

**TOWN OF PALM BEACH SHORES
247 EDWARDS LANE
DEVELOPMENT REVIEW COMMITTEE MEETING**

March 5, 2008

2:00 p.m.

AGENDA

- 1. V 08 -3 Joel & Linda Silberstein, 131 Cascade Lane, Lot 259. Applicant requests relief from Pf. 5.7 “side yard setback” in order to demolish existing single family residence and to construct an entirely new two story single family residence.**

- 2. SPR08- 2 & A/AR08-2 Bret Worcester, 131 Tacoma Lane, Lot 175. Applicant proposes to demolish existing single family residence and construct entirely new two story single family residence.**

RECAP

PRESENT: Commission representative Mayor Thomas Mills, Planning and Zoning Board representative Carol Hurst, Town Attorney Keith Davis of Corbett & White, Zoning Official Manual Palacios of HyByrd Inspections, Town Administrator Cindy Lindskoog and Town Clerk Carolyn Gangwer.

Mayor Mills gave a brief explanation of the reason for and procedures of the Development Review Committee.

1. V08-3 Joel & Linda Silberstein 131 Cascade Lane, Lot 259.

Joel Silberstein was present. He gave a brief explanation of why he is requesting a west side setback variance. He stated that the house has been moved back as far as possible to the east, and still is encroaching between 1 and 2 feet into the west side setback. The applicant noted that the west side of the house which would encroach is the lower side. Mr. Silberstein opined that it would cost him at least \$20,000 to have plans redrawn, so that this house can meet new codes. He referenced the letter that he provided along with his variance application as a more complete explanation of all of the extenuating circumstances surrounding this project, which has been on-going since last spring.

Attorney Davis explained that this proposed two story house was originally reviewed under previous District A Zoning code. However, since the original application was not complete, and revised plans were not received until after the building moratorium was in place, it was Mr. Davis's opinion, which he put in writing that the project would need to be reviewed under the new code.

The Attorney noted that everything else with this project seems to be within code. He suggested that Mr. Silberstein complete the application, with information in the original site plan application. IT was Mr. Davis' opinion that the Planning and Zoning Board will look more favorably on a more complete application, rather than "see original application" in some places. The applicant stated that he would do this.

Mr. Davis congratulated Mr. Silberstein on the elevations provided. He had several other comments regarding the site plan:

- The 3 A/C units need to be located in the rear yard, not in side setbacks. The applicant stated that these would be relocated to the right rear corner of the yard.
- Perimeter fence: A portion of the fence is shown as 6' vinyl fencing and the rest as 4' chain link fencing. The plan should clearly depict what portion of the fence is what type and height. In addition, the fences should be moved at least 3' fee off the edge of the property (13' off of the edge of the pavement)
- Having no balconies is a positive point.
- The 23' portion of the house at 15' from the rear setback needs to be clearly shown. The balance of the rear of the house must be at least 25' from rear setback, per new code.
- Show 30' setback for second story portion of house facing rear.
- All calculations shown in the table are correct. Need to add a line showing that first and second story areas do not exceed .5 FAR.

Zoning Official Manual Palacios pointed out that the maximum height should be measured from the average crown of the road.

Ms. Hurst stated that the Town Commission and the Planning and Zoning Board have worked diligently over the last 2 years to come with new codes for District A. The lots in Palm Beach Shores are very small, and it is the wish of the town to have homes built that are reasonable to the surrounding neighborhood.

Mr. Silberstein stated that he is trying to do what is best for the town.

Attorney Davis reviewed the applicant's responses to the Variance Criteria (which Mr. Davis characterized as "pretty common"). He noted that financial difficulties are not a legal "hardship" where variances are being considered. Ms. Hurst suggested that the applicant mention the building moratorium and code changes as "hardships".

Mr. Davis stated that he is not an architect, but it seems reasonable to him that a wall could be brought in by several feet, and the variance would not be needed. He opined that the

Planning and Zoning Board will probably ask this question. It was Mr. Davis' opinion that the applicant is in for an uphill battle with this variance request.

Mr. Silberstein stated that he is planning on bringing his architect to the meeting to answer questions regarding this project.

Mr. Palacios pointed out that there is a discrepancy in the amount of the variance being requested. On the plan it shows 1.8', and in the letter and application, it states 1.6'. Mr. Silberstein stated that 1.6' is correct, and he'll have this corrected on the plan.

There was a brief discussion of upcoming plan due dates and meeting dates. Mr. Silberstein stated that he understood what corrections needed to be made.

2. SPR08-2 & A/AR08-2 Bret Worcester, 131 Tacoma Lane, Lot 175.

Tisha Worcester was present. Ms. Worcester explained that they currently live directly north of the proposed project site at 131 Edwards Lane (they own both properties). They have 3 children, and simply need the additional space that a larger home will provide. The applicant opined that they want to comply with all of the new codes, and to be sure that their house fits into the town's "island character". Eventually, Ms. Worcester's mother-in-law will come to live with them, so this is another reason for extra space.

Ms. Worcester stated that she had contacted all of her neighbors regarding this proposed new house.

The site plan review ensued with the following points made:

- Roof pitch is 5 x 12 on the entire project. Mr. Palacios asked that this is clearly shown on the plan.
- The beginning point for measurement of the height of the building should be the average crown of the road. Grade elevation is the reference point, not the first finished floor.
- Setback of second floor portion of house from first floor portion, on Tacoma side needs to be clearly shown on the plan.
- Only 25' of the rear of the house can be at a 15' setback. The plan shows a distance of 27'8" – this will need to be reduced to 25'.
- The 6' privacy wall shown at the rear of the house on the site plan does not match what is shown on the landscaping plan.
- A/C units need to be depicted on last page of the plan. These can be in the rear yard setback. Ms. Worcester confirmed that the pool equipment can be located with the A/C in the rear, as long as it is buffered. Mayor Mills suggested placing the service box near the A/C and pool equipment in order to keep all of the noise together.
- Clarify location of covered rear porch on page A-2.
- The project includes a 2nd kitchen, for the mother-in-law suite. This is allowed, as long as it is not detached.

Attorney Davis offered the following suggestions to make the project calculations more complete:

- Total square footage of the lot should be certified by the applicant's surveyor, and shown on the site plan.
- Move "under air" second floor area to the bottom of the list.
- Add a row showing Floor Area Ratio of project compared to total size of lot. (First floor FAR plus second floor FAR minus garage allowance of 200 sq. ft., divided by the total lot area)

Architectural and aesthetic review:

Ms. Hurst commented that the color photographs provided in the package are sufficient to show color preferences. However, more mature vegetation is needed to buffer and soften this house.

There was some discussion regarding whether the number of items to be corrected should bring this project back before DRC one more time. It was generally agreed that there should be sufficient time to get revised plans back before Planning and Zoning Board review, to ensure that all of the corrections have been made.

Ms. Gangwer reviewed dates for submittal of revised plans with Ms. Worcester.