

LETTER OF INTENT

HSB-23-005 and ZON-23-055: We are pleased to submit the accompanying drawings for the project at 261 Royal Poinciana Way, Palm Beach, FL. The proposed work includes the following:

Partial roof demolition, removal of applied material to existing overhang to display concrete overhang, and the addition of one approximate 1,700 sq. ft. second floor addition for residential use.

Please note the following as it relates to this application:

Sections 54-122, 134-201, 134-226, 134-227, 134-229 and 134-1113. Applicant is requesting a special exception with site plan approval and variances as follows:

- A. Landmarks Preservation in accordance with Section 54-122.
 - a. We are submitting modifications to the existing building that are visually compatible with the buildings and environment.
 - 1) The proposed modifications to the subject property will be visually compatible with the height, gross volume, and the proportion between width and height of the façade of the existing building.
 - 2) The original proportions and relationships between doors and windows will be reconstructed from historic images.
 - 3) The original rhythm of solids to voids created by openings in the facade will be reconstructed from historic images.
 - 4) The proposed materials used in the façade will match the existing building.
 - 5) The proposed texture used in the façade will match the existing building.
 - 6) The colors, patterns and trim used in the façade will be reconstructed from historic images.
 - 7) The design of the roof will match the existing building.
 - b. The existing rhythm created by the existing building masses and space between them will be preserved.
 - c. The landscape plan is sensitive to the individual building and its occupants and needs and is visually compatible with the buildings and environment with which it is visually related and historic images.
 - d. The proposed modifications to the existing street (west) façade blend directionally with the existing building and historic images.
 - e. At existing elements, architectural details will be restored or replaced. Details and fenestration represented in historic images will be reintroduced, directly relating the new with the old and enhancing the inherent architectural characteristics of the area.

B. The following zoning relief is requested:

1. **Variance 1: Sec. 134-1728, 1607(1).**: A variance to permit a south front yard setback of 5.3' in lieu of 9' required for a 23' tall two-story building.
 2. **Variance 2: Sec. 134-1113(6) a.**: A variance to permit an east side yard setback of 0.47' existing and proposed in lieu of the 9' required for the 23' tall two-story building.
 3. **Variance 3: Sec. 134-1113(6) a.**: A variance to permit a west side yard setback of 3.01' existing and proposed in lieu of the 9' required for the 23' tall two-story building.
 4. **Variance 4: Sec. 134-1113(7).**: A variance to permit a north rear yard setback of 4.7' existing and proposed in lieu of 14' required for a 23' tall two-story building.
 5. **Variance 5: Sec. 134-111(9)(b).**: A variance to permit a lot coverage of 77.4% existing and proposed in lieu of 70% maximum permitted for two-story buildings.
 6. **Variance 6: Sec. 134-1113(11)(b).**: A variance to permit the retention of an existing landscape open space of 0% in lieu of 25% required for two-story buildings.
 7. **Variance 7: Section 134-2176.**: A variance to forego the requirement of providing two (2) additional parking spaces required for construction of a new dwelling containing less than 3,000 sq. ft.
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1. **Special Exception: Sec. 134-1113(1).**: Special Exception to permit two stories in the C-TS zoning district.

The special exception should be approved because the Applicant is proposing to add a small (1,700 sq. ft.) second story residential unit, which is a permitted use, and which fits with the streetscape and will add little or no negative impact on Town services.

The hardship that runs with the property is that the existing building was built pursuant to a different zoning code, and the lot is tiny. The existing building is non-conforming to today's zoning code, so any second floor addition would trigger the need for the requested variance relief. The proposed impact will be a good fit for the revitalized Royal Poinciana Way area.

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 building, so this is a positive for the neighborhood as opposed to demolishing the entire structure and starting over. In addition, the new residential second story use fits well in that location.

See Site History attached hereto as Exhibit "A."

Criteria for Site Plan Review – N/A

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 preservation of the existing historically significant building and the addition of a small second story residential unit.
4. The use will be compatible with adjoining development and the intended purpose of the C-TS Zoning District in which it is to be located. The proposed addition will be compatible with the neighborhood as the second floor residential use is a permitted use.
5. The uses will comply with yard, other open space, and any special requirements set out in Article VI for the particular use involved. Except for existing non-conformities, 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.
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 building 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 new residential use is permitted under the C-TS Zoning Code.

Criteria for Authorizing a Variance (The following rationale and criteria apply to all variance requests # 1 through # 7 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 nearly unusable based on the size of the lot and the existing zoning code, and is non-compliant with current codes. The Applicant is proposing to simply add a small 1,700 sq. ft. second floor residential unit, which is a permitted use in the C-TS District. Any addition would require variances for setbacks, lot coverage and landscape open space.

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 building safer, more useable and to also provide a more up-to-date use for the 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 uses to the building.

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 building and to add a small second story residential unit.

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 building in its current location and size and to not reduce lot coverage at all. This second floor residential use is permitted and fits well in the neighborhood.

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 and small addition is an improvement to this historically significant building and make it more useable into the future.

EXHIBIT “A”
Site History

1. Special Exception #2-96, for four outdoor seats, approved on March 12, 1996.