

LETTER OF INTENT

ARC-22-123 and ZON-22-078 is a request for exterior and interior renovations including changing a scissors stairwell to a wider conforming stairwell at the front entrance and adding another stairwell in the rear of the building at 231 Bradley Place. The required plans and zoning history are submitted with this Application.

Sections 134-201, 134-226, 134-227 and 134-326. Applicant is requesting site plan approval with special exception and variances to allow use as an owner-occupied office containing approximately 5,800 square feet in the C-TS zoning district. The operator will be Alkeon Capital Corporation, which is a related entity to the Owner/Applicant. The following zoning relief is requested:

1. Section 134-226 and 134-227. Special exception and site plan approval to permit the owner-occupied single user use as an office for a financial advisor and the addition of a 264 square foot terrace on the second floor.
2. Section 134-2176(13). Variance to allow 17 parking spaces in lieu of 18 existing and 22 required.
3. Section 134-1113(7). A variance to permit the installation of a new emergency access stairwell with a rear yard setback of 3'7" in lieu of 10' required.
4. Section 134-1113(6)(a). A variance to permit the addition of a 264 square foot second story terrace with a north side yard setback of 1' in lieu of 5' required.
5. Section 134-2172. A variance to permit a drive aisle width of 16' in lieu of 24' existing and 25' required.

The special exception should be granted because the office use is a permitted use and it is currently existing. There is no substantive change in the office use that is currently employed, but the new owner will be the sole occupant.

The site plan should be approved because the new stairwell is a life/safety code issue, so safety will be improved. In addition, only offices are proposed, and Applicant plans to have no more than ten employees working in the office at any time. As a result, there is more parking than what is needed and there will be no negative impact on neighbors or the Town.

The hardship that runs with the property is that the current office is old and non-compliant with current life/safety codes. The reduction by one parking space will provide more parking than what is needed for the operation of the office space as proposed and the renovations will bring the building into compliance with life/safety code requirements. The new stairwells (both front and in the rear) are required by life/safety codes to make the building safer.

Granting of the variances will not be contrary to the public's interest because no negative impact to the neighbors will result. The site only provides parking for its own occupants, and more parking spaces will be provided than the number needed by the owner-occupant. The new stairwells will make the building safer. The variance for the width of the drive aisle only applies to the entrance of the building for aesthetic purposes and will not affect safety in anyway.

See Site History attached hereto as Exhibit "A."

Criteria for Site Plan Review

1. Office use is a permitted use under the Town of Palm Beach Zoning Code.
2. The proposed renovation enhances life/safety issues, so that the public's health, safety, welfare and morals will be protected and even enhanced.
3. The proposed renovation will not cause injury to the values of the other properties in the neighborhood as the building is being updated and improved.
4. The proposed renovation will be compatible with the intended purpose of the district in which it is to be located as the office use is consistent with the current use and C-TS Zoning District.
5. The proposed use complies with Schedule of District Regulations for the C-TS Zoning District.
6. The proposed renovation complies with all elements of the comprehensive plan. No change from the current use is proposed.
7. The proposed renovation will not result in substantial economic, noise, glare or other impact or odor impacts on adjoining properties, and other properties in the district; inasmuch as, the same type of use have existed for many years and it is compatible with adjoining and nearby properties. The current use is not changing.
8. Adequate ingress and egress to the property and loading are provided and being enhanced.
9. The Applicant is the fee simple owner and person in control of the subject property.
10. The Applicant intends to continue with the current intended use of the property – an office use in the C-TS Zoning District.
11. Ingress and Egress to the subject property will be via Bradley Place.
12. See attached elevation plan for proposed construction of the renovations.

