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February 4, 2022

VIA FACSIMILE & EMAIL

Pat Gayle-Gordon
Acting Town Clerk
Kelly Churney
Deputy Town Clerk
360 S. County Rd.
Palm Beach, FL 33480
Fax: 561-838-5417
pgayle-gordon@townofpalmbeach.com
kchurney@townofpalmbeach.com

RE: Notice of Appeal
Property Owner: Irimar Ocean Properties, LLC
ARCOM Review # 22-035
Property Address: 726 Hi Mount Road, Palm Beach, FL

Dear Ms. Gayle-Gordon and Ms. Churney,

McDonald Hopkins, LLC has the pleasure of representing Irimar Ocean Properties, LLC (“Owner”) owner of 726 Hi Mount Road (“Property”). Owner files this Notice of Appeal requesting the Town Council to approve the plans for a metal-roofed pergola on the Property as presented to the Architectural Review Commission (“ARCOM”) on January 26, 2022. While ARCOM approved the pergola, it rejected the metal roof by a 7 to 0 vote. This appeal is directed to the metal roof issue, only. A copy of the ARCOM letter is attached as Exhibit A.

Owner appeals ARCOM’s decision because ARCOM deviated from the criteria set forth in Section 18-205 of the Town of Palm Beach Code by not approving this portion of the proposed project on the Property. The Town of Palm Beach Planning, Zoning, and Building Department recommended that the at-issue pergola met the criteria referenced in Section 18-205 via their January 26, 2022 letter. A copy of this letter is attached for your reference as Exhibit B.

Section 18-205 is meant to preserve the high standards for architecture in the Town of Palm Beach. The architect for the Property, Jaime Torres-Cruz, specifically designed the metal roof to match the design intent of the Property. Further, he designed the metal roof with the specific intent to diffuse heat on the Property. The metal roof provides a cool and more desirable environment on the Property, which is consistent with Sections 18-205(a)(2) and 18-205(a)(4) of the Code of the Town of Palm Beach. The metal pergola does not violate any other subsection of Section 18-205(a). The submitted plans are attached for your reference as Exhibit C.

ARCOM apparently denied approval for the metal roof on a misplaced belief that it will create excessive heat. The opposite is true: metal roofs diffuse heat and will provide a covered area

for Owner to enjoy the space free from direct sunlight and rain. *See generally*, <https://www.rpsmetalroofing.com/are-metal-roofs-hotter-than-shingles/> [visited February 4, 2022]. The roof adds to the aesthetic beauty of the Property. The pergola is specifically designed to meet the requirements detailed in Section 18-205(a); a conclusion supported by the Town of Palm Beach Planning, Zoning, and Building Department's recommendation for approval.

Based on the foregoing, Owner respectfully requests that the Town Council approve the plans for the metal roof pergola that were presented to ARCOM on January 26, 2022. Please place this matter on the next Town Council Agenda. Please call us with any questions.

Sincerely yours,

/s/ Craig S. Distel

John T. Metzger, Esq.

Craig S. Distel, Esq.

Encl. as stated

cc: Irimar Ocean Properties
Kirk Blouin, Town Manager (via email: townmanager@townofpalmbeach.com)
John C. Randolph, Esq., Town Attorney (via email: jrandolph@jonesfoster.com)
Wayne Bergman, MCP, LEED-AP, Director, Planning, Zoning & Building
(via email: wbergman@townofpalmbeach.com)

EXHIBIT A



TOWN OF PALM BEACH

Planning, Zoning & Building Department

DEVELOPMENT ORDER (ARCOM)

File: ARC-22-035
Property: 726 Hi Mount Road
Meeting Date: January 26, 2022

The Architectural Commission (ARCOM) approved the modifications to previously approved two-story residence (7-0) in accordance with Section 18-205 of the Town Code with the following condition(s) to be included as part of this Development Order:

1. Prior to the issuance of a building permit, the applicant shall either dedicate and record a utility easement, or enter into an agreement ensuring said easement, if necessary to facilitate utility undergrounding in the area.
2. The approval shall not include the following proposed items: the solar panels, the glass railings and the metal roof over the pergola.

Provided, the applicant build substantially in accordance with the approved plans, as prepared and submitted by **Fairfax & Sammons** on December 13, 2021 and as approved by ARCOM, as determined by staff.

Approval of this application by the ARCOM does not relieve the owner and/or applicant from obtaining additional Town approvals as may be required, such as Town Council approval and the necessary building permits. A building permit for the work authorized under this approval must be obtained within one year from the date of approval or said approval will expire.

When requesting a building permit, the plans submitted to the Town for permit are required to be consistent with the plans approved by the Commission and modified in accordance with the conditions of approval that must be satisfied prior to permit issuance, as set forth in this Development Order. A copy of all pages of the Development Order shall be scanned into the plans submitted for building permit, and shall be located immediately after the front cover page of the permit plans.

Upon the issuance of a final Certificate of Occupancy or Certificate of Completion, as applicable, the project approved herein shall be maintained in accordance with the plans approved by the Commission, and shall be subject to all conditions of approval herein, unless otherwise modified by the Commission. Failure to maintain shall result in the issuance of a Code Compliance citation, and continued failure to comply may result in revocation of the Certificate of Occupancy, Completion and Business Tax Receipt.

This Development Order shall serve as the written finding of the ARCOM in accordance with Section 18-203(d).

Sincerely,

Wayne Bergman, Director of Planning, Zoning and Building, on behalf of
ARCHITECTURAL COMMISSION

cc: James G. Murphy, Assistant Director of Planning, Zoning and Building
Sarah C. Pardue Historic Preservation Planner
Jordan Hodges, Planner II



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5430 • www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Architectural Commission

TO: ARCOM Chairperson and Members

FROM: Wayne Bergman, MCP, LEED-AP
Director PZ&B

SUBJECT: ARC-22-035 726 HI MOUNT RD

MEETING: January 26, 2022

ARC-22-035 726 HI MOUNT RD. The applicant, Irimar Ocean Properties LLC, has filed an application requesting Architectural Commission review and approval for modifications to a previously approved two-story single-family residence currently under construction.

Applicant: Irimar Ocean Properties, LLC
Professional: Richard Sammons / Fairfax and Sammons
Representative: Jaime Torres-Cruz, Project Manager

HISTORY:

The single-family residence currently under construction at 726 Hi Mount Road was reviewed and approved by ARCOM at the November 2018 regular meeting per B-120-2018. The landscape and hardscape plans for the property were approved by ARCOM in January 2019.

The property was previously developed with a single-family structure, which was approved for demolition by ARCOM in August of 2017 per B-069-2017.

THE PROJECT:

The applicant has resubmitted plans, entitled "726 HI MOUNT ROAD", as prepared by **Fairfax and Sammons**, dated 12/06/2021.

