




TOWN OF PALM BEACH
Planning, Zoning & Building Department
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PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Town Council Development Review

TO: Mayor and Town Council

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

SUBJECT: ZON-22-122 (HSB-22-011) 141 AUSTRALIAN AVE (COMBO)

MEETING: JULY 12, 2023

ZON-22-122 (HSB-22-011) 141 AUSTRALIAN AVE (COMBO)—VARIANCE. The applicant, Gregory James Pamel, has filed an application requesting Town Council review and approval for Variances to (1) reduce the required side (east) yard setback, (2) to reduce the required rear (north) yard setback, (3) to exceed the overall building height for an accessory structure, and (4) to exceed the maximum Cubic Content Ratio (CCR), and (5) to allow a two story accessory structure where only one story is permitted, for the demolition and reconstruction of a two-story accessory structure in the rear yard in conjunction with the proposed renovations to an existing Historically Significant two-story building. The Landmarks Preservation Commission will perform design review of the application.

HSB-22-011 (ZON-22-122) 141 AUSTRALIAN AVE (COMBO). The applicant, Gregory James Pamel, has filed an application requesting Landmarks Preservation Commission review and approval for proposed exterior alterations to a Historically Significant two-story primary structure, and for the demolition and reconstruction of an existing two-story nonconforming accessory structure in the rear yard, including variances for setback, height, number of stories, and Cubic Content Ratio (CCR). This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Applicant: Gregory James Pamel
Professional: SKA Architect + Planner
Representative: David Klein, Esq.

HISTORY:

The subject property is located within the Royal Park Conservation District and was designated Historically Significant in June of 2022. The primary structure is designed in the Craftsman style and was constructed circa 1910-1915.

The current proposal was initially scheduled to be reviewed by the LPC at the November 16, 2022, meeting but was deferred by the applicant to the April 19, 2023, meeting.

At the April 2023 meeting, the request to demolish and reconstruct the rear accessory structure was discussed. The project was deferred for one month, with the Commission requesting that the

applicants study retaining and rehabilitating the building in lieu of demolition and reconstruction. The applicants revised their proposal based on Commission direction, and resubmitted plans on May 3, 2023. At the May 17, 2023 LPC meeting the item was approved (7-0) and a motion was made that the variances would not (7-0) negatively impact the architecture. However, the Commission did require certain design improvements to be made, which included:

- The applicant shall submit revised plans with conditions as a Staff Level Application.
- The first-floor ceiling height shall be lowered to 8’.
- The finished floor shall be raised to a 4” step from grade.
- The proposed exterior band between the first floor and second floors shall be included.
- Two bracketed trellises shall be added over the French doors.
- Applicant shall modify at the direction of the Commission the casement window and mullion band.

The applicant submitted a staff level application dated June 21, 2023, L-23-00789 complying with these conditions outlined in the Development Order.

THE PROJECT:

The applicant has submitted plans, entitled "Pamel Residence 141 Australian Ave", as prepared by **SKA Architect + Planner** dated May 3, 2023 and staff level application entitled "L-23-00789" dated June 21, 2023.

The following is the scope of work for the Project:

- Removal of vinyl siding and installation of wood shingle siding on the primary residence
- Rehabilitation of the rear accessory structure, including raising the finished floor elevation by .54’ and increasing the wall height by 2’
- Landscape and hardscape improvements.

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

- **VARIANCE 1:** Section 134-893(b)(7): Variance request to increase the height of an existing non-conforming accessory structure with a side (east) yard setback of 3.5 feet in lieu of the 15-foot required in R-B Zoning District.
- **VARIANCE 2:** Section 134-893(b)(9): Variance request to increase the height of an existing non-conforming accessory structure with a rear (north) yard setback of 3’-2” in lieu of the 15-foot required in R-B Zoning District.
- **VARIANCE 3:** Section 134-893(b)(13): Variance request for a cubic content ratio (CCR) of **4.63** in lieu of the 4.30 maximum allowed in R-B Zoning District.
- **VARIANCE 4:** Section 134-891(b): Variance request to increase the height of a non-conforming two-story accessory structure to an overall building height of **22.5’** in lieu of the 14-foot maximum allowed in R-B Zoning District.
- **VARIANCE 5:** Section 134-891(b)(1): Variance request for an accessory building height of two stories in lieu of the one story maximum allowed on a lot with less than 20,000 square feet.

