

PUBLIC COMMENT: ZON-23-032 (ARC-23-022) 125 WORTH AVE
RECIEVED FROM 4/1/23 TO 4/5/23

From: [Deborah Jones](#) on behalf of [Town Council](#)
Subject: 125 Worth Avenue / Worth and Vineta
Date: Monday, April 03, 2023 1:46:52 PM

Please see the email below from Susan Watts.

Bcc: M&TC, All Town Managers, Wayne, Antonette, James, Kelly, Pat, Public Comment

Sincerely,
Deb

From: SUSAN WATTS <sbwatts@yahoo.com>
Sent: Sunday, April 02, 2023 12:40 PM
To: Town Council <TCouncil@TownofPalmBeach.com>; Danielle Hickox Moore <DMoore@TownofPalmBeach.com>
Subject: Worth and Vineta

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Council Members and Honorable Mayor,

Unfortunately, I cannot attend the April 4th Development Review meeting, but I want to weigh-in one more time on these two projects. As I know you will, please take into serious consideration denying both the expansion of 125 Worth Avenue into a 4 story building, and the addition of any seats above the approved 113 in the reimagined Chesterfield Hotel into the splendid Vineta Hotel. In the age of "Lets make everything bigger and increase profits" mentality, we should all work together to keep our wonderful Palm Beach the charming, livable, unique town which we love and must protect. Our quality of life is rare and precious here.

Respectfully and with faith in your decisions on Tuesday,

Susan Watts
Palm Beach

PUBLIC COMMENT: ZON-23-032 (ARC-23-022) 125 WORTH AVE
RECIEVED FROM 4/1/23 TO 4/5/23

From: [Deborah Jones](#) on behalf of [Town Council](#)
To: [Public Comment](#)
Subject: FW: 125 Worth Avenue
Date: Wednesday, April 05, 2023 10:03:06 AM

Good morning - Deb

-----Original Message-----

From: Gene Bernstein <geneb@northville.com>
Sent: Wednesday, April 05, 2023 9:45 AM
To: Danielle Hickox Moore <DMoore@TownofPalmBeach.com>; Town Council
<TCouncil@TownofPalmBeach.com>
Subject: 125 Worth Avenue

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Mayor and Town Council,

We are writing in opposition to the developer's plans to dramatically change the building at 125 Worth Avenue.

After visiting Palm Beach for many years we decided to buy a condo here. We were shown many lovely units, including a penthouse in a tall building on Olive Street in West PB. It was perfect for us with one big exception: WPB was a small (and rapidly growing) city, which is not what we moved here for. Happily we found another great condo on the island and have grown to love PB precisely because of the small town atmosphere, the beauty of the island, and the resistance to overdevelopment.

Our town codes have protected that charm, and variances to it should be few and far between. 125 Worth Avenue should not be given such variances both for what it would do to that address and for the precedent it would set.

Thank you for considering this opinion,

Gene Bernstein and Kathleen Walsh
100 Sunrise Ave-#223
Palm Beach, FL 33480

PUBLIC COMMENT: ZON-23-032 (ARC-23-022) 125 WORTH AVE
RECIEVED FROM 4/1/23 TO 4/5/23

From: [Deborah Jones](#) on behalf of [Town Council](#)
To: [Public Comment](#)
Subject: FW: 125 Worth Avenue re-development
Date: Wednesday, April 05, 2023 10:09:12 AM

From: Patricia Bilden <pfbpalmbeach@gmail.com>
Sent: Tuesday, April 04, 2023 7:40 PM
To: Town Council <TCouncil@TownofPalmBeach.com>; Danielle Hickox Moore <DMoore@TownofPalmBeach.com>
Subject: Fwd: 125 Worth Avenue re-development

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Mayor and Town Council,

I attended today's meeting re: the 125 Worth Avenue re-development plans. I was impressed with the sincerity and passion displayed by so many residents, encouraging the council to reject the variance requests by the developer.

I echo their sincerity and passion in my request to you to reject these variance requests. The anticipated and the unintended consequences of a variance request in resultant increased traffic, density, noise, use, and decreased architectural beauty and resultant overall enjoyment of the midtown and Worth Avenue experiences by both residents and visitors alike amount to an overall detriment to the Palm Beach experience that so many love and desire.

Please 'hold the line' as requested by so many at the meeting today, and keep our Palm Beach a beautiful and enjoyable way of life for its residents. Previous councils have established clear guidelines to follow in the codes and zoning established, and I ask that you adhere to them and respect previous council experience to ensure that the Palm Beach way of life is enjoyed by its ardent residents.

I look forward to hearing your thoughts at the April 12 meeting.

Warm regards,
Patricia Bilden
Owner, 300 S Ocean Blvd, 4B
Palm Beach FL 33480

Begin forwarded message:

PUBLIC COMMENT: ZON-23-032 (ARC-23-022) 125 WORTH AVE
RECIEVED FROM 4/1/23 TO 4/5/23

From: Patricia Bilden <pfbpalmbeach@gmail.com>

Subject: 125 Worth Avenue re-development

Date: April 1, 2023 at 5:58:52 PM EDT

To: Council@townofpalmbeach.com, Mayor@townofpalmbeach.com

Dear Mayor and Town Council,

I have been a resident of Palm Beach for the past 6 years. We chose Palm Beach for its natural beauty and its small town, upscale feel to the neighborhoods. It is truly the best of all worlds we enjoy here, and residents rightly wish to protect this special place, and depend on our mayor and town council to serve as stewards of this magical island. I am sure you take your jobs as protectorates of this town very seriously.

I write to register my opposition to further development at 125 Worth Avenue as currently requested by the developer, who seeks multiple variances to standing code of the city and the business district. The town councils of previous years have rightly instituted codes by which homeowners and commercial building owners must abide by, otherwise why have these codes?

The request for expansion, massive or minimal, of the size and height of the building should be rejected, and the developer should be made to renovate within the confines as previously established by the current building envelope. To ignore these codes, and to grant these variance requests is at odds with the needs of the town, and will establish a dangerous precedent to further requests by other building owners, who would wish to expand the useful size of their buildings, and hence their profitability. This would be done at the expense of the natural capacity of the town.

The elimination of the parking spaces, as proposed, would only further aggravate the parking problem along Worth Avenue and midtown for town residents and visitors.

Please continue to act as responsible stewards of this beautiful town, and reject the developers attempts to monetize at our expense.

Kind regards,

Patricia Bilden
300 S Ocean Blvd, 4B
Palm Beach FL 33480

PUBLIC COMMENT: ZON-23-032 (ARC-23-022) 125 WORTH AVE
RECIEVED FROM 4/1/23 TO 4/5/23

From: [Jessica Savidge](#) on behalf of [Town Council](#)
Cc: [Public Comment](#)
Subject: FW: 125 Worth Avenue re-development
Date: Saturday, April 01, 2023 6:03:35 PM

Mayor and Town Council (blind copied),

Please see below. This email is also being filed in the Public Comment email and Antonette will file on Monday.

Have a great weekend!

-----Original Message-----

From: Patricia Bilden <pfbpalmbeach@gmail.com>
Sent: Saturday, April 1, 2023 5:59 PM
To: Town Council <TCouncil@TownofPalmBeach.com>; Danielle Hickox Moore
<DMoore@TownofPalmBeach.com>
Subject: 125 Worth Avenue re-development

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Mayor and Town Council,

I have been a resident of Palm Beach for the past 6 years. We chose Palm Beach for its natural beauty and its small town, upscale feel to the neighborhoods. It is truly the best of all worlds we enjoy here, and residents rightly wish to protect this special place, and depend on our mayor and town council to serve as stewards of this magical island. I am sure you take your jobs as protectorates of this town very seriously.

I write to register my opposition to further development at 125 Worth Avenue as currently requested by the developer, who seeks multiple variances to standing code of the city and the business district. The town councils of previous years have rightly instituted codes by which homeowners and commercial building owners must abide by, otherwise why have these codes?

