed  
10 as a beach house by Treanor and Fatio in 1935 for  
11 Franklin Hutton. This is the original plan for the  
12 property.

13 You'll notice that there are -- well, there was no  
14 air conditioning at the time, so the living pavilion is  
15 open, the loggia at the north end of the property is  
16 open, the little parking space off of South Ocean is  
17 open, and there's an interior loggia space, and a  
18 pool/courtyard that was open completely to the ocean.

19 These are the elevations of the original  
20 construction. The beach house used building materials  
21 that included a wood shingle roof and horizontal wood  
22 siding on the exterior walls. And notice that -- that a  
23 majority of the windows and doors are rectangular in  
24 shape.

25 It should be noted that the structure that existed

1 bears bears very little resemblance to what was designed  
2 originally.

3 CHAIRMAN SMALL: Harold, moving on, is this project  
4 either landmarked or on a list of properties to be  
5 considered for landmarking?

6 HAROLD SMITH: No, it's not landmarked. And to the  
7 best of my knowledge, has never been on a consideration  
8 list.

9 CHAIRMAN SMALL: So if we could move forward then.  
10 Everything is to be demolished, and we need to address  
11 what's going to be done with respect to landscaping and  
12 screening.

13 HAROLD SMITH: Okay. We'll move straight ahead to  
14 that.

15 I just want to show you one -- one drawing, and  
16 that would be the most recent approved elevation, let's  
17 see. as compared to the original Treanor and Fatio  
18 design.

19 You can see that the window heads have been  
20 changed, everything's been changed out. The entry is in  
21 a different location. There have been additions all over  
22 the place, enclosures. So historically, there's no  
23 significance to this structure, as far as I'm concerned.

24 And we do have a -- a problem with trying to  
25 renovate this. You know, we can't exceed 50 percent of

1 the value of the structure without having to raise the  
2 entire structure up three feet to meet -- and place it on  
3 pilings to meet current flood prevention codes.

4 I'll quickly go through the photographs of the  
5 exterior.

6 Interior shots. Our demolition plan showing our  
7 demolition staging area.

8 This area at the south end of the property, the  
9 current driveway would be the staging area until that  
10 garage is demolished. At that point in time, this entire  
11 southern portion of the property would become available  
12 for demolition staging.

13 And our truck route, all trucks would come across  
14 Southern Boulevard, go one-third of a mile north to the  
15 property, turn around and go back south, and then across  
16 the Southern Boulevard bridge.

17 With that, I'll turn it over to Steve.

18 STEVE WEST: Okay.

19 HAROLD SMITH: Just tell me when to flip.

20 STEVE WEST: Okay.

21 HAROLD SMITH: We can stay on this presentation.

22 STEVE WEST: Sure.

23 So Steve West with Parker-Yannette Design Group for  
24 the record.

25 Existing site photos here. In the upper left

1 corner you'll see a photo from the street, and this is  
2 important because all the vegetation you see along South  
3 Ocean Boulevard there, the Green Island Ficus, the  
4 privacy wall, and the Clusia hedge behind the wall, which  
5 is about nine feet tall, will all be preserved during  
6 demolition and construction as a construction buffer.

7 Some of the other photos on this page, you've  
8 already seen on Harold's, so we can scroll over to the  
9 next page, please, Harold.

10 In the upper left corner here, this is the south  
11 property line. What you see on the right-hand side is an  
12 existing buffer with a wall hidden in there that will be  
13 preserved during construction and demolition, as well as  
14 our construction barrier along the south property line.

15 In the bottom right corner is a photo of the north  
16 property line. The existing opaque PVC fence is on our  
17 property. It's seven feet high on top of a retaining  
18 wall, and that will be preserved and used as our  
19 construction buffer along the north property line. So  
20 we've got those three covered by existing conditions.

21 We will be preserving those perimeters, as well  
22 another all of the existing Coconut Palms on the  
23 property.

24 If we go to the next page here, Harold.

25 This is the construction screening plan basically

1 indicating that we have those existing buffers along the  
2 north, the west, and the south property lines being  
3 preserved. We will be adding a construction screen fence  
4 across the driveway entry point. And then along the east  
5 property line, along the seawall, we'll be adding a  
6 vegetation protection fence along the dune vegetation.

7 If we go to the next page, Harold.

8 This is the demolition plan, so all of the  
9 improvements on the property interior, you know, not  
10 including the perimeter walls, all the interior  
11 improvements will be demolished including the shrubs.

12 Existing trees, anything on the property is coming  
13 out except for what's labeled in green here. So we have  
14 some existing perimeter trees, Coconut Palms being  
15 preserved, and then we're relocating six existing Coconut  
16 Palms from the interior courtyard and interior property  
17 to a tree holding area which is located at the southeast  
18 corner by the dark rectangle to hold those Coconut Palms  
19 during construction. Everything else will be removed.

