



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

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

TO: ARCOM Chairperson and Members

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

SUBJECT: ARC-23-107 (ZON-23-077) 162 E INLET DR (COMBO)

MEETING: AUGUST 23, 2023

**ARC-23-107 (ZON-23-077) 162 E INLET DR (COMBO).** The applicants, David and Jill Shulman, have filed an application requesting Architectural Commission review and approval for the construction of enclosed additions and a rear awning requiring a variance to exceed maximum allowed Cubic Content Ratio (CCR), fenestration modifications, and rear yard landscape and hardscape modifications, including the construction of a new pool. Town Council will perform final review of the application as it pertains to the zoning relief.

**ZON-23-077 (ARC-23-107) 162 E INLET DR (COMBO)—VARIANCE.** The applicants, David and Jill Shulman, have filed an application requesting Town Council review and approval for a variance to (1) exceed the maximum allowable Cubic Content Ratio (CCR) for the construction of enclosed additions and a rear awning to the single-family residence. The Architectural Commission shall perform the design review component of the application.

Applicant: David and Jill Shulman  
Professional: Daniel Clavijo | SKA Architect & Planner  
Representative: Tim Hanlon | Alley, Maass, Rogers, & Lindsay, P.A.

**THE PROJECT:**

The applicant has submitted plans, entitled "Proposed Renovations of Residence for: David & Jill Shulman" as prepared by **SKA Architect + Planner**, dated August 7, 2023.

The following scope of work is proposed:

- Construction of an entryway addition and rear patio awning.
- Replacement of doors and windows.
- Enclose rear second story balcony.
- Landscape and hardscape renovations to rear yard including new pool.

The following Special Exception, Site Plan Review, and/or Variances are required to complete the project:

- **VARIANCE 1:** [Sec. 134-893\(b\)\(13\)](#): A variance to permit a Cubic Content Ratio of 4.41 in lieu of the 4.25 existing and the 3.99 maximum permitted for a residence within the R-B zoning district.

The applicant has provided a detailed Letter of Intent outlining ARCOM's decision-making criteria and responses for each criterion.

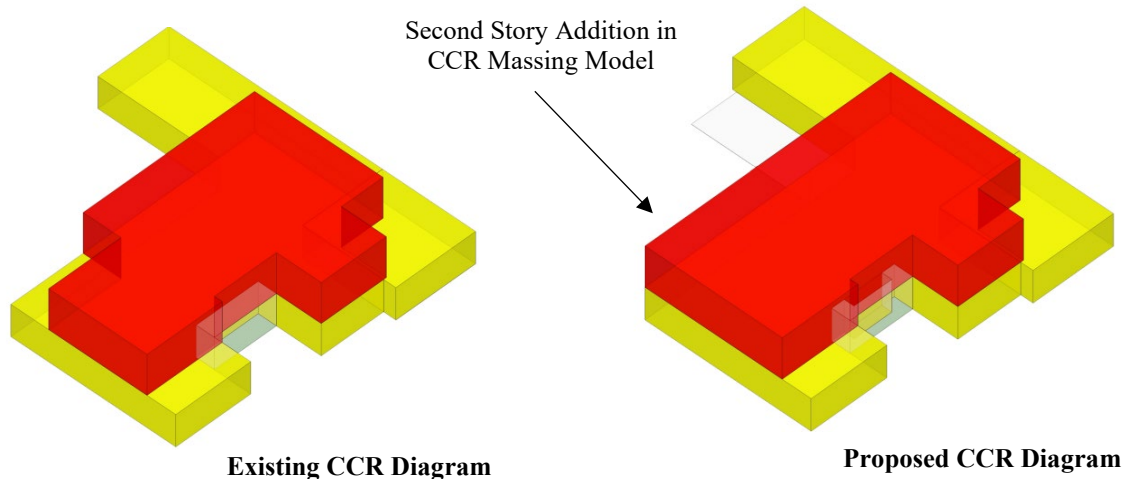
Site Data			
<b>Zoning District</b>	R-B Low Density Res.	<b>Future Land Use</b>	SINGLE-FAMILY
<b>Lot Size</b>	Existing: 10,484 SF	<b>Crown of Road</b>	5.34' NAVD
<b>Lot Depth</b>	113'	<b>Lot Width</b>	96'
<b>Lot Coverage</b>	Permitted: 30% (3,254 SF) Existing: 28.4% (3,048 SF) Proposed: 28.8%(3,119 SF)	<b>Enclosed Square Footage</b>	Existing: 4,974 SF Proposed: 5,154 SF
<b>Building Height</b>	Permitted: 22' Proposed: 19.08"	<b>Overall Building Height</b>	Permitted: 30' Proposed: 25.83'
<b>Cubic Content Ratio (CCR)</b>	Permitted: 3.99 Existing: 4.248 <b>Proposed: 4.405</b> <i>*Variance Requested</i>	<b>FEMA Flood Zone</b>	AE-6
<b>Overall Landscape Open Space</b>	Req'd: 45% (4,881.6 SF) Exst: 42.3% (4,590 SF) Prop: 43.16% (4,682 SF)	<b>Point of Measurement</b>	7' NAVD
<b>Perimeter Landscape Open Space</b>	Req'd: 50% (2,440.8 SF) Prop: 68% (3,328.6 SF)	<b>Front Yard Landscape Open Space</b>	Req'd: 40% (960 SF) Prop: 46.7% (1,123 SF)
Surrounding Properties / Zoning			
<b>North</b>	161 E Inlet Dr.   Residence / R-B		
<b>South</b>	119 E Inlet Dr.   Residence / R-B		
<b>East</b>	156 E Inlet Dr.   Residence / R-B		
<b>West</b>	168 E Inlet Dr.   Residence / R-B		