The request for expansion, massive or minimal, of the size and height of the building should be rejected, and the developer should be made to renovate within the confines as previously established by the current building envelope. To ignore these codes, and to grant these variance requests is at odds with the needs of the town, and will establish a dangerous precedent to further requests by other building owners, who would wish to expand the useful size of their buildings, and hence their profitability. This would be done at the expense of the natural capacity of the town.

The elimination of the parking spaces, as proposed, would only further aggravate the parking problem along Worth Avenue and midtown for town residents and visitors.

Please continue to act as responsible stewards of this beautiful town, and reject the developers attempts to monetize at our expense.

Kind regards,

Patricia Bilden
300 S Ocean Blvd, 4B
Palm Beach Fl 33480

PUBLIC COMMENT: ZON-23-032 (ARC-23-022) 125 WORTH AVE
RECIEVED FROM 4/1/23 TO 4/5/23

From: [Jessica Savidge](#) on behalf of [Town Council](#)
Cc: [Public Comment](#)
Subject: FW: 125 worth Ave Frisbie Group
Date: Saturday, April 01, 2023 6:10:57 PM
Attachments: [image001.png](#)

Mayor and Town Council (blind copied),

This email is also being filed, but wanted you to have it as soon as possible. Antonette will file/package with the others on Monday.

Have a great weekend!

Jess Savidge
Administrative Manager



Town of Palm Beach
360 South County Road
Palm Beach, FL 33480
561-227-6308

Town Manager's Office

From: Anne Pepper <annepepper@icloud.com>
Sent: Saturday, April 1, 2023 12:36 PM
To: Town Council <TCouncil@TownofPalmBeach.com>
Subject: Re: 125 worth Ave Frisbie Group

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Thank you, Jeff! I forwarded your message to Council @ Town of Palm Beach as well as the mayor! Sorry I didn't see you when you were just here. You came and went so quickly.

Sent from my iPhone

On Apr 1, 2023, at 12:34, Anne Pepper <annepepper@icloud.com> wrote:

Sent from my iPhone

Begin forwarded message:

From: jjcmd@verizon.net
Date: April 1, 2023 at 09:24:53 EDT

PUBLIC COMMENT: ZON-23-032 (ARC-23-022) 125 WORTH AVE
RECIEVED FROM 4/1/23 TO 4/5/23

To: Anne Pepper <annepepper@icloud.com>

Subject: Fwd: 125 worth Ave Frisbie Group

Sent from my iPhone

Begin forwarded message:

From: jicmd@verizon.net

Date: April 1, 2023 at 9:23:59 AM EDT

To: Mayor@townofpalmbeach.com

Subject: 125 worth Ave Frisbie Group

I am writing to you to raise my objections to the proposed redevelopment of the above commercial property and to uphold the 1991 town codes

The proposal does nothing to enhance the already congested Worth Avenue and will negatively impact the town residents at the expense of greedy commercial developers

Jeffrey Cohen MD
325 Seaspray Avenue

Sent from my iPhone

PUBLIC COMMENT: ZON-23-032 (ARC-23-022) 125 WORTH AVE
RECIEVED FROM 4/1/23 TO 4/5/23

From: [Deborah Jones](#) on behalf of [Town Council](#)
Subject: FW: 125 Worth Ave et al
Date: Monday, April 03, 2023 12:59:35 PM

Hello,

Please see the email below.

Bcc: M&TC, All Town Managers, Wayne, Antonette, James, Kelly, Pat, Public Comment

Sincerely,
Deb

-----Original Message-----

From: Michele de Araujo <michele.dearaujo@gmail.com>
Sent: Sunday, April 02, 2023 11:34 PM
To: Town Council <TCouncil@TownofPalmBeach.com>
Cc: Danielle Hickox Moore <DMoore@TownofPalmBeach.com>
Subject: 125 Worth Ave et al

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Council Members and Mayor Moore,

My comments will be brief. Palm Beach is an iconic town for countless reasons. Please be vigilant when considering the variances that will forever change our famous Worth Avenue. What happened to “town serving”?

To mention one major concern.... parking issues in the Royal Poinciana area and in mid-town are already at an unsustainable level. Please, do not let Palm Beach turn into a developers’ paradise.

Sincerely,
Michele and Sergio de Araujo

330 Coconut Row, Apt. 2C

PUBLIC COMMENT: ZON-23-032 (ARC-23-022) 125 WORTH AVE
RECIEVED FROM 4/1/23 TO 4/5/23

From: [Deborah Jones](#) on behalf of [Town Council](#)
To: [Public Comment](#)
Subject: FW: Concern for the re-development of the Neiman Marcus building
Date: Wednesday, April 05, 2023 10:07:31 AM

-----Original Message-----

From: Audrey Foster <audsf2@gmail.com>
Sent: Wednesday, April 05, 2023 4:40 AM
To: Town Council <TCouncil@TownofPalmBeach.com>; Danielle Hickox Moore <DMoore@TownofPalmBeach.com>
Cc: James Foster <james.c.foster@crl.com>
Subject: Concern for the re-development of the Neiman Marcus building

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

> Dear Mayor and Town Council,

>

> I have been a resident of Palm Beach for the past 23 years. My husband and I chose Palm Beach for its natural beauty and its small town, upscale feel to the neighborhoods. It is truly the best of all worlds we enjoy here, and residents rightly wish to protect this special place, and depend on our mayor and town council to serve as stewards of this magical island. I am sure you take your jobs as protectorates of this town very seriously.

>

> I write to register my opposition to further development at 125 Worth Avenue as currently requested by the developer, who seeks multiple variances to standing code of the city and the business district. The town councils of previous years have rightly instituted codes by which homeowners and commercial building owners must abide by, otherwise why have these codes?

>

> The request for expansion, massive or minimal, of the size and height of the building should be rejected, and the developer should be made to renovate within the confines as previously established by the current building envelope. To ignore these codes, and to grant these variance requests is at odds with the needs of the town, and will establish a dangerous precedent to further requests by other building owners, who would wish to expand the useful size of their buildings, and hence their profitability. This would be done at the expense of the natural capacity of the town.

>

> The elimination of the parking spaces, as proposed, would only further aggravate the parking problem along Worth Avenue and midtown for town residents and visitors.

>

> Please continue to act as responsible stewards of this beautiful town, and reject the developers attempts to monetize at our expense.

>

> With respect and appreciation for all that you do,

Audrey S. Foster
300 South Ocean Blvd
Apt 2 C & B

Sent from my iPad
audsf2@gmail.com
Cell: 781-718-3164

PUBLIC COMMENT: ZON-23-032 (ARC-23-022) 125 WORTH AVE
RECIEVED FROM 4/1/23 TO 4/5/23

From: [Deborah Jones](#) on behalf of [Town Council](#)
To: [Public Comment](#)
Subject: FW: 125 Worth Avenue re-development opposition
Date: Wednesday, April 05, 2023 10:06:44 AM

Good morning - Deb

From: Foster, James C <James.C.Foster@crl.com>
Sent: Wednesday, April 05, 2023 7:35 AM
To: Danielle Hickox Moore <DMoore@TownofPalmBeach.com>; Town Council
<TCouncil@TownofPalmBeach.com>
Subject: FW: 125 Worth Avenue re-development opposition

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Dear Mayor and Town Council,

I have been a resident of Palm Beach for the past 6 years. We chose Palm Beach for its natural beauty and its small town, upscale feel to the neighborhoods. It is truly the best of all worlds we enjoy here, and residents rightly wish to protect this special place, and depend on our mayor and town council to serve as stewards of this magical island. I am sure you take your jobs as protectorates of this town very seriously.

I write to register my opposition to further development at 125 Worth Avenue as currently requested by the developer, who seeks multiple variances to standing code of the city and the business district. The town councils of previous years have rightly instituted codes by which homeowners and commercial building owners must abide by, otherwise why have these codes?

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PUBLIC COMMENT: ZON-23-032 (ARC-23-022) 125 WORTH AVE
RECIEVED FROM 4/1/23 TO 4/5/23

The elimination of the parking spaces, as proposed, would only further aggravate the parking problem along Worth Avenue and midtown for town residents and visitors.

