

Zoning Case Number: COA-010-2013

**NOTIFICATION TO PROPERTY OWNER
PER CHAPTER 54 OF THE TOWN OF PALM BEACH CODE OF ORDINANCES RELATIVE TO THE
LANDMARKS PRESERVATION COMMISSION ORDINANCE**

This notice is being provided to you in conjunction with a review policy which allows the Landmarks Preservation Commission to provide input to the Town Council for use during the Town Council's review of this item.

Please be advised that the Landmarks Preservation Commission will consider the following matter at its meeting to be held on Wednesday, March 20, 2013 on an informal basis only, and will consider the matter formally at its meeting to be held on Wednesday, April 17, 2013.

The Landmarks Preservation Commission meets at 9:30 [REDACTED] in the Town Council Chambers, 2nd floor, Town Hall, 360 South County Road, Palm Beach.

Subject Property Address: 252 El Bravo Way, Palm Beach, FL 33480

Applicant: Jeffrey and Frances Fisher

Request for approval of: Revisions to previously approved application:
1. Fenestration at south wall facing Auto Court to be revised utilizing existing openings and aligning windows with those at second floor, making them closer to original Volk design.
2. Garage extension eastwards, variance request to City of Palm Beach predicated on approval from Landmarks Preservation Commission.

This notification is not to solicit your approval or disapproval. If you desire, you may file your comments in writing before the meetings or you may attend the meetings to speak on the matter. The Landmarks application and plans are on file in the Planning, Zoning & Building Department and are available for view Monday through Friday between 8:30 [REDACTED] and 4:30 [REDACTED].

If we can be of further assistance, please contact us at [REDACTED]

Sincerely,

John S. Page
Director of Planning, Zoning & Building

JSP/cmd

Rev: 6/17/2010

EFTA01110763

**TOWN OF PALM BEACH
LANDMARKS PRESERVATION COMMISSION
360 South County Road, Palm Beach, FL 33480**

(561) 227-6414 for John Lindgren, Planning Administrator

[REDACTED] for Cindy Delp, Secretary for the Landmarks Preservation Commission

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

ADDRESS OF PROPERTY: 252 El Bravo Way, Palm Beach, FL 33480

OWNER OF PROPERTY: ** Jeffrey and Frances Fisher

(Address) 231 Nightingale Trail

(Address) Palm Beach, FL 33480

(Phone) [REDACTED]

APPLICANT'S NAME: ** Clemens Bruns Schaub

(Address) 3383 Ocean Drive

(Address) Vero Beach, FL 32963

(Phone) [REDACTED]

ARCHITECT FOR PROJECT: **

(Firm name) Clemens Bruns Schaub / Architect & Associates, [REDACTED]

(Architect's name) Clemens Bruns Schaub

(Architectural firm's address) 3383 Ocean Drive

(Architectural firm's address) Vero Beach, FL 32963

(Phone Number) [REDACTED] (Fax Number) [REDACTED]

** ☐ Check this box if you are an LPC member, and this project will result in a Voting Conflict for you.

TYPE OF PROJECT:

- | | | |
|-------------------------------------|--|--|
| ☐ | Restoration | ☐ Demolition (Interior) |
| ☐ | Rehabilitation | ☐ Demolition (Exterior) |
| ☐ | Reconstruction | ☐ Sign |
| ☐ | Addition to historic structure | ☐ Awning |
| ☐ | New Accessory Structure | ☐ Exterior Color Change |
| ☐ | Landscape/hardscape | |
| ☒ | Other Revisions to previously approved application | |

Is this a tax abatement project? (Must check one)

Yes ☒ Or No ☐

****TAX EXEMPTION PROJECTS: PART 1-PRECONSTRUCTION APPLICATION MUST BE**

SUBMITTED FILED AS PART OF THIS APPLICATION (Contact [REDACTED] for tax abatement forms)**

Does this project require a Town Council approval? (Must check one) Yes ☒ Or No ☐

DESCRIPTION OF PROJECT: (Please give a **comprehensive** description of the project which **fully describes** the changes to the landmarked building and/or landmarked property. Attach additional sheet if necessary.)

Revisions to previously approved application:

1. Fenestration at south wall facing Auto Court to be revised utilizing existing openings and aligning windows with those at second floor, making them closer to original Volk design.
2. Garage extension eastwards, variance request to City of Palm Beach predicated on approval from Landmarks Preservation Commission.

SUBMISSION CHECKLIST: (Submit all of the following, as required for your project) (Please note that effective June 21, 2010, electronic submission is required. Please follow electronic submission instructions. Note: Paper mini-sets still required- see below.)

- ☒ Site Calculations (to be printed on Site Plan)
- ☒ Site Plan (must show any and all adjacent right-of-way)
- ☐

Materials Removal Plan (must delineate any and all materials that are to be removed or relocated in the construction process). This drawing shall be titled "Materials Removal Plan." If no original materials are scheduled to be removed or relocated, it shall be so noted on the floor plans.

