

From: [Anne Pepper](#)
To: [Kelly Churney](#)
Subject: Please circulate to ARCOM members
Date: Wednesday, December 15, 2021 3:39:11 PM

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Dear Commissioners,

Once again a project is coming before you at 164 Seaspray Ave. The owners chose to tear down a house knowing full well that the code, when a demolition occurs, requires full compliance with the applicable set backs and zoning ordinances. Variances to encroach on a neighbor in this specific neighborhood have no basis in hardship. The non-conformities which existed prior to demolition could have remained, but no longer. The mandate to ARCOM and the specificity of the ARCOM ordinances are written to uphold the Comprehensive Plan's vision for the town. Hence the scale, style and relationship to the existing built environment cannot be 'too similar nor too dissimilar.' When the structures push to the limits of the code, the risk to the ARCOM mandate is great. Town Attorney Skip Randolph, stated last month to the Council, that the zoning code does NOT ENTITLE an applicant to the maximum building that the code permits. ARCOM's legitimate charge takes precedent and can deny applications that are out of scale, incompatible with the architecture of the neighborhood and in fact degrade the historic character of a neighborhood EVEN IF the proposal is within the limits of the code. In the case of 164 Seaspray, there is no justification for a structure that doesn't meet the code since their choice was to tear down a 1920's house that fit perfectly in the character of this neighborhood. No project after demolition should be permitted to come before ARCOM and seek variances. These are generally sought to make a larger structure than is appropriate for the neighborhood should not be entertained. The size factor is ARCOM's purview and its obligation is to uphold its guiding principle -'not too dissimilar' --that usually means too big, too tall, too encroaching on the neighbors.

ARCOM prior to this demolition spoke to these applicants and indicated clearly that variances for a post-demolition project especially in historic neighborhoods such as the Sea Streets would not be favorably looked up. Please adhere to your mandate from the Comp Plan to preserve and enhance the character, the architectural assets and the quality of life that appropriate scaled architecture brings to Palm Beach.

Thank you,
Anne Pepper
333 Seaspray Ave