Criteria for Special Exceptions

1. The office use is a permitted use in the C-TS Zoning District.

2. The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected. The proposed renovation will not adversely impact the public or neighborhood but alternatively will provide enhancement to the building.
3. The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located. The proposed renovation will have no negative impact on the value of other properties in the neighborhood and should increase the neighboring property values.
4. The use will be compatible with adjoining development and the intended purpose of the C-TS Zoning District in which it is to be located. The proposed renovation will be compatible with the neighborhood as this area is a commercial district and there are other offices and commercial uses in this location.
5. The use will comply with yard, other open space, and any special requirements set out in Article VI for the particular use involved. The building will comply with all other yard, other open space and any special requirements set forth in Article VI of the Zoning Code.
6. The use will comply with all elements of the comprehensive plan.
7. The use will not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district. The proposed renovation will not result in substantial economic, noise, glare, or odor impacts on the adjoining properties and properties in the district, as the renovation enhances the current building and makes it more compliant with life/safety codes.
8. The proposed use will not place a greater burden than would be caused by a permitted use on municipal police services due to increased traffic or on fire protection services due to the existence of or increased potential for fire/safety code violations. The proposed renovation will bring the building into compliance with fire/safety code.

Criteria for Authorizing a Variance (Applicable to variance requests # 2 and 3)

1. List the special conditions and circumstances peculiar to the land, structure or building which are not applicable to other lands, structures or buildings in the same zoning district.

The hardship and special conditions applicable to this property are that the building was constructed pursuant to a different code and is non-compliant with current codes. To become compliant, a parking space must be removed and two new stairwells built. The proposed small second story terrace is contained within the current building footprint.

2. Indicate how the special conditions and circumstances do not result from the actions of the Applicant.

The special conditions existed upon construction of the building and were not created by the Applicant. The Applicant is proposing to make the building more compliant.

3. Demonstrate that the granting of the variance will not confer on the Applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district.

No special privileges will be conferred on the Applicant if the variances are granted because the proposed number of parking spaces will be more than sufficient for the number of users. The rear stairwell is for emergency access, so no impact will result to the neighbor to the rear.

4. Demonstrate how literal interpretation of this ordinance would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the Applicant.

Literal interpretation of the ordinances would deprive Applicant of the right to bring the building into compliance with life/safety codes.

5. Demonstrate that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

The requested relief is the minimum necessary for the requested use because a second interior stairwell would require a loss of at least one more parking space. The variances related to the second story terrace are technical and de minimis as that very small area is already contained within the existing building footprint.

6. For granting of a variance to sections 134-387, or 134-390 through 134-392, pertaining to the regulation of nonconforming uses, the following additional findings must be demonstrated pertaining to the nonconforming use for which the variance is requested:

- a. It is the continuance of a unique hotel or residential use that has, for at least 15 years proven compatible with the surrounding uses; and
- b. Neither rezoning to a district which would allow the use, nor inclusion of the subject use as a permitted or special exception use in the district would act to achieve the preservation of the subject use without opening the possibility of the incursion of uses incompatible with the immediately surrounding area and, further, such variance shall:
 - i. Be granted only for the continuation of the same hotel or residential use; and,
 - ii. Require the Applicant to submit a declaration of use limiting the utilization of the property for which the variance was granted to the same use as that existing at the time the variance was granted.

N/A

7. Show how the granting of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The granting of these variances are in harmony with the intent and purpose of the Zoning Code because the requested renovation is an improvement to the building and the neighborhood to improve the aesthetics and update the life/safety features in the building.

Criteria for Authorizing a Variance (Applicable to variance request # 4)

1. List the special conditions and circumstances peculiar to the land, structure or building which are not applicable to other lands, structures or buildings in the same zoning district.

The hardship and special conditions applicable to this property are that the building was constructed pursuant to a different code and is non-compliant with current codes. The proposed small second story terrace is contained within the current building footprint. The existing building footprint already encroaches into the north side yard setback, so any addition in this location requires the variance despite the fact that it will be within the existing building footprint.

2. Indicate how the special conditions and circumstances do not result from the actions of the Applicant.

The special conditions existed upon construction of the building and were not created by the Applicant. The Applicant did not construct this building and is attempting to make this older, unusual looking building much more attractive.

3. Demonstrate that the granting of the variance will not confer on the Applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district.

