



October 24, 2022

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

Re: Letter of Intent COA 22-042 (ZON 22-123) 218 PHIPPS PLAZA

To Whom it May Concern:

The applicant respectfully submits a formal application for a Landmarks Preservation Commission Certificate of Appropriateness and Town of Palm Beach Town Council variance requests for the property located at 218 Phipps Plaza, Palm Beach, Florida.

Please note the following as it relates to this application:

- A. Landmarks Preservation Commission Review in accordance with Section 54-122 and/or Section 54-161.
- a. We are re-submitting a proposal for a renovation to a landmarked structure that we consider to be visually compatible with the existing landmarked structure and environment.
 - i. The proposal includes the modification of the existing accessory structure at the rear of the property that will include an addition of 171 s.f. of functional space on the south side of the building. This small addition will allow space for a restroom, infrared sauna, and water filtration equipment. The exterior aesthetics of this addition will embody the existing accessory structures' architecture style.
 - ii. The proposal includes the addition of a new 12' x 7' pergola to the south side of the existing pool.
 - iii. The proposal includes updated landscaping and hardscaping.
 - iv. The proposal includes a variance request that is authorized for the improvements to and rehabilitation of this historic building that is determined eligible for the exception for the flood resistant construction requirements of the Florida Building Code, Existing Buildings, Chapter 12 Historic Buildings, as the proposed improvements will not preclude the building's continued designation as a historic building to construct a ground floor addition with a finished floor of 4.5' NAVD in lieu of the required 7.0' NAVD.
 - v. The proposal includes a variance request to allow a south side-yard setback of 6'-5½" in lieu of the 10'-0" minimum required for habitable space in the R-C Zoning District.
 - vi. The proposal includes a variance request to allow a rear west-yard setback of 5'-0" in lieu of the 15'-0" minimum required in the R-C zoning district.
 - vii. The proposal includes a variance request to allow zero (0) garage parking spaces in lieu of the one (1) car garage required.
 - viii. The proposal includes a variance to allow a pool heater in the north side yard setback with a setback 7'-0" in lieu of the 10'-0" required in the R-C zoning district.
 - ix. The proposal includes a variance request to allow a pergola with a 2'-6½" south side yard setback in lieu of the 5'-0" minimum required.
 - x. The proposed modifications are consistent with the existing landmarked structure and a reflection of the Landmark Preservation Commission Members' remarks and suggestions provided during the August 17th, 2022, meeting.
 - xi. The colors, pattern, and trim used will match the existing accessory structure and will remain visually compatible with the surrounding buildings and environment.
 - b. There are no proposed modifications to the existing rhythm created by existing building masses and space between them.
 - c. The proposed landscape plans are consistent with the surrounding area.



- d. There are no proposed modifications to the architecture of the street façade.
- B. Architectural Review in accordance with Section 18-205 and/or Section 18/206.
 - a. Not Applicable.
- C. Special Exception in accordance with Section 134-229. N/A
- D. Site Plan Review Approval in accordance with Section 134-329. N/A
- E. Variance (s) in accordance with Section 134-201.
 - a. Variance 1 -- Chapter 50-114: Historic Buildings: A variance is authorized for the improvements to and rehabilitation of this historic building that is determined eligible for the exception for the flood resistant construction requirements of the Florida Building Code, Existing Buildings, Chapter 12 Historic Buildings, as the proposed improvements will not preclude the building's continued designation as a historic building to construct a ground floor addition with a finished floor of 4.5' NAVD in lieu of the required 7.0' NAVD. Additionally, this variance authorization and subsequent eligibility, allows for the installation of mechanical equipment, pool equipment, and a generator below the required base flood elevation.
 - b. Variance 2-- Section 134-948(6): Variance request to allow a South side-yard setback of 6.45 feet in lieu of the 10.0-foot minimum required setback for habitable space in the R-C Zoning District. The following criteria is in support of the variance:
 - 1.The special conditions and circumstances peculiar to the land, structure or building which are not applicable to other lands is that the residence is a landmarked house in the R-C Zoning District that is non-conforming to today's code.
 - 2.The applicant was not the cause of the special conditions as the house was built in 1948 and the applicant purchased the property in 2022 with the special conditions already in existence.
 - 3. The applicant is keeping the existing accessory structure as requested by the Landmarks Preservation Committee, and the committee expressed they would be supportive of necessary variances.
 - 4.The granting of the variance will not confer on the applicant a special privilege as having a functional accessory structure is a feasible and reasonable request.
 - 5.The hardship, which runs with the land, is that the property is a Town of Palm Beach Historic Landmark and non-conforming to today's code as the zoning code has changed since the house was originally constructed. Renovations to a landmarked home requires a delicate approach in making changes.
 - 6.The variance request is the minimum necessary to make reasonable use of the land, building or structure.
 - 7.The granting of the variance requested will be in harmony with the general intent and purpose of this chapter and will not be injurious to the area or detrimental to the public welfare.



c. Variance 3 --Section 134-948(7): Variance request to allow a west rear-yard setback of 5.0 feet in lieu of the 15.0-foot minimum required setback for habitable space in the R-C Zoning District. The following criteria is in support of the variance:

- 1.The special conditions and circumstances peculiar to the land, structure or building which are not applicable to other lands is that the residence is a landmarked house in the R-C Zoning District that is non-conforming to today's code.
- 2.The applicant was not the cause of the special conditions as the house was built in 1948 and the applicant purchased the property in 2022 with the special conditions already in existence.
3. The applicant is keeping the existing accessory structure as requested by the Landmarks Preservation Committee, and the committee expressed they would be supportive of necessary variances.
- 4.The granting of the variance will not confer on the applicant a special privilege as having a functional accessory structure is a feasible and reasonable request.
- 5.The hardship, which runs with the land, is that the property is a Town of Palm Beach Historic Landmark and non-conforming to today's code as the zoning code has changed since the house was originally constructed. Renovations to a landmarked home requires a delicate approach in making changes.
- 6.The variance request is the minimum necessary to make reasonable use of the land, building or structure.
- 7.The granting of the variance requested will be in harmony with the general intent and purpose of this chapter and will not be injurious to the area or detrimental to the public welfare.

d. Variance 4 -- Section 134-2179: Variance request to have zero (0) garage parking spaces in lieu of the one (1) car garage required. The following criteria is in support of the variance:

- 1.The special conditions and circumstances peculiar to the land, structure or building which are not applicable to other lands is that the residence is a landmarked house in the R-C Zoning District that is non-conforming to today's code.
- 2.The applicant was not the cause of the special conditions as the house was built in 1948 and the applicant purchased the property in 2022 with the special conditions already in existence.
3. The applicant is keeping the existing accessory structure as requested by the Landmarks Preservation Committee, and the committee expressed they would be supportive of necessary variances.
- 4.The granting of the variance will not confer on the applicant a special privilege as the owners is meeting the Landmarks Preservation Commissions' request and ensuring the accessory structure is usable is a feasible and reasonable request.



5.The hardship, which runs with the land, is that the property is a Town of Palm Beach Historic Landmark and non-conforming to today's code as the zoning code has changed since the house was originally constructed. Renovations to a landmarked home requires a delicate approach in making changes.

6.The variance request is the minimum necessary to make reasonable use of the land, building or structure.

7.The granting of the variance requested will be in harmony with the general intent and purpose of this chapter and will not be injurious to the area or detrimental to the public welfare.

e. Variance 5 -- Section 134-948(6): Variance request to allow a pool heater in north side yard with a setback of 7.0 feet in lieu of the 10.0-foot minimum setback required in the R-C Zoning District. The following criteria is in support of the variance:

1.The special conditions and circumstances peculiar to the land, structure or building which are not applicable to other lands is that the residence is a landmarked house in the R-C Zoning District that is non-conforming to today's code.

2.The applicant was not the cause of the special conditions as the house was built in 1948 and the applicant purchased the property in 2022 with the special conditions already in existence.

3. The applicant is keeping the existing accessory structure as requested by the Landmarks Preservation Committee, and the committee expressed they would be supportive of necessary variances.

4.The granting of the variance will not confer on the applicant a special privilege as having a pool heater is a feasible and reasonable request.

5.The hardship, which runs with the land, is that the property is a Town of Palm Beach Historic Landmark and non-conforming to today's code as the zoning code has changed since the house was originally constructed. Renovations to a landmarked home requires a delicate approach in making changes.

6.The variance request is the minimum necessary to make reasonable use of the land, building or structure.

7.The granting of the variance requested will be in harmony with the general intent and purpose of this chapter and will not be injurious to the area or detrimental to the public welfare.

f. Variance 6--Section 134-948(6): Variance request to allow a pergola in the south side-yard with a side yard setback of 2.46 feet in lieu of the 5.0 feet minimum required in the R-C Zoning District. The following criteria is in support of the variance:

1.The special conditions and circumstances peculiar to the land, structure or building which are not applicable to other lands is that the residence is a landmarked house in the R-C Zoning District that is non-conforming to today's code.



2.The applicant was not the cause of the special conditions as the house was built in 1948 and the applicant purchased the property in 2022 with the special conditions already in existence.

3. The applicant is keeping the existing accessory structure as requested by the Landmarks Preservation Committee, and the committee expressed they would be supportive of necessary variances.

4.The granting of the variance will not confer on the applicant a special privilege as the property line abnormality is the determining issue. The owners were unaware of the oddity in their property boundaries.

5.The hardship, which runs with the land, is that the property is a Town of Palm Beach Historic Landmark and non-conforming to today's code as the zoning code has changed since the house was originally constructed. Renovations to a landmarked home requires a delicate approach in making changes.

6.The variance request is the minimum necessary to make reasonable use of the land, building or structure.

7.The granting of the variance requested will be in harmony with the general intent and purpose of this chapter and will not be injurious to the area or detrimental to the public welfare.

In conclusion, the applicant seeks reasonable modifications to a landmarked property and feels the application has met the criteria set forth in Town Code. We respectfully request your consideration of this application to the Town of Palm Beach. If you have any questions or comments, please do not hesitate to contact us.

Sincerely,

Patrick Ryan O'Connell, AIA
Patrick Ryan O'Connell Architect, LLC.
Lic. #: AA26003685
patrick@proarchitect.com