The Applicant is proposing the following alterations to the previously approved plans;

- Revisions to hardscape design throughout the property.
- Installation of new solar panels.
- Installation of a new metal roof on the pergola.
- A new Bermuda roof extension.
- Revision to the previously approved reflecting pool and elimination of the raised planters.
- Revision to water garden and elimination of bridge.
- Revision to water feature at north wall.
- Relocation of A/C equipment.
- A new trash enclosure.
- Installation of a new door at pool equipment room.
- Installation of a new raised planter at south side of pool.

- Elimination of piers and change of railing design at upper terrace, center section.
- Change low wall to railings at library terrace.
- Enlarge library terrace fountain.
- Revised skylight design.
- New window proposed at north wall bathroom.
- Change of BBQ terrace wood lattice to metal and glass screen.
- Revision to chimney cap design.
- Revision to door design at Equipment Room #2.
- Change of stone cladding to scored stucco at basement level.
- Change to metal railing design.
- New wood gates at driveway and Lake Trail to replace existing.
- New opening at pool loggia.

ARCOM CRITERIA SEC. 18-205

- (a) The architectural commission may approve, approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction only after consideration of whether the following criteria are complied with:
- (1) The plan for the proposed building or structure is in conformity with good taste and design and in general contributes to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm and high quality.
 - (2) The plan for the proposed building or structure indicates the manner in which the structures are reasonably protected against external and internal noise, vibrations, and other factors that may tend to make the environment less desirable.
 - (3) The proposed building or structure is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.
 - (4) The proposed building or structure is in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town, and with any precise plans adopted pursuant to the comprehensive plan.
 - (5) The proposed building or structure is not excessively similar to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features of exterior design and appearance:
 - a. Apparently visibly identical front or side elevations;
 - b. Substantially identical size and arrangement of either doors, windows, porticos or other openings or breaks in the elevation facing the street, including reverse arrangement; or
 - c. Other significant identical features of design such as, but not limited to, material, roof line and height of other design elements.
 - (6) The proposed building or structure is not excessively dissimilar in relation to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features:
 - a. Height of building or height of roof.
 - b. Other significant design features including, but not limited to, materials or quality of architectural design.
 - c. Architectural compatibility.

- d. Arrangement of the components of the structure.
 - e. Appearance of mass from the street or from any perspective visible to the public or adjoining property owners.
 - f. Diversity of design that is complimentary with size and massing of adjacent properties.
 - g. Design features that will avoid the appearance of mass through improper proportions.
 - h. Design elements that protect the privacy of neighboring property.
- (7) The proposed addition or accessory structure is subservient in style and massing to the principal or main structure.
 - (8) The proposed building or structure is appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality or architectural design as viewed from any public or private way (except alleys).
 - (9) The proposed development is in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.
 - (10) The project's location and design adequately protects unique site characteristics such as those related to scenic views, rock outcroppings, natural vistas, waterways, and similar features.

STAFF ANALYSIS

This application is presented to the Commission to consider whether all of the criteria in Sec. 18-205 have been met. A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the Town code.

NOTES:
STYLE: ANGLO-CARIBBEAN
WALL COLOR (STUCCO) - OFF-WHITE
ROOF COLOR - WHITE
DOOR & WINDOW COLOR - WHITE (IMPACT)
TRIM COLOR - WHITE
CHIMNEY - WHITE
SHUTTERS - GRAY (NON-IMPACT)
FRONT ENTRY DOOR - BLACK

CURRENTLY PROPOSED CUBIC CONTENT TABULATIONS:			
MASS:	SQUARE FOOTAGE:	HEIGHT:	VOLUME (IN CUBIC FEET)
TWO-STORY MAIN HOUSE (EXCLUDING LOGGIA)	4,138 FT²	21'-11 1/2"	90,777 FT³ - 7,984 FT³ 82,793 FT³
ONE-STORY HOUSE (FAMILY ROOM)	789 FT²	10'-11 1/2"	8,646 FT³
ONE-STORY HOUSE (BREAKFAST ROOM)	193 FT²	10'-0"	1,930 FT³
BAY WINDOWS	54 FT²	9'-11"	536 FT³
LOGGIA	737 FT²	10'-10"	7,984 FT³
PORTICO	47 FT²	10'-8"	501 FT³
CABANA (LOGGIA)	369 FT²	10'-11 1/2"	4,036 FT³
PERGOLA	400 FT²	10'-0"	4,000 FT³
BELOW FIRST FLOOR TERRACE (ONE-STORY)	2,276 FT²	11'-0"	25,036 FT³
BELOW FIRST FLOOR TERRACE (ONE-STORY AT STAFF QUARTERS)	894 FT²	10'-0"	8,940 FT³
UNCOVERED STEPS	VARIABLE (SEE SHEET A-003)		1,245 FT³
BASEMENT	5,077 FT²	N/A	N/A
SUM = 145,647 FT³ - 7,531 FT³			
TOTAL = 138,116 FT³			

TOTAL CUBIC CONTENT OF UNENCLOSED 1ST FLOOR MASSES = 16,551 FT³

190,637 FT³ x 5% = 9,531 FT³ (EXCLUDED)
16,551 FT³ - 7,531 FT³ = 9,020 FT³ (INCLUDED)

SINCE THE CUBIC CONTENT OF THE UNENCLOSED 1ST FLOOR LOGGIA & PERGOLA IS MORE THAN 5% OF THE ALLOWABLE CUBIC CONTENT, THE AMOUNT IN EXCESS OF 5% SHALL BE COUNTED IN THE CALCULATION OF TOTAL CUBIC CONTENT.

LEGAL DESCRIPTION:			
The South 50 feet of Lot 127, and all of Lot 128 of MARK RAFALSKY TRACT , according to the Plat thereof, as recorded in Plat Book 11, at Page 51 of the Public Records of Palm Beach County, Florida.			
AREA CALCULATIONS:			
	CONDITIONED	UNCONDITIONED	
BASEMENT/SUB-TERRACE			
INTERIOR AREA	5,516 FT²		
STAFF QUARTERS	894 FT²		
OUTDOOR SHOWER		21 FT²	
SWIMMING GROTTO		469 FT²	
POOL LOGGIA		385 FT²	
BREZZIWAY		53 FT²	
BELOW BBQ TERRACE		52 FT²	
MECHANICAL/UNFINISHED	613 FT²	244 FT²	
FIRST FLOOR			
INTERIOR AREA	4,437 FT²		
LOGGIA		737 FT²	
PORTICO		47 FT²	
CABANA		369 FT²	
PERGOLA		400 FT²	
SECOND FLOOR			
INTERIOR AREA	4,138 FT²		
SUBTOTAL	15,598 FT²	2,777 FT²	
TOTAL AREA:		18,375 FT²	

