



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

**PLANNING, ZONING, & BUILDING DEPARTMENT**

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

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

*WB*

**SUBJECT:** COA-23-031 (ZON-23-089) 223 COLONIAL LN (COMBO)

**MEETING:** OCTOBER 18, 2023 LPC  
NOVEMBER 15, 2023 TC

**COA-23-031 (ZON-23-089) 223 COLONIAL LN (COMBO) AND FLOODPLAIN VARIANCE.** The applicant, Thomas & Robyn Wasserman, has filed an application requesting a certificate of appropriateness for modifications to a landmark property, requiring a variance from the Floodplain requirement from Chapter 50, Floods, and including rear window changes, replacement of all remaining windows, repairing siding as necessary, new roof material, new garage door, and an approximately 100 SF addition to an existing accessory structure, requiring setback variances from Town Council. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

**ZON-23-089 (COA-23-031) 223 COLONIAL LN (COMBO)—SITE PLAN REVIEW AND VARIANCE(S).** The applicant, Thomas & Robyn Wasserman, has filed an application requesting Town Council review and approval for variances (2) to allow additions to an existing accessory structure within (1) the required west side yard setback and (2) the required north rear yard setback. The Landmarks Preservation Commission shall perform design review of the application.

**Applicant:** Thomas Wasserman and Robyn Wasserman  
**Professional:** SKA Architect + Planner (Daniel Clavijo)  
**Representative:** Maura Ziska, Esq.

**THE PROJECT:**

The applicant has submitted revised plans, entitled "WASSERMAN RESIDENCE", as prepared by **SKA ARCHITECT + PLANNER**, dated September 12, 2023.

The following is the scope of work:

- Modifications to a landmark structure including window replacements, accessory building addition, siding repair and replacement, new roof, and hardscape and landscape changes.

The following Special Exceptions, Site Plan Review and/or Variances are part of the application:

- **FLOOD PLAIN VARIANCE: Sec. 50-114:** A flood plain variance for improvements/rehabilitation of a designated Landmark building determined eligible for the exception of flood resistant construction requirements of the Florida Building Code, Existing Buildings, Chapter 12 Historic Buildings, as the proposed improvements will not preclude the buildings continued designation as a Historic building to maintain a ground floor and additions with a finished floor of 5.6' NAVD in lieu of the 7' NAVD required. Additionally, this variance authorization and subsequent eligibility, allows for the

installation of mechanical equipment, pool equipment, and a generator below the required base flood elevation.

- **VARIANCE 1: Sec. 134-893(b)(7)a.:** A variance for a side yard setback of 5' in lieu of the 12.5' required for an addition to an enclosed accessory structure.
- **VARIANCE 2: Sec. 134-893(b)(9)a.:** A variance for a rear yard setback of 5' in lieu of 7.5' existing and 10' required for an addition to an enclosed accessory structure.

Site Data			
<b>Zoning District</b>	R-B	<b>Lot Size (SF)</b>	7,520 SF
<b>Future Land Use</b>	SINGLE-FAMILY	<b>Landmark Designation</b>	April 14, 2021 Resolution No. 040-2021
<b>Year of Construction</b>	1946 Permit No. 14946	<b>Architect:</b>	Oliver T. Graham
<b>Landscape Open Space (LOS)</b>	<b>Required:</b> 45% (3,383 SF) <b>Existing:</b> 43.4% (3,260 SF) <b>Proposed:</b> 45.1% (3,388 SF)	<b>Lot Coverage</b>	<b>Permitted:</b> 40% (3,008 SF) <b>Existing:</b> 30.81% (2,316 SF) <b>Proposed:</b> 33.5% (2,521 SF)
<b>Finished Floor Elevation</b>	<b>Required:</b> 7' NAVD <b>Ext./Prop.:</b> 5.4' NAVD <i>Variance Requested</i>	<b>Enclosed Sq. Ft.</b>	<b>Existing:</b> 2,093 SF <b>Proposed:</b> 2,297 SF
<b>Rear Yard Setback</b>	<b>Required:</b> 10' <b>Existing:</b> 7.5' <b>Proposed:</b> 5' <i>Variance Requested</i>	<b>Side Yard Setback</b>	<b>Required:</b> 12.5' (E&W) <b>Existing:</b> 5' W / 10' E <b>Proposed:</b> 5' W / 10' E <i>Variance Requested</i>
Surrounding Properties / Zoning			
<b>North</b>	1940 Two-story residence / R-B (244 Queens Ln)		
<b>South</b>	1945 1-Story & 2019 2-Story / R-B (242 Colonial Ln & 232 Colonial Ln)		
<b>East</b>	1956 1-Story / R-B (215 Colonial Ln)		
<b>West</b>	1964 1-Story / R-B (245 Colonial Ln)		