20 That pretty much concludes my presentation. We'll  
21 be happy to answer any questions.

22 CHAIRMAN SMALL: Yes. Before I ask the other  
23 Commissioners, Steve, what -- what is the square footage  
24 of the lot?

25 STEVE WEST: I don't have that offhand. Do you,

1 Harold?

2 CHAIRMAN SMALL: I couldn't see it.

3 HAROLD SMITH: I want to say it's somewhere around  
4 25,000 square feet, but don't hold me to that, please.

5 CHAIRMAN SMALL: Okay. And what is the -- what is  
6 the depth on the north side?

7 HAROLD SMITH: It's about 85 feet.

8 CHAIRMAN SMALL: And because we all have some  
9 familiarity with this location because of the application  
10 of 977 South Ocean, which I think is next door, we know  
11 that there are inherent traffic problems.

12 Is there going to be some effort made to either  
13 have flagmen all the time or something else to protect  
14 incoming and outgoing traffic from the demo site?

15 HAROLD SMITH: I would think we could make that  
16 part of a condition, or a condition of an approval.

17 CHAIRMAN SMALL: Okay. Is there anyone from the  
18 public that wishes to speak to this?

19 MALE SPEAKER: There are no comments from the  
20 public at this time.

21 CHAIRMAN SMALL: All right. Then I'm going to go  
22 through the Commissioners at this time for their comments  
23 and questions.

24 Mr. Garrison?

25 MR. GARRISON: I think saving the perimeter is

1 absolutely key. And I agree with the Chairman that part  
2 of the motion should include safety measures during  
3 construction; during demolition and construction.

4 Thank you.

5 CHAIRMAN SMALL: Thank you.

6 Mr. Ives?

7 MR. IVES: No -- no comments.

8 CHAIRMAN SMALL: Ms. Grace?

9 MS. GRACE: Yeah. I was just going to say that I  
10 hope that, you know, whatever they do going forward will  
11 fit in well with the neighborhood because I know there's  
12 been some issues in building houses in the neighborhood.  
13 So that's my only comment.

14 CHAIRMAN SMALL: Thank you, Ms. Grace.

15 Mr. Corey?

16 MR. COREY: Thank you very much.

17 On Page L-1, which is the -- basically the  
18 landscape plan, it doesn't show that the whole thing is  
19 going to be sodded, but I assume that's the case?

20 STEVE WEST: Yeah. As long as our construction  
21 doesn't begin right away, we would make sure that it was  
22 sodded. You know, I --

23 MR. COREY: You're not planning on demolishing the  
24 house right away until you get some plans submitted, or  
25 --



1 STEVE WEST: I'm not sure on the construction and  
2 demo schedule currently. But if there is a gap in  
3 between, then we would make sure that it's -- it's sodded  
4 and irrigated per the requirements.

5 MR. COREY: Okay. I just want to say that this  
6 location, like the Chair said, is a very sensitive  
7 location with sweeping views of the water and vistas and  
8 everything. So it's a shame that this house can't be  
9 reworked, because I think it actually does fit the  
10 setting pretty well. And so that's my only comment.  
11 Thank you.

12 CHAIRMAN SMALL: Thank you, Mr. Corey.

13 Ms. Shiverick? Ms. Shiverick?

14 MS. SHIVERICK: Yes, sorry.

15 I agree with Mr. Corey. I think this house, the  
16 way it sits on this property right now, and I know it's  
17 been altered a lot from the original plan, but it's a  
18 pretty cool house. And I would hope that any future home  
19 reflects its natural, sort of, feeling on that site.

20 You know, I this I the way that Treanor and Fatio  
21 treated this back in 1935 is pretty perfect. It's really  
22 -- they treated it like a beach house, and it really -- I  
23 really hope to see something that looks like a beach  
24 house come to us for this. And that's all I have to say.

25 CHAIRMAN SMALL: Thank you. Mr. Sammons?

1 MR. SAMMONS: Sorry. I I, actually, echo Ms.  
2 Shiverick's comments because I'm afraid that when you  
3 tear this down, you won't be able to do a courtyard  
4 scheme like this again. So it's going to end up being  
5 some kind of silly, you know, box in the middle of a  
6 field kind of thing.

7 I would hate to see this courtyard scheme go,  
8 because this is most appropriate to the site. I'm sure  
9 it's -- you know, what's going to be allowed is going to  
10 be some kind of, you know, just suburban house  
11 essentially.

12 HAROLD SMITH: May I respond to those last three  
13 comments?

14 CHAIRMAN SMALL: Would you like to hold and I would  
15 like to --

16 HAROLD SMITH: Certainly, certainly.

17 CHAIRMAN SMALL: Thank you.

18 Ms. Catlin?

19 MS. CATLIN: I agree with a lot of what my fellow  
20 Commissioners have said. I think these parcels on the  
21 ocean present a very unique and specific challenge, and  
22 my concern is two-fold.