ZONING TABULATIONS:	REQUIRED	PROPOSED
R-B LOW DENSITY RESIDENTIAL DISTRICT		
LOT AREA	MIN. 10,000 SQ. FT.	33,475 SQ. FT.
LOT WIDTH	MIN. 100.00'	150.00'
LOT DEPTH	MIN. 100.00'	201.06' - 228.26' (VARIES)
FRONT YARD SETBACK	25'-0" (1ST FL.), 30'-0" (2ND FL.)	61'-11"
SIDE YARD SETBACK	12'-6" (1ST FL.), 15'-0" (2ND FL.)	12'-6 1/2" / 23'-1 1/2"
REAR YARD SETBACK	10'-0" (1ST FL.), 15'-0" (2ND FL.)	47'-7 1/2"
ANGLE OF VISION:	116 DEGREES MAX.	66 DEGREES
MAX. BUILDING HEIGHT:		
ONE-STORY	14'-0" MAX. ALLOWABLE	10'-11 1/2"
TWO-STORY	22'-0" MAX. ALLOWABLE	21'-11 1/2"
MAX. OVERALL HEIGHT: ONE-STORY	22'-0" MAX.	18'-1"
TWO-STORY	30'-0" MAX.	29'-11 1/2"
MAX. BUILDING COVERAGE: TWO-STORY	30% MAX - 10,942 SQ. FT. MAX.	25.8% - 8,649 SQ. FT.
MIN. LANDSCAPE COVERAGE:		
LOT (33,475 SQ. FT.)	45% MIN. - 15,063 SQ. FT.	45.05% (15,081 SQ. FT.)
FRONT SETBACK (4,500 SQ. FT.)	40% MIN. - 1,800 SQ. FT.	52.84% (2,378 SQ. FT.)
HARDSCAPE/IMPERVIOUS/BUILDING COVERAGE:		
LOT (33,475 SQ. FT.)	55% MAX. - 18,412 SQ. FT.	54.98% (18,405 SQ. FT.)
FRONT SETBACK (4,500 SQ. FT.)	60% MAX. - 2,700 SQ. FT.	47.16% (2,122 SQ. FT.)
CUBIC CONTENT RATIO:	4.5 MAX ALLOWABLE (150,637 CU. FT.)	4.13 (138,116 CU. FT.)

NOTE: ELEVATIONS REFERENCED TO NAVD SURVEY ELEVATIONS

LEGEND:
+20.50' EXISTING SPOT ELEVATION
+21'-6" PROPOSED SPOT ELEVATION

RICHARD F. SAMMONS
STATE OF FLORIDA
ARCHITECT
REGISTRATION NO. AR0016906

DRC FINAL SUBMITTAL SET	12/06/2021
DRC FIRST SUBMITTAL SET	11/15/2021
DRC PRE-APP MTG. SET	11/01/2021
ARCOM - REVISION 5	05/19/2020
ARCOM - REVISION 4	10/11/2019
ARCOM - REVISION 3	05/23/2019
ARCOM - REVISION 2	01/14/2019
ARCOM - REVISION 1	11/19/2018

DRC FILE #:
ARC-22-035

726 HI MOUNT ROAD
PALM BEACH, FL

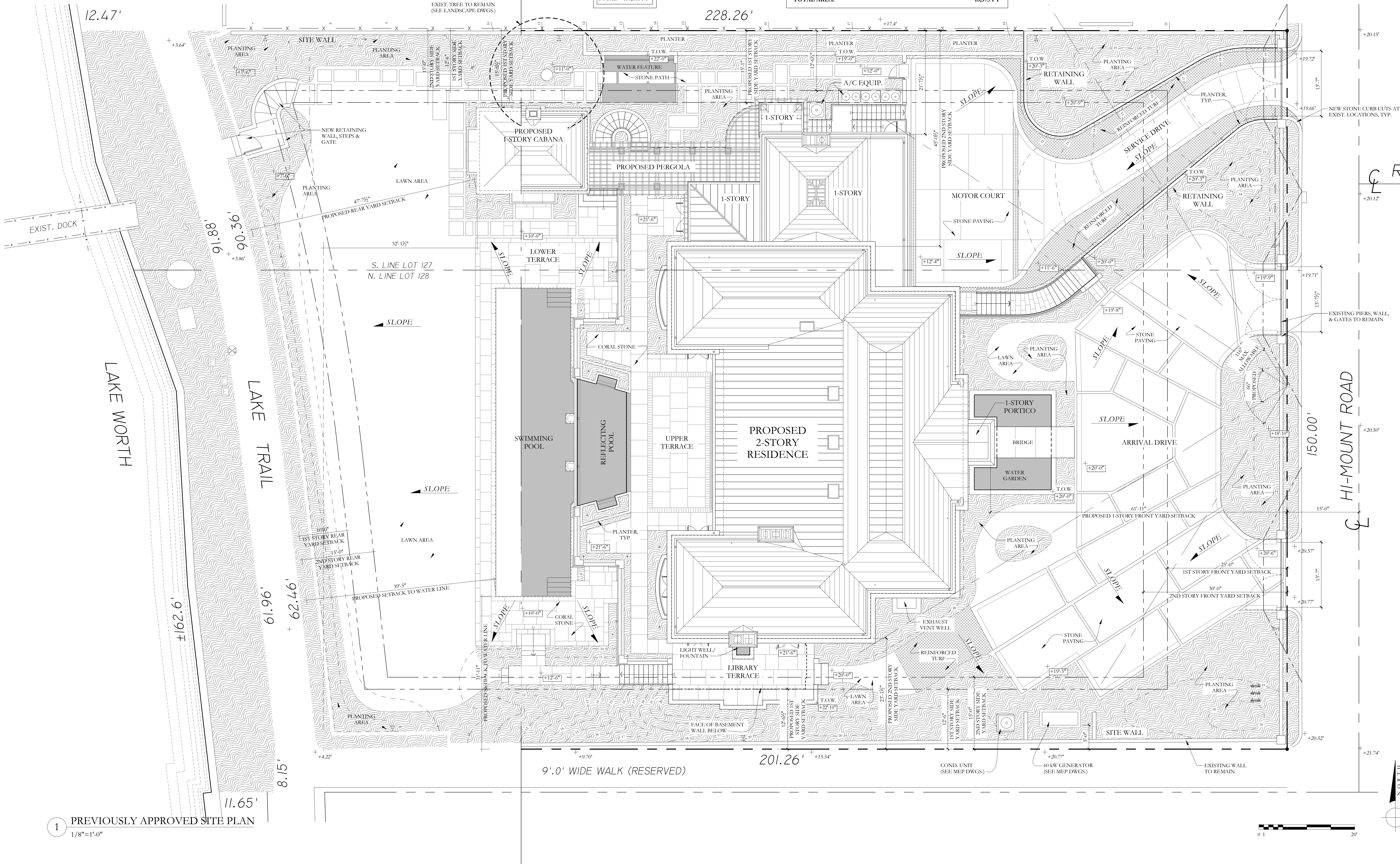
SHEET TITLE
PREVIOUSLY APPROVED
SITE PLAN

