

February 10, 2025

Town of Palm Beach  
360 S. County Road  
Palm Beach, FL 33480

Re: LOI for 203 Via Vizcaya - ARCOM Number: ARC-24-0128

We are pleased to submit the accompanying documents and drawings in connection with our updated application for Development Review by the Architectural Commission for a new two-story traditional courtyard house with a one-story pool cabana and landscape / hardscape design for the property located at 203 Via Vizcaya, Palm Beach, FL (the "Property").

The site is zoned R-A, and is currently vacant. This proposal is for a new predominantly one-story residence (with a modest two-story guest area over the garage) and a one-story detached pool cabana along with landscape, hardscape, privacy walls, fences, gates, pool, spa, and related residential equipment. The proposed residence is approximately 8440 square feet in size, with a building or lot coverage totaling 24.88% (25% permitted). The proposed percentage of the lot that will be landscaped open space is 42.98, which falls below the 50% required, and will require the approval of a variance. The lot depth for the property is slightly nonconforming (141 feet, 9 inches in lieu of the 150 feet required), which requires special exception with site plan review and approval. **Both the variance and the special exception with site plan approval requests are addressed in detail later in this narrative.**

The architectural style of this submission is based on a classic traditional courtyard plan. Located at the south end of the property, the main entrance fronts to Via Vizcaya. A motor court lines the south and west edge, leading to a three-car garage aligning with the neighbors garage to the west. Upon entering, the main residence offers a grand foyer. To the left of the foyer is an office/study, mud room, powder room, and access to the motor court and garage. Located to the west, the secondary entry in this area is designed to provide an alignment with the front entry axis of the neighboring residence to the west. To the right of the foyer lies the great room (living, dining, and kitchen area). The great room provides views of the outdoor central courtyard and pool/spa area. To the north of the foyer is a hallway that leads to the master bedroom, master bathroom, and support spaces (closets, etc.). Off the master bath is a private outdoor terrace area providing a landscape buffer to the northeast. Finally, above the garage, a stairwell leads to a modest second floor containing two bedrooms with balconies and support spaces (bathrooms, sitting area, laundry, etc.). This guest area is aligning in height and program (guest area) to the adjacent façade of the neighbor's house to the west.

At the property's east is the one-story pool cabana, which is accessible through the central courtyard space and via private garden at the northeast of the property. This structure is aligning

in scale and height to the adjacent façade of the neighbors' house to the east featuring a fitness area and support spaces (changing area, etc.).

The majority of the exterior facade material will be a classic white sand finished stucco with additional traditional architectural detailing, along with traditional windows and doors. The roof parapets on the house and pool cabana are designed to be multi-level to provide detail and reduced scale. Roof overhangs and awnings signify exterior gathering areas adjacent to both air-conditioned interior and outside covered spaces. The roof, exterior overhangs, and exterior trellis will be white in color along with all overhangs/trellis support columns. The windows and doors will be painted a dark, classic bronze color. The majority of roof overhangs and exterior terrace soffits will be reclaimed pecky cypress.

The proposed home as designed has a simple but pleasing architectural design, which also uses quality materials that complement the residence and the scale of other homes nearby. The home has been carefully designed so as not to be too similar, nor too dissimilar to the existing homes in the surrounding neighborhood and is in harmony with the neighborhood. The project layout of building elements (house, pool and pool cabana) is similar to the same double lot layout to the south.

The landscaping and hardscaping of the property will consist of a central courtyard, planters, walking paths, garden spaces, trees, grass, along with featuring native (Florida-friendly) vegetation. The proposed landscape and hardscape design aims to create a cohesive outdoor environment that seamlessly aligns with the architectural style of the new home. It is thoughtfully crafted to enhance not only the property, but also the neighborhood's overall appeal. Our design philosophy focuses on elevating the property's character with refined taste, transforming the outdoor area into a visually harmonious and functional extension of the residence.

Please note the following as it relates to this application:

A. Architectural Commission review in accordance with Section 18-205.

- (a) The architectural commission may approve, approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction only after consideration of whether the following criteria are complied with:
  - (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.
  - (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.
  - (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.

- (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.
  - (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 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 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.
  - (7) The proposed addition or accessory structure is subservient in style and massing to the principal or main structure.
  - (8) The proposed residence is appropriate in relation and respect to significant 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.
  - (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) If the above criteria are met, the application shall be approved. Conditions may be applied when the proposed building or structure does not comply with the above criteria and shall be such as to bring such building or structure into conformity. If an application is disapproved,

the architectural commission shall detail in its findings the criterion or criteria that are not met. The action taken by the architectural commission shall be reduced to writing, and a copy thereof shall be made available to the applicant upon request.

- (c) A decision or order of the commission or the planning, zoning and building department director or his/her designee shall not become effective until the expiration of ten working days after the date upon which a ruling of the commission or the planning, zoning and building department director or his/her designee has been made.

The Project proposes a new courtyard home and pool cabana with new landscape and hardscape, which include the use of quality materials that complement the neighborhood, and is neither too similar nor dissimilar to the surrounding homes and adjacent neighborhood. The massing of the home and pool cabana is understated, with the vast majority of the structures being only one-story in height. The only proposed second floor element is above the garage space, which is located behind the main house portions of the home, and away from the street to maintain a one-story presence along the street. The proposed landscape materials soften the appearance of the overall property, which allows for the home to better blend into the Property and the neighborhood. The proposed new courtyard home and landscape and hardscape design will complement the neighborhood, and is in keeping with the high standards of the Town.

