

# SMITH AND MOORE ARCHITECTS, INC.

Harold Smith • Jonathan Moore • Peter Papadopoulos • Daniel Kahan  
Florida AAC No. 001285



Re: 624 Island Drive  
Palm Beach, FL 33480

October 3, 2022

LETTER OF INTENT  
SKYLIGHT COURTYARD ENCLOSURE  
AT 624 ISLAND DRIVE  
ARC-22-241 ZON-23-002

Please find for review the attached drawings for our project at 624 Island Drive in the R-B Zoning District of Palm Beach. The site has an existing two-story main residence with an interior courtyard, a one-story detached cabana accessory structure in the rear yard, a rear yard pool, a driveway with parking court in the front yard, and a service drive in the north side yard. Our project proposal is to add a 280 sq. ft. skylight to enclose the existing courtyard. Please note the following:

**A) LANDMARKS PRESERVATION COMMISSION 54-122 & 54-161**

Not applicable – This property is not landmarked.

**B) ARCOM 18-205**

We are submitting a proposal that we consider tastefully designed, which will not interfere with the existing harmonious and balanced elevations, and will not be visible from any direction at eye level.

1. The addition of the vehicular gates 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. Not Applicable.
3. The proposed skylight enclosure 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 enclosure is in harmony with the proposed developments on land in the general area and with the comprehensive plan for the town.
5. The proposed enclosure 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. This proposal does not have apparently visible identical front or side elevations.
  - b. We do not have other significant identical features of design such as, but not limited to, material roof line and height of other design elements.

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6. The proposed enclosure 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 addition.
  - 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 addition or accessory structure is subservient in style and massing to the principal or main structure.
  - a. The proposed massing and details will be congruent with but subservient to those of the principal existing structure.
  - b. The details and proportions will also be in keeping with the main structure but scaled to the proportions of the accessory structure.
8. The proposed enclosure 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).
  - a. There is no change to the outward appearance of the existing residence.
9. The proposed enclosure is generally in conformity with the standards of this code and other applicable ordinances with the exception of the required cubic content and the lot coverage requirements of the code. The enclosure meets all other dimensional requirements of the code.
10. The project'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 enclosure does not negatively impact any existing natural features.

## **C) ARCOM 18-206**

Not applicable.

## **D) SITE PLAN REVIEW 134-329**

Not applicable.

## **E) SPECIAL EXCEPTION 134-229**

Not applicable.

## **F) VARIANCES**

ARC-22-241 and ZON-23-002 is a request for the enclosing of an open courtyard with a 280 sq. ft. skylight at 624 Island Drive. The required plans and zoning history are submitted with this Application.

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Sections 134-201. Applicant is requesting two variances as follows:

1. Section 134-893(b)(1)(e) and 134-843(a)(11). Variance to permit lot coverage for a two-story building of 26.3% in lieu of 24.99% existing and 25% maximum permitted.
2. Section 134-893(13). Variance to permit cubic content ratio of 4.14 vs 3.85 existing and 3.89 maximum permitted.

The hardship that runs with the property is that the applicant is a new owner of the property, and the house and courtyard were built recently by a prior owner. To be able to use the courtyard, the new owner needs protection from the heat and natural elements. No new floor space is proposed to be constructed.

Granting of the variances will not be contrary to the public's interest because no negative impact to the neighbors will result.

The courtyard is existing, and no changes are visible to, or impactful on, any neighbors. This is a technical variance, which will allow the new owner to enjoy the courtyard space without any visible changes or additions to the home or property.

See Site History attached hereto as Exhibit "A."

**Criteria for Site Plan Review – N/A**

**Criteria for Special Exceptions – N/A**

**Criteria for Authorizing a Variance (Applicable to both variance requests # 1 and 2)**

Both variance requests are addressed collectively because they both involve additional area of improvements to be counted against maximums due to the request to cover the existing courtyard with a 280 sq. ft. skylight. The rationale and justifications apply equally to both Section 134-893(b)(1)(e) and Section 134-893(a)(11), which apply to lot coverage, and Section 134-893(13), which applies to the cubic content ratio.

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 by a different owner that wanted the additional uncovered space. This area is

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not visible to neighbors in its existing conditions and won't be visible when covered as proposed.

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 home by the prior owner. The applicant simply wants to cover the courtyard with a skylight to protect the area from the natural elements.

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 same amount of total space in the home will exist. The change will not be apparent from the street, and the covered space will still be open to natural light despite being converted to air conditioned space.

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.

The applicant is not asking to add square footage to the home but rather to cover it with a skylight to better enjoy the space.

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 she is not adding any space to the home. She is just covering it with a skylight to allow her to enjoy and use the space in the summer and during inclement weather and protect it from the elements.

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

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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 is in harmony with the intent and purpose of the Zoning Code because the requested renovation in no way impacts any neighbors and is simply intended to allow the new owner to use the space during the summer and in inclement weather and to protect it from the elements.

Sincerely,



Harold J. Smith  
*Principal Architect*

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## **EXHIBIT "A"** **Site History**

None, except that the existing home and courtyard were approved by ARCOM per ARC B-071-2018.