Please continue to act as responsible stewards of this beautiful town, and reject the developers attempts to monetize at our expense.

Kind regards,

James C. Foster
300 SOcn Blvd Apts. 2B&C
Palm Beach, Fl. 33480

PUBLIC COMMENT: ZON-23-032 (ARC-23-022) 125 WORTH AVE
RECIEVED FROM 4/1/23 TO 4/5/23

From: [Jessica Savidge](#) on behalf of [Town Council](#)
Cc: [Public Comment](#)
Subject: FW: 125 Worth Avenue Expansion
Date: Saturday, April 01, 2023 6:09:40 PM
Attachments: [image001.png](#)

Mayor and Town Council (blind copied),

This email is also being filed, but wanted you to have it as soon as possible. Antonette will file/package with the others on Monday.

Have a great weekend!

Jess Savidge
Administrative Manager



Town of Palm Beach
360 South County Road
Palm Beach, FL 33480
561-227-6308

Town Manager's Office

From: Garrison, Robert N. <RNG@GarrisonArch.com>
Sent: Saturday, April 1, 2023 1:37 PM
To: Town Council <TCouncil@TownofPalmBeach.com>; Anne Pepper <annepepper@mac.com>
Subject: 125 Worth Avenue Expansion

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

I am writing to ask you not to approve the proposed variances and expansion of the "mechanical room" on the roof of 125. There is no justification for all of these requests and would set a precedent for other properties on Worth Avenue.

I appreciate your time and dedication to keeping our town the great community that we all enjoy.

Bob Garrison
156 Seabreeze Avenue

Sent from my iPad

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PUBLIC COMMENT: ZON-23-032 (ARC-23-022) 125 WORTH AVE
RECIEVED FROM 4/1/23 TO 4/5/23

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PUBLIC COMMENT: ZON-23-032 (ARC-23-022) 125 WORTH AVE
RECIEVED FROM 4/1/23 TO 4/5/23

From: [Deborah Jones](#) on behalf of [Town Council](#)
Subject: FW: Worth Avenue redevelopment
Date: Monday, April 03, 2023 1:13:52 PM

Hello,

Please see the email below.

Bcc: M&TC, All Town Managers, Wayne, Antonette, James, Kelly, Pat, Public Comment

Sincerely,
Deb

From: Ann Jackson <acblj33480@gmail.com>
Sent: Sunday, April 02, 2023 8:30 PM
To: Danielle Hickox Moore <DMoore@TownofPalmBeach.com>; Town Council
<TCouncil@TownofPalmBeach.com>
Subject: Worth Avenue redevelopment

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Dear Madam Mayor and Town Council Members,

As a resident and home owner of over 45 years I am writing to beg you to deny the applications to redevelop the properties at 125 and 151 Worth Avenue. The last thing Palm Beach needs is to build bigger buildings and encourage more traffic. This is a small town and every inch is being used to capacity in my opinion. The traffic and parking situation is horrific and makes life miserable for residents. Not to mention the dirt and noise of construction. I have been living next to a construction project for two years and believe me, it's unpleasant and has robbed me of my privacy and tranquil home. Please, don't allow these bigger buildings, keep our small town small!

Ann Jackson
135 Seaview Avenue
Sent from my iPhone

PUBLIC COMMENT: ZON-23-032 (ARC-23-022) 125 WORTH AVE
RECIEVED FROM 4/1/23 TO 4/5/23

From: [Deborah Jones](#) on behalf of [Town Council](#)
To: [Public Comment](#)
Subject: FW: 125 Worth Avenue RE-development
Date: Wednesday, April 05, 2023 10:05:54 AM

From: wkirk500@aol.com <wkirk500@aol.com>
Sent: Wednesday, April 05, 2023 8:39 AM
To: Town Council <TCouncil@TownofPalmBeach.com>; Danielle Hickox Moore <DMoore@TownofPalmBeach.com>
Cc: skirk500@me.com
Subject: 125 Worth Avenue RE-deve;opment

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Subject: 125 Worth Avenue re-development
Date: April 1, 2023 at 5:58:52 PM EDT
To: Council@townofpalmbeach.com, Mayor@townofpalmbeach.com

Dear Mayor and Town Council,

I have been a resident of Palm Beach for the past 26 years. We chose Palm Beach for its natural beauty and its small town, upscale feel to the neighborhoods. It is truly the best of all worlds we enjoy here, and residents rightly wish to protect this special place, and depend on our mayor and town council to serve as stewards of this magical island. I am sure you take your jobs as protectorates of this town very seriously.

I write to register my opposition to further development at 125 Worth Avenue as currently requested by the developer, who seeks multiple variances to standing code of the city and the business district. The town councils of previous years have rightly instituted codes by which homeowners and commercial building owners must abide by, otherwise why have these codes?

The request for expansion, massive or minimal, of the size and height of the building should be rejected, and the developer should be made to renovate within the confines as previously established by the current building envelope. To ignore these codes, and to grant these variance requests is at odds with the needs of the town, and will establish a dangerous precedent to further requests by other building owners, who would wish to expand the useful size of their buildings, and hence their profitability. This would be done at the expense of the natural capacity of the town.

The elimination of the parking spaces, as proposed, would only further aggravate the parking problem along Worth Avenue and midtown for town residents and visitors.

Please continue to act as responsible stewards of this beautiful town, and reject the developers attempts to monetize at our expense.

Kind regards,

Susan S. Kirkbride
138 Barton Ave
Palm Beach Fl 33480

PUBLIC COMMENT: ZON-23-032 (ARC-23-022) 125 WORTH AVE
RECIEVED FROM 4/1/23 TO 4/5/23

From: [Jessica Savidge](#) on behalf of [Town Council](#)
Cc: [Public Comment](#)
Subject: FW: Worth Avenue and PB Takeover!
Date: Saturday, April 01, 2023 6:14:45 PM

Mayor and Town Council (blind copied),

This email is also being filed, but wanted you to have it as soon as possible. Antonette will file/package with the others on Monday.

Have a great weekend!

-----Original Message-----

From: Bruce M Langmaid <bruceinpb@yahoo.com>
Sent: Saturday, April 1, 2023 10:08 AM
To: Town Council <TCouncil@TownofPalmBeach.com>
Subject: Worth Avenue and PB Takeover!

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Honorable Town Council Members,

Please do not let our town become another New York City. The developers, Frisbie's and former Director of Planning & Zoning, Josh Martin, will start redeveloping every building that they can find on our island which is all being financed by the Chinese! Just stop any acceleration of 125 Worth Ave and adhere to the Comprehensive Plan of 2017

Kindest regards,

Bruce

Bruce Langmaid
354 Chilean Ave
Palm Beach Florida
33480

PUBLIC COMMENT: ZON-23-032 (ARC-23-022) 125 WORTH AVE
RECIEVED FROM 4/1/23 TO 4/5/23

From: [Jessica Savidge](#) on behalf of [Town Council](#)
Cc: [Public Comment](#)
Subject: FW: Anne Pepper letter
Date: Saturday, April 01, 2023 6:08:11 PM

Mayor and Town Council (blind copied),

This email is also being filed, but wanted you to have it as soon as possible. Antonette will file/package with the others on Monday.

-----Original Message-----

From: Gay Lehman <gaylehman@gmail.com>
Sent: Saturday, April 1, 2023 1:38 PM
To: Town Council <TCouncil@TownofPalmBeach.com>
Subject: Anne Pepper letter

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Dani and Bobbie...for once I'm in full agreement with Anne...we really do not need more density on and around Worth Avenue. It sounds like its inevitable but hopefully you will hold off on any variances. Thanks, Gay Lehman

PUBLIC COMMENT: ZON-23-032 (ARC-23-022) 125 WORTH AVE
RECIEVED FROM 4/1/23 TO 4/5/23

From: [Jessica Savidge](#) on behalf of [Town Council](#)
Cc: [Public Comment](#)
Subject: FW: Construction on Worth Avenue
Date: Wednesday, April 05, 2023 5:55:28 PM

Mayor and Town Council (blind copied),

-----Original Message-----

From: joan patton <jdmarvel4@mac.com>
Sent: Wednesday, April 5, 2023 2:02 PM
To: Town Council <TCouncil@TownofPalmBeach.com>
Cc: Danielle Hickox Moore <DMoore@TownofPalmBeach.com>
Subject: Construction on Worth Avenue

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Council Members and Mayor,

We are writing to oppose the additional height and size request for the proposed project of the old Neiman Marcus building.