DATE 6 DEC 2021	SHEET NO. A-001a
SCALE 1/8"=1'-0"	
BY CG	

FAIRFAX & SAMMONS
NEW YORK - PALM BEACH
FAIRFAX, SAMMONS & PARTNERS, L.L.C.
214 BRAZILIAN AVENUE, PALM BEACH 33480
TELEPHONE (888) 606-8881
FAIRFAX@SAMMONS.COM
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STYLE: ANGLO-CARIBBEAN

WALL COLOR (STUCCO) - OFF-WHITE
ROOF COLOR - WHITE
DOOR & WINDOW COLOR - WHITE (IMPACT)
TRIM COLOR - WHITE
CHIMNEY - WHITE
SHUTTERS - GRAY (NON-IMPACT)
FRONT ENTRY DOOR - BLACK

* PURSUANT TO TOWN OF PALM BEACH ORDINANCES, SEC. 134-893(b)(13/5):
UNENCLOSED LOGGIA, PERGOLAS, PORCHES, TERRACES AND COVERED PATIOS LOCATED ON THE FIRST FLOOR SHALL BE EXCLUDED FROM THE CALCULATION OF TOTAL CUBIC CONTENT. 5% OF ALLOWABLE CUBIC CONTENT PORTION OF NON-RESIDENTIAL STRUCTURES IN EXCESS OF THE 5% MAXIMUM, AS WELL AS THOSE LOCATED ABOVE THE FIRST FLOOR, SHALL BE INCLUDED IN THE CALCULATION OF TOTAL CUBIC CONTENT.

- TOTAL CUBIC CONTENT OF UNENCLOSED 1ST FLOOR MASSES = 16,551 FT³

150,637 FT³ x 5% = 7,531 FT³ [EXCLUDED]
16,551 FT³ - 7,531 FT³ = 9,020 FT³ [INCLUDED]

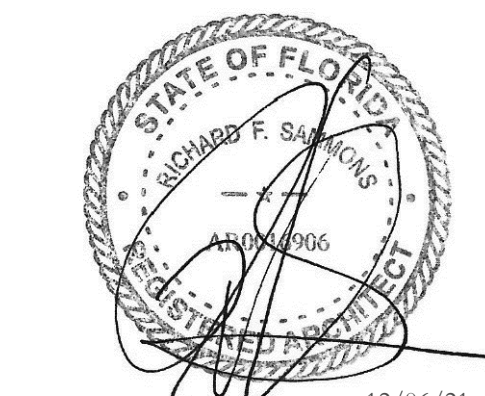
SINCE THE CUBIC CONTENT OF THE UNENCLOSED 1ST FLOOR LOGGIAS & PERGOLA IS MORE THAN 5% OF THE ALLOWABLE CUBIC CONTENT, THE AMOUNT IN EXCESS OF 5% SHALL BE COUNTED IN THE CALCULATION OF TOTAL CUBIC CONTENT.

The South 50 feet of Lot 127, and all of Lot 128 of **MARK RAFALSKY TRACT**, according to the Plat thereof, as recorded in Plat Book 11, at Page 51 of the Public Records of Palm Beach County, Florida.






TOTAL AREA:	18,375 FT ²
-------------	------------------------

48.0% (16,066 SQ. FT.)
44.4% (2,000 SQ. FT.)

(1)



RICHARD F. SAMMONS
STATE OF FLORIDA
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726 HI MOUNT
ROAD
PALM BEACH, FL

SHEET TITLE

CURRENTLY PROPOSED
SITE PLAN

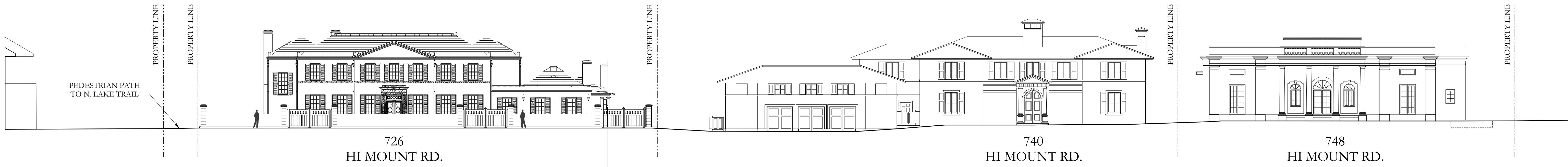
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BY CG	



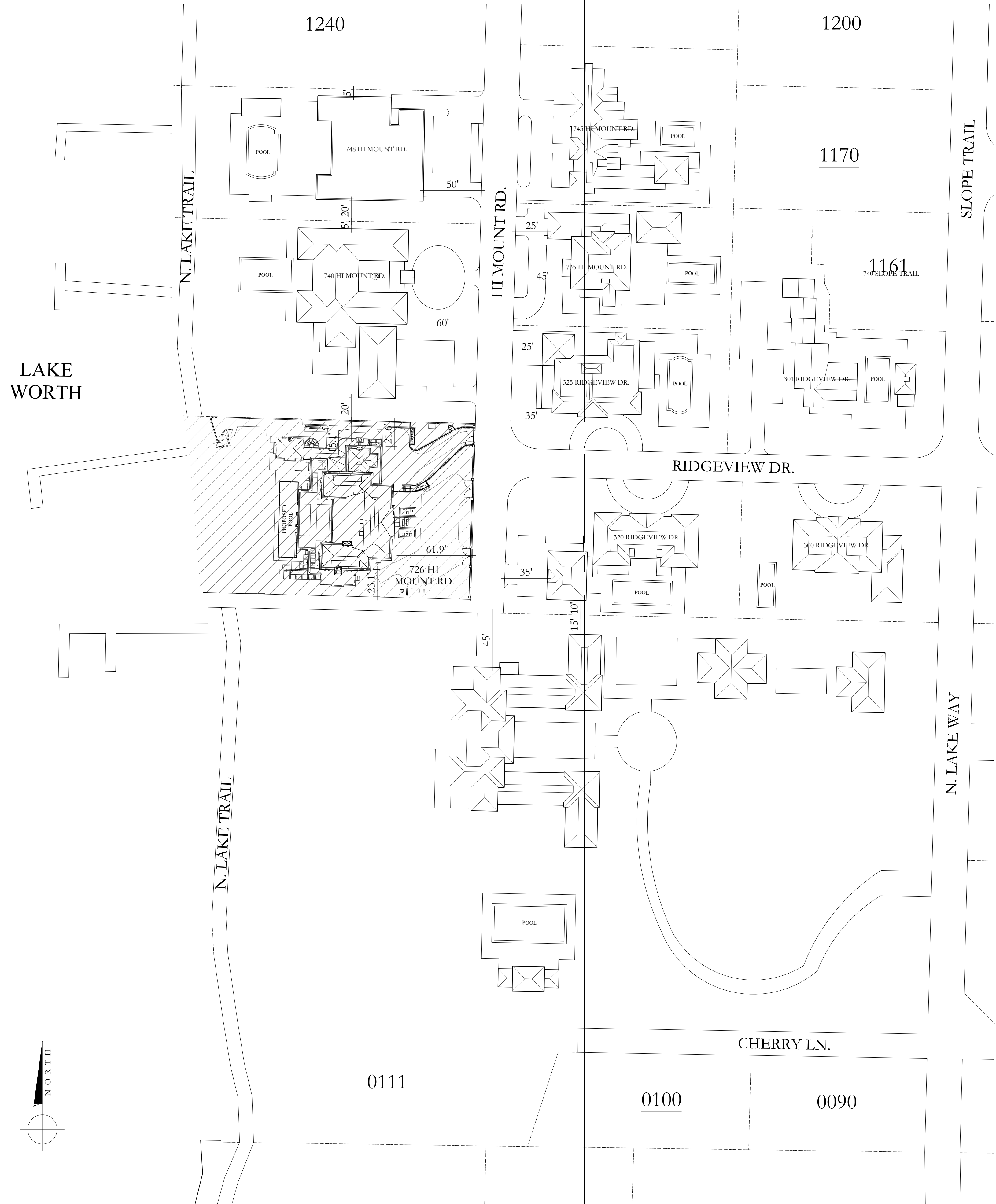
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3 726 HI MOUNT ROAD - STREETSCAPE EAST
1/16"=1'-0"



