



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5431 • www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Combination Staff Memorandum: Architectural Commission and Town Council

FROM: Wayne Bergman, MCP, LEED-AP
Director PZ&B

SUBJECT: ARC-23-032 (ZON-23-041) 176 SEMINOLE AVE (COMBO)

MEETING: JUNE 28, 2023 ARCOM
JULY 12, 2023 TC

ARC-23-032 (ZON-23-041) 176 SEMINOLE AVE (COMBO). The applicant, William Paca Beatson, Jr. Trustee of the William Paca Beatson Revocable Trust dated January 8, 2021, has filed an application requesting Commission review and approval for the conversion of a rear vehicular garage into storage space, for the construction of a second-floor addition over the existing single-story garage, and landscape and hardscape alterations requiring four variances to eliminate required garage parking, to construct a second floor addition with a reduced rear setback, to exceed the maximum allowable Cubic Content Ratio (CCR), and to reduce landscape open space below code requirements. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

ZON-23-041 (ARC-23-032) 176 SEMINOLE AVE (COMBO)—VARIANCES. The applicant, William Paca Beatson, Jr. Trustee of the William Paca Beatson Revocable Trust dated January 8, 2021, has filed an application requesting Town Council review and approval for four (4) Variances required to convert an existing two-car garage into interior storage space and to construct a second-story addition over the rear garage with site and landscape alterations, including (1) to eliminate required garage parking spaces, (2) to construct a second floor addition with reduced rear setbacks, (3) to exceed the maximum allowable Cubic Content Ratio (CCR), and (4) to reduce the overall Landscape Open Space below the required minimum. The Architectural Commission will perform the design review component of the application.

Applicant: William Paca Beatson, Jr. Trustee of the William Paca Beatson Rev. Trust
Professional: Daniel Kahan | Smith and Moore Architects, Inc
Dustin Mizell | Environment Design Group
Representative: Maura Ziska

HISTORY:

The existing two-story residence was built in 2005. The structure received Special Exception with Site Plan Review in 2003 due to the nonconforming width (89') of the R-B zoned parcel. Additionally, the design received variance approval for a swimming pool setback and a side yard setback for the two-story portion of the residence, pursuant to SE-28-2003.

The current application was initially reviewed at the March 29, 2023, ARCOM meeting. The project was deferred for restudy to the April meeting, and subsequently deferred from the May

meeting at the request of the applicant. A revised submitted was provided to the Town on June 5, 2023.

THE PROJECT:

The applicant has submitted plans, entitled "176 Seminole Ave, Palm Beach Florida", as prepared by **Smith and Moore Architects, Inc** dated June 5, 2023.

The following is the scope of work for the project:

- Construction of a new second floor addition above a rear attached garage requiring a variance from setback requirements and Cubic Content Ratio (CCR) limitations
- Conversion of existing garage into storage space requiring a variance for the removal of required parking
- Site modifications, including the removal of portions of the existing driveway

The following Special Exceptions, Site Plan review and/or Variances required to complete the project, and shall be reviewed by Town Council:

- **Variance 1:** [Sec. 134-893\(b\)\(9\)](#): A variance to allow the proposed addition with a rear yard setback of 14 feet in lieu of the 15-foot minimum required.
- **Variance 2:** [Sec. 134-2179\(b\)](#): A variance to have zero (0) garage parking spaces in lieu of the two (2) garage parking spaces required.
- **Variance 3:** [Sec. 134-893\(13\)](#): A variance for a Cubic Content Ratio (CCR) of 4.39 in lieu of the 4.0 maximum allowed and the 4.05 existing.
- **Variance 4:** [134-893\(b\)\(12\)\(a\)](#): A variance for a Landscape Open Space (LOS) of 37.8% in lieu of the 45% minimum required.

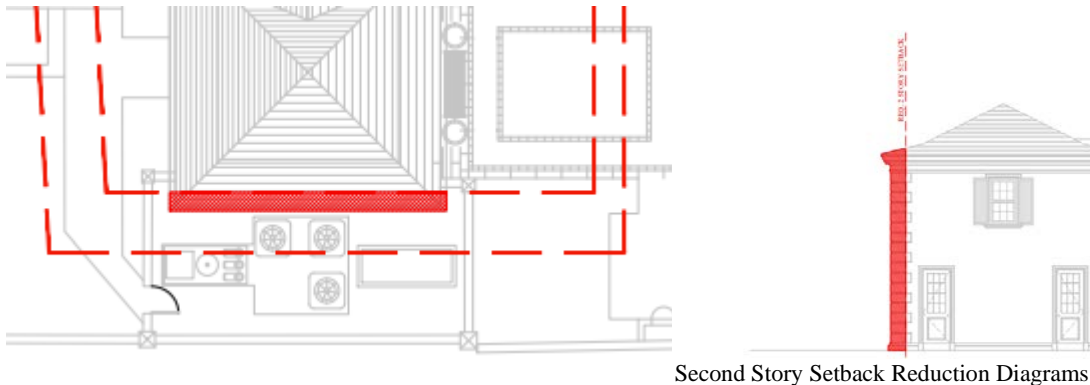
Site Data			
Zoning District	R-B	Lot Size (SF)	10,197 SF
Future Land Use	SINGLE FAMILY	FEMA Zone	X
Total Building Size (SF)	Existing: 3,708 SF Proposed: 4,186 SF	Lot Coverage	Existing: 24.81% Proposed: 24.16% Permitted: 30%
Landscape Open Space (LOS)	Existing: 35.8% (3,647 SF) Proposed: 37.8% (3,847 SF) Required: 45% (4,585 SF) <i>Variance requested</i>	Cubic Content Ratio (CCR)	Existing: 4.05 Proposed: 4.39 Permitted: 4.0 <i>Variance requested</i>
Crown of Road (COR)	8.74' NAVD (Seminole)	Finished Floor Elevation	8.93' NAVD (garage)
Surrounding Properties / Zoning			
North	1992 One-story Single-family residence / R-B		
South	1969 One-story Commercial / C-TS		
East	Vacant (pool) / R-B		
West	1974 Two-story Temple Emanuel Synagogue / C-TS		