There are building restrictions that are in place for a reason-a good part of which is to preserve the beauty and ambiance of the Town of Beach. As we all know permitting such a variance sets a precedent for future requests on other projects that could possibly be even larger in size and be damaging to the charm of this world renowned avenue and area. The quiet charm of Palm Beach is a major reason we visited and finally decided to reside here over the last 27 years.

As you are well aware there already exists tremendous pressure on the island and its resources and this push for a variance will only exacerbate the situation.

Thank you for your attention in this matter.

Joseph and Joan Patton
300 Atlantic Avenue
Palm Beach.

Sent from my iPhone

PUBLIC COMMENT: ZON-23-032 (ARC-23-022) 125 WORTH AVE
RECIEVED FROM 4/1/23 TO 4/5/23

From: [Deborah Jones](#) on behalf of [Town Council](#)
Subject: FW: 125 Worth Avenue
Date: Monday, April 03, 2023 12:45:06 PM

Hello,

Please see the email below.

Bcc: M&TC, All Town Managers, Wayne, Antonette, James, Kelly, Pat, Public Comment

Sincerely,
Deb

-----Original Message-----

From: MARY REED <wollyreed@mac.com>
Sent: Monday, April 03, 2023 12:10 PM
To: Town Council <TCouncil@TownofPalmBeach.com>
Subject: 125 Worth Avenue

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

I am writing to voice my strong opposition to the application by the owners of 125 Worth Avenue to greatly expand the building including a 4th Floor. I think this will open a can of worms and will encourage other commercial owners to ask for variances to expand their buildings.

As I drive thru midtown, I am always in awe by the scale of the buildings and feel so lucky to live in a small town.

I am relying on the Town Council to keep Palm Beach the way it is.

Mary Reed, 231 Chilean Avenue, Palm Beach

April 3, 2023

Town Council
Palm Beach, FL

RE: 1) Chesterfield
2) 125 Worth Ave

Dear Council Members:

This is all crazy. You must know by now that the vast majority of Palm Beach residents are extremely concerned the way things may be headed here and the terrible implications for the future of the Palm Beach we know and love. The threats: commercial developers, and increased intensification. You are all smart and conscientious - we can see that at the hearings. But we worry that you still may favor commercial development for whatever the reasons.

Unlike many other FL communities (and international destinations) we are uniquely quiet, low-key, early to eat, and early to bed. Most restaurants and hotels know and respect that. And many day and evening out-of-town visitors. The Vineta operator seems to stubbornly maintain an opposite view and competing vision particularly for after 11:00 PM as a function of seat increases, hours, and intensification. Despite what they say.

As has been pointed out, intensification is not just linear with increase in existing seats. It's exponential, by a factor that is scary but unknown: 1) standing room at the bar could be a serious force multiplier, and 2) "intensification" in general in Palm Beach is currently on steroids, likely propelled here by the novelty of a new high-end watering hole and opening. We need to test into this initially: in the meantime, no increase in seating, and 11:00-ish closing including weekends to outside public. Both precautions could be relaxed later.

Separately, we need a 2 year moratorium on any new development in Palm Beach, at least commercial, with any associated variances that increase intensification. Not to mention traffic, parking, and present construction.

As to 125 Worth Ave, NO WAY.

Appreciatively,

John P. Tuohy
389 South Lake Drive

PUBLIC COMMENT: ZON-23-032 (ARC-23-022) 125 WORTH AVE
RECIEVED FROM 4/1/23 TO 4/5/23

From: [Deborah Jones](#) on behalf of [Town Council](#)
To: [Public Comment](#)
Subject: FW: 125 Worth Ave
Date: Tuesday, April 04, 2023 10:53:30 AM

Good morning,

The email below was sent to the Council mailbox for your attention.

Sincerely,
Deb

From: Allison Wright <westhamfinancial@gmail.com>
Sent: Tuesday, April 04, 2023 9:44 AM
To: Town Council <TCouncil@TownofPalmBeach.com>; Danielle Hickox Moore <DMoore@TownofPalmBeach.com>
Subject: 125 Worth Ave

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Madam Mayor and Council,

Please do not allow any commercial exceptions and variances to 125 Worth Avenue. The Town has rules and regulations standing on the books that prevent this type of building for which the developers are asking. A lot of research and thought went into these rules. The size of the large list of exceptions and variances is enough to indicate the project is not allowed. The entire block is already in the suburban strip mall style - not in the charming style of the rest of Worth Avenue.

Please keep our town charming! This is what the citizens want.

Respectfully,
Allison Wright
235 Seaspray Ave

--

Allison Wright
804 357-9799

PUBLIC COMMENT: ZON-23-032 (ARC-23-022) 125 WORTH AVE
RECIEVED FROM 4/1/23 TO 4/5/23

From: [Deborah Jones](#) on behalf of [Town Council](#)
Subject: Redevelopment of 125 Worth Avenue
Date: Monday, April 03, 2023 12:47:43 PM

Hello,

Please see the email below.

Bcc: M&TC, All Town Managers, Wayne, Antonette, James, Kelly, Pat, Public Comment

Sincerely,
Deb

From: Emily Sawyer <emilysawyer@leachllc.com> **On Behalf Of** Howard Leach
Sent: Monday, April 03, 2023 9:54 AM
To: Town Council <TCouncil@TownofPalmBeach.com>
Cc: Brandy J. Lowe <brandylowe@leachllc.com>
Subject: 125 Worth Avenue

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

To whom it may concern:

It has come to our attention that there is a request for numerous variances and special exceptions for the redevelopment of 125 Worth Avenue. These variances would eliminate 26 parking spaces.

There is adequate commercial property available on Worth Avenue and other locations in the business district. The 1991 guidelines are intended to limit development in keeping with the character of Palm Beach. It is important that our very special town does not become over developed and that the restrictions in place for a long time be respected.

Ambassador Howard H. Leach and Gretchen Leach

From: [Rip McIntosh](#)
To: [Town Council](#)
Cc: [Public Comment](#)
Subject: Overdevelopment
Date: Sunday, April 02, 2023 1:08:20 PM

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****



Rip McIntosh

Please, fellow citizens,

Act in the best long-term interest of our unique town, and vote to discourage the massification of Worth Avenue.

Nowhere is it written that Palm Beach must follow in the footsteps of other villages whose character has been ruined by overdevelopment.

Already, too many conversations are overheard about the additional stress and inconveniences placed on our special community due to citizens fleeing the unwise political actions of states west and north of us. Bulking up Worth Ave or any other part of Palm Beach will only exacerbate the situation.

With real estate prices already far beyond the realm of reasonability, it is only natural for developers to salivate at the huge profits to be gleaned from creating additional salable homes and stores, but is the profit for a few worth the destruction of our home for the many?

Kindest regards,



Henry P McIntosh IV

ripmcintosh@msn.com

*You can ignore reality, but you cannot ignore
the consequences of reality.*

Ayn Rand

PUBLIC COMMENT: ZON-23-032 (ARC-23-022) 125 WORTH AVE
RECIEVED FROM 4/1/23 TO 4/5/23

From: [Deborah Jones](#) on behalf of [Town Council](#)
To: [Public Comment](#)
Subject: FW: Development
Date: Wednesday, April 05, 2023 10:08:33 AM

Hello - Deb

-----Original Message-----

From: Laura Rose <lauralrose@icloud.com>
Sent: Tuesday, April 04, 2023 5:20 PM
To: Town Council <TCouncil@TownofPalmBeach.com>
Subject: Development

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Dear Council members,

I was at the Development Review meeting today. I live at 227 Australian Ave, right in the middle of the issues at hand. I believe you are all somewhere in between a rock and a hard place trying to find the right balance between town revenue, free enterprise and what is good for "all in town" (not just one individual or company). I have lived in several small towns and cities and frankly, these very difficult issues have been central to all Urban Design questions and concepts as development and growth arrive at everyone's front door.