Site Data			
Zoning District	R-B	Lot Size (SF)	7,011 SF

Future Land Use	SINGLE-FAMILY	Total Building Size (SF)	3,688.4 SF
C-O-R	10.42'	Flood Zone	X
Exist Fin. Floor Elevation	12.17' (main) 10.96' (accessory)	Prop. Fin. Floor Elevation	12.17' (main) 1' (accessory)
Year of Construction:	1910-1925	Architect/Builder:	No record
Project			
	Required/Allowed	Existing	Proposed
Lot Coverage	30% (2,100 SF)	28.64% (2,008 SF)	28.64% (2,008 SF)
Cubic Content Ratio (CCR)	4.3	4.53	4.63 <i>Variance requested</i>
Building Height	14'	21.5' (accessory)	22.5' (accessory) <i>Variance requested</i>
Landscape Open Space	45% (3,155 SF)	43.2% (2,962 SF)	47.8% (3,353 SF)
Front Yard Open Space	40% (500 SF)	57.95% (725 SF)	65.9% (824 SF)
Perimeter Open Space	50% (1,079.5 SF)	66.69% (2,057 SF)	65.6% (2,233 SF)
Native Plant Species %	35%	N/A%	35% met
Surrounding Properties / Zoning			
North	2004 Two-story residence / R-B		
South	2014 Two-story residence / R-B		
East	2006 Two-story residence / R-B		
West	2006 Two-story residence / R-B		

STAFF ANALYSIS

As a HSB project the proposed changes must meet the Secretary of the Interior's Standards for Rehabilitation and Sec. 18-306, Sec. 54-122 and 54-123 of the Landmark Preservation Ordinance. A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the Town zoning code: 5 requested variances.

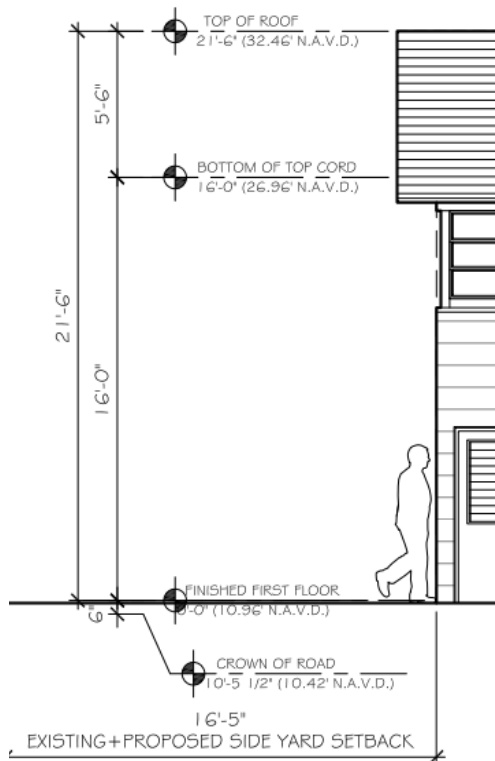
Firstly, it is admirable that the applicant has opted to designate the property as a Historically Significant Building and has chosen to preserve and renovate the property. The residence is surrounded by new(er) two-story residences and its preservation contributes to the rich architectural history of Palm Beach, as well as the streetscape of Australian Avenue.

The scope of work includes the renovation of the two-story primary residence. While altered over the years, the structure is an excellent example of the Craftsman style of architecture. Craftsman style residences generally have steep pitched gable roofs with wide, unenclosed eaves, exposed rafter tails, and full or partial width open porches with knee walls. Additional features of the style often include paired and single casement and double-hung windows and wood lap or shingle siding. The proposed removal of the vinyl siding and installation of the wood shingle siding on the primary structure is appropriate and enhances the character of the building.

At the April 2023 LPC meeting, a request to demolish and “reconstruct” the rear two-story accessory building was proposed. The Commission deferred the application and instructed the applicants to explore the retention and rehabilitation of the building in lieu of demolition and new construction. The applicants resubmitted plans for the May meeting with a revised proposal.

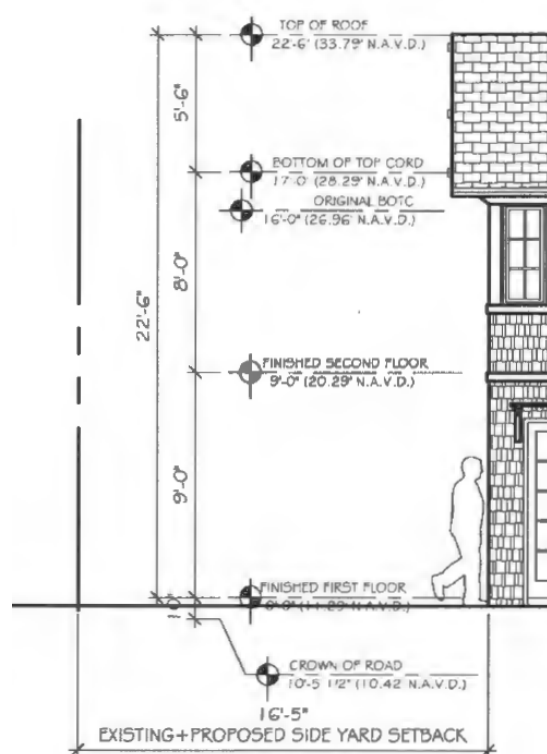
The May application requests rehabilitating the historically significant accessory structure per Commission directive. The plans indicate that the structure will be re clad with new wood shake siding and that the second story sleeping porch will be maintained through the introduction of a band of casement windows. The plans also request to modify the fenestration on all sides of the building – including the removal, addition, and adjustment of openings. Lastly, the application seeks to increase the height of the accessory structure by 2.54’.

The parcel is located within the FEMA X zone, which is a Non-Special Flood Hazard Area of moderate to low risk. FEMA does not prescribe a finished floor elevation for this zone, but the parcel is relatively high by Palm Beach standards. Per the submitted plans, the building’s finished floor height will be increased with a new foundation from an elevation of 10.96’ NAVD to 11.50’ NAVD. In addition to the increased finished floor elevation, two (2) feet of additional height will be added to the structure’s ground floor walls, resulting in a floor-to-floor height of 10’-0”. The 2.54’ increase in height is most evident in the elevation drawings, provided on Sheets 19-20 of the architectural plan set.



Sheet 19, Existing South Elevation

Finished Floor Elevation: 10.96' NAVD
Height (From FFE to bottom of top chord): 16'



Sheet 19, Proposed South Elevation

Finished Floor Elevation: 11.50' NAVD
Height (From FFE to bottom of top chord): 18'

Because the applicants are electing to increase the height of the building’s finished floor elevation and wall height for a reason other than FEMA compliance, the application will require the same

variances initially necessary to reconstruct the building, with modifications to variance amounts. Staff contends that the building could be rehabilitated with a new foundation without increasing the height of the building, and therefore eliminating the need for all five variances.

- **VARIANCE 1:** Section 134-893(b)(7): Variance request to increase the height of an existing non-conforming accessory structure with a side (east) yard setback of 3'-5" in lieu of the 15-foot required in R-B Zoning District.

The existing accessory structure is sited with a 3'-5" east side yard setback, whereas 15' is currently required. The application seeks to increase the height of the accessory structure, therefore increasing the setback's non-conformity vertically. This variance would not be necessary if the building was not increasing in height.

- **VARIANCE 2:** Section 134-893(b)(9): Variance request to increase the height of an existing non-conforming accessory structure with a rear (north) yard setback of 3'-2" in lieu of the 15-foot required in R-B Zoning District.

The existing accessory structure is sited with a 3'-2" rear (north) yard setback, whereas 15' is currently required. The application seeks to increase the height of the accessory structure, therefore increasing the setback's non-conformity vertically. This variance would not be necessary if the building was rehabilitated without increasing the height.

- **VARIANCE 3:** Section 134-893(b)(13): Variance request for a cubic content ratio (CCR) of 4.73 in lieu of the 4.30 maximum allowed in R-B Zoning District.
- **VARIANCE 4:** Section 134-891(b): Variance request to increase the height of a non-conforming two-story accessory structure to an overall building height of 23.5' feet in lieu of the 14-foot maximum allowed in R-B Zoning District.

The existing primary and accessory structure have a combined CCR of 4.53 CF, which currently exceeds the allowable 4.30 CCF. With the rehabilitation and increase in height of the new accessory structure, the applicants are requesting to increase the CCR to 4.63 CF; the changes required by the LPC lowered the initial request by 0.10. This variance would not be necessary if the building was rehabilitated without increasing the height. The area of the subject parcel limits the height of accessory structures to 14'. The applicants are requesting to increase the height of an already height non-conforming accessory structure. This variance would not be necessary if the building was rehabilitated without increasing the height. The changes required by the LPC lowered the initial request by 1' from 23'-6" to 22'-6".

- **VARIANCE 5:** Section 134-891(b)(1): Variance request for an accessory building height of two stories in lieu of the one story maximum allowed on a lot with less than 20,000 square feet.

Per the RB zoning code, two-story accessory structures are only allowed on parcels with an area of 20,000 SF or greater. As the parcel is only 7,011 SF, only a single-story accessory structure is permitted. The applicants are electing to expand this non-conformity by increasing the height of the existing two-story accessory structure.