

SNIFFEN & SPELLMAN, P.A.

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March 3, 2023

HAND DELIVERED

Ms. Pat Gayle-Gordon
Acting Town Clerk
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Re: ARC-22-231 ("Application")
7 La Costa Way ("Subject Property")
La Costa Trust ("Applicant")
Candace Hamm ("Appellant")

RECEIVED

MAR 03 2023

Town Clerk's Office

Dear Ms. Gayle-Gordon:

Please be advised that this firm represents the Appellant, the owner of the property located immediately east of the Subject Property.

The Appellant hereby appeals the decision of the Architectural Review Commission ("ARCOM") made at the January 25, 2023 ARCOM meeting.

Attached hereto please find:

1. the Applicant's original plan submitted for the December 16, 2022 ARCOM meeting,
2. the transcript of the December 16, 2022 ARCOM meeting,
3. the Applicant's revised plan submitted for the January 25, 2023 ARCOM meeting,
4. the transcript of the January 25, 2023 ARCOM meeting, and
5. the transcript of the February 22, 2023 ARCOM meeting.

The basis for this appeal is that ARCOM failed to:

A. make a recommendation on the variances requested in the Application, specifically:

REPLY TO:

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“Variance 2: A variance to provide an overall landscaped open space of 36% in lieu of the 35% existing and the 50% minimum required for a lot over 20,000 SF.

Variance 3: A variance for a two-story lot coverage of 35.2% in lieu of the 25% maximum allowed for a lot in the R-B Zoning District that is great than 20,000 SF in area.”

Variance 1 of the Application was withdrawn at to the December 16, 2022 ARCOM meeting.

B. consider the requirement of Town Code Section 18-205, specifically:

(a) The architectural commission may approve, approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction only after consideration of whether the following criteria are complied with:

(2) The plan for the proposed building or structure indicates the manner in which the structures are reasonably protected against external and internal noise, vibrations, and other factors that may tend to make the environment less desirable.

The Application sought to renovate an existing 1-story residence, including: the replacement of all existing doors and windows; the relocation of mechanical equipment to the existing flat roof; associated rooftop screening for relocated equipment; and updates to landscape, hardscape and pool. No changes were being proposed to the existing footprint or existing volume of the residence. Because of the existing improvements on the Property was deficient in overall landscaped open space and exceeded the maximum allowable lot coverage, the variances are required.

At its January 25, 2023 meeting, ARCOM approved the Application, subject to further review of an entry gate and additional landscaping but failed to make any recommendation on both of the variances. The Appellant believes that it was fundamental error on the part of ARCOM for failing to consider the impact the variances would have on the plan it approved and requests that the ARCOM approval be overturned and that the Application be returned to ARCOM in its entirety to enable ARCOM to consider the impacts of the variances on the Application.

The Applicant’s property is bordered on three sides by a public street, to the west by North Lake Way, on the north by South Woods Road and on the south by La Costa Way. The Applicant has elected to relocate his generator and garbage receptacle to the only side of his property that has a neighbor, Mrs. Hamm, again placing the noise, odor and pest impacts of those facilities directly on Mrs. Hamm. Similarly, while drainage is indicated to meet code, drainage is proposed in the driveway adjacent to Mrs. Hamm’s home and any drainage in excess of that required to be maintained on the Applicant’s property by code will flow onto Mrs. Hamm’s property, potentially undermining the site wall on her property. Last, but not least, the Applicant has placed all eight (8) air conditioning units serving the Applicant’s property on the Applicant’s roof, which is closest to Mrs. Hamm’s home. All of this serves to add to the noise to which Mrs. Hamm will be subjected. Again, there are three sides to the Applicant’s property and all of this

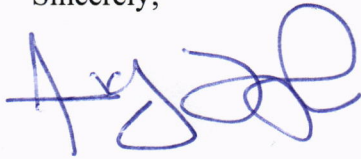
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equipment is proposed for the only side of the property that has a neighbor. ARCOM failed to consider the impacts on Mrs. Hamm that the relocation of all the Applicant's mechanical equipment and drainage will create, in derogation of Code Section 18-205 (a)(2).

Please place this appeal on the next available town council agenda.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'FXJL', with a large, stylized loop at the end.

FRANCIS X. J. LYNCH

FXJL/kh
Enclosures