




TOWN OF PALM BEACH
Planning, Zoning & Building Department
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PLANNING, ZONING, & BUILDING DEPARTMENT

PZ&B Staff Combination Memorandum: Landmarks Preservation Commission and Town Council

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

SUBJECT: ZON-22-115 (COA-22-040) 801 S COUNTY ROAD (COMBO)

MEETING: JUNE 21, 2023 LPC
JULY 12, 2023 TC

COA-22-040 (ZON-22-115) 801 S COUNTY ROAD (COMBO). The applicant, Palmeiral Revocable Trust/Frances I. Kettenbach, has filed an application requesting a Certificate of Appropriateness for proposed exterior alterations and additions to an existing beach cabana requiring a Special Exception with Site Plan Review and variances to vest existing non-conforming setbacks, mechanical equipment setbacks, and a to reduce the ocean bulkhead setback. Town Council will review the zoning components and relief requests of the application.

ZON-22-115 (COA-22-040) 801 S COUNTY ROAD (COMBO) - VARIANCES. The applicant, Palmeiral Revocable Trust/Frances I. Kettenbach, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for a beach house structure and three (3) variances (1) to vest an existing non-conforming west setback due to the demolition of more than 50% of the structure, (2) to place an air conditioning condensing unit within the front setback, and (3) to reduce the Ocean Bulkhead setback, in conjunction with proposed exterior alterations and additions to an existing beach cabana. The Landmarks Preservation Commission will perform the design review component of the application.

Applicant: Palmeiral Revocable Trust / Frances I. Kettenbach
Professional: LaBerge & Menard Inc. (Chris Kidle)
Representative: Maura Ziska, Esq.

HISTORY

The project was heard at the May 17, 2023 LPC Hearing. The project was deferred to the June 21, 2023 hearing. The commission provided feedback regarding architectural elements and felt the design was too contemporary and the structure was too massive. The applicant has made modifications and resubmitted plans in response to the comments of the commission.

801 S County Rd is a Mediterranean style residence constructed in 1929 and designed by Maurice Fatio. The property was designated a Landmark in 1990. Numerous permits have been issued throughout the years for updates, maintenance and renovations to the site.

At the JUNE 21, 2023 LPC meeting, the project was reviewed and approved (7-0) w/ condition that certain aspects of the project be modified and reviewed as a staff level application, including a reduction in the overall height of the main portion by at least 1' among other things. Additionally,

the variances were supported and that the implementation of the variances would not negatively impact the architecture (7-0).

THE PROJECT:

The applicant has submitted plans, entitled "CABANA RENOVATION 801 SOUTH COUNTY RD", as prepared by **LaBerge & Menard Inc.**, dated May 30, 2023.

The following is the scope of work for the Project:

- Renovation and addition to existing beach cabana.



Subject beach parcel location.

Site Data			
Zoning District	BA / R-A	Lot Size (SF)	136,015 SF
Crown of Road (C-O-R)	16.67' NAVD	Flood Zone	ZONE X
Exist Fin. Floor Elevation	13.85' NAVD	Zero Datum for Point of Measurement	14.6' NAVD
Project			
	Required/Allowed	Existing	Proposed