23 One is that the owners are fully aware of the  
24 restrictions and challenges of a lot like this, and that  
25 it could -- and I don't know, because I don't have all

1 the numbers, the numbers here were difficult to read as  
2 it was. But it looks to me like it may be a challenge to  
3 -- to rebuild in such a way that they get the same type  
4 of low profile and scale that exists there now. And I  
5 want to make sure that they understand, because I would  
6 hate to see this come back before us with a laundry list  
7 of variance requests.

8 CHAIRMAN SMALL: Okay. Thank you.

9 Mr. Floersheimer?

10 MR. FLOERSHEIMER: Yes, I agree wholeheartedly with  
11 the rest of the Commissioners. Like you said, Mr. Small,  
12 regarding 977, if you tear this house down, the floor is  
13 going to be raised three feet.

14 Even if they just do a one-story building, it's  
15 going to further block the views of the -- of the ocean,  
16 and it's our charge to maintain those vistas for the  
17 public.

18 So I -- I'm concerned about all of the issues that  
19 were raised. I don't have to reiterate them.

20 Thank you.

21 CHAIRMAN SMALL: Thank you. Mr. Cooney?

22 MR. COONEY: Nothing to add. Thank you.

23 CHAIRMAN SMALL: Okay. From the Chair's  
24 perspective, I join with the concerns expressed by my  
25 fellow Commissioners.

1 Mr. Smith, the floor is yours.

2 HAROLD SMITH: Thank you.

3 Just in response to that, we are working on a  
4 design of a new house. It will be low profile. It will  
5 be a courtyard-type scheme.

6 We're doing our best to comply with -- or improve  
7 the situation, as far as setbacks go. We'll be moving  
8 the body of the house away from South Ocean Boulevard  
9 slightly.

10 We'll be conforming with the north side yard  
11 setback, in fact, exceeding it. We'll be moving the  
12 south end of the house northward to increase our setbacks  
13 and views there.

14 Again, the house will be mostly one story. We're  
15 working on a modern design that has flat roofs to keep  
16 the profile as low as possible.

17 It will be partially two-story, but we feel the  
18 positioning and size of those two-story elements should  
19 not be detrimental to the neighborhood or the views of  
20 the neighborhood across the street.

21 So we're keeping all those things in mind as we go  
22 forward. So thank you for those comments, and we'll  
23 relay those concerns to the owner.

24 CHAIRMAN SMALL: Anything further from the  
25 applicant or on behalf of the applicant? Anything

1 further from Commissioners? If not, we'll take up a  
2 motion at this time.

3 And please consider including the dedication and  
4 also protection for the demolition ingress and egress  
5 from the property.

6 MR. SAMMONS: Is it possible to grandfather the  
7 footprint of the house?

8 MR. RANDOLPH: Excuse me, this is Skip Randolph.  
9 No. You have an opportunity to review this in the  
10 future, but I don't believe it's appropriate to put that  
11 restriction on this.

12 CHAIRMAN SMALL: Thank you, Mr. Randolph, and  
13 welcome to the meeting.

14 Anything further? Any other Commissioners?

15 The floor is open for a motion at this time.

16 MS. GRACE: This is Maisie Grace. I'll make a  
17 motion to approve the demolition as presented.

18 MR. GARRISON: I'll second it, Garrison.

19 CHAIRMAN SMALL: And will you include in the motion  
20 the dedication that the applicant has agreed to and the  
21 necessary protections for ingress and egress and  
22 protection of the property?

23 MS. GRACE: Yes, I'll include that, as well. Thank  
24 you.

25 MR. GARRISON: I agree with the second.

1 CHAIRMAN SMALL: Very good. So we have a motion  
2 and a second. All those in favor signify by saying aye?

3 MR. GARRISON: Aye.

4 UNIDENTIFIED SPEAKER: Aye.

5 CHAIRMAN SMALL: Are there any opposed?

6 MR. SAMMONS: I'll oppose it, just because I don't  
7 think it's going to be as good as -- even though it's  
8 hideous, what's there, it's, you know, a bigger box and a  
9 smaller footprint is going to be worse.

10 CHAIRMAN SMALL: Okay. So six to one. The record  
11 shows Mr. Sammons opposed.

12 Mr. Smith, thank you. Mr. West, thank you.

13 HAROLD SMITH: Thank you.

14 (AGENDA ITEM WAS CONCLUDED)  
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C E R T I F I C A T E

I, LOUANNE RAWLS, certify that I was authorized to and did listen to and transcribe the foregoing proceedings and that the transcript is a true and complete record to the best of my ability.

Dated this 17th day of December, 2020.



LOUANNE RAWLS, #J6373274