I graduated with a degree in Architecture from the Rhode Island School of Design in 1982 and then lived in Providence for the next 35 years. Providence has a Historic District Commission that was developed in 1960 for the very same issues that are being discussed in Palm Beach...to quote from the home page of the PHDC, the "PHDC was created to protect the unique physical character, historic fabric and visual identity of the city". All of you can read more on it's website and while development may end up taking precedence over preservation and renovation, there is much to learn from their example. They have 9 Historic Districts and they are all governed by a zoning code written by the PHDC. It has been remarkably successful in protecting neighborhoods from aggressive development.

I hope PB finds a way forward to lean towards preservation and renovation rather than the kind of development that is going on right now. There is no need for any business to be granted variances (which should really be reserved for safety measures), especially for height and setbacks of buildings. That will surely ruin the fantastic street scape we currently have, and the charm of varied neighborhoods. Once we loosen the zoning code, and allow too many variances, we can never go back.

Thanks for listening to all of us who live here.

Laura Love Rose

PUBLIC COMMENT: ZON-23-032 (ARC-23-022) 125 WORTH AVE
RECIEVED FROM 4/1/23 TO 4/5/23

From: [Deborah Jones](#) on behalf of [Town Council](#)
To: [Public Comment](#)
Subject: FW: Kirkland House Condominium Association, Inc./ Powerpoint presentation for meeting on April 4th
Date: Tuesday, April 04, 2023 11:19:54 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Good morning,

The email below was sent to the Council mailbox for your attention.

Sincerely,
Deb

From: Guisella Barron <gmb@reidburmanlaw.com>
Sent: Tuesday, April 04, 2023 9:51 AM
To: Town Council <TCouncil@TownofPalmBeach.com>
Cc: Benny <bal@reidburmanlaw.com>
Subject: Kirkland House Condominium Association, Inc./ Powerpoint presentation for meeting on April 4th

*****Note: This email was sent from a source external to the Town of Palm Beach. Links or attachments should not be accessed unless expected from a trusted source. Additionally, all requests for information or changes to Town records should be verified for authenticity.*****

Good morning,

On behalf of Kirkland House Condominium Association, Inc., I have attached a share link below containing a PowerPoint presentation for today's meeting.
Thank you.

 [Kirkland House](#)

Sincerely,

Guisella M. Barron
Legal Assistant



One Clearlake Centre
250 S. Australian Ave. #602
West Palm Beach, FL 33401
P: 561-659-7700
F: 561-659-6377
gmb@reidburmanlaw.com
www.reidburmanlaw.com



 Please consider the environment before printing this email.

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125 WORTH AVE LLC ARCOM-23-022 ZON-23-032

APRIL 4, 2023

TOWN COUNCIL MEETING

IT'S NOT JUST ABOUT THE DEVELOPER

- ▶ Neighboring property owners have a right to rely on existing zoning conditions and a continuation of those conditions in the absence of a showing that a variance is necessary. *Herrera v. City of Miami*, 600 So.2d 561 (Fla. 3d DCA 1992).

“Moreover, as property owners situated immediately across the street from the owners, appellants have a right to rely on existing zoning conditions and they have a right to a continuation of these conditions in the absence of a showing that the variance is proper.” *Thompson v. Planning Commission of the City of Jacksonville*, 464 So.2d 1231 (Fla. 1st DCA 1985)

HISTORICALLY WAS CONSIDERED A THREE-STORY BUILDING

- Palm Beach County Property Appraiser's website describes it as a one to three story office building
- 1998 Worth Avenue Guidelines p. 33 describe it as a three-story office building
- July 6, 1972 Permit and all previous permits described a permit "To Build a Three-Story Office Building with Two Basement Levels"
- Certificate of Occupancy dated March 29, 1974 describes it as an "Office building three levels with two levels of parking with a mechanical penthouse"

RECEIVED FROM 4/11/23 TO 4/5/23

This permit
Removed from by
Job site
Ehinger

TOWN OF PALM BEACH

BUILDING PERMIT

No. Re-Issue of # 51072

Palm Beach, Fla.,

(Originally Issued June 1, 1972)

July 6

1972

Builder Stan E. Hall & Associates, Inc.

Is Hereby Granted

A Permit To Build a Three Story Office Building with Two Basement Levels

On Lot No. 38 Through 48 BIK 16

Block No. Royal Park Addition

Size of Lot 275' Frontage x 125' Deep

Size of Building

Three Stories

49,000 Square Feet in Area

Class of Zone "CA District"

Architect Robert Kolany

Owner Nationwide Land Co.

Engineer Frederick Wiesinger

by Richard P. Vacca

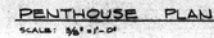
Subject to all of the Applicable Ordinances of the Town of Palm Beach, Florida, in Regard to this Particular Matter.

Four Hours Before
Pouring Concrete or Lathing
655-5341

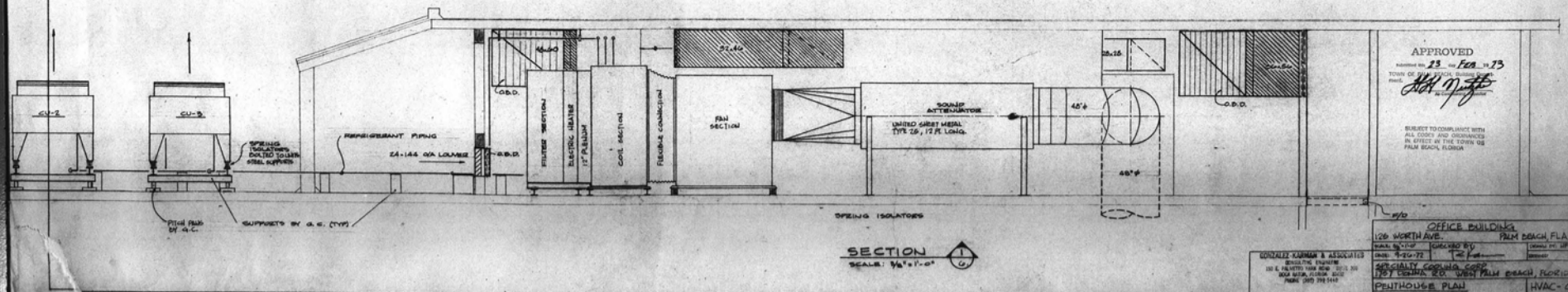
Richard P. Vacca
BUILDING OFFICIAL

This Permit Must Be Posted On Premises During Progress of Building.

← Inspections to be made by Site Resident Inspector



OFFICE COPY



APPROVED
Submitted this 23 day Feb 19 73

TOWNSHIP OF DUNE BEACH, Building Dept.
 dated 11/11/13

[Signature]
Deputy Commissioner

SUBJECT TO COMPLIANCE WITH
ALL CODES AND ORDINANCES
IN EFFECT IN THE TOWN OF
PALM BEACH, FLORIDA

126 NORTH AVE. PALM BEACH FLA.		
DATE: 9-20-72	CHECKED BY: [Signature]	DESIGNED BY: [Signature]
SPECIALTY COOLING CORP. 157 CONNA R.O. WEST PALM BEACH, FLORIDA		
PENTHOUSE PLAN		HVAC - Co

Inter-Office Communication

TOWN OF PALM BEACH

TO	Ed E.	DATE	4-3-74
FROM	Grace	FILE	
RE	Vacca Office Bldg.		

Art Holly called and wanted you to have the following message:

"They are planning to put a bathroom on the roof. I have told them they cannot as there should be no occupancy of the penthouse and they do not have layout work."

I told Clyde and he asked Max to inform the Plumbing Supervisor, George Beech, that no such work shall go on.