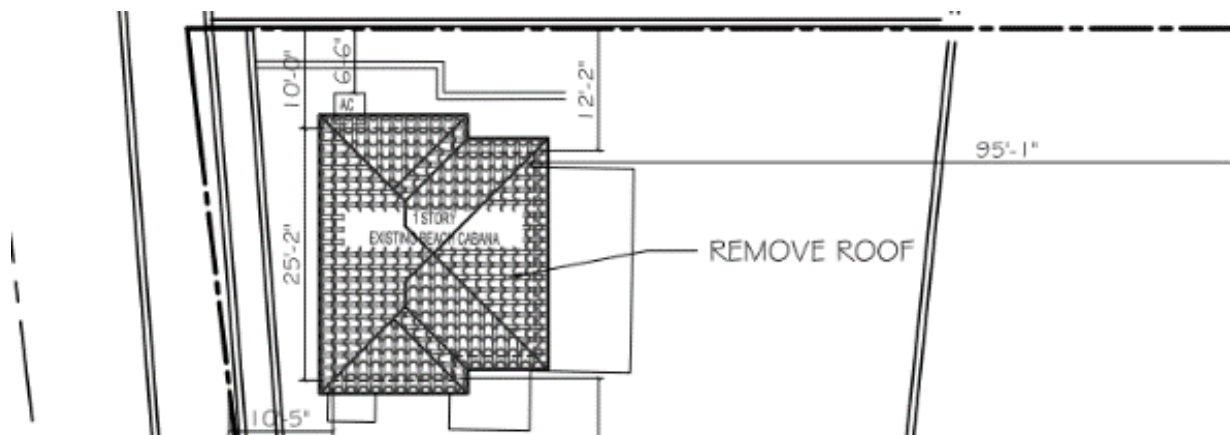
Lot Coverage	2,000 sq. ft.	488 sq. ft.	1,486 sq. ft. (previously proposed) 1,374 sq. ft. (proposed)
North Setback	10'	10'	10'
West Setback	35'	10'-5"	10'-5" (No Change) <i>Variance Requested</i>
South Setback	10'	265'	245'
East (Ocean Bulkhead) Setback	50'	40'	17' <i>Variance Requested</i>
Overall Building Height	16'	12'-10"	14'-10"
Surrounding Properties / Zoning			
North	Beach Parcel and Cabana / BA Zoning		
South	Beach Parcel and Cabana / BA Zoning		
East	Atlantic Ocean		
West	1929 Two-Story Residence (Main Parcel) / R-A Zoning		

STAFF ANALYSIS

The application, as proposed, appears inconsistent with the following sections of the town code:

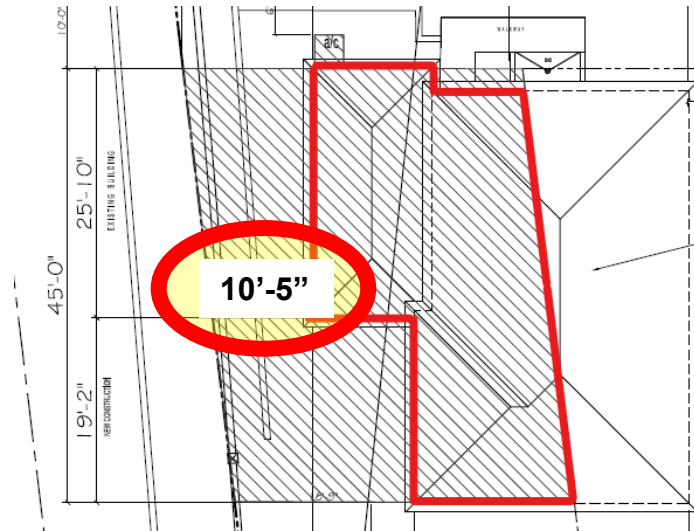
- a. **Special Exception with Site Plan Review:** [Sec. 134-1473\(a\)\(1\)](#): To allow a beach house structure in the B-A, Beach Area district.
- b. **Variance 1:** [Sec. 134-1475\(b\)\(3\)](#): A variance to vest an existing west setback of 10'-5" in lieu of the 35'-0" minimum required for a beach house structure due to the demolition of more than 50% of the existing structure.
- c. **Variance 2:** [Sec. 134-1702](#): A variance to allow an Ocean Bulkhead setback of 17' in lieu of the 50' minimum required.
- d. **Variance 3:** [Sec. 134-1728\(a\)](#): A variance to allow an air conditioning condensing unit with a 13'-7 1/2" west front setback in lieu of the 35' minimum front yard setback required.