#### **STAFF ANALYSIS:**

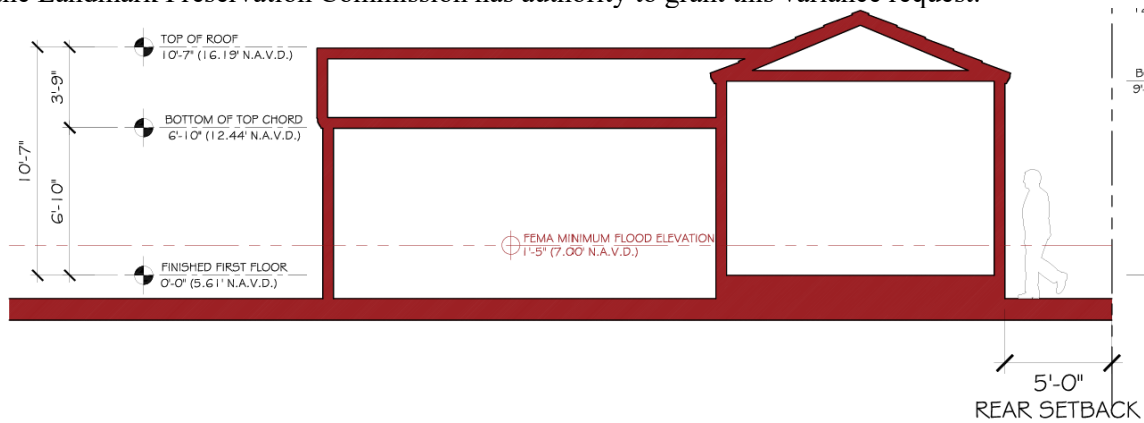
The application is for modifications to an existing one-story landmarked residence to include window replacement, select siding repair/replacement where rotted, new cedar shake roof, and landscape / hardscape modifications. A 200 SF addition is proposed at the existing detached garage accessory structure, which will require variance relief from town council.

The existing site is improved with a one-story structure, a semi-detached one-car garage accessory structure (connected to main house via a covered breezeway), with driveway, hardscape, swimming pool and landscaping. The 1940s structure, designed by architect Oliver T. Graham remains largely intact from original drawings, with several permits issued over the years related to building maintenance.

The applicant seeks to update the structure by installing new impact windows in existing openings. At the existing sunroom, windows are proposed to change from jalousie to an impact rated product with a divided light pattern. All exterior doors are also proposed to be replaced with impact rated

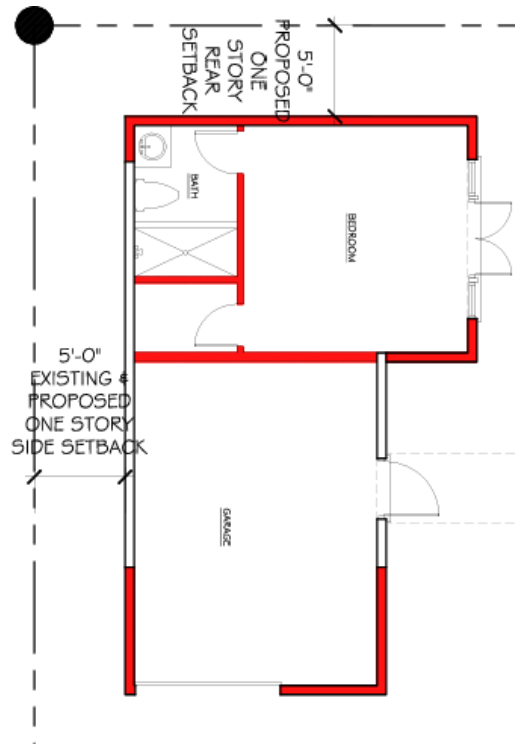
products, except for the front door. No changes or replacement are proposed at the front door. A cedar shake roof is proposed in lieu of the existing asphalt shingle and original asbestos roof product. A 200 square foot addition at the rear of the garage structure to create a bedroom cabana is proposed, which will require granting of variances from town council and a flood plain variance from the Landmarks Preservation Commission. Any siding which is rotted or damaged will be replaced with wood to match existing.

As it pertains to the Flood Plain Variance for improvements/rehabilitation of a designated Landmark building to maintain a ground floor and additions with a finished floor of 5.6' NAVD in lieu of the 7' NAVD required. The addition of the cabana bedroom can match existing finished floor elevations, and existing finished floor elevations can remain below FEMA required 7' NAVD even if the cost of construction exceeds 50% of the value of the structures. Unlike other variances, the Landmark Preservation Commission has authority to grant this variance request.

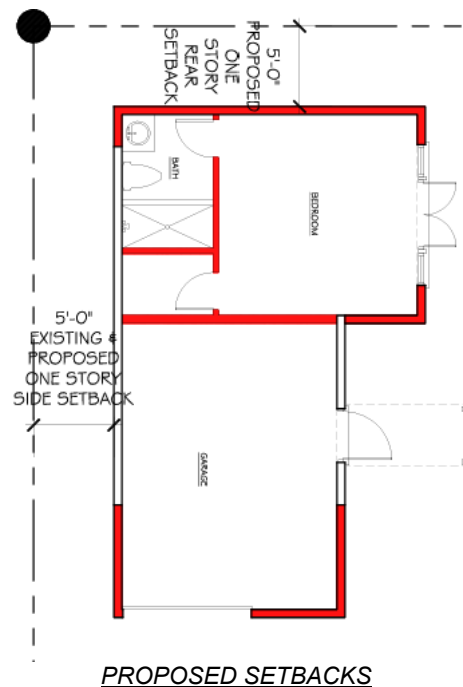