### **STAFF ANALYSIS**

A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and requires one (1) variance to increase the already non-conforming Cubic Content Ratio (CCR) beyond what code permits, the maximum of which for this sized (10,484 SF) R-B zoned lot is 3.99.

The two-story single-family residence at 162 E Inlet Drive was constructed ca. 2004 on a 10,484 SF parcel. The current application requests to construct two enclosed additions and a rear awning over a patio. Additional modifications include window and door replacement and the reconfiguration and relocation of some existing fenestration. Lastly, the application requests modifications to the site, including landscape alterations and the construction of a new pool.

The application seeks to bump the ground floor entryway facade northward, creating a larger interior foyer. The house was originally designed with a deep second-story overhang that provides a covered and recessed front entry. The addition to this area is completely underneath the existing overhang, therefore it will not increase cubic content as the area under the overhang was previously counted towards CCR. According to the 2004 permit drawings, #8063129-8063131, the original construction was built at the maximum 3.99 CCR; yet, according to this submittal, the existing residence is over the CCR by 0.258 for an existing total of 4.248,



The second addition involves enclosing an existing second-story balcony at the southeast corner of the home to accommodate a new master bathroom. The roofline of the house will need to be modified, as illustrated on Sheets 28 and 35, to enclose the space. Per the CCR diagrams on Sheet 4, this addition will increase the cubic content by roughly 1,696.69 CF. This requested CCR increase of 0.16 over the existing translates to roughly 200SF increase of enclosed floor area.

The CCR variance request code section, provisions, and amounts are provided in the table below:

Code Section	Required	Existing	Proposed	Variance
<b>VARIANCE 1:</b> <a href="#">Sec. 134-893(b)(13):</a>	Maximum Allowed CCR 3.99	4.25	4.41	.42 Over Maximum .16 Over Existing

Staff notes that the plan drawings also depict the installation of a new awning over the rear patio, while the elevation drawings illustrate a wood pergola/trellis. Within the R-B zoning district, both awnings and open pergolas/trellises are allowed up to a 3% lot coverage exemption, which in turn, eliminates the corresponding CCR for the volume of the exempt feature. Additionally, unenclosed pergolas and covered patios are exempt an additional 5% of cubic content.

As evident on the existing and proposed elevation drawings (Sheets 29-32), the application also requests to modify the existing fenestration by replacing, relocating, removing, and enlarging various openings. Per the façade demolition drawings on Sheet 35, no elevation is being demolished by more than 15%. The replacement windows are largely in keeping with the style of the existing windows, while the doors - specifically on the rear of the property, are proposed to change from divided lite French doors with arch transoms to full-view doors with no transoms.

Lastly, the application seeks to modify the existing rear and east side yards. Alterations include the installation of new plantings and the construction of a new pool, pool patio, and pool equipment enclosure. Per the submitted plans, no site alterations are proposed for the front yard area.

### **CONCLUSION**

This application is presented to the Commission to consider whether all criteria in Sec. 18-205 have been met. Approval of the project will require two separate motions to be made by the Architectural Commission:

- (1) for the overall design of the project in accordance with the subject criteria, subject to any imposed conditions, and
- (2) that the implementation of the proposed variances **shall or shall not** cause negative architectural impact to the subject property.

Approval of the project will require one separate motions to be made by the Town Council: (1) for final determination of approval or denial of the variances by the Town Council, and that the variance **shall or shall 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