

## LETTER OF INTENT

HSB-22-017 and ZON-23-005: We are pleased to submit the accompanying drawings for our project at 128 Seabreeze Avenue, Palm Beach, FL. The proposed work includes the following:

1. The Owner requests approval to demolish the porte cochere and reconstruct to match the existing conditions. The porte cochere is wood framed and stucco, in poor structural condition from wood rot and termite damage. This would also allow easy access to the rear yard for construction.
2. The Owner also requests approval to replace the existing flat roof portion of the roof, with a barrel tile roof
3. Approval for fenestration changes throughout main home and guest house is also requested.
4. The owner also requests approval to rebuild existing garage/guest house in the existing footprint, due to structural issues from rot in the wood framing, as well as termite damage.

Please note the following as it relates to this application:

Sections 134-201, 134-226, 134-227 and 134-893(e). Applicant is requesting site plan approval with variances as follows:

The following zoning relief is requested:

1. **Variance 1: Sec. 134-893(b)(13) a.1.:** A variance for a Cubic Content Ratio ("CCR") of 6.1 in lieu of the 4.38 maximum Cubic Content Ratio allowed in the RB zoning district. Existing CCR is 6.1.
2. **Variance 2: Sec. 134-893(b)(11) b.:** A variance for a lot coverage amount of 33% existing and proposed in lieu of the 30% maximum lot coverage allowed in the RB zoning district.
3. **Variance 3: Sec.134-893(b)(12) a.:** A variance for landscape open space of existing and proposed 43% in lieu of the 45% minimum landscape open space required in the RB zoning district.
4. **Variance 4: Sec. 134-891(b):** A variance for an existing and proposed 2-story unattached accessory structure in lieu of the 1 story unattached accessory structure permitted for a lot under 20,000 square feet.
5. **Variance 5: Sec. 134-893(b)(7) a.:** A variance for a reduced one-story west side yard setback existing and proposed of 2'-3½" in lieu of the 12'-6" required for the one-story portion of the primary residence.
6. **Variance 6: Sec. 134-893(b)(7) b.:** A variance for a reduced two-story west side yard setback existing and proposed of 14.6' in lieu of the 15' required for the two-story portion of the primary residence.
7. **Variance 7: Sec. 134-893(b)(7) b.:** A variance for a reduced east side yard setback of 4' existing and proposed in lieu of the 15' required for the two-story residence.

8. **Variance 8: Sec. 134-893(b)(7) b.:** A variance for a reduced west side yard setback of 1'-5" existing and proposed in lieu of the 15' required for a two-story accessory structure.
9. **Variance 9: Sec. 134-893(b)(9) b.:** A variance for a reduced rear yard setback of 2'-1" existing and proposed in lieu of the 15' required for a two-story accessory structure.
10. **Special Exception with Site Plan Review: Sec. 134-893(c).:** Special Exception with Site Plan Review for modifications for two existing platted lots deficient in lot area (6,125 in lieu of 10,000 SF) to reestablish vestments due to demolition of existing structures by more than 50%.

The site plan should be approved because the Applicant is proposing to simply demolish and reconstruct the porte cachere and two-story rear accessory structure. No expansion or intensification are proposed, so no negative impact will result.

The hardship that runs with the property is that the existing home was built pursuant to a different zoning code, which permitted the structures that currently exist. Applicant is merely proposing to renovate, where applicable, and reconstruct where necessary to fortify, beautify and preserve the existing home.

Granting of the variances will not be contrary to the public's interest because no negative impact to the neighbors will result. The applicant proposes to preserve and improve the existing historic home, so this is a positive for the neighborhood as opposed to demolishing the entire structure and building a mcmansion.

See Site History attached hereto as Exhibit "A."

### **Criteria for Site Plan Review**

1. The single-family residential use is being preserved.
2. The proposed renovation enhances life/safety issues because the existing home is in poor condition and in need of the proposed submitted renovation, so the public's health, safety, welfare and morals will be protected and even enhanced.
3. The proposed renovation will not cause injury to the values of the other properties in the neighborhood as the building is being updated and greatly improved. The character of the neighborhood is being enhanced and preserved.
4. The proposed renovation will be compatible with the intended purpose of the district in which it is to be located because the existing home is a great fit in the neighborhood and it is proposed to be updated and preserved.
5. The proposed uses comply with very longstanding and historic current uses.
6. The proposed renovation complies with all elements of the comprehensive plan. No change from the current uses are proposed.

7. The proposed renovation will not result in substantial economic, noise, glare or other impact or odor impacts on adjoining properties, and other properties in the district; inasmuch as, the same uses have existed for many, many years and the current use is not changing.
8. Adequate ingress and egress to the property and loading are provided and not changing.
9. The Applicant is the fee simple owner and person in control of the subject property.
10. The Applicant intends to continue with the current intended use of the property.
11. Ingress and Egress to the subject property will be via Seabreeze Avenue.
12. See attached plans for proposed construction of the renovations.

### **Criteria for Special Exceptions**

1. The proposed uses are all grandfathered, non-conforming uses in the R-B Zoning District.
2. The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected. The proposed renovation will not adversely impact the public or neighborhood but alternatively will enhance the neighborhood.
3. The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located. The proposed renovation will have no negative impact on the value of other properties in the neighborhood and should increase the neighboring property values due to the high end details proposed for the renovation.
4. The use will be compatible with adjoining development and the intended purpose of the R-B Zoning District in which it is to be located. The proposed renovation will be compatible with the neighborhood as the uses are all single-family residential.
5. The uses will comply with yard, other open space, and any special requirements set out in Article VI for the particular use involved. The building will comply with all other yard, other open space and any special requirements set forth in Article VI of the Zoning Code.
6. The uses will comply with all elements of the comprehensive plan including a reduction in density due to the reduction in the number of hotel rooms.
7. The uses will not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district. The proposed renovation will not result in substantial economic, noise, glare, or odor impacts on the adjoining properties and properties in the district, as the renovation enhances the current residence and makes it more compliant with life/safety codes.
8. The proposed uses will not place a greater burden than would be caused by a permitted use on municipal police services due to increased traffic or on fire protection services due to the existence of or increased potential for fire/safety code violations. The proposed

renovation will bring the building into compliance with all codes and the single-family use will remain the same.

**Criteria for Authorizing a Variance (The following rationale and criteria apply to all variance requests # 1 through # 9 because all non-conformities are existing, and no enlargement or intensification is proposed)**

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 pursuant to a different code and is non-compliant with current codes. The Applicant is proposing to simply renovate the home, which includes demolition and reconstruction of the porte cache an rear two-story accessory structure, so nothing proposed changes any of the existing non-conformities.

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 building and were not created by the Applicant. The Applicant is proposing to make this very old residence safer and to also greatly enhance the aesthetics of this historically significant building.

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 applicant is not proposing to add any non-conforming work or additions to the home.

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.

Literal interpretation of the ordinances would deprive Applicant of the right to beautify the home and make it safe and to preserve and enhance the charm of this older historically significant home.

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 because the Applicant proposes to keep the home in its current location and size and to not add on to it at all.

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

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 are in harmony with the intent and purpose of the Zoning Code because the requested renovation is an improvement to this historically significant home and it will preserve the home for the future while continuing to enhance the beauty and charm of the neighborhood. No new height and no new additions are proposed.

**EXHIBIT “A”**  
**Site History**

1.