

**THE MARGOLIS FAMILY
528 N. LAKE WAY
PALM BEACH, FLORIDA 33480**

VIA EMAIL

June 24, 2022

Town of Palm Beach
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480

Re: ARC-22-129 (Zon-22-089) 515 N. Lake Way

Dear Members of the Architectural Commission and Town Council:

I am very concerned and strongly opposed to the changes proposed by Roberto and Joanne DeGuardiola (Contract Purchasers) regarding the property at 515 N. Lake Way.

By way of background, I reside at 528 N. Lake Way with my wife and mother. We have five concerns regarding the proposal. These include (i) the material and detrimental impact of the proposal to the valuation of our primary home; (ii) the violation of our right to privacy, (iii) angle of vision and safety considerations, (iv) the terrible precedent that allowing the proposed two story massing and so many material variances would establish; and (v) the importance of stewardship and equity in our Town's guiding and governing institutions.

First, the proposed construction project (i) does not meet the required angle of vision and crowds the corner of Tangier and N. Lake Way; (ii) obstructs our home's windows, views, and limits sunlight; (iii) second story windows and terraces will have direct sightline into our master bedroom and pool area; and (iv) is incongruous with the neighborhood. Each of which, and certainly in the aggregate, materially impact my valuation. We have invested a significant sum of money in the purchase of our home and in home improvements with the expectation that ARCOM and Town Council codes and regulations would be adhered to with modest minimally impactful exception. The approval of these vast proposed variances is contradictory to any resident's "reasonable expectations." Selected material design concerns impacting valuation and privacy follow below:

- (a) Cubic content ratio is significantly out of scale with the neighborhood. The proposed cubic content ratio (CCR) of 5.13 is approximately 30% higher than the allowed CCR of 3.98 on this property; this is quite an increase in CCR. This project proffers a large two-story mass on the corner of N. Lake Way and Tangier which is out of scale with the neighborhood minimized and for which there is no hardship.
- (b) The size of the home is massive given the lot size. The sheer two story massing does not display any steps in the façade. It is proposed to be raised two feet and has large floor to ceiling heights which could be minimized and for which there is no hardship.
- (c) On the east elevation, there are 4 different types of windows – I would think that there should be more consistency. On the south elevation, there are three windows, and they are all different. Also, on the first floor, there is a very tall narrow window over the door which appears too tall and narrow. Similarly, on the north elevation, the windows appear too tall and narrow. Also, the fenestration on the north and west side is excessive.
- (d) The location of the pool fronting two busy streets is incongruous with the neighborhood and Palm Beach, generally. Perhaps it could be moved from the southwest to the northeast corner of the lot.
- (e) There appears to be way too much hardscape in the site plan.
- (f) The existence of curb cuts on N. Lake Way are dangerous, particularly given increased traffic. Most of the ingress and egresses should be on Tangier.
- (g) The proposed north terrace is excessively large and will look into our property.
- (h) The proposed home seems to require a lot of fill (approximately 2 feet) to raise the grade which should be better disclosed to anyone concerned about run-off.

Second, the proposed home design provides direct sight views into our master bedroom and pool area. This results from the proposed movement of the driveway curb cuts further south, the elimination of the project's existing hedging which is in our master bedroom sightline, and the construction of a rather tall home given the location. At completion, the proposed structure would be 9" inches taller than our home (Despite being 6" lower from the

finished floor, the proposed home is 3" higher overall") and we were counseled to maintain a flat roof as our home was already quite tall. Given my elderly mother's condition and related behavior our privacy is quite important to us. Given our small outdoor lot size, our options to maintain our privacy are quite limited. We had explored additional construction in the back of the home to maintain privacy but were discouraged from doing so due to cubic content ratio limitations.

Third, the home exceeds maximum angle of vision allowable by code on N. Lake Way and exists 5'3" into the front setback. I am concerned about any further sightline restrictions on the Tangier and N. Lake Way intersection. In our case, the Town was adamant about removing a singular palm tree, hardly in the sightline, should the tree die. How would the Town require detailed codification of such a provision with us and then allow this project to move forward if sincerely concerned about safety?

Fourth, the approval of so many material variances and exceptions to code establish a terrible precedent in our neighborhood and in the Town of Palm Beach. Notably, it appears that more than 50% of the value and area of the existing home will be demolished which I believe would require the new home to be built to existing code precluding the existing setbacks. We recently, made a small change in our home which required material unexpected and additional investment to comply with existing code. It doesn't appear as if the guidelines are applied uniformly. Also, what are residents to assume regarding the guidelines for development of undeveloped lots 0030 and 0040 (provided with Town Council Development Review Notice) which rest to the north of each home on Tangier and west of N. Lake Way? Will ARCOM and Town Council approve meaningful other significant and encroaching code and regulatory variances consistent with what is sought in the 515 N. Lake Way proposal? It may be difficult not to do so if setting a precedent for a vast series of exceptions at 515 N. Lake Way. Lastly, there is no hardship in the case of 515 N. Lake Way that wasn't fully understood when the property was purchased. We would have never purchased our home without the understanding that, in the absence of hardship, every effort would be made to apply codes and other regulatory restrictions uniformly and in a manner that may be relied upon by all Town residents.

Fifth, it is my assumption that those who apply or interpret the code on a regular basis would be most exemplary in upholding it. The sum of the requested variances is quite significant, and many variances are individually so. ARCOM and Town Council frown upon these single code exemptions everyday. This proposal, in the aggregate, suggests that the codes are either loose violable guidelines or most malleable if supported with the right

advocacy. Lastly, this proposal is believed to be for a spec home. If so, it is proffered not for hardship but completely to enrich one party which, in this case, will come at the expense of another party or multiple other parties. Any arrangements which seek material changes in code or design for the enrichment of one party and come necessarily to the material detriment of others should be frowned upon as a matter of principal – particularly if the changes are so inconsistent with what would normally be approved.

I would be happy to discuss these comments with any parties to reach a reasonable accommodation. Thank you for your consideration of my concerns.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michael Margolis", with a stylized flourish at the end.

Michael Margolis