

Ronald S. Kochman*
Maura A. Ziska
Alexander D. Kochman
*Also admitted in New York

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401
Telephone 561-802-8960
Facsimile 561-802-8995

LETTER OF INTENT
RELATED TO THE PARTIAL BALCONY ENCLOSURE AT 410 SEABREEZE AVENUE
ARC-24-0030/ZON-24-0015

July 1, 2024

We are pleased to submit the accompanying drawings to enclose a portion of the pre-existing balcony to create a closet on the second floor with non-functioning, blackout windows. Please note the following:

A) LANDMARKS PRESERVATION COMMISSION 54-122 & 54-161 N/A

B) ARCOM 18-205

Request to enclose a portion of the second floor balcony to create a 138.75 SF closet addition with non-functioning, black out windows. The closet stays within the existing footprint and the windows are being added to the outside to even the appearance with the west elevation.

1. The plan for the proposed addition 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 plan for the proposed addition 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 addition 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 addition 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 addition 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 addition 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.

7. The proposed addition is subservient in style and massing to the principal or main structure.
8. The proposed addition 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 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.
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.

B) ARCOM 18-206 N/A

C) SPECIAL EXCEPTION 134-229 N/A

D) SITE PLAN REVIEW 134-329 N/A

E) VARIANCES 134-201

VARIANCE 1: Sec. 134-893(b)(7)b.: A variance to permit a second story addition with an 11.3' second story east side yard setback, in lieu of the 15' minimum second story side-yard setback required.

VARIANCE 2: Sec. 134-893(b)(13): A variance to permit a cubic content ratio of 4.89 in lieu of the 4.75 ft existing and the 4.08 maximum CCR permitted.

The criteria for granting the variances are as follows:

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 property is located in the R-B Zoning District and is non-conforming in width and area than what is required in the R-B Zoning District. Further, when the house was constructed there was no CCR requirement in the code thus the existing house is currently non-conforming to that calculation as well as setbacks.

2. Indicate how the special conditions and circumstances do not result from the actions of the applicant.

The Applicant was not the cause of the special conditions of the property or residence, as the characteristics of the residence and land have been in existence since the house was designed and built in 1937.

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.

The granting of the variances will not confer on the Applicant a special privilege. There are other properties in the neighborhood with non-conforming CCR and setbacks as many of the residences were constructed prior to today's zoning code requirements.

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.

The hardship for the cubic content ratio variance, which runs with the land, is that the residence was built in 1937 and is non-conforming to today's code as the width of the lot is 75 feet in lieu of the 100 foot minimum required and 9,187.50 square feet in area in lieu of the 10,000 square foot minimum required. The proposed increase in CCR is minor in order to enclose the balcony to create more livable square footage.

5. Demonstrate that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

The variances requested are the minimum necessary to make reasonable use of the land in order to create a modest addition.

6. 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.

Granting the variances will not be injurious to the neighborhood, as the requests are minor and in the rear of the property.

Sincerely,

A handwritten signature in blue ink, appearing to read "Maura Ziska". The signature is fluid and cursive, with the first name "Maura" and last name "Ziska" clearly distinguishable.

Maura Ziska