

January 6, 2025

Town of Palm Beach  
Planning, Zoning & Building Dept.  
360 South County Rd  
Palm Beach, FL 33480



NIEVERA  
WILLIAMS  
DESIGN

RE: **Letter of Intent**  
401 Worth Avenue, Palm Beach

To whom it may concern,

This property is an R-C Medium Density Residential District (multi-family residential). The project scope includes proposing a 100KW generator with screening wall and hedge. We are also proposing landscaping enhancements to the south side of the building along Worth Ave.

Please find the enclosed drawing set as the first submittal package for the above listed property. The enclosed set represents a drawing set which includes hardscape and landscape plans, materials, and specifications.

The proposed design is in keeping with the subsections outlined within Town of Palm Beach Code of Ordinances sections 18-205. We believe the additions are an enhancement to the property and are in conformity of good taste and design. The proposed design is not of inferior quality or will have a negative impact on the surrounding neighborhood.

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

**B) ARCOM 18-205**

The proposed design is in keeping with the subsections outlined within Town of Palm Beach Code of Ordinances sections 18-205.

**B) ARCOM 18-206 N/A**

**C) SPECIAL EXCEPTION 134-229 N/A**

**D) SITE PLAN REVIEW 134-329**

**Site Plan Review: Section 134-329(4): Request for site plan approval to allow the installation of a 100KW generator with screening wall and hedge; proposed landscape enhancements to the south/west side of the building along Worth Avenue.**

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## **E) VARIANCES 134-201**

**VARIANCE 1: Section 134-948(5)(d) : A variance to allow a South street side yard setback along Worth Avenue to be 13'-6" in lieu of the 35-foot minimum required.**

**VARIANCE 2: Section 134-948(7): A variance to allow the generator to have a rear yard setback of 6'-7" in lieu of the 30-foot minimum required.**

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-C Zoning District and is non-conforming in width and area than what is required in the R-C Zoning District.**

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 building and land have been in existence since the building was designed and built.**

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 variance will not confer on the Applicant a special privilege. There are other properties in the neighborhood with non-conforming setbacks as many of the buildings 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 side yard setback variance, which runs with the land, is that the lot is nonconforming to today's zoning code. The proposed decrease in side yard setback is necessary in order to install a generator as the side yard setback is located in the building footprint.**

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

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**The variance requested is 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 variance will not be injurious to the neighborhood, as the request is minor and will be hidden from sight.**

**Sean Allen,  
Nievera Williams Design**

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