

SMITH AND MOORE ARCHITECTS, INC.

Harold Smith • Jonathan Moore • Peter Papadopoulos • Daniel Kahan



Re: 247 Seaspray Ave.,
Palm Beach, FL 33480

February 3rd, 2023

LETTER OF INTENT (LOI)

ARC-23-019 (ZON-23-036)

PROPOSED RENOVATION OF AN EXISTING DETACHED ACCESSORY STRUCTURE IN R-B ZONING

Please find for review the attached drawings and documentation for our project in the R-B Zoning District of Palm Beach. The proposal is for the renovation of an existing detached accessory structure, to include the addition of a one-room 205 sf. two-story addition. Requiring a 1'-5" variance to the East for 2-story side yard setback and a Rear (North) yard setback of 2'-6", which is existing. A variance for a 2-story addition to an accessory structure with an overall Lot Size less than 20,000 sq. ft. We believe the proposal is in accordance with the following guidelines:

ARCHITECTURAL REVIEW IN ACCORDANCE WITH SECTION 18-205 AND 18-206:

Sec. 18-205. - Criteria for building permit.

We are submitting a proposed design that we consider tasteful with harmonious and balanced elevations, providing texture and shadow, and designed with appropriate materials and details.

1. The plan for this proposed addition 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. The plan for the proposed addition is reasonably protected against external and internal noise and other factors that would tend to make the environment less desirable.
 - a. The plans show that existing entertaining spaces are centrally located on the site placing these spaces far as possible from neighboring properties.
 - b. The existing pool area is located at the rear of the Residence.
3. The proposed building exterior 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 design is in harmony with the proposed developments on land in the general area and with the compressive plan for the town.
5. The proposed design 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:

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- a. The proposed design does not have apparently visible identical front or side elevations.
- b. The proposed design does not have substantially identical size and arrangement of either doors, windows, porticos or other opening or breaks in the elevation facing the street, including reverse arrangement.
- c. The proposed design does not have other significant identical features of design such as, but not limited to, material roof line and height of other design elements.
6. The proposed design 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 building or height of roof.
 - 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 to the accessory structure is subservient in style and massing to the principal or main structure.
8. The proposed design 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).
9. The proposed design is in conformity with the standards of this code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.
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 design does not negatively impact any existing natural features.

The following zoning relief is requested:

1. **Variance 1: Sec. 134-893(b)(7)(a):** A variance to vest an existing non-conforming first floor side (east) yard setback of 1.6' in lieu of 12.5' required due to demolition of more than 50% of the structure.
2. **Variance 2: Sec. 134-893(b)(9)(a):** A variance to vest an existing non-conforming first floor rear (north) yard setback of 1.3' in lieu of 10' required due to demolition of more than 50% of the structure.
3. **Variance 3: Sec.134-893(b)(7)(b):** A variance to permit a second story addition to accessory structure with setback of side (east) yard setback of 13'-7½" in lieu of the 15' required.
4. **Variance 4: Sec. 134-893(b)(9) b:** A variance to permit a second story addition to an accessory structure with a rear (north) yard setback of 2'-6 ¼" in lieu of the 15' required.
5. **Variance 5: Sec. 134-891(b)(1) a:** A variance for to permit a second story addition to the garage structure accessory structure in lieu of the 1 story unattached accessory structure permitted for a lot under 20,000 square feet.

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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 proposing to add a very small 205 sq ft addition on top of the original garage to accommodate a family member. Because the existing structures are non-confirming to today's code, any addition would trigger a variance request. The two variance requests reflect existing conditions and are triggered only by renovation of the existing one-story structure and removal of the existing roof.

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 home to today's standards, so this is a positive for the neighborhood. In lieu of a demolition of the entire structure on the "Sea" streets and the building of a new house at a much higher base elevation.

See Site History attached hereto as Exhibit "A."

Criteria for Site Plan Review – N/A

Criteria for Special Exceptions – N/A

Criteria for Authoring a Variance. (The following rationale and criteria apply to Variance requests # 1 and #2 because both variances are related only to the new roof to be added to the accessory structure.

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 renovate the accessory structure, including re-roofing it. The new roof alone triggers these very technical variance requirements.

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. No enlargement of the first floor structure is proposed.

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.

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No special privileges will be conferred on the Applicant if the variances are granted because no changes other than a new roof are proposed to the existing first floor structure.

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 upgrade the one-story accessory structure with a new roof.

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 first floor accessory structure in its current location and only add a new roof.

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 is in harmony with the intent and purpose of the Zoning Code because the requested renovation is an improvement to this older accessory structure and it will enhance preserve the older accessory structure for the future while continuing to enhance the beauty and charm of the neighborhood.

Criteria for Authorizing a Variance (The following rationale and criteria apply to variance requests # 3 through 5 because all three variances are due to the proposal to add a small bedroom on the second floor of the existing accessory structure.

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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 renovate the accessory structure, and add a 205 sq. ft. second floor bedroom, which includes demolition and reconstruction of the garage. Because of the existing non-conformity, any addition, even this very small 205 sq. ft bedroom addition, triggers the variance relief.

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 the home, which was constructed in 1925, more useable for her family.

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 proposing to add only a small 205 sq. ft bedroom

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 upgrade the home and fulfill a need of a family member.

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 accessory structure in its current location and only add a very small bedroom.

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:

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- 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 1925 non-conforming home and separate garage and it will enhance and preserve the small home for the future while continuing to enhance the beauty and charm of the neighborhood.

EXHIBIT "A"

Site History

Sincerely,



Peter Papadopoulos
Principal Architect