



March 7, 2023

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

RE: 243 Seaspray Avenue ARC-23-036 , ZON-23-050

To Whom It May Concern:

Asbacher Architecture has been hired by Larry Meyer, Manager of 243 Seaspray LLC, which owns 243 Seaspray Avenue in Palm Beach to design a new two story home on the vacant property. The Final Application will be submitted on March 14th for the ARCOM hearing on April 26, 2023.

The scope of work includes the following:

- Design a two story home with detached one story garage.
- New swimming pool, hardscape and landscape.
- Two variances are requested related to the one story detached garage:
 1. SECTION 134-893(b)(7)(a): A side yard setback of 4'-6" in lieu of the required 12'-6" in order to allow the one story garage to be located in the rear corner as is common on the 'Sea' streets. Of the 40 properties on this block, 31 have a rear yard garage and/or guest house in the rear corner. Often the structure is within feet or inches of the side and rear property line.
 2. SECTION 134-893(B)(9)(A): A rear yard setback of 8'-0" in lieu of the 10'-0" required in order to allow the one story garage to be located in the rear corner as is common on the 'Sea' streets. Of the 40 properties on this block, 31 have a rear yard garage and/or guest house in the rear corner. Often the structure is within feet or inches of the side and rear property line.

Architectural Review, Section 18-205 and 134-201 are addressed on the attached pages.

I am available by phone or email (ka@asbacherarchitecture.com) if you have any questions or comments.

I appreciate your consideration of this project.

Sincerely,

Kevin Asbacher, AIA



ARCHITECTURAL REVIEW

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

(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:

- (1) The plan for the proposed building or structure is in conformity with good taste and design and in general contributes to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm and high quality. **Understood**
- (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. **Understood**
- (3) The proposed building or structure is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value. **Understood**
- (4) The proposed building or structure is in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town, and with any precise plans adopted pursuant to the comprehensive plan. **Understood**
- (5) The proposed building or structure is not excessively similar to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features of exterior design and appearance:
 - a. Apparently visibly identical front or side elevations;
 - b. Substantially identical size and arrangement of either doors, windows, porticos or other openings or breaks in the elevation facing the street, including reverse arrangement; or
 - c. Other significant identical features of design such as, but not limited to, material, roof line and height of other design elements. **The house and garage are designed in an arrangement, massing and scale similar to other homes on the street, but is not excessively similar to any other structure.**
- (6) The proposed building or structure is not excessively dissimilar in relation to any other structure existing or for which a permit has been issued or to any other structure included



in the same permit application 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. Arrangement of the 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 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 neighboring property.

The design incorporates a variety of features that make it an appropriate fit for Seaspray: a varied massing and terraced garden to provide relief on the street elevation, textured stucco and clay barrel tile roofing, a light iron balcony, a stone entry surround. The design draws from other Spanish colonial homes on the street, but in no way directly mimics the style.

(7) The proposed addition or accessory structure is subservient in style and massing to the principal or main structure. The accessory structure is a single story, flat roofed structure situated in the rear corner of the property as is the norm on Seaspray.

(8) The proposed building or structure 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). The massing, materials and a garage structure in the rear corner are all aspects of this house that relate it to the surrounding area.

(9) The proposed development 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. The proposed development is in conformity with location and appearance of other structures in this area. Variances are required to locate the garage in a position similar to many other structures on the 'Sea' streets.

(10) The project's location and design adequately protects unique site characteristics such as those related to scenic views, rock outcroppings, natural vistas, waterways, and similar features. The design has no impact on unique site characteristics.



(B) If the above criteria are met, the application shall be approved. Conditions may be applied when the proposed building or structure does not comply with the above criteria and shall be such as to bring such building or structure into conformity. If an application is disapproved, the architectural commission shall detail in its findings the criterion or criteria that are not met. The action taken by the architectural commission shall be reduced to writing, and a copy thereof shall be made available to the applicant upon request. **Understood**

(C) A decision or order of the commission or the planning, zoning and building department director or his/her designee shall not become effective until the expiration of ten working days after the date upon which a ruling of the commission or the planning, zoning and building department director or his/her designee has been made. **Understood**

ZONING - VARIANCES

Section 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. **A majority of the homes on this particular block of Seaspray Avenue have garage and/or guest house structures located tight in the rear corner of the property. A fair number. Of these structures are two stories tall. Many of these homes are older and likely constructed when zoning codes were no-existent or less stringent. Variances are required in order to provide a similar solution to garage parking that keeps the garage doors as far away as possible from the street.**

(2) The special conditions and circumstances do not result from the actions of the applicant. **In order to maintain the character and identity of Seaspray Avenue, variances are required to locate the garage in the rear corner of the property.**

(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. **No special privileges will be granted to the applicant as many homes in the immediate area already include accessory structures located in the rear corner.**



(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. **Literal interpretation would deny the applicant of rights commonly enjoyed by properties on the 'Sea' streets as it is common to see accessory structures tucked tight into rear corners of lots.**

(5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure. **The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure and to maintain the character of the 'Sea' streets that often includes a main house closer to the street and an accessory structure located in one of the properties rear corners.**

(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 shall be made pertaining to the nonconforming use for which the variance is requested:

Since it is a common practice on the 'Sea' streets to incorporate an accessory structure within the rear/side yard setbacks, the applicant's request to do so at 243 Seaspray is reasonable and will confer no special privilege to the applicant.