



January 24th, 2022

Town of Palm Beach Planning, Zoning and Building Department

107 Dolphin Road Letter of Intent – ARC-22-067 and ZON-22-039

We are pleased to submit the accompanying drawings and information for Final Submittal review of the proposed beach cabana at 107 Dolphin Road, Palm Beach.

A. LANDMARK PRESERVATION COMMISSION

Not applicable. Residence was NOT Landmarked at the January 2022 meeting..

B. ARCOM

Proposed construction of a 184 s.f one story Cabana on beach parcel, adjacent to existing two-story main house, in the R-B / B-A Zoning District. Proposed plan consists of a common area; wet bar and a powder room. Height and size of the proposed structure conforms to the regulations of the B-A Zoning District. The proposed site wall will conform to the height and finish of the existing site walls to the North and South of the beach parcel.

C. SPECIAL EXCEPTION W/ SITE PLAN REVIEW

SPECIAL EXCEPTION W SITE PLAN REVIEW: Section 134-890; Section 134-1472: Request for a Special Exception with Site Plan Review to allow construction of a 186 SF beach cabana in the R-B/B-A Zoning District. The following Criteria for Special Exception is set forth below:

1. A beach cabana is a special exception use permitted in the R-B/B-A Zoning District.
2. The proposed beach cabana will not adversely impact the public or neighborhood as it is consistent with other beach cabanas along North Ocean Boulevard and smaller in size then what is allowed by Code.
3. The proposed beach cabana will have a positive impact on the value of other properties in the neighborhood as it creating an amenity for the homeowner.
4. The proposed beach cabana will be compatible with the neighborhood as other houses and neighborhood associations have similar cabanas on North Ocean Boulevard in this area of Town.
5. The proposed beach cabana will comply with all other yard, other open space and any special requirements set forth in Article VI.
6. The proposed beach cabana will comply with the comprehensive plan, if applicable.
7. The proposed beach cabana will not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district as it is smaller then what is allowed under the Code and meets all of the applicable zoning requirements except the west setback and meets the ocean vista requirement.
8. Adequate ingress, egress and parking will be provided on applicant's property across the street.
9. N/A
10. Any utilities that are provided to the cabana will be in compliance with the building code and will be connected from the main residence across the street.
11. N/A
12. N/A
13. N/A
14. The proposed beach cabana should not place a greater burden on police or fire protection services as there are other cabanas along North Ocean Boulevard in this area and the use will be by the applicant's family and guests only.

The following Criteria for Site Plan Review is set forth below:

1. The owners of the property is Irwin Ackerman and is the person in control of the property. A cabana is a permitted special exception use in the R-B/B-A Zoning District.

2. The proposed beach cabana is smaller than the allowable beach cabana in that 200 square feet is allowed and 186 square feet is proposed.
3. Ingress, egress, utilities and refuse collection will be via North Ocean Boulevard, which is capable of handling traffic and other such uses in a residential neighborhood.
4. N/A
5. The proposed site plan and landscape plan meets the ocean vista requirement.
6. N/A
7. The utility hook ups, if any, will meet the current Town of Palm Beach requirements.
8. N/A
9. N/A
10. N/A
11. The proposed beach cabana will not be overly intrusive on the street and neighborhood as it is much smaller in size and scale than most cabanas along North Ocean Boulevard.

D. VARIANCES

VARIANCE 1: Section 134-1474: To construct a 184 square foot beach cabana on a lot with frontage of 71.6 feet in lieu of the 100 feet required in the R-B Zoning District for a beach cabana.

VARIANCE 2: Section 134-1474: To allow the beach cabana to have a West setback of 10 inches from property line in lieu of the 10 foot minimum required.

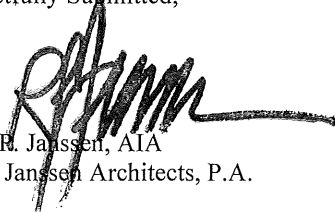
VARIANCE 3: Section 134-1702: To allow beach cabana to have a setback of 6 inches from the designated ocean bulkhead line established in Chapter 62 in lieu of the 150 foot minimum required.

Variance Criteria:

1. The special circumstances that are peculiar to the land are that the beach parcel although owned to the mean high water line, can only be used 15 feet east of the property line because of the location of the Town's bulkhead line. It would not be feasible to meet the 10 foot west setback as required by the Code as it would result in a 5 foot wide cabana and if required to meet the 150 foot setback from the Town's bulkhead line, a cabana would not be allowed at all.
2. The applicant was not the cause of the special conditions of the property, as the beach parcel size and location of the Town's Bulkhead Line existed prior to the applicant owning the property.
3. The granting of the variances will not confer on the applicant a special privilege. Many properties are in the R-B/B-A Zoning District and elsewhere along the ocean have similar beach cabanas that are setback closer than ten feet to the west property line.
4. The hardship, which runs with the land, is that the depth of the beach parcel according to fee simple ownership is to the mean high water line, however, there is only 15 feet to the Town's Bulkhead line, which does not give enough room to design a cabana and meet the 10 foot setback from the west property line. Meeting the code required setback of 10 feet from the street would only allow for a 5 foot wide cabana.
5. The variances requested for the cabana is minimal considering the ocean vista will remain and other cabanas in this area also have minimal setbacks to the street.
6. The variances requested for the cabana are reasonable considering the location of the other cabanas on the street being closer than the 10 foot setback and the additional buffer of approximately 5 feet between North Ocean Boulevard to the proposed cabana. Furthermore, the proposed cabana is less than 200 square feet to accommodate for the deficiency in width.

Please let us know if you need additional information.

Respectfully Submitted,


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