

SMITH AND MOORE ARCHITECTS, INC.

Harold Smith • Jonathan Moore • Peter Papadopoulos • Daniel Kahan



Re: 1356 N. Ocean Blvd. – Beach Cabana
Palm Beach, FL 33480

August 29, 2022

LETTER OF INTENT (LOI)

**ARC-22-143
ZON-22-093**

PROPOSED ONE-STORY BEACH CABANA ON VACANT R-B/ B-A BEACH PARCEL

Please find for review the attached drawings for our proposed new project in the R-B/ B-A Zoning District of Palm Beach. The proposal is for the construction of a new one-story Beach Cabana on a currently vacant beach lot. Zoning relief is being sought for West/front building setback and East/rear bulk-head setback ~~and Point of Measurement~~. We believe the proposal is in accordance with the following guidelines:

ARCHITECTURAL REVIEW IN ACCORDANCE WITH SECTION 18-205 AND 18-206:

Sec. 18-205. - Criteria for building permit.

We are submitting a proposed design that we consider tasteful with harmonious and balanced elevations, providing texture and shadow, and designed with appropriate materials and details.

1. The plan for this proposed Beach Cabana is in conformity with good taste and design and in general contributes to the image of the town and neighborhood as a place of beauty, spaciousness, balance, charm and high quality.
2. The plan for the proposed Beach Cabana is reasonably protected against external and internal noise and other factors that would tend to make the environment less desirable.
 - a. The plans show that major entertaining spaces are centrally located on the site placing these spaces far as possible from neighboring properties.
 - b. The proposed pool area is located at the side of the Cabana.
3. The proposed Beach Cabana exterior design and appearance is not of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance value.
4. The proposed Beach Cabana is in harmony with the proposed developments on land in the general area and with the compressive plan for the town.
5. The proposed Beach Cabana is not excessively similar to any other structure existing or within 200 feet of the proposed site in respect to one or more of the following features of the exterior design and appearance:
 - a. The proposed design does not have apparently visible identical front or side elevations.

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- b. The proposed design does not have substantially identical size and arrangement of either doors, windows, porticos or other opening or breaks in the elevation facing the street, including reverse arrangement.
 - c. The proposed design does not have other significant identical features of design such as, but not limited to, material roof line and height of other design elements.
6. The proposed Beach Cabana is not excessively dissimilar in relation to any other structures existing or within 200 feet of the proposed site in respect to one or more of the following features:
 - a. Height of building or height of roof.
 - b. Other significant design features including, but not limited to, materials or quality of architectural design.
 - c. Architectural compatibility.
 - d. Arrangements of components of the structure.
 - e. Appearance of mass from the street or from any perspective visible to the public or adjoining property owners.
 - f. Diversity of design that is complimentary with the size and massing of adjacent properties.
 - g. Design features that will avoid the appearance of mass through improper proportions.
 - h. Design elements that protect the privacy of a neighboring property.
7. The proposed Beach Cabana is subservient in style and massing to the principal structure.
8. The proposed Beach Cabana is appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality or architectural design as viewed from any public or private way (except alleys).
9. The proposed Beach Cabana is in conformity with the standards of this code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.
10. The proposed Beach Cabana's location and design adequately protect unique site characteristics such as those related to scenic views, rock outcroppings, natural vistas, waterways and similar features. The proposed Beach Cabana does not negatively impact any existing natural features.

Sec. 18-206. - Criteria for demolition permit.

Not applicable – This property is vacant.

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 200 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 than 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.

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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 than 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 are Gary and Kelly Pohrer and are 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 200 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.

VARIANCES

- a. Special Exception w/ Site Plan Review: Section 134-890(4); Section 134-1473(a)(1): A special exception with site plan review to allow construction of beach cabana in the R-B/B-A Zoning District.
- ~~b. Variance 1: Section 134-1474(a): A variance to allow a cabana height of 8.95 ft. in lieu of the 8 ft max allowed and a cabana overall height of 12.51 ft in lieu of the 12 ft maximum allowed, when taking the point of measurement from the Crown of Road (13.46' NAVD) in lieu of the lowest natural grade (12.51' NAVD).~~
- c. Variance 2: Section 134-147(b): A variance to provide a West yard setback of 3.5 ft in lieu of the 10 ft minimum required, for a beach cabana structure.

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d. Variance 3: Section 134-1702: A variance to provide a setback of 4.92 ft in lieu of the 50 ft minimum required from the designated ocean bulkhead line established in Chapter 62, for a beach cabana structure.

~~e. Variance 4: Section 134-1728©: a variance to install pool equipment in a setback area which is 40 feet from the edge of water, in lieu of the 25 ft maximum separation distance allowed when installing equipment in a required yard area.~~

Variance Criteria:

1. The special circumstances that are peculiar to the land are that the beach parcel relative to the location of the Town's bulkhead line would make it impossible for anyone on North Ocean to build a cabana. 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 50 foot setback from the Town's bulkhead line, a cabana would not be allowed at all. ~~Meeting the 25 foot distance of the pool equipment to the water's edge is also not feasible to meet considering the design being proposed.~~
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 then ten feet to the West property line.
4. The hardship, which runs with the land, is the location of 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 then the 10 foot setback and the additional buffer of approximately 5 feet between North Ocean Boulevard to the proposed cabana.

Sincerely,



Peter Papadopoulos
Principal Architect