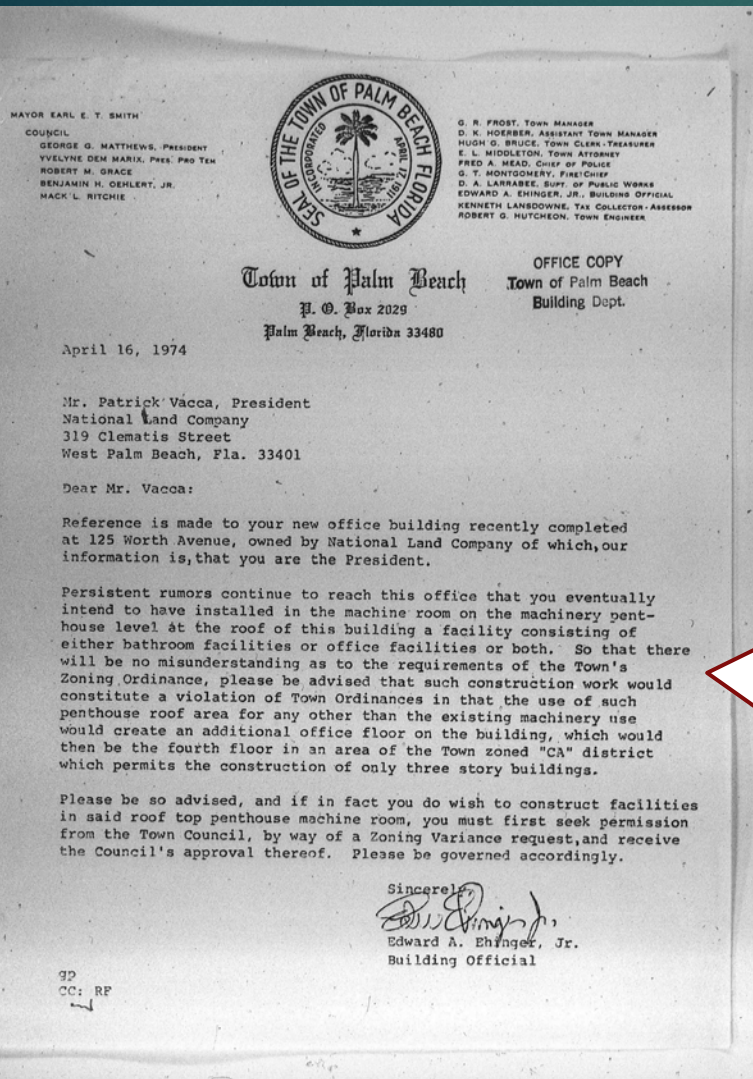
SIGNED _____

Grace Peters

RECIEVED FROM 4/1/23 TO 4/5/23

APRIL 16, 1974, LETTER FROM Edward A. Ehinger, Jr. Building Official To Patrick Vacca, Owner

Persistent rumors continue to reach this office that you eventually intend to have installed in the machine room on the machinery penthouse level at the roof of this building a facility consisting of either bathroom facilities or office facilities or both.



APRIL 16, 1974, LETTER FROM Edward A. Ehinger, Jr. Building Official To Patrick Vacca, Owner

So that there will be no misunderstanding as to the requirements of the Town's Zoning Ordinance, please be advised that such construction work would constitute a violation of Town Ordinances . . .

MAYOR EARL E. T. SMITH

COUNCIL

GEORGE G. MATTHEWS, PRESIDENT
YVELYNE DEM MARIX, PRES. PRO TEN
ROBERT M. GRACE
BENJAMIN H. OHLERT, JR.
MACK L. RITCHIE



Town of Palm Beach
P. O. Box 2029
Palm Beach, Florida 33480

OFFICE COPY
Town of Palm Beach
Building Dept.

April 16, 1974

Mr. Patrick Vacca, President
National Land Company
319 Clematis Street
West Palm Beach, Fla. 33401

Dear Mr. Vacca:

Reference is made to your new office building recently completed at 125 Worth Avenue, owned by National Land Company of which, our information is, that you are the President.

Persistent rumors continue to reach this office that you eventually intend to have installed in the machine room on the machinery penthouse level at the roof of this building a facility consisting of either bathroom facilities or office facilities or both. So that there will be no misunderstanding as to the requirements of the Town's Zoning Ordinance, please be advised that such construction work would constitute a violation of Town Ordinances in that the use of such penthouse roof area for any other than the existing machinery use would create an additional office floor on the building, which would then be the fourth floor in an area of the Town zoned "CA" district which permits the construction of only three story buildings.

Please be so advised, and if in fact you do wish to construct facilities in said roof top penthouse machine room, you must first seek permission from the Town Council, by way of a Zoning Variance request, and receive the Council's approval thereof. Please be governed accordingly.

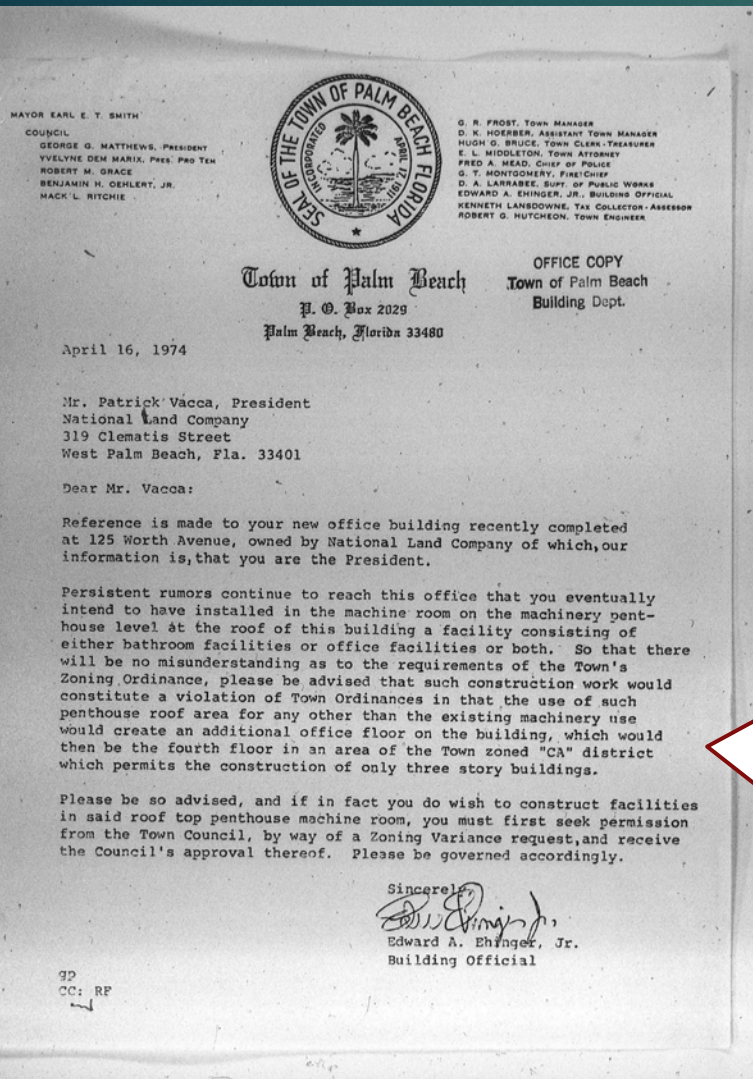
Sincerely,

Edward A. Ehinger, Jr.
Building Official

gd
cc: RF

APRIL 16, 1974, LETTER FROM Edward A. Ehinger, Jr. Building Official To Patrick Vacca, Owner

. . . . In that the use of such penthouse roof area for any other than the existing machinery use would create an additional office floor in the building, which would then be the fourth floor in an area of the Town zoned "CA" district which permits the construction of only three-story building.



Town of Palm Beach
 Building Dept.

