

SNIFFEN & SPELLMAN, P.A.

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By Antonette Fabrizi at 2:22 pm, Oct 07, 2022

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FINAL SUBMITTAL
LETTER OF INTENT
(INCLUDING STAFF COMMENTS & APPLICANT RESPONSES)

Re: ARCOM: ARC- 22-202
ZONING: ZON- 22-157

November 18, 2022
December 14, 2022

256 Ridgeview Drive
Palm Beach, FL 33480

Please be advised that Chris Kidle and Daniel Menard of Laberge and Menard Architects, Keith Williams of Nievera Williams Design and I represent The Rotman Property Partnership, the owner of the property located at 256 Ridgeview Drive, Palm Beach, Florida 33480.

We are seeking ARCOM and town council approval of two (2) variances:

STAFF COMMENTS:

- Notes that "the lowest habitable finished floor of the principal structure is 8' NAVD, as required by Code." The base flood elevation for this parcel is 7' NAVD (AE = 6' NAVD + 1' freeboard). Please note that all height, CCR, and related calculations shall be taken from 7' NAVD, not 8' NAVD.

APPLICANT RESPONSE:

- Applicant has reduced finished floor elevation to 7.0' NAVD.

VARIANCE NO. 1

STAFF COMMENTS:

- Allowable fill calculated incorrectly. You are allowed to use the base flood elevation of 8'-0" in fill equation, but LOI states that "Highest CoR = 2.71' NAVD. Lowest habitable finished floor is 8.0' NAVD. Half the difference between the foregoing elevation is 5.19' NAVD (incorrect)". Half the difference is 2.65' NAVD, which is the allowable fill for the required yards. Calculation is as follows (8' FFE - 2.71' COR) / 2 = 2.645' of fill allowed to be added at any point on lot.

APPLICANT RESPONSE:

- Finished floor elevation has been changed to 7.0' NAVD and the exterior grade elevation has been changed to 6.5' NAVD. $7.0' \text{ NAVD} - 2.71' \text{ NAVD} = 4.29 \div 2 = 2.145$. 2.71'

REPLY TO:

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+ 2.145 = 4.855 maximum allowed. Variance seeks fill to 6.5' NAVD, or additional fill of 1.645'.

A grade elevation height adjacent to the proposed residence of approximately 6.5' NAVD in lieu of 4.855' NAVD maximum permitted by code. The Application meets all of the code requirements except Code Section 134-1600, which provides:

"a. The lot grade of any property shall not exceed a grade elevation height of half the difference between the lowest habitable finished floor of the principal structure and the highest crown of the road in front of the lot. In case of a through or corner lot, the highest crown of the road from the street determined to be on the front property line. The equation is as follows:

COR: highest crown of road where the principal structure fronts onto

FEE: Lowest habitable finished floor elevation for the principal structure

$COR - FEE \div 2 = \text{Maximum amount of fill allowed on a lot.}$ "

The highest crown of the road in front of the lot is 2.71' NAVD

The lowest habitable finished floor of the principal structure is 7.0' NAVD, as required by code.

Half of the difference between the foregoing elevations is ~~5.29~~2.145' NAVD.

The elevation the applicant is seeking is 6.5' NAVD; a variance for an additional 1.645' of fill is sought by the Applicant.

The disparity results from the FEMA requirement that the residence have a finished floor elevation of at least 7.0' NAVD.

The house to the east at 250 Ridgeview was built in 2009, at which time the minimum FEMA requirement was 7.5' NGVD and Code Section 134-1600 did not exist.

The house to the west at 725 North Lake Way was built in 2004, has a finished floor elevation of 8.5' NGVD.

VARIANCE NO. 2

STAFF COMMENTS:

- Requested screening wall height is 8', while graphic depictions illustrate 7'-6".

APPLICANT RESPONSE:

- Requested screening height has been reduced to 7.5' NAVD.

