

GARY POHRER

1356 N. Ocean Boulevard, Palm Beach

Re: Modification to Size of Pool Feature
1356 N. Ocean Blvd.
Palm Beach, FL 33480

October 23, 2023

LETTER OF INTENT (LOI)

**ARC-23-154
ZON-23-120**

PROPOSED MODIFICATION TO SIZE OF POOL FEATURE ON VACANT R-B/ B-A BEACH PARCEL

Please find for review the attached drawings for our proposed project in the R-B/ B-A Zoning District of Palm Beach. The proposal is for the modification of a previously approved pool on a currently vacant beach lot. Zoning relief is being sought for West/front pool setback. 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 reasonable.

1. The proposed pool 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.
2. The proposed pool 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.
3. The proposed pool 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.
4. The proposed pool 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.
5. The proposed pool 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.
6. The proposed pool 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.

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- 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.
- 7. The proposed pool is subservient in style and massing to the principal or main structure.
- 8. The proposed pool 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 pool 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 protects unique site characteristics such as those related to scenic views, rock outcroppings, natural vistas, waterways, and similar features.

VARIANCES

- a. Special Exception w/ Site Plan Review: Section 134-890(4); Section 134-1473(a)(1): A special exception with site plan review to allow construction of oceanfront pool in the R-B/B-A Zoning District.
- b. Variance 1: Sec. 134-1757: A variance for a swimming pool with a 3.5' west side-yard setback in lieu of the 10' setback required, to expand a previously approved non-conforming swimming pool on a beach cabana parcel.

Variance Criteria:

- 1. The special circumstances that are peculiar to the land are that the beach parcel relative to the location of the Town's bulkhead line would make it impossible for anyone on North Ocean to build a pool. It would not be feasible to meet the 10 foot West setback as required by the Code as it would result in a 5 foot wide pool and if required to meet the 50 foot setback from the Town's bulkhead line, a pool would not be allowed at all.
- 2. The applicant was not the cause of the special conditions of the property, as the beach parcel size and location of the Town's Bulkhead Line existed prior to the applicant owning the property.
- 3. The granting of the variance will not confer on the applicant a special privilege. Many properties are in the R-B/B-A Zoning District and elsewhere along the ocean have similar water features that are setback closer then ten feet to the West property line.
- 4. The hardship, which runs with the land, is the location of the Town's Bulkhead line, which does not give enough room to design a pool and meet the 10 foot setback from the West property line. Meeting the code required setback of 10 feet from the street would only allow for a 5 foot wide pool.
- 5. The variance requested for the pool is minimal considering the ocean vista will remain the same.

Sincerely,



Gary B. Pohrer, Jr.
Owner