Certificate of Approval and Occupancy

BUILDING INSPECTION DEPARTMENT
 TOWN OF PALM BEACH, FLORIDA

Date of Bldg. Permit **March 14** 195**72**

Bldg. Permit No. **510-72**

Lot **38-48** Block **16**

Sub. Div. **Royal Park Addition**

Permit Valuation: \$ **1,200,000.00**

Final Date Approved **March 29** 195**74**

Bldg. Insp. **M. J. Husted**

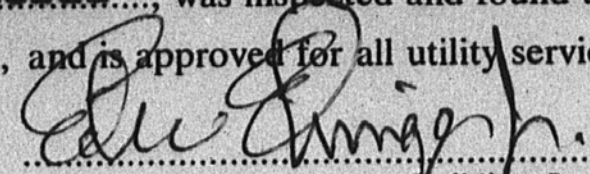
Elec. Insp. **Arthur Abbott**

Plumb. Insp. **Clyde Darrall**

San. Insp. **None**

Resident Insp. **W. A. Holly**

This is to Certify, That the **office building (3 levels with two levels of parking with a mechanical penthouse)**
 located at Street No. **125 North Avenue** and owned by **National Land Company**
 built by **Lawrence J. Kucera, General Contractor**, was inspected and found to conform to all Code
 Requirements of the Town of Palm Beach, Florida, and is approved for all utility services and the occupancy
 use stated in the Building Permit only.


 Town Building Inspector

PUBLIC COMMENT: ZON-23-032 (ARC 23-022) 125 WORTH AVE
RECIEVED FROM 4/1/23 TO 4/5/23



DEFINITION OF "HABITABLE SPACE"

Habitable space means space in or on a structure used or intended to be used for occupancy, for living, sleeping, lounging, eating, cooking or recreation. Finished or unfinished floors above the maximum number of stories allowed containing an elevator, permanent or mechanically operated stairs and seven feet or more of head room shall be considered habitable space. *Closets, hallways, storage rooms, attics, machinery rooms, mechanical equipment rooms, utility space and similar areas shall not be considered habitable space.*

THE SPACE IS NOT HABITABLE

- By definition, the enclosed structure is a mechanical equipment room and not habitable space
- The Applicant's photographs reflect electrical conduit running across the floor
- The Applicant's photographs reflect pipes running across the floor
- The mechanical penthouse was never permitted to be used as habitable space
- The Letter of Intent does not request a change in the permitted use of the space

