



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Town Council

FROM: Wayne Bergman, MCP, LEED-AP *WB*
Director PZ&B

SUBJECT: ZON-23-090 235 SUNRISE AVE

MEETING: OCTOBER 11, 2023

ZON-23-090 235 SUNRISE AVE-VARIANCE(S). The applicant, Palm Beach Hotel Condominium Association, Inc. (Anthony Sawaya, Board President), has filed an application requesting Town Council review and approval for variances to permit two (2) emergency fire escape stairs to encroach into the required north rear yard setback.

Applicant: Palm Beach Hotel Condominium Association, Inc.
Professional: Summit Design & Forensics, Inc. (Brian Maskol, P.E.)
Representative: Anthony Sawaya, Board President

THE PROJECT:

The applicant has submitted plans, entitled "PALM BEACH HOTEL CONDOMINIUM ASSOCIATION, INC.", as prepared by **Summit Design & Forensics Inc**, dated August 01, 2023.

The following is the scope of work for the project:

- Reconstruction of (2) fire escape stairs to meet minimum building code requirements, requiring setback variances.

The following Special Exception with Site Plan Review and/or Variances are required to complete the project:

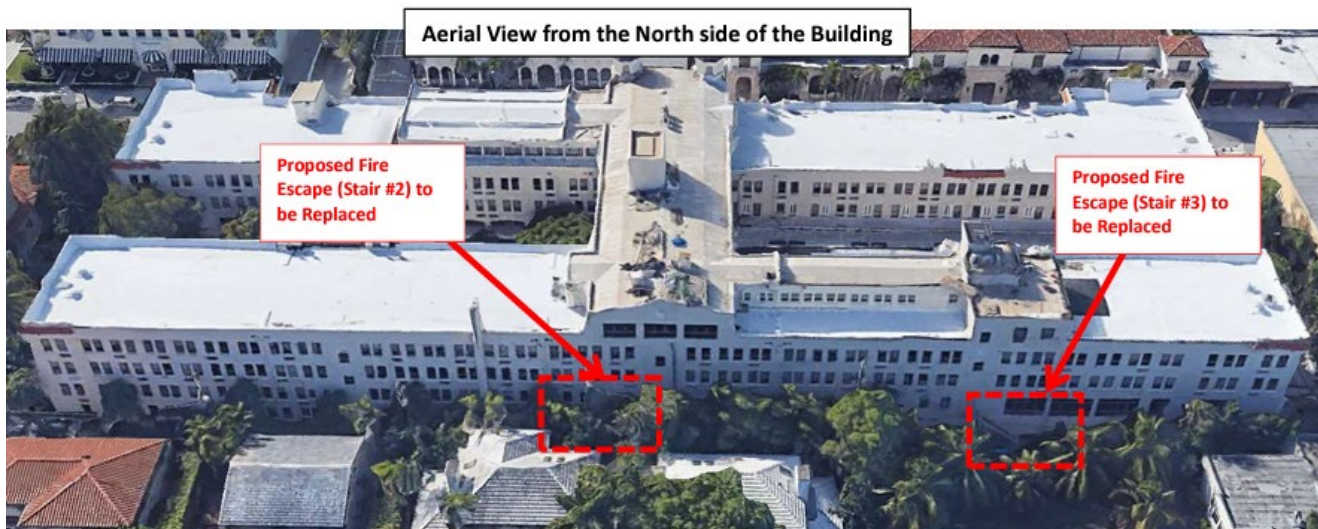
- **VARIANCE 1: Sec. 134-1113(7)b.:** A variance to permit a north rear-yard setback of 9.3' in lieu of the 10' required for a replaced fire escape (stair 2 – east).
- **VARIANCE 2: Sec. 134-1113(7)b.:** A variance to permit a north rear-yard setback of 9.3' in lieu of the 10' required for a replaced fire escape (stair 3 – west).

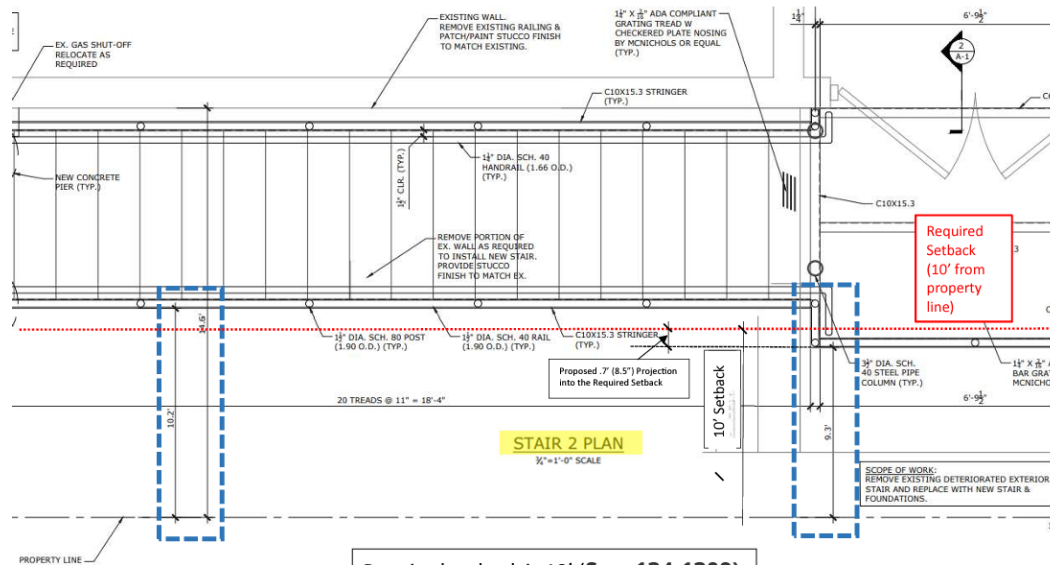
Site Data			
Zoning District	C-TS	Future Land Use	COMMERCIAL
Required Setback	10'	Proposed Setbacks	9.3'

STAFF ANALYSIS

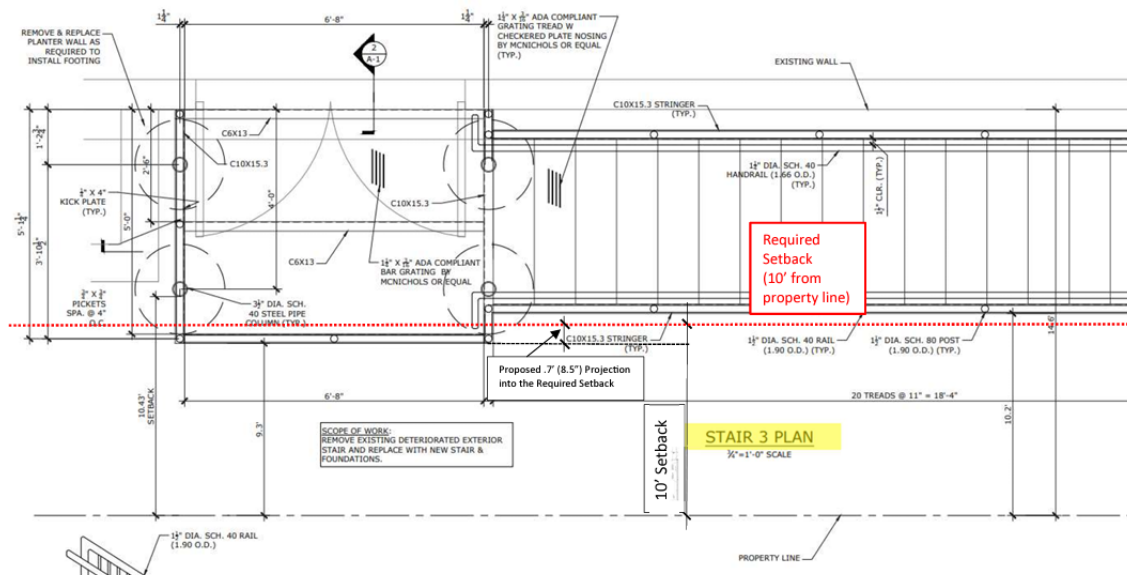
A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the Town zoning code. This application is presented to Town Council for review and approval for two variance requests. The Palm Beach Hotel is undergoing renovations, including

bringing the building up to current building code requirements. As part of the renovations, the exterior fire escape stairs are to be replaced with code compliant replacement stairs. The exit locations remain the same, however, slight reconfiguration of stair size causes the two fire escape stairs on the north to further encroach into the required rear yard setback, hence the request for a variance. The furtherance of the nonconformity will not be immediately noticeable and will bring the stair cases into compliance with fire safety regulations. Two other emergency staircases have been replaced on the east and west of the building and variances were not needed for their replacement.





Required setback is 10' (Sec. 134-1309)
Proposed setback is 9.3'



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Proposed setback is 9.3'

Staff has no issues with the request, particularly with the significance of installing pertinent code compliant life safety egress elements.

CONCLUSION:

Approval of the project will require one separate motions to be made by the Town Council:

- (1) for final determination of approval or denial of the variances by the Town Council, and that the variance **shall or shall not** be granted that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met.

WRB:JGM:BMF

July 31st, 2023
235 Sunrise Ave
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We are pleased to submit this project to the Town of Palm Beach Town Council. I, Anthony Sawaya, President of the Board, have prepared this letter of intent with all the attachments and enclosures. Also, I have retained Summit Design & Forensics, inc. as engineer of record to provide architectural plans needed to replace two (2) existing exterior corroded fire escape stairs on the North side of the building. No additional square footage is being added to the existing building. This project will only affect the North side site plan.

Property Description. This property is located between the north side on Sunrise Avenue and the south side of Bungalow Park. As well as the east side of Bradley.

As a result, there is no change occurring to the square footage of the building or any modifications to the building envelope, the only change will be to the site of the North rear side setback variance of the building.

The proposed elevated new fire escapes designs require a landing of 5' deep from the face of the building to meet the building code. This will be a projecting of 0.7' (8.5") within the required 10' setback.

This project is being submitted to the Town Council to request approval for a Variance (134-201) and A variance to permit a north rear-yard setback of 9.3' in lieu of the 10' required for a replaced fire escape (stair 2 – east). As well as Sec. 134-1113(7)b.: A variance to permit a north rear-yard setback of 9.3' in lieu of the 10' required for a replaced fire escape (stair 3 – west).

(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.

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1. APPLICATION

- First Submittal was submitted 7/13/23.
- Staff comments received on 7/24/23.
- Second submittal submitted on 8/1/23.
- Letter of intent has been updated address variance criteria.
- Mailer map and list is included

2. ARCHITECTURAL PRESENTATION

- Additional sheets were added showing enhanced digital resolution.
- Cover sheet has been updated to display the date of submittal
- Architectural drawings are signed and sealed.
- Survey is over a year old. A new survey has been ordered and will be provided on or before 8/15/23.
- Variance diagram has been updated (J1 - page 1 and page 2)
- Site plan has been updated to better reflect property lines on new sheet.