

March 07, 2022

Town of Palm Beach  
360 S. County Road  
Palm Beach, FL 33480

Project: 238 Phipps Plaza, Palm Beach, FL  
Landmarks Case Number: COA-22-024  
Zoning Case Number: ZON 22-068

We are pleased to submit the accompanying drawings for Development Review of our project at 238 Phipps Plaza, Palm Beach, FL. Construction of previously approved work is currently underway at the existing Landmark Structure. The proposed work in the accompanying drawings indicates new proposed location for HVAC equipment requiring (2) setback variances as a result of FPL transformer location, new hardscape and landscape.

Please note the following as it relates to this application:

- A. Landmarks Preservation in accordance with Section 54-122 and/or Section 54-161.
  - a. We are submitting modifications to the previously approved project that we consider to be visually compatible with the buildings and environment.
    - i. There are no modifications proposed to the gross volume and the proportion between width and height of the façade.
    - ii. There are no modifications proposed to the proportions and relationship between doors and windows.
    - iii. There are no modifications proposed to the rhythm of solids to voids created by openings in the façade.
    - iv. The proposed modifications are consistent with the previously approved design.
    - v. There are no modifications proposed to the texture inherent in the façade.
    - vi. The colors, pattern and trim used in the façade are visually compatible with the surrounding buildings and environment.
    - vii. There are no modifications proposed to the design of the roof.
  - b. There are no proposed modifications to the existing rhythm created by existing building masses and space between them.
  - c. The proposed landscape plans are consistent with the surrounding area.
  - d. There are no proposed modifications to the architecture of the street façade.
  - e. There are no proposed modifications to the previously approved architectural details.
- B. Architectural Review in accordance with Section 18-205 and/or Section 18/206.
  - a. Not Applicable.
- C. Special Exception in accordance with Section 134-229. N/A
- D. Site Plan Review Approval in accordance with Section 134-329. N/A
- E. Variance (s) in accordance with Section 134-201.

Section 134-1728: Variance request to place a 6' tall air-conditioning unit with a west side yard setback of 1" in lieu of the 5 foot minimum required; and a rear yard setback of 2'-10" in lieu of 5 foot minimum required. The following criteria is in support of the variances:

1. The special conditions and circumstances peculiar to the land, structure or building which are not applicable to other lands is that the residence is a two story landmarked house in the R-C Zoning District that is non-conforming to today's code.
2. The applicant was not the cause of the special conditions as the house was built in 1925 and the applicant purchased the property in 2017 with the special conditions already in existence.
3. The granting of these variances will not confer on the applicant a special privilege as having updated air-conditioning units is essential to protect a historic home.
4. The hardship, which runs with the land, is that the property is a Town of Palm Beach Historic Landmark and non-conforming to today's code as the zoning code has changed since the house was originally constructed. Renovations to a landmarked home requires a delicate approach in making changes.
5. The variance requests are the minimum necessary to make reasonable use of the land, building or structure.
6. The granting of the variances requested will be in harmony with the general intent and purpose of this chapter and will not be injurious to the area or detrimental to the public welfare.

F. Other

a. None

Very truly yours,

A handwritten signature in black ink, appearing to read 'K. Spina', with a stylized flourish at the end.

KEITH M. SPINA  
CEO