The application seeks approval for the renovation of and addition to an existing beach cabana. The renovation and addition result in the demolition of more than 50% of the cabana, requiring any existing nonconformities to be retested and requiring review by the Town Council for Special

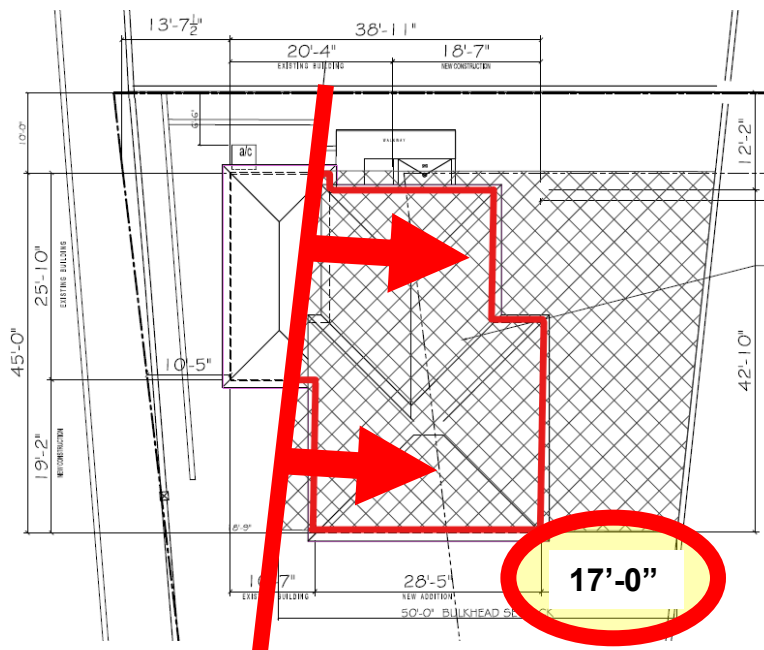


Exception with Site Plan Review.

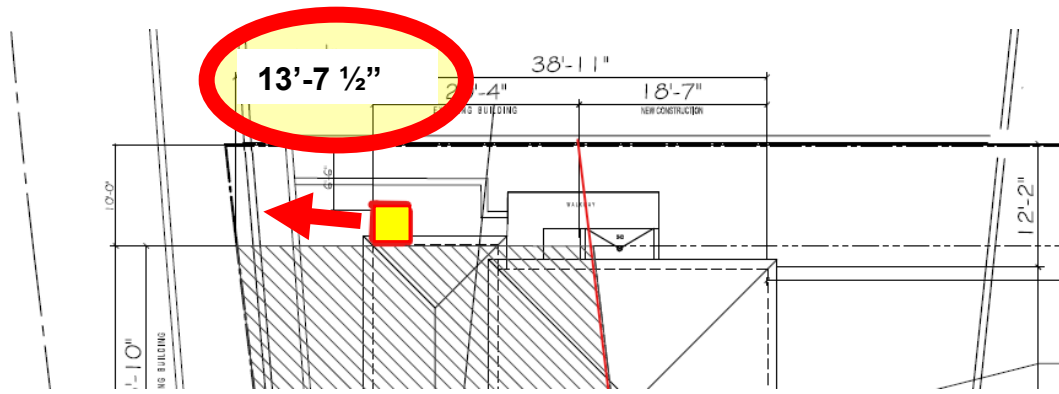
As it pertains to Variance #1, the existing cabana has a nonconforming west street setback of 10'-5" in lieu of the 35' setback required. Due to demo of greater than 50% as part of the renovation, the nonconforming setback must be reverted.



As it pertains to Variance #2, the applicant is proposing an addition which expands the footprint of the cabana closer to the ocean bulkhead. The existing cabana setback is currently nonconforming with an existing 40' setback; this nonconformity is being further increased by proposing a 17' setback, where a 50' setback is the minimum required. Therefore, a variance is being requested to further encroach into the setback.



As it pertains to Variance #3, the applicant is seeking a variance to maintain existing A/C equipment in the required street setback at 13'-7 1/2" in lieu of the 35' setback required. The variance requests to retest the existing nonconformity due to demolition of more than 50% of the existing cabana.



Conclusion

The application is presented to the Commission to consider whether all the criteria in section 54-122 have been met. Approval of the project will require two motions to be made by the Landmarks Preservation Commission: (1) for the overall design of the project in accordance with the criteria, subject to any imposed conditions and (2) that the proposed variances will/will not have negative architectural impact.

The project shall be reviewed for final determination of approval or denial of the three (3) variances by the Town Council. Approval of the project will require one motion to be made by the Town Council: (1) that the variances (#1-3) **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:BMF