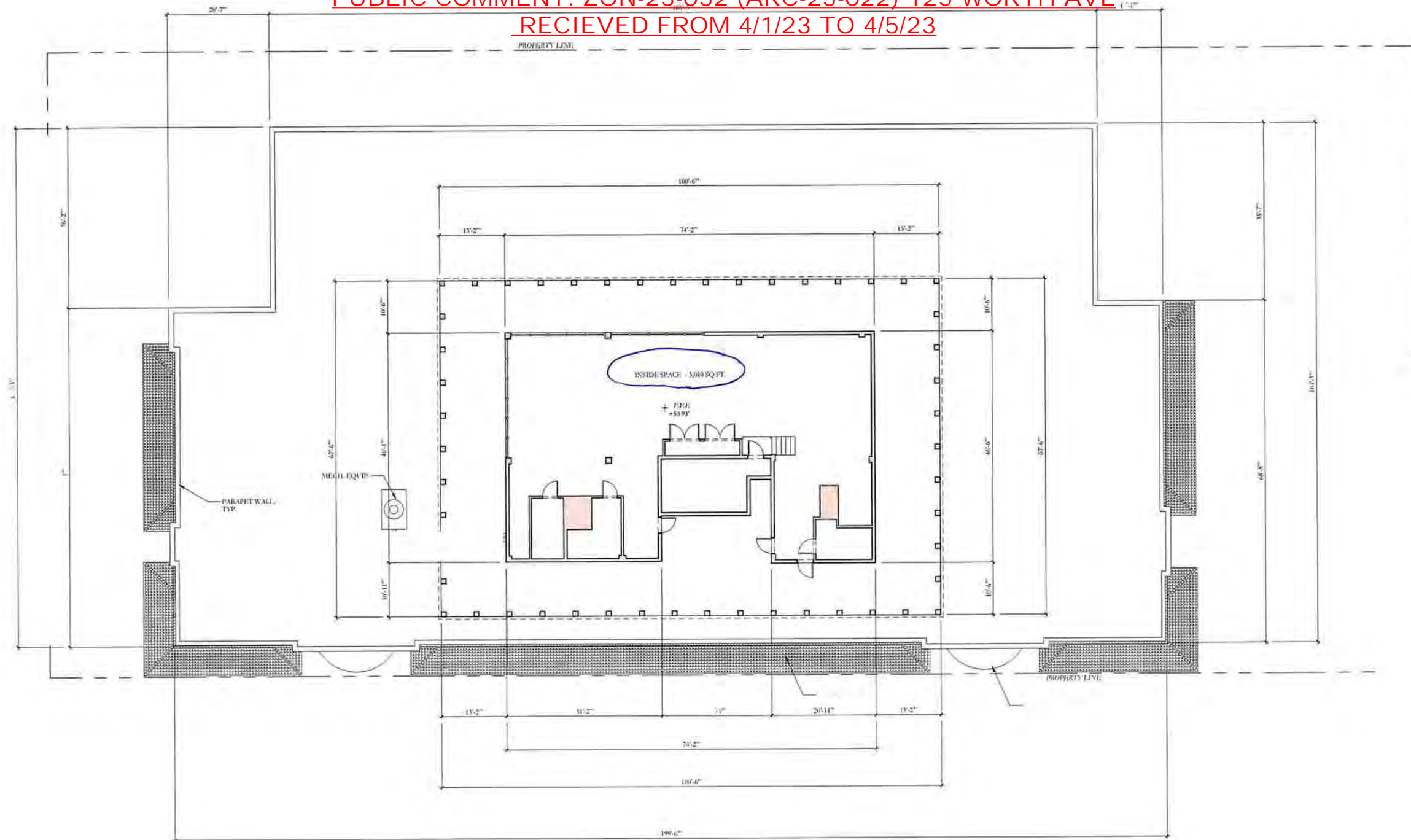


4th floor (rooftop) – Chiller shown

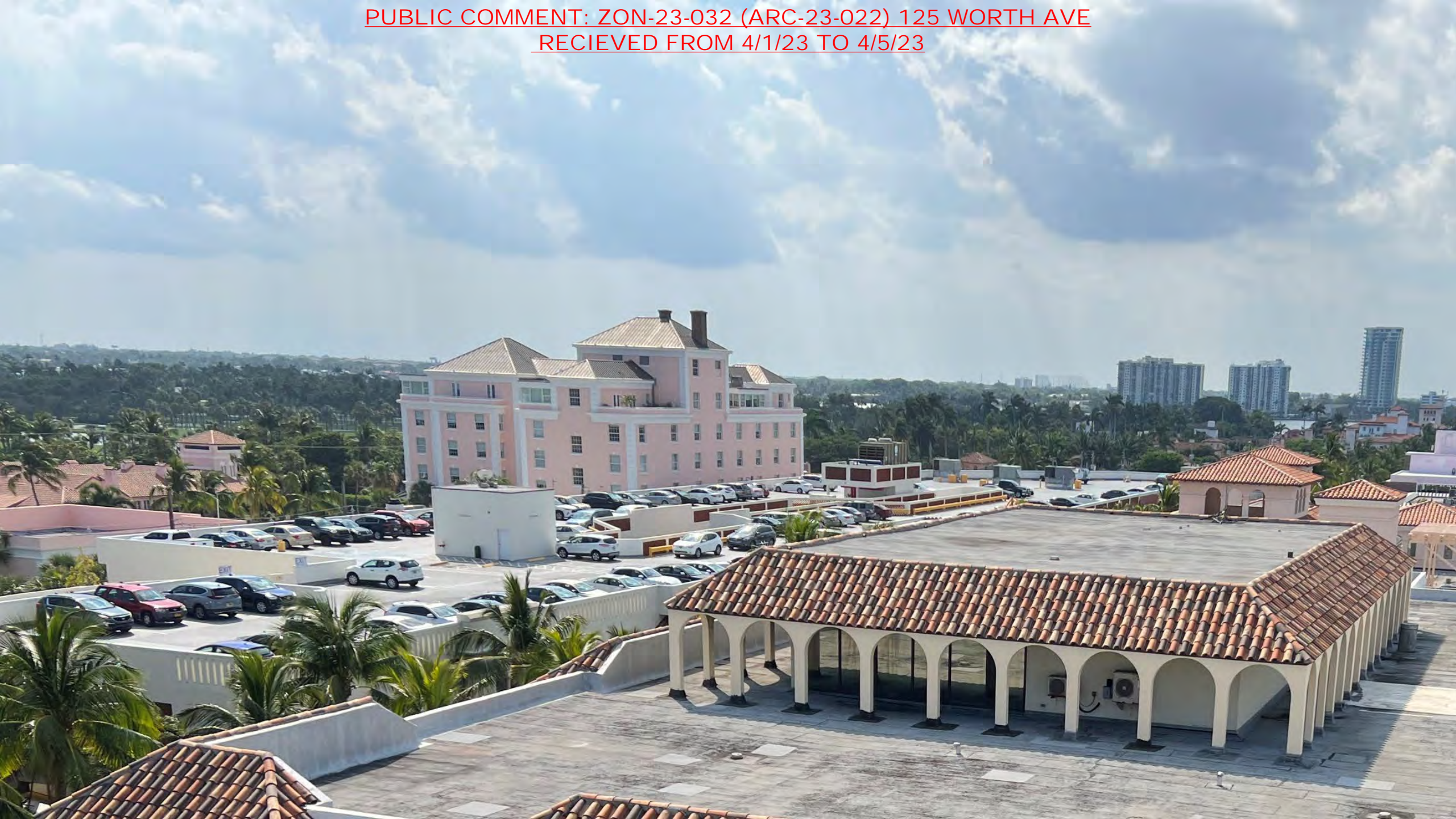


DEFINITION OF "STORY"

story means that portion of a building, other than an attic, included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, the space between such floor and the ceiling next above it. Habitable space, open patios, *accessible roof decks not used exclusively for mechanical equipment*, observation decks and/or similar areas located above the first or second story shall be considered a story for the purpose of this definition.



PUBLIC COMMENT: ZON-23-032 (ARC-23-022) 125 WORTH AVE
RECIEVED FROM 4/1/23 TO 4/5/23



TOWN CODE SECTION 134-2

Sec. 134-2. - Definitions and rules of construction.

(a) *Rules of construction.* For the purpose of this chapter, the regulations are structured so as to be strictly permissive. As such, only those uses and structures which are specifically permitted in the Code of Ordinances are allowed. *If there is no specific language in the Code which addresses a use or a structure, then said use or structure is not permitted.*

Sec. 134-1165. - Special exception to height regulations; special exception structures.

(a) *Criteria for granting.* In order to encourage increased open space, landscaped open space, reduced density and lot coverage and architectural detail, the town council may at its discretion, upon review of an application and public hearing thereon, allow for the increase of the maximum building height in the C-WA Worth Avenue district, upon a finding being made by the town council that the proposed increase in height for a contemplated special exception structure is in the public interest, that careful attention is given to architectural detail, and that it meets the standards of sections [134-227](#) through [134-233](#) and the goals and guidelines in this section.

(b) *Two-story and three-story construction.* The following shall be applicable to two-story and three-story construction in the C-WA district:

(1) First story coverage not more than 35 percent and second story coverage not more than 35 percent. Additional coverage and other special allowances may be granted if the structure is built in accordance with the Worth Avenue Design Guidelines in conformance with [section 134-233](#).

(2) A third story and other special allowances may be granted if the structure is built in accordance with the Worth Avenue Design Guidelines in conformance with [section 134-233](#).

C. SPECIAL ALLOWANCES

1. Commercial development, redevelopment, restoration or renovation providing an enhanced level of amenities and features in accordance with paragraph "D", following, shall be eligible for elimination of the building length limitation and the 15,000 square foot limit on gross floor area and an increase in maximum building coverage and height as follows:
 - a. Existing buildings:
 - (1) one-story building, maximum coverage, 75%
 - (2) two-story building, 2nd story maximum coverage, 65%
 - b. New 1 story building, maximum coverage, 75%
 - c. New 2-story buildings: maximum first story building coverage, 75%; 2nd story maximum coverage, 65% .
 - d. New 3-story buildings: maximum first story building coverage, 75%; 2nd story maximum coverage, 65%; 3rd story maximum coverage, 30%; and allowable building height up to forty (40) feet.

**WORTH AVENUE
GUIDELINES ARE ALL
LIMITED TO THREE
STORYS**

WORTH AVENUE GUIDELINES ARE ALL LIMITED TO THREE STORYS

2. Mixed-use commercial and residential development, redevelopment, restoration or renovation providing commercial uses on the ground floor and residential uses above, and providing an enhanced level of amenities and features in accordance with paragraph "D", following, shall be eligible for elimination of the building length limitation and the 15,000 square foot limit on gross floor area, increase in maximum building coverage and height, and allowable residential units as follows:

a. Existing buildings:

- (1) One-story building maximum coverage, 75%;
- (2) Second story coverage, 65% and a maximum of one (1) residence per each fifty (50) feet of frontage on Worth Avenue.
- (3) Third story maximum coverage, 30%; allowable building height up to forty (40) feet and a maximum one (1) additional residence per each sixty (60) feet of frontage on Worth Avenue; provided, however, that all uses above the first floor shall be residential uses only and that the combined density of residential uses on the second and third floors does not exceed two (2) dwelling units per sixty (60) feet of frontage on Worth Avenue.

b. New one story building, maximum coverage, 75%

- c. New 2-story buildings: maximum first story building coverage, 75% maximum second story coverage, 65% ; and a maximum one (1) residence per each fifty (50) feet of frontage on Worth Avenue.

d. New 3-story buildings:

- (1) Maximum first floor building coverage, 75%;
- (2) Maximum second story coverage, 65% and a maximum one (1) residence per each fifty (50) feet of Worth Avenue frontage;
- (3) Maximum third story coverage, 30%; allowable building height up to forty (40) feet; and a maximum one (1) additional residence per each sixty (60) feet of Worth Avenue frontage; provided, however, that all uses above the first floor shall be residential uses only and that the combined density of residential uses on the second and third floors does not exceed two (2) dwelling units per sixty (60) feet of frontage on Worth Avenue.

3. Arcades over the sidewalk shall not count towards building coverage. Where no arcades are provided landscaping shall be planted.

DEFINITION OF UNDUE HARSHIP

An undue hardship exists when, “no reasonable use can be made of the property without the variance”.

See, *Bernard v. Town Council of the Town of Palm Beach*, 569 So.2d 853, 855 (Fla. 4th DCA 1990).

Other iterations of the test require that the “. . . hardship must be such that it renders it virtually

impossible to use the land for the purpose for which it is zoned.” See, e.g. *Town of Indialantic v. Nance*,

485 So.2d 1318, 1320 (Fla. 5th DCA), *rev. denied*, 494 So.2d 1152 (Fla.1986). See also, *Thompson v.*

Planning Comm’n, 464 So.2d 1231 (Fla. 1st DCA 1985) (hardship necessary to obtain zoning variance

may not be found unless there is showing that under present zoning no reasonable use can be made of

property.)

Sec. 134-201. - Findings prior to authorization.

(a) The town council may authorize upon appeal such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this chapter **will result in unnecessary and undue hardship**. In order to authorize any variance from the terms of this chapter, the town council must and shall find the following:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
- (2) The **special conditions and circumstances do not result from the actions of the applicant**.
- (3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in this same zoning district.
- (4) Literal interpretation of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.
- (5) **The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.**

THERE IS NO UNDUE HARDSHIP

- The building has constantly appreciated since purchased in 2017
- The building was 95% occupied as of the date of the Applicant's appraisal
- The building is fit for its zoned use as an office building
- The building has been continuously used as an office building since the 1974 construction and has been sold at a profit each time it was sold