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Town of Palm Beach
PZB Dept

SUPPLEMENT TO APPEAL TO THE PALM BEACH TOWN COUNCIL
FROM ACTION OF THE ARCHITECTURAL COMMISSION
AT ITS MEETING OF APRIL 26, 2023 CONCERNING
AGENDA ITEM V. APPROVAL OF THE AGENDA and IX. PROJECT REVIEW:

C. MAJOR PROJECTS-NEW BUSINESS:

6. ARC-23-047 269 JAMAICA LN. The applicant, Marrano Holdings 2022 LLC (Maura Ziska) has filed an application requesting Architectural Commission review and approval for the construction of a new two-story single-family residence with related landscape and hardscape improvements.

AND ITS MEETING OF MAY 24, 2023, AND ALL SUBSEQUENT MEETINGS

James McC. Wearn hereby supplements his Appeal of the action of the Architectural Commission (ARCOM) on April 26, 2023 by adding an appeal ground 6 re landscape and hardscape further separate consideration, by adding a Code citation and grounds to Appeal ground 4 therefore restated, and by adding a Conclusion/Request for Relief, as follows:

6.Landscape and Hardscape ARCOM separate consideration.

By ARCOM action at the April 26, 2023 meeting (per above Appeal grounds 2 and 3), motion passed to approve the project [in piecemeal parts and plans]

"with the following conditions: ... and the landscape and hardscape/driveway plan shall return to the May 24, 2023 meeting."

Because no revised landscape and hardscape/driveway plan was filed by Monday, May 8, 2023, on inquiry Wearn was informed by PZB Dept staff that the matter would not be on the May 24, 2023 Arcom Agenda.

However, the total matter as above set forth was on the Agenda, along with the added statement: *"This application has been deferred to June 28 [presumably 2023], ARCOM meeting."* On further Wearn inquiry, he was informed by PZB Dept staff that regardless of no revised landscape and hardscape plan being filed, the matter as set forth above would continue to be on the next monthly ARCOM agenda with the noted deferral for a total of six months unless the required filing was earlier made in which event the deferral notation would not be added, but if no such filing occurred in the six months, then the matter would be dismissed. Therefore, until dismissed, this action insofar as it extends separate consideration for approval any revised landscape and/or hardscape plan is joined in this Appeal.

The entire ARCOM action of April 26, 2023 is under Appeal, so Wearn considers it improper and under this Appeal for any part of the project to proceed either on the ARCOM agenda or in or through the PZB Dept. for permit or further ARCOM agenda or consideration.

Stated differently: without the residence building presumed approved notwithstanding appeal, there is no object for which the driveway/hardscape is or may proceed to be considered and no object for which the landscaping is or may proceed to be considered.

Such is the reason for the existence of Sec. 18, 203 and Sec.18-175 essentially requiring there be no ARCOM or permitting action until there is building "full and complete data," meaning and including hardscape and landscape data.

Properly, the entire matter should have been deferred, so that all could be considered as a unit as Code required.

4 Restated. Our Code requires:

"The architectural commission may approve...the issuance of a building permit in any matter subject to its jurisdiction only after consideration of whether the following criteria are complied with: [a total of 32 criteria; see the summarized criteria at Schedule attached]. If the above criteria are met, the application shall be approved..."

(Sec.18-205. Criteria for building permit. (a) and (b))

There is a record of comments by ARCOM Commissioners in the Minutes, but no record of ARCOM, as a body, consideration on any, much less all of the specific criteria.

While some of these criteria are commented upon by some of the Commissioners, not all of these criteria are commented upon, or more importantly made the basis of any approval.

If all these criteria need only be considered silently, and not found as fact on the record, then consideration is without meaning, and approval may be made theoretically without any of the criteria being found as fact.

It is the considered intent of the Code criteria identified per Schedule A that all applicable be found before approval is given. Thus, like denial, so should approval "detail in its findings the criterion or criteria that are... met."

Denial requires fact finding, and its basis. So should approval.

Our Code also requires

"The records of all proceedings and the **basis for all findings** shall be available to the town council and to the public." (Emphasis added).

(Sec 18-173. Record of Proceedings)

There are no findings made whatsoever. The motion for approval is naked of findings.

There are no findings available to the Town Council.

There are no findings available to the development project neighbors, other Jamaica Lane citizens, other North End citizens, or other Town Citizens.

There are no findings available to the public.

If approval is a finding, then there is no basis or bases for that finding. The approval finding is naked of any basis.

There is no basis or bases for any finding available to the Town Council.

There is no basis or bases for any finding available to the development project neighbors, other Jamaica Lane citizens, other North End citizens, or other Town Citizens.

There is no basis or bases of any finding available to the public.

Conclusion/Request for Relief:

Wearn submits this Appeal should be granted, and the matter sent back

A.-to Town PZB Dept to report on compliance with emerging zoning before resubmission to ARCOM.

B.-then, after "full and complete data" including the contemplated revision of hardscape/driveway and landscape plan data are filed, to have this matter on the next available appropriate ARCOM Agenda identified properly as a conflict.

C.-then to have the entirety of this application considered by ARCOM with a full hearing including from persons wishing to be heard, and acted on only as a complete unit.

D.-then to have ARCOM take action on only a complete unit made with required findings each with an appropriate basis or bases, all stated in the record.

Respectfully submitted,

James McC. Wearn

SCHEDULE A

Each of the many Criteria per Sec. 18-205 for application approval may be summarized as follows:

(a)(1)	conformity with good taste	1
	and design	2
	and in general contributes to the image of the town as a place of beauty	3
	spaciousness	4
	balance	5
	taste	6
	fitness	7
	charm	8
	and high quality.	9
(2)	manner in which protected against internal noise	10
	and external noise	11
	vibration	12
	and other factors that may tend to make the environment less desirable	13
(3)	in exterior design and appearance, not of inferior quality to cause material depreciation	14
	of appearance and value	
(4)	in harmony with proposed developments on land in the general area	15
	with the comprehensive plan	16
	and with any precise plans adopted pursuant to the comprehensive plan	17
(5)	not excessively similar to any other structure existing or permitted in the following:	
	a.apparently visibly identical front or side elevations;	18
	b.substantially similar size and arrangement of doors, windows, porticos or	19
	other openings in street elevations	
	c.other significant identical features of design	20
(6)	not excessively dissimilar to any other structure existing or permitted in the following:	
	a.height of building or roof	21
	b.other significant design features	22
	c.architectural compatibility	23
	d.arrangements of components	24
	e.appearance of mass	25
	f.diversity of design that is complementary with size and massing of adjacent	26
	properties	
	g.design features that will avoid appearance of mass through improper	27
	proportions	
	h.design elements that protect neighboring privacy	28
(7)	proposed addition or accessory is subservient in style and massing to principal or main	29
(8)	proposed building or structure is appropriate in relation to established character of design	30
	in neighborhood.	
(9)	proposed development is in conformity with location and appearance of other	31
	development under Code in the neighborhood.	
(10)	project's location and design adequately protects unique site characteristics such as	32
	views	

(b)If the above criteria are met, then application shall be approved.