The installation of a generator that meets all of the code requirements except Code Section 134-1729(1)(c) and (d), which provide:

- "c. The highest point on the generator(s) shall not exceed a maximum of seven feet above the neighboring property owner's grade or zero datum as defined in the appropriate definition of building height in section 134-2.
- d. The generator(s) shall be completely screened from a street and the neighboring property owners by a concrete wall the same height as the generator(s) (including the height of the exhaust muffler). An adjacent property owner's existing side or rear concrete wall that completely screens the generator from the neighbor adjacent to that generator can satisfy said requirement provided the wall meets the height requirement to screen the generator and the applicant enters into a recorded agreement with the town to construct said wall as provided for in the Code to meet the screening requirement should the neighbor remove their wall."

The disparity in the respective grades of the properties is a result of the FEMA requirement that the generator be located at least 7.0' NAVD.

This is the reason the variance is required.

The highest point on the generator will be 7.5' above the adjoining neighbor's grade, in excess of seven feet (7.0') above the adjoining neighbor's grade permitted by code. Likewise, the height of the required wall will also be at 7.5' above the adjoining neighbor's grade, as the wall height is required by code to be at the same height as the generator. This will exceed the seven foot (7.0') maximum by six inches (6"), measured from the neighbor's grade, permitted by code.

Again, the disparity in elevations of the neighbor's and the Applicant's property results from the FEMA requirement is the basis for the following variance requests.

The site will comply with all drainage and stormwater retention requirements.

The disparity in elevations of the street and the FEMA required finished floor resulting from the elevation of the residence is the basis for the following variance request:

VARIANCE 1: Sec. 134-1600: to allow fill to provide for a lot elevation of 6.5' NAVD in lieu of the 4.855' NAVD permitted by code.

VARIANCE 2: Sec. 134-1729(1)(c)(d): to allow a generator 7.5' above the neighboring property owner's grade adjacent to the wall in lieu of 7.0' permitted by code with a wall 7.5' above the grade of the neighbor's property adjacent to the wall in lieu of 7.0' permitted by code.

JUSTIFICATION STATEMENT

VARIANCE NO. 1

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

The Applicant was required to build up its property to place the finished floor elevation of the residence to meet the minimum FEMA requirement. Absent this variance, the disparity in height between the allowable exterior yard and the proposed residence is 2'1-3/4".

2. The special conditions and circumstances do not result from the actions of the Applicant, as this results from the current FEMA requirements.
3. Granting the variance requested will not confer on the Applicant any special privilege that is denied by this chapter to other lands, buildings or structures in this same zoning district, as this results from the FEMA requirements.
4. Literal interpretation of this chapter would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the Applicant, as the Applicant would have an elevation next to the residence of over two feet (2.0') below that of the proposed residence.
5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure. This request will allow for a reasonable transition from the exterior yard to the garden to the interior of the residence.
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 shall be made pertaining to the nonconforming use for which the variance is requested: N/A
7. The grant 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.

VARIANCE NO. 2 (Code Section 134-1729(1)(c) and (d))

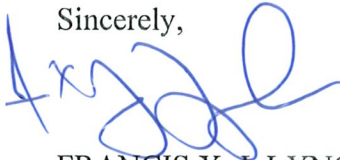
1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

The Applicant was required to build up its property to place the finished floor elevation of her home to meet the minimum FEMA requirement. In addition, the finished floor elevation for the generator is required by FEMA to be no less than 7.0' NAVD.

2. The special conditions and circumstances do not result from the actions of the Applicant, as this results from the current FEMA requirements.
3. Granting the variance requested will not confer on the Applicant any special privilege that is denied by this chapter to other lands, buildings or structures in this same zoning district, as this results from the FEMA requirements.
4. Literal interpretation of this chapter would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the Applicant, as the Applicant would not be able to install a generator on her property.
5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure. This request is for a height of 7.5' for the generator and the wall, which is six inches (6") above that permitted by code.
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 shall be made pertaining to the nonconforming use for which the variance is requested: N/A
7. The grant 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. Granting the variance will actually serve to minimize the impacts of the generator on the neighborhood and the Applicant's neighbors.

We are asking for ARCOM and town council approval of the variance pursuant to the attached plan.

Sincerely,



FRANCIS X. J. LYNCH