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Town of Palm Beach Planning, Zoning and Building Department

153 Australian Ave. – ARC-24-015 (ZON-24-025)

On behalf of Cas Lagan, Inc. ("Applicant"), we are pleased to submit the accompanying drawings and information for First Submittal of the proposed residence at 153 Australian Ave.

Property Address:	153 Australian Ave. (" Site ")
Parcel Control Number (PCN):	50-43-43-23-05-028-0421
Zoning:	R-B Low Density Residential District
Municipality:	Town of Palm Beach (" Town ")

A. LANDMARK PRESERVATION COMMISSION

Not Applicable. This is not a landmarked property.

B. ARCOM

Request to construct a new 2-story residence with pool, hardscape, landscape and storm water system. Responses to the architectural review standards/guidelines are attached as **Exhibit A**.

C. SPECIAL EXCEPTION

#1: To allow construction of a new single-family residence a 75' wide lot in lieu of the required 100' minimum lot width. Responses to the review standards/guidelines for the special exception request are attached as **Exhibit B**.

D. SITE PLAN REVIEW

Not Applicable

E. VARIANCES

#1. Variance to provide no garage parking in lieu of the two required garage parking spaces. Responses to the review standards/guidelines for the variance request are attached as **Exhibit C**.

Please let us know if you need additional information.

Respectfully Submitted,

Roger P. Janssen, AIA
Dailey Janssen Architects, P.A.

EXHIBIT A

Sec. 18-205. Criteria for building permit.

The criteria for granting a building permit under this chapter are as follows:

- (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.

RESPONSE: *The proposed single-family residence is in conformity with good taste and design and will contribute to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm and high quality.*

- (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.

RESPONSE: *The plan for the proposed single-family residence indicates the manner in which the structures are reasonably protected against external and internal noise, vibrations, and other facts that may tend to make the environment less desirable.*

- (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.

RESPONSE: *The proposed single-family residence 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 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.

RESPONSE: *The proposed single-family residence is in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town.*

- (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 arrangements 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.

RESPONSE: *The proposed single-family residence 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 permit application within 200 feet of the Site in respect to the above referenced features of exterior design and appearance.*

- (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.

RESPONSE: *The proposed single-family residence is not excessively dissimilar to any other structure existing or for which a permit has been issued or to any other structure included in the permit application within 200 feet of the Site in respect to the above referenced features of exterior design and appearance.*

- (7) The proposed addition or accessory structure is subservient in style and massing to the principal or main structure.

RESPONSE: *The proposed single-family residence does not include any accessory structures, and therefore it is not subservient in style and massing to the principal or main structure.*

- (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).

RESPONSE: *The proposed single-family residence is appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to design features such as material or quality or architectural design as viewed from any public or private way.*

- (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.

RESPONSE: *The proposed single-family residence 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.

RESPONSE: *The proposed single-family residence's location and design adequately protects the unique site characteristics such as those related to scenic views, rock outcroppings, natural vistas, waterways, and similar features.*

EXHIBIT B

Sec. 134-229. Requirements for granting a Special Exception.

The requirements for granting a special exception use under this chapter are as follows:

- (1) The use is a permitted special exception use as set forth in article VI of this chapter.

RESPONSE: *The proposed use is permitted as a special exception in the R-B zoning district. The proposed use is the construction of a new single-family residence on a 75' wide lot in lieu of the required 100' minimum lot width. Section 134-893 provides that a single-family structure may be constructed on any existing nonconforming lot if the lot is less than the minimum area and/or dimension required for building lots in this district by special exception.*

- (2) The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.

RESPONSE: *The proposed use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.*

- (3) The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

RESPONSE: *The proposed use will not cause substantial injury to the value of other properties in the neighborhood where it is to be located.*

- (4) The use will be compatible with adjoining development and the intended purpose of the district in which it is to be located.

RESPONSE: *The proposed use is compatible with the adjoining development and the intended purpose of the district in which it is located.*

- (5) The use will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.

RESPONSE: *The proposed use complies with yard, other open space, and any special requirements set out in article VI for the proposed use.*

- (6) The use will comply with all elements of the comprehensive plan.

RESPONSE: *The proposed use complies with all the elements of the comprehensive plan.*

- (7) The use not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district.

RESPONSE: *The proposed use has been designed and situated in such a manner to have no impact on adjoining properties and will not result in substantial economic, noise, glare, or odor impacts on adjoining properties or properties generally in the district.*

- (8) Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

RESPONSE: *The proposed use provides adequate ingress and egress to the property and proposed structures thereon. There are no adverse impacts on automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.*

- (9) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact shall be compatible and in harmony with properties in the district.

RESPONSE: *Any proposed building signage will be compatible and in harmony with the adjacent properties in the district.*

- (10) Location, availability and compatibility of utility service for the use shall be satisfactory to ensure health and safety.

RESPONSE: *The location, availability and compatibility of utility services for the proposed use will be satisfactory to ensure health and safety.*

- (11) Refuse and service areas for the use shall not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.

RESPONSE: *Refuse and service areas of the use will not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.*

- (12) In all districts except the C-OPI district, and also with the exception of hotel, motel and timeshare uses, the proposed special exception use will not attract the principal portion of its customers/clients from off-island locations. The applicant shall submit evidence satisfactory to the town council that not less than 50 percent of the customers of the proposed use will be town persons. Evidence submitted in support of this contention shall include credible data or information suitable for review by the town to determine the credibility and the appropriateness of the applicant's conclusion. The submittal shall include a description of the types of information used and the methodology employed to arrive at the conclusion. Information used shall include, but shall not be limited to, lists of customer/client addresses or certification thereof by an independent certified public accountant approved by the town, market studies prepared by independent professional firms, or data from similar operations under the control of the applicant. The town may in the future require the applicant to demonstrate to the satisfaction of the town council that the special exception use is continuing to be town-serving.

RESPONSE: *The Site will be used as a single-family residence for a resident of the Town. As such, the Site will serve town persons.*

- (13) If historic/specimen trees are located on the subject property, the location of said historic/specimen trees shall be identified on a signed and sealed survey. In addition, adequate landscaping, screening and barricade protection of historic/specimen trees shall be demonstrated to be provided as required in this chapter.

RESPONSE: *There are no historic/specimen trees located on the subject property.*

- (14) The proposed use 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.

RESPONSE: *The proposed use does not place an additional burden on Town Police or Fire Rescue Services.*

EXHIBIT C

Sec. 134-201. Findings prior to authorization of a Variance.

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.

RESPONSE: There are special conditions and circumstances peculiar to the land and building which are not applicable to other lands or buildings in the same zoning district. Pursuant to Section 134-893, the Site requires a minimum lot width of 100 ft. The Site has a lot width of 75 ft. and does not meet the 100 ft. minimum lot width requirement, necessitating a special exception. The Site is located in a built-out environment with no opportunities to add land area to meet the minimum lot width requirement. As a result, the Applicant is seeking a variance to provide no garage parking in lieu of the two required garage parking spaces. Due to the lot width of the Site, there are special circumstances peculiar to the land which would make it impractical to have a garage with two garage parking spaces.

- (2) The special conditions and circumstances do not result from the actions of the applicant.

RESPONSE: The Applicant purchased the Site with the current lot dimensions and did not create the nonconforming lot width of the Site. Thus, these special conditions and circumstances did 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.

RESPONSE: The granting of the variance does not confer any special privilege to the applicant that is denied to other buildings in the same district. Any property owner can submit a request for a variance which would be subject to the peculiar circumstances as presented by the property owner requesting the variance. As noted above, there are no opportunities to obtain additional land area.

- (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.

RESPONSE: As noted above, there are no opportunities to obtain additional land area to create a conforming 100' lot width and this contributes to the need for the variance. As such, the literal interpretation of the Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work an 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.

RESPONSE: The requested variance is the minimum variance that will make possible the reasonable use of the land and proposed single-family residence.

- (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:

- 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:
 - 1. Be granted only for the continuation of the same hotel or residential use; and
 - 2. 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.

RESPONSE: N/A. The variance request is not from Sections 134-387, or 134-390 through 134-392, pertaining to the regulation of nonconforming uses.

- (7) The grant 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. In granting any variance, the town council may prescribe appropriate conditions and safeguards in conformity with this chapter. Upon granting a variance the town council may require the landowner to provide a declaration of use agreement which shall be recorded in the public records to ensure continuing compliance with town council imposed conditions of such grants. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

RESPONSE: The granting of the variance will be in harmony with the general intent and purpose of the Code, and will not be injurious to the area involved or otherwise detrimental to the public welfare.