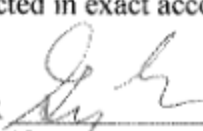
- ☒ Survey (for new construction)
- ☒ Existing and Proposed Elevations (on same page)
- ☐ Details such as columns, railings, awnings, signs, etc. drawn to scale
- ☒ Floor plans
- ☒ Photographs, Original and/or Existing
- ☐ Color Samples and/or Fabric Samples
- ☐ Other
- ☒ **NOTE: 14 Mini-Sets of Reduced Plans** (paper copies) are to be submitted to the Town no later than 1 week prior to the meeting.
- ☐

The undersigned hereby certifies that the project described in this application, and as detailed by plans and other materials submitted, will be constructed in exact accordance with the aforesaid plans and specifications.

Signed by: _____
(Property owner)

Printed name: _____

OR


(Owner's Legally Authorized Agent*)

Printed Name: Gary Robinson

*If signed by a Legally Authorized Agent, must be accompanied by a Power of Attorney or statement from property owner authorizing the signer to sign on owner's behalf.



ZONING APPLICATION
TOWN OF PALM BEACH

Variance #13-2013

(Zoning Case Number)

This application includes requests for:

- ☐ Site Plan Review
☐ Special Exception
☒ Variance

TO BE HEARD BY THE TOWN COUNCIL ON April 10, 2013 AFTER 9:30 [REDACTED], IN THE TOWN OF PALM BEACH COUNCIL CHAMBERS LOCATED ON THE 2ND FLOOR, 360 SO. COUNTY ROAD, PALM BEACH. Pursuant to the Town Zoning Code of Ordinances, Sections 134-172 (Special Exceptions and Variances) and/or 134-328 (Site Plan Review), this application is being sent to all property owners within 300' of the location of the subject zoning application. A copy of this application along with all exhibits such as large drawings and other supporting documents that are not attached to this application are available for inspection at the Town's Planning, Zoning & Building Department, 360 S. County Rd., east entrance, weekdays between the hours of 8:30 [REDACTED] and 4:30 [REDACTED].

All interested persons may appear and be heard at said Public Hearing and may likewise submit written statements prior to and at said Public Hearing. If any person decides to appeal any decision made by the Town Council with respect to this matter, he/she will need to ensure that a verbatim record of the proceeding is made which record includes the testimony and evidence upon which the appeal is to be based.

I. SUBJECT ADDRESS: 252 El Bravo Way, Palm Beach Zoning District R-A

Fee Simple Property Owner's Name:
Frances and Jeffrey Fisher

Legal Description:
Lot 18, SUPPLEMENTARY PLAT OF EL BRAVO PARK, according to the Plat thereof as recorded in Plat Book 9, Page 9, Public Records of Palm Beach County, Florida

Name and address of person who can receive service of process for purposes of litigation in

Palm Beach County Guy Rabideau, Esq., Rabideau Law, 400 Royal Palm Way, Suite 204, Palm Beach, Florida 33480

Applicant Name: Jeffrey Fisher Contact Phone 561-655-6221

II. **DESCRIPTION OF THE REQUEST TO BE HEARD BY TOWN COUNCIL, citing applicable Town Zoning Code Section Number(s):**

A. Applicable Zoning Code Section Number(s):

1. **Section 134-201. Findings prior to authorization**
2. **Section 134-843 Lot, yard and area requirements – Generally (a)(9) Rear yard.**

3.

4.

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B. Description of request by Zoning Section Number(s):

The Applicant is proposing to add five feet to the east side of the existing garage, requiring a variance to allow for a 3.42 foot setback in lieu of the 15 foot minimum required in the R-A Zoning District.

III. APPLICATIONS CONTAINING SITE PLAN REVIEW

If the application contains Site Plan Review, complete **Exhibit B**, and briefly describe below the reasons why such application should be approved. This explanation should be a summary of information provided in Exhibit B (Site Plan Review by Town Council as stated in the Town's Zoning Code at Section 134-329).

N/A

IV. APPLICATIONS CONTAINING SPECIAL EXCEPTIONS

If the application contains requests for Special Exceptions, complete **Exhibit C**, and briefly describe below the reasons why such application should be approved. This explanation should be a summary of information provided in Exhibit C (Requirements for granting Special exceptions by the Town Council as stated in the Town's Zoning Code at Section 134-229).

N/A

V. APPLICATIONS CONTAINING VARIANCES

If the application contains requests for variances, please respond to the questions below, and complete **Exhibit D** (Findings for authorizing a variance as stated in the Town's Zoning Code at Section 134-201).

- a. Applicant should provide a brief description of the special conditions which when subjected to a literal enforcement of the provisions of the zoning ordinance will result in unnecessary and undue **HARDSHIP**. This explanation should be a summary of information provided in Exhibit D.