1 726 HI MOUNT ROAD - NEIGHBORHOOD PLAN
SCALE: 1"=50'

740 HI MOUNT RD.
748 HI MOUNT RD.

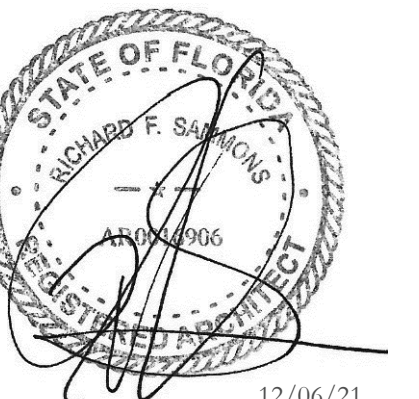


2 726 HI MOUNT ROAD - LOCATION MAP
SCALE: 1"=100'



4 726 HI MOUNT ROAD - AERIAL MAP
SCALE: 1"=300'

NOTE: ELEVATIONS
REFERENCED TO NAVD
SURVEY ELEVATIONS



RICHARD F. SAMMONS
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ARC-22-035

726 HI MOUNT
ROAD
PALM BEACH, FL

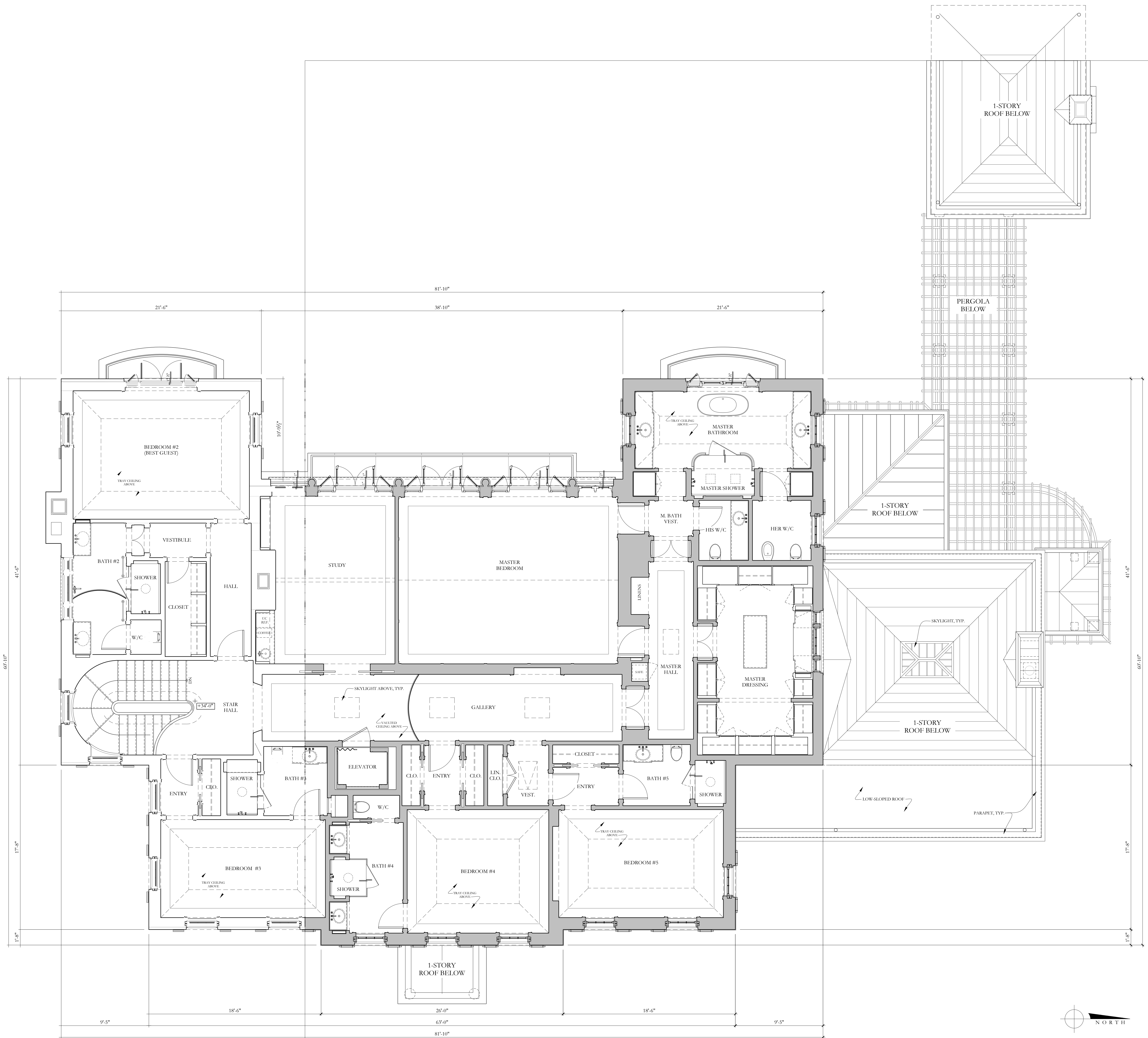
SHEET TITLE
LOCATION MAP, NEIGHBORHOOD PLAN & STREETSCAPE