No special privileges will be conferred on the Applicant if the variances are granted because the proposed terrace is within the existing building footprint.

4. Demonstrate how literal interpretation of this ordinance would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the Applicant.

Literal interpretation of the ordinances would deprive Applicant of the right to add on attractive, well-screened small 264 square foot terrace which is within the existing footprint that will not negatively affect any of the neighbors.

5. Demonstrate that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

The requested relief is the minimum necessary for the requested use because the variances related to the second story terrace are technical and de minimis as that very small area is already contained within the existing building footprint.

6. For granting of a variance to sections 134-387, or 134-390 through 134-392, pertaining to the regulation of nonconforming uses, the following additional findings must be demonstrated pertaining to the nonconforming use for which the variance is requested:

- a. It is the continuance of a unique hotel or residential use that has, for at least 15 years proven compatible with the surrounding uses; and
- b. Neither rezoning to a district which would allow the use, nor inclusion of the subject use as a permitted or special exception use in the district would act to achieve the preservation of the subject use without opening the possibility of the incursion of uses incompatible with the immediately surrounding area and, further, such variance shall:
 - i. Be granted only for the continuation of the same hotel or residential use; and,
 - ii. Require the Applicant to submit a declaration of use limiting the utilization of the property for which the variance was granted to the same use as that existing at the time the variance was granted.

N/A

7. Show how the granting of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The granting of these variances are in harmony with the intent and purpose of the Zoning Code because the requested renovation is an improvement to the building and the neighborhood, and the small terrace will enhance the aesthetics and help meet the demands of today's desire to spend more time outside in the fresh air and lovely climate found in Palm Beach.

Criteria for Authorizing a Variance (Applicable to variance request # 5)

1. List the special conditions and circumstances peculiar to the land, structure or building which are not applicable to other lands, structures or buildings in the same zoning district.

The hardship and special conditions applicable to this property are that the building was constructed pursuant to a different code and is non-compliant with current codes. The proposed reduction in the drive aisle width is only related to aesthetic demands and will not change the width of the parking areas.

2. Indicate how the special conditions and circumstances do not result from the actions of the Applicant.

The special conditions existed upon construction of the building and were not created by the Applicant. The Applicant did not construct this building and is attempting to make this older, unusual looking building much more attractive.

3. Demonstrate that the granting of the variance will not confer on the Applicant any special privilege that is denied by this ordinance to other lands, buildings or structures in the same zoning district.

No special privileges will be conferred on the Applicant if the variances are granted because the reduced width to the entrance of the garage is an aesthetic issue and will not affect safety.

4. Demonstrate how literal interpretation of this ordinance would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the Applicant.

Literal interpretation of the ordinances would deprive Applicant of the right to add on attractive entrance to the building and garage as requested by ARCOM.

5. Demonstrate that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

The requested relief is the minimum necessary for the requested use because the variance related to the drive aisle width only affects the entrance to the garage and not the actual garage itself.

6. For granting of a variance to sections 134-387, or 134-390 through 134-392, pertaining to the regulation of nonconforming uses, the following additional findings must be demonstrated pertaining to the nonconforming use for which the variance is requested:

- a. It is the continuance of a unique hotel or residential use that has, for at least 15 years proven compatible with the surrounding uses; and
- b. Neither rezoning to a district which would allow the use, nor inclusion of the subject use as a permitted or special exception use in the district would act to achieve the preservation of the subject use without opening the possibility of the incursion of uses incompatible with the immediately surrounding area and, further, such variance shall:
 - i. Be granted only for the continuation of the same hotel or residential use; and,
 - ii. Require the Applicant to submit a declaration of use limiting the utilization of the property for which the variance was granted to the same use as that existing at the time the variance was granted.

N/A

7. Show how the granting of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The granting of these variances are in harmony with the intent and purpose of the Zoning Code because the requested renovation is an aesthetic improvement to the building and the neighborhood, and the slightly more narrow entrance to the garage will enhance the aesthetics and not create and safety issue related to the revision.

EXHIBIT "A"
Site History

No Zoning History