The Applicant's residence was built around 1929, a time when vehicles were not as long as they are today. At the time the garage was built, the 15 foot setback ordinance did not exist. The existing garage does not allow the Applicant to adequately garage his vehicles, thus creating a hardship. Allowing the variance would solve this problem and the extension be consistent with the existing garage. Due to its location on the south side of the property, it will not interfere with the public interest.

- b. Applicant should address how granting of a variance for these special conditions will not be contrary to the public's interest.

The rear yard, on which the garage is located, does not border a roadway, and therefore the garage does not intrude on public passersby.

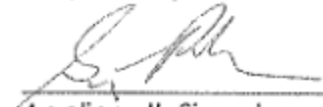
VI. SITE HISTORY

Please provide a detailed history in chronological order of all zoning-related requests processed on or after January 1, 1970 applicable to this property. This information should be attached as **Exhibit E - SITE HISTORY**.

Variance Request 3-86, requesting construction of one 33 foot x 20 foot awning adjacent to the existing garage, providing a rear yard setback of 3.3 feet instead of 15 feet as required, and also increasing the lot coverage from 26% to 28.8%, thereby exceeding the 25% limitation.

Note: The awning is no longer at the subject property.

Respectfully submitted,



Applicant's Signature

Guy Rabideau, Atty. for Jeffrey Fisher
Typed name & telephone [REDACTED]



Fee Simple Property Owner's Signature
(or his/her duly authorized attorney)

Guy Rabideau, Atty. for Jeffrey Fisher
Typed name & telephone [REDACTED]

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EXHIBIT A - LEGAL DESCRIPTION

Lot 18, SUPPLEMENTARY PLAT OF EL BRAVO PARK, according to the Plat thereof as recorded in Plat Book 9, Page 9, Public Records of Palm Beach County, Florida

EXHIBIT B - REQUEST FOR VARIANCE

CRITERIA FOR AUTHORIZING A VARIANCE

The Town Council must find the application in conformance with a number of criteria. Please address each of the criteria completely in order to provide the Council with sufficient information to make a determination on your application.

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 Applicant's residence was built around 1929, prior to the zoning code requiring a 15 foot rear yard setback. At that time, motor vehicles were much shorter in length than they are today. As such, the existing 21.4 foot garage is not long enough to adequately garage the Applicant's vehicles. The property directly adjacent to the setback area, which is approximately 10 feet wide, is not and cannot be built upon, thus providing an additional buffer from any neighbor.

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 condition of the garage, as the garage is an existing condition that met code when the house was 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.

Granting of the variance will not confer a special privilege on the Applicant. A request for a variance to allow for a 5 foot extension of the garage is reasonable in order to allow the Applicant to garage his vehicles, as all of his neighbors are able to do.

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, which runs with the land, is that the existing garage, which is non-conforming to today's zoning code, is not long enough to adequately garage the Applicant's vehicles, a right commonly enjoyed by other property owners in the same zoning district.

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

The variance request is the minimum necessary to make reasonable use of the land. The current length of the garage is 21.4 feet, which is not sufficient to garage the Applicant's vehicles. The additional 5 feet will allow for proper housing.

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 must be demonstrated 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

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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.

N/A

7. 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.

The granting of the variance will be in harmony with the general intent and purpose of this ordinance, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare, as the proposed extension of the garage is consistent with the existing garage setback. The garage, located on the south side of the property, is not visible to the public and does not infringe on the neighboring property.

EXHIBIT D - PARKING STATEMENT

Please provide a detailed parking statement which includes details of all available off-street parking, including information regarding the number of parking spaces designated for service use (for example: lawn service, pool service, etc), staff/employee use, etc.

All construction vehicles will either park on the subject property or permitted parking on the right of way as allowed by the Town.

COMMERCIAL PROPERTIES MUST:

PROVIDE NUMBER OF OFF-STREET PARKING SPACES AVAILABLE
FOR EMPLOYEES ON THE SUBJECT PROPERTY: _____

PROVIDE NUMBER OF EMPLOYEES/STAFF PER SHIFT: _____

INDICATE LOCATION WHERE EMPLOYEES PARK OFF SITE: _____

EXHIBIT C - SITE HISTORY

Please provide a detailed history of all zoning-related requests applicable to this property processed on or after January 1, 1970, in chronological order, including but not limited to variances, special exceptions, site plan reviews, and existing agreements.

Variance Request 3-86, requesting construction of one 33 foot x 20 foot awning adjacent to the existing garage, providing a rear yard setback of 3.3 feet instead of 15 feet as required, and also increasing the lot coverage from 26% to 28.8%, thereby exceeding the 25% limitation.

Note: The awning is no longer at the subject property.

Site Location Map
252 El Bravo Way

N ↑