STAFF ANALYSIS

A review of the project indicates that the application, as proposed, appears to be inconsistent with the abovementioned sections of the Town zoning code.

The application requests the construction of a new 478 SF second story addition above an existing one-story garage. The proposed second story does not meet the minimum rear setback requirements for two-story buildings, and thus requires a setback reduction variance. Additionally, the second floor pushes the CCR for the residence above the maximum amount allowed within the RB zoning district, also requiring a variance.

Variance #1 seeks a 1'-0" reduction of the required rear setback for the addition of the second floor. The rear setback amount for ground floors is 10'. The rear setback amount for second floors is 15'. The existing setback for the ground floor is 14'-0", and for ease of construction, the applicant is proposing to build straight up from the one-story portion, requiring rear setback reduction of 1'-0".

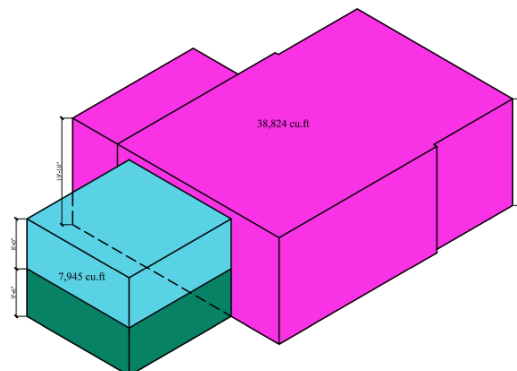


Staff notes that the setback relief would generally only impact the property to the south, which is commercially zoned. Staff is generally supportive of the variance due to the existing configuration of the property and the minimal impacts to surrounding properties.

Variance #2 requests to eliminate the two (2) required off-street garage parking spaces to convert the area into storage space and vertical circulation. The garage is located in the southern portion of the site and is accessed from Seminole Avenue via a driveway approach roughly 80' in length. Additionally, the property maintains a circular front motor court, which can also accommodate parking. In the proposed configuration, the property will be able to accommodate a minimum of two vehicles parked off-street on the driveways.

Variance #3 requests to exceed the maximum Cubic Content Ratio (CCR). The existing property maintains a non-conforming CCR of 4.05, in lieu of the 4.0 maximum allowed. The March ARCOM application sought to increase the CCR to 4.41. The June ARCOM submittal reduces the request to 4.39.

Designed in 2003, the residence features a one-story garage element on the southern portion of the site. One-story portions of residences can serve as transitional design elements to sensitively address massing concerns of abutting



properties; however, this garage portion abuts a discordant commercial zoning district (C-TS) to the south, which allows three stories in height under the Special Exception process.

From the east property line, the garage maintains a setback of roughly 28' from the neighboring residential lot, which recently received ARCOM approval for the construction of a new single-story single-family residence. The subject structure is currently over the allowable CCR (likely an oversight during permit review). In this instance, staff opines that the addition of the new second floor over the existing one-story portion would likely not overwhelm the overall massing of the property on site—as the primary massing element features prominent two-story form more proximate to Seminole Avenue and N County Road.

Variance #4 requests to reduce the required Landscape Open Space (LOS) to 37.8% in lieu of the 45% minimum required. Should the elimination of garage parking be approved, staff is largely supportive of the current request to modify the rear portion of the driveway due to the circumstances of the property's zoning history. Per the record plans, at the time of its construction, the property complied with the minimum Landscape Open Space requirements—which in 2003 was 40%. This was increased to 45% in 2005, pursuant to Ord. 01-05.

The applicant has made considerable efforts to bring the subject property more into compliance through the current application. The existing condition is roughly 36%, or 3,647 SF of green space. The current application proposed to reduce the amount of paving at the garage vehicular access point, which increases the LOS amount by roughly 200 SF.

Architectural modifications since the March ARCOM meeting includes a 10" reduction in the addition's building height, as well as cornice and detailing alterations.

CONCLUSION:

This application is presented to the Commission to consider whether all of the criteria in Sec. 18-205 have been met. Approval of the subject project will require two (2) separate motions to be made by the Architectural Review Commission: (1) that the overall design of the project is in accordance with the criteria provided below, subject to any imposed conditions, and (2) that the implementation of the proposed variances will or will not cause negative architectural impact to the subject property.

Approval of the project will require one motion to be made by the Town Council: (1) that the variances **should or should not** be granted that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met.

WRB:JGM:JRH