B. Special Exception Approval in accordance with Section 134-229.

- (1) The use is a permitted special exception use as set forth in article VI of this chapter.
- (2) The 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.
- (4) The use will be compatible with adjoining development and the intended purpose of the district in which it is to be 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.
- (6) The use will comply with all 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.
- (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.
- (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.
- (10) Location, availability and compatibility of utility service for the use shall 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.
- (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.
- (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.
- (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.

C. Site Plan Approval in accordance with Section 134-329.

Within 30 days of receipt of the application for site plan review, the town council shall review and consider the application. Before any site plan shall be approved, approved with changes, or denied, the town council shall make a finding that the approval of the site plan will or will not adversely affect the public interest and certify that the specific zoning requirements governing the individual use have or have not been met and that, further, satisfactory provision and an arrangement has or has not been made concerning the following matters, where applicable:

- (1) Sufficiency of statements on ownership and control of the subject property and sufficiency of conditions of ownership or control, use and permanent maintenance of common open space, common facilities or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the town.
- (2) Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon; provided, however, that nothing in this subsection shall be construed as granting the town council the authority to

reduce residential densities below that permitted by the use regulations in article VI of this chapter.

- (3) Ingress and egress to the property and the proposed structure thereof, with particular reference to automotive and pedestrian safety; separation of automotive traffic; traffic flow and control; provision of services and servicing of utilities and refuse collection; and access in case of fire, catastrophe or emergency.
- (4) Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns within the property, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.
- (5) Proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the property boundaries.
- (6) Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall town capacities.
- (7) Utilities, with reference to hook-in locations and availability and capacity for the uses projected.
- (8) Recreation facilities and open spaces, with attention to the size, location and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the property, and relationship to communitywide open spaces and recreation facilities.
- (9) Such other standards as may be imposed by this chapter for the particular use or activity involved.
- (10) Height of commercial structures with reference to adjoining buildings, the effect on uniformity in height, and the general principle of retaining the low profile scale of commercial architecture.
- (11) Visible size and bulk. The proposed development should be so arranged that it minimizes the visible bulk of the structures to drivers and pedestrians on abutting roadways, the point of reference being the centerline of the abutting roadways, with the intent being to maintain visual impact of multistory buildings at the same relative level of intensity as a single-story building at the minimum required setback.

Justification for Special Exception with Site Plan Approval:

Per Section 134-843(b), special exception with site plan approval is required for this project because the depth of the combined platted lots do not meet the 150 feet required by Town code for the R-A zoning district. Lot depth is measured at the midpoint of the combined lots, and because the lots are on a cul-de-sac, there is an inward curve in the middle of the lots that results in a dimension for lot width of 141 feet, 9 inches, which is 8 feet, 3 inches short of the 150-foot requirement. It is important to note that the depth of the lots as measured along the east and western sides of the lots are approximately 156 feet, which does exceed the Town code requirement. Again, the lots are within a plat, and meet all other dimensional requirements.

Furthermore, the proposed new home on the property will not adversely affect the general public, nor the immediate neighborhood, and is compatible with the rest of the neighborhood in terms of intensity, size and massing. Also, easements for utilities have already been located, drainage has been designed for the property that meets or exceeds all Town requirements, and ingress/egress for the property has been safely designed with sufficient on-site parking. The single-family use is a permitted use within the R-A zoning district, and the area is surrounded by single-family uses; therefore, the proposed single-family use is completely compatible with the surrounding area and will not be injurious to the surrounding property owners. The single-family use also complies with the Town's comprehensive plan because the future land use designation for the property and surrounding area is Single Family Residential. The project has been designed with adequate access from the surrounding roadways, has complete access to all necessary utilities, contains no historic specimen trees, and certainly will not create a burden on police and fire services. The project complies with all zoning code requirements except for the lot depth, and the overall landscape open space requirement, which is explained in detail below.

D. Variance in accordance with Section 134-201(a).

Variance Criteria:

- (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.
- (2) The special conditions and circumstances do 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 properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.
- (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.
- (5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
- (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.
- (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 the 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.

Variance Requested:

- (1) A request for Variance from the overall landscape open space requirement in Section 134-843(a)(12)a., to allow for 42.98% landscape open space in lieu of the 50% required by code.

Justification for Variance Requested:

There are several unique site characteristics that constitute legal hardships justifying the granting of a variance. First, the curvature of the front of the lot due to the meandering of the private street is a unique site condition that is not contemplated by the zoning code. Second, approximately 10 linear feet of the Property's front yard (running the entire distance of the front yard line) is within the Via Vizcaya right-of-way, and is a paved area that must be included when doing the hardscape and landscape calculations. This is a unique condition in that other residential properties do not ordinarily need to include the adjacent street when performing landscape open space calculations.

Third, there is a platted but unimproved right-of-way that runs through the back ten (10) feet of the Property, which also reduces the area that can be utilized for landscape area. The adjacent neighbors would like to improve this platted right-of-way, which is owned by our client but dedicated to the public through the plat, and we cannot calculate it as green space if cars will be driving over it. To mitigate this loss of landscaped open space, we are proposing to utilize grass pavers. If this paved right-of-way area was excluded from the landscape calculation, the project as proposed would meet the 50% overall landscape open space required. Each of these issues constitutes a legal hardship, and when taken together it is clear that the variance being requested is the minimum necessary to make reasonable use of the Property.



In closing, we feel that the proposed new courtyard home and landscape and hardscape design will complement the neighborhood, and is in keeping with the high standards of the Town, and look forward to its approval.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Crowley', with a stylized flourish at the end.

James M. Crowley