DATE 6 DEC 2021	SHEET NO A-002
SCALE AS NOTED	
BY CG	

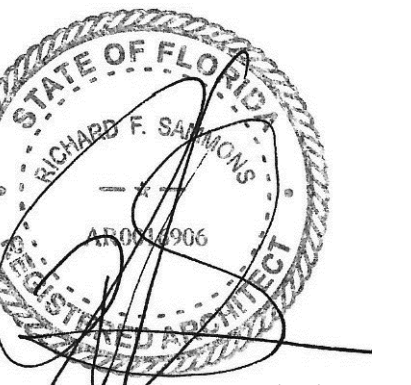


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NOTE: ELEVATIONS
REFERENCED TO NAVD
SURVEY ELEVATIONS



RICHARD F. SAMMONS
STATE OF FLORIDA
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REGISTRATION NO. AR0016906

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DRC FILE #:
ARC-22-035

726 HI MOUNT
ROAD
PALM BEACH, FL

SHEET TITLE
PREVIOUSLY APPROVED
SECOND FLOOR PLAN

DATE 6 DEC 2021	SHEET NO A-102a
SCALE 1/4"=1'-0"	
BY CG	

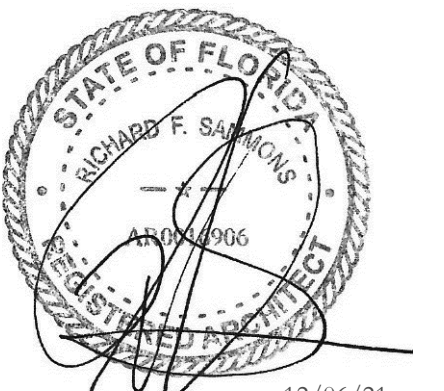
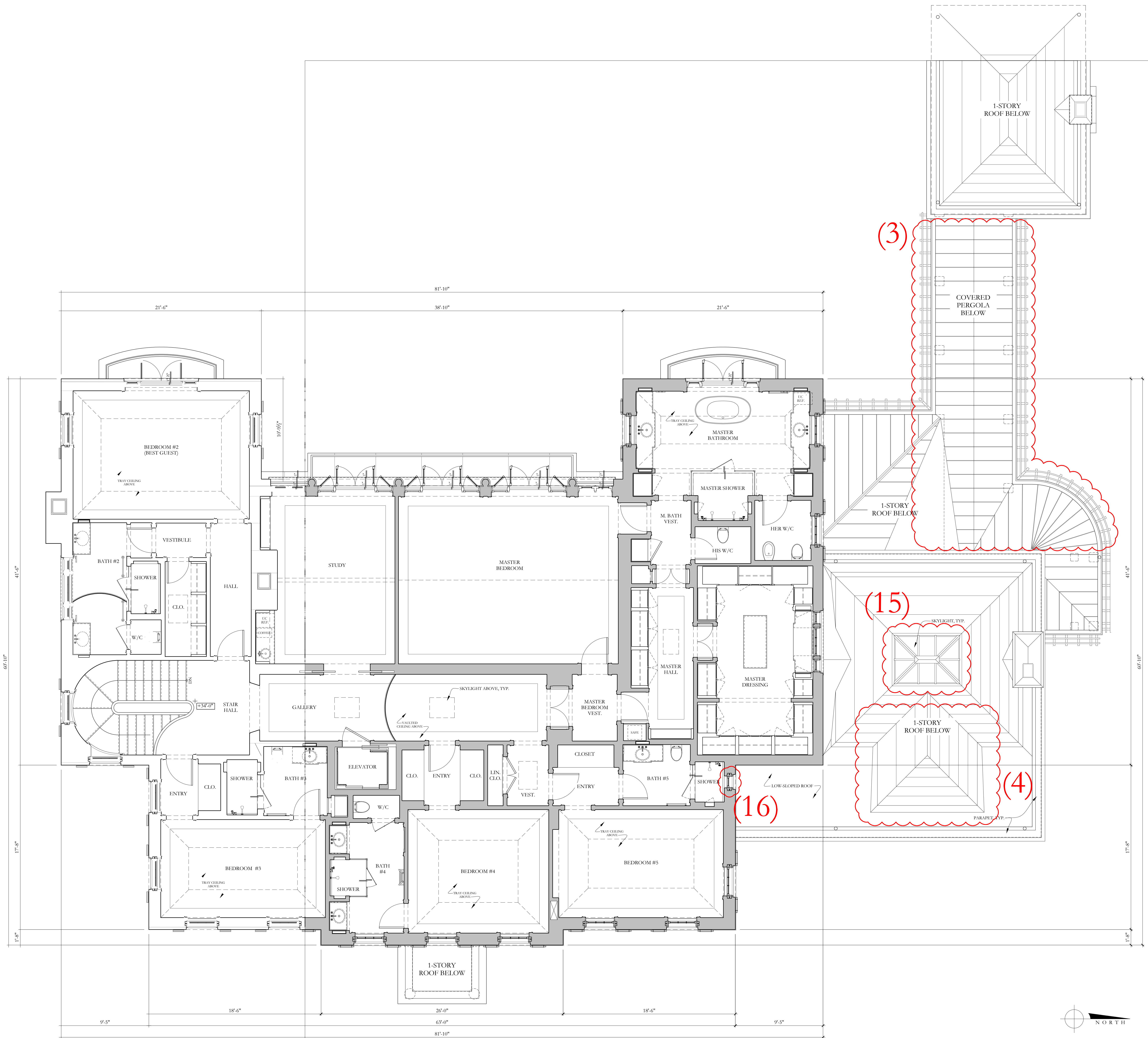


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1
PREVIOUSLY APPROVED
SECOND FLOOR PLAN
1/4"=1'-0"

NOTE: ELEVATIONS
REFERENCED TO NAVD
SURVEY ELEVATIONS



RICHARD F. SAMMONS
STATE OF FLORIDA
ARCHITECT
REGISTRATION NO. AR0016906

DRC FINAL SUBMITTAL SET	12/06/2021
DRC FIRST SUBMITTAL SET	11/15/2021
DRC PRE-APP MTG. SET	11/01/2021
ARCOM - REVISION 5	05/19/2020
ARCOM - REVISION 4	10/11/2019
ARCOM - REVISION 3	05/23/2019
ARCOM - REVISION 2	01/14/2019
ARCOM - REVISION 1	11/19/2018

DRC FILE #:
ARC-22-035

726 HI MOUNT
ROAD
PALM BEACH, FL

SHEET TITLE
CURRENTLY PROPOSED
SECOND FLOOR PLAN

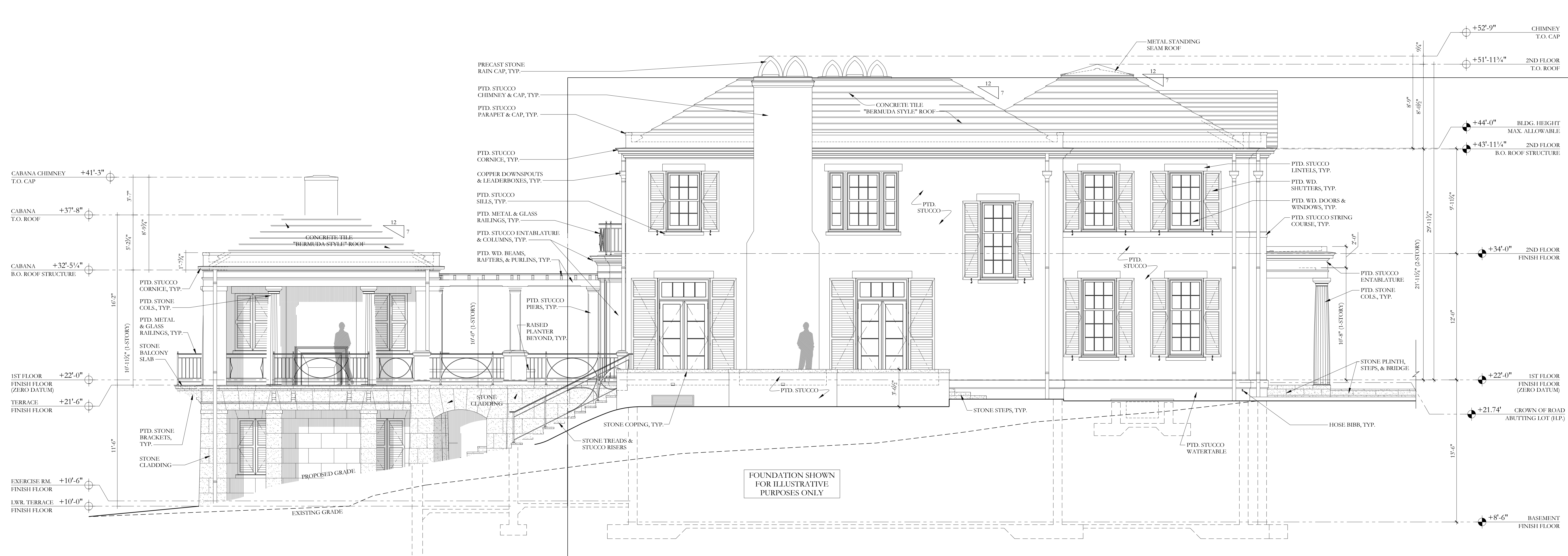
DATE 6 DEC 2021	SHEET NO A-102b
SCALE 1/4"=1'-0"	
BY CG	



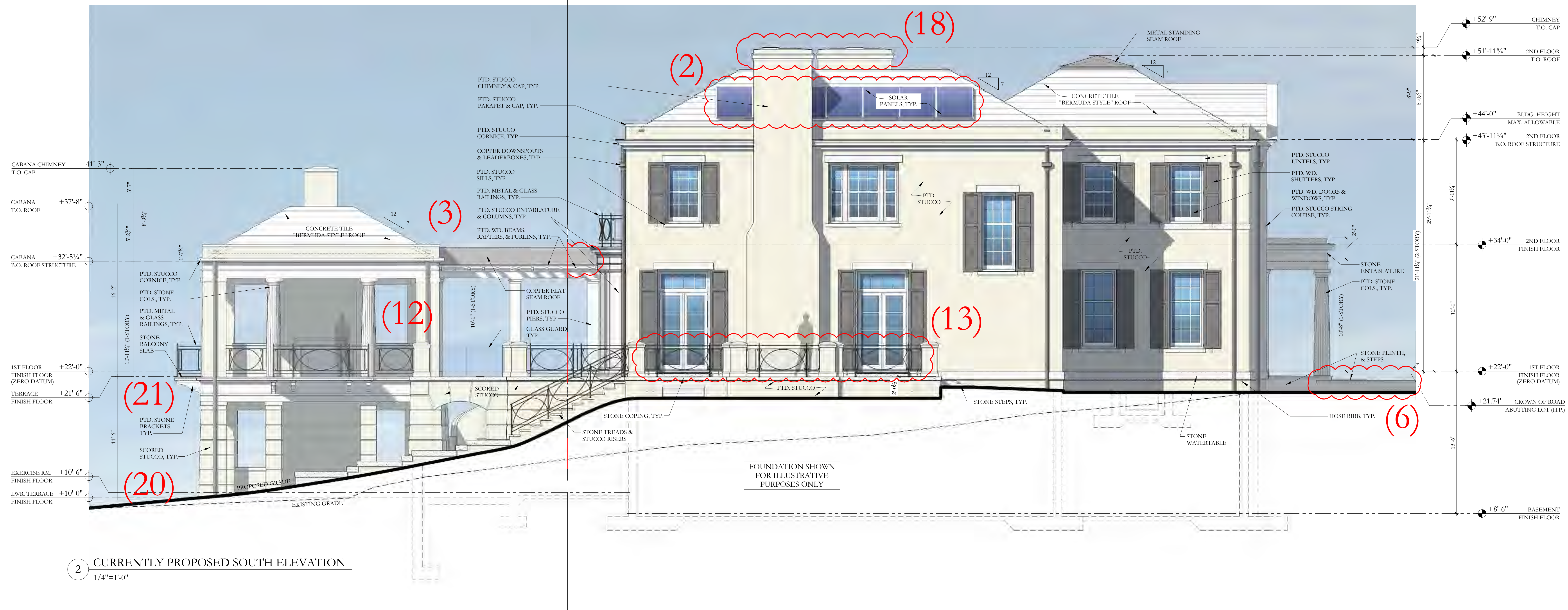
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FAIRFAX, SAMMONS & PARTNERS, L.L.C.
214 BRAZILIAN AVENUE, PALM BEACH 33480
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1
CURRENTLY PROPOSED
SECOND FLOOR PLAN
1/4"=1'-0"

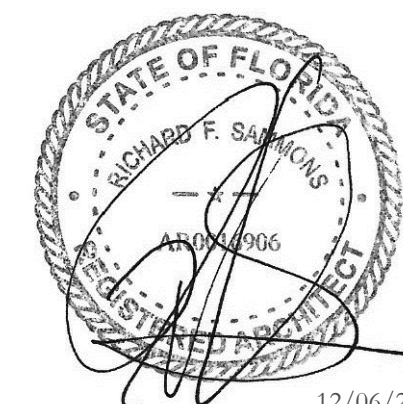


1 PREVIOUSLY APPROVED SOUTH ELEVATION
1/4"=1'-0"



2 CURRENTLY PROPOSED SOUTH ELEVATION
1/4"=1'-0"

NOTE: ELEVATIONS
REFERENCED TO NAVD
SURVEY ELEVATIONS



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ARCOM - REVISION 1	11/19/2018

DRC FILE #:
ARC-22-035

726 HI MOUNT
ROAD
PALM BEACH, FL

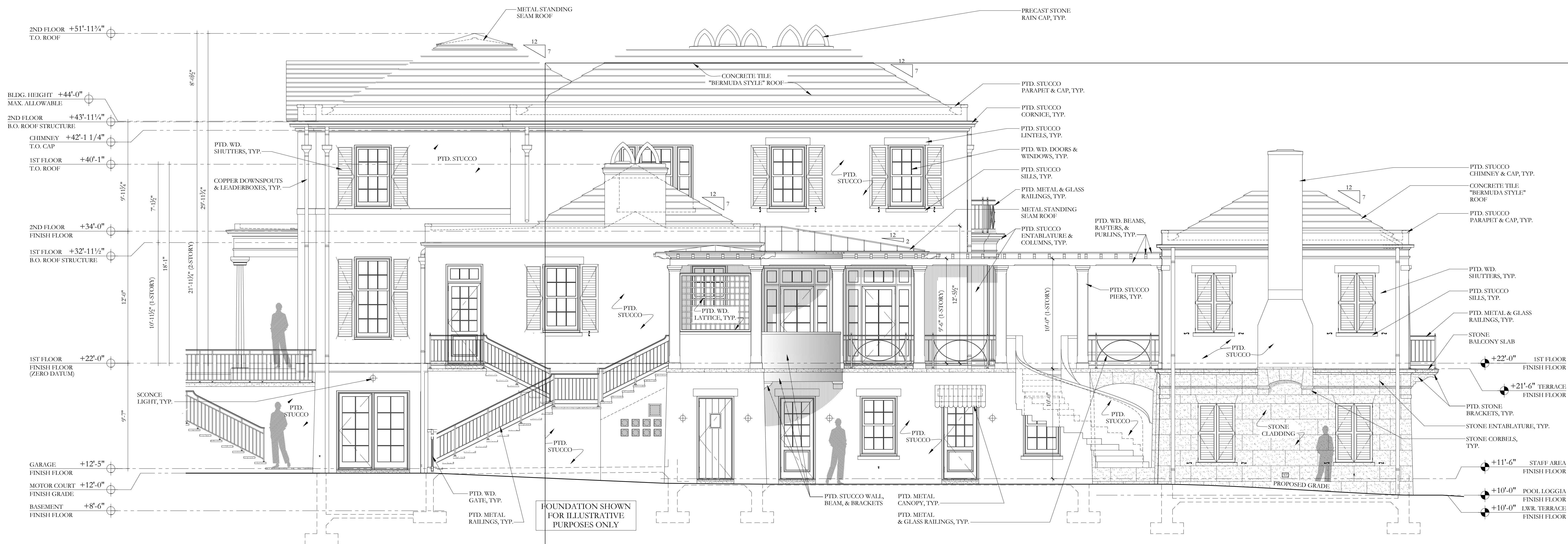
SHEET TITLE
PREV. APPROVED & PROPOSED
SOUTH ELEVATION

DATE 6 DEC 2021	SHEET NO A-202
SCALE 1/4"=1'-0"	
BY CG	

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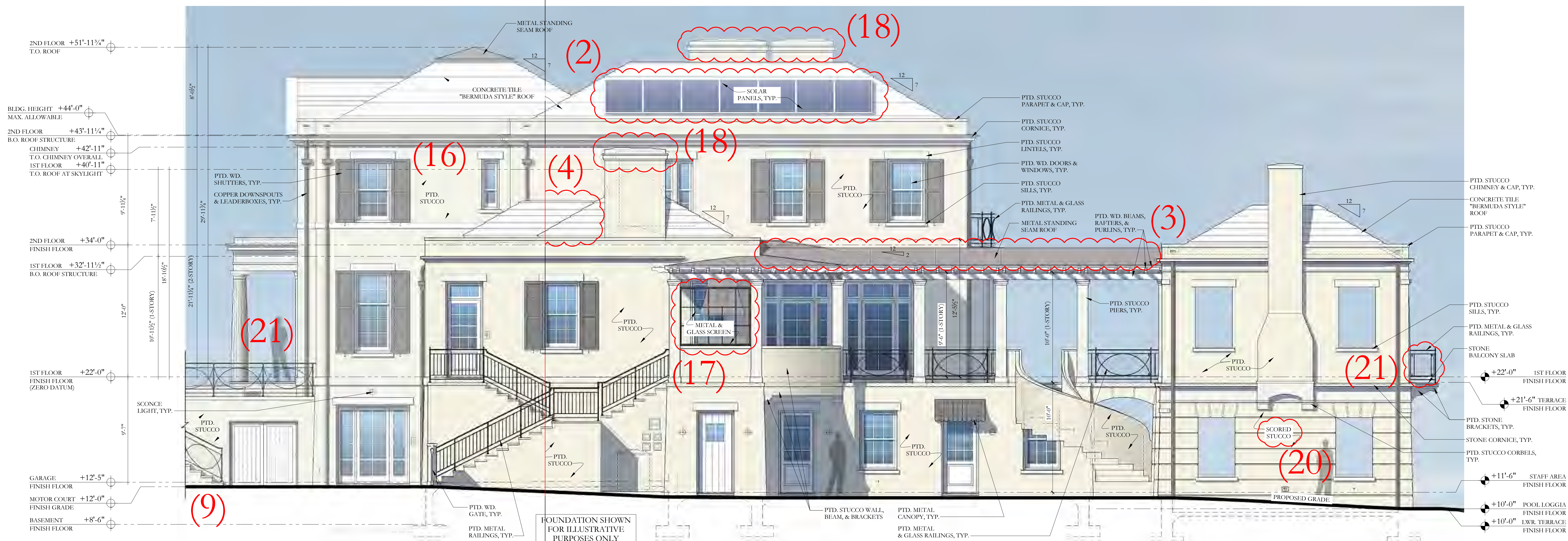
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1 PREVIOUSLY APPROVED NORTH ELEVATION

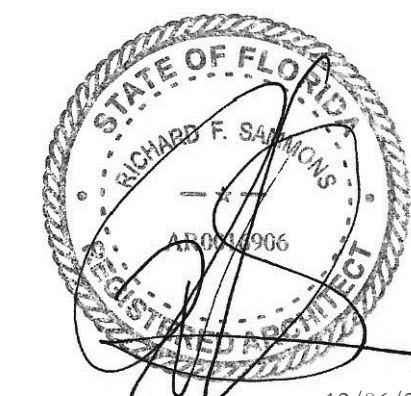
1/4"=1'-0"



2 CURRENTLY PROPOSED NORTH ELEVATION

1/4"=1'-0"

NOTE: ELEVATIONS
REFERENCED TO NAVD
SURVEY ELEVATIONS



RICHARD F. SAMMONS
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ARCOM - REVISION 1	11/19/2018

DRC FILE #:
ARC-22-035

726 HI MOUNT
ROAD
PALM BEACH, FL

SHEET TITLE
PREV. APPROVED & PROPOSED
NORTH ELEVATION

DATE
6 DEC 2021

SCALE
1/4"=1'-0"

BY
CG

SHEET NO
A-203

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Scale: 1/8" = 1'-0"



Scale: 1/8" = 1'-0"