

## KOCHMAN & ZISKA PLC

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### VIA EMAIL

October 7, 2024

Ms. Kelly Churney, Acting Town Clerk  
Town of Palm Beach  
360 South County Road  
Palm Beach, FL 33480

**RE: Notice of Appeal**  
**Property Owner: 2291 Ibis Isle Road East LLC**  
**Arcom Review # ARC-24-0068**  
**Property Address: 2291 Ibis Isle Road, Palm Beach, FL**

Dear Ms. Churney:

On behalf of 2291 Ibis Isle Road East LLC, who is the property owner of 2191 Ibis Isle Road, this notice of appeal is filed requesting the Town Council to approve the proposed gate that was presented to the Architectural Review Commission ("Arcom") on September 25, 2024 and not approved, but not specifically denied. There were no valid reasons or legal grounds to not approve the request for the proposed gate. The landscape architect, Dustin Mizell, presented the reason for the gate was because of the curve of the Ibis Isle road and need to have protection from automobile headlights as well as alerting drivers of the curve. He also presented the design as matching the details of the main residence.

The basis for the appeal is that Arcom deviated from the criteria set forth in Section 18-205 of the Town of Palm Beach Code by not approving the proposed gate and not reviewing the design nor giving any feedback regarding the design. The only discussion about the gate was from Ms. Grace who stated "no need for a gate"; Ms. Shiverick "gates are not friendly and shouldn't be allowed here either" and Ms. Catlin "not in agreement with the gate". However, there was no discussion about the design of the gate, which is what the commission has a duty to discuss.

Based on the foregoing, the property owner respectfully requests the Town Council to approve the gate that was presented to Arcom on September 25, 2024. Please place this matter on the next available Town Council agenda. Please call me if you have any questions with the foregoing. Thank you.

Sincerely yours,



Maura Ziska, Esq.

cc: Joanne O'Connor, Town Attorney  
Wayne Bergman, Director, Planning Zoning & Building  
James Murphy, Assistant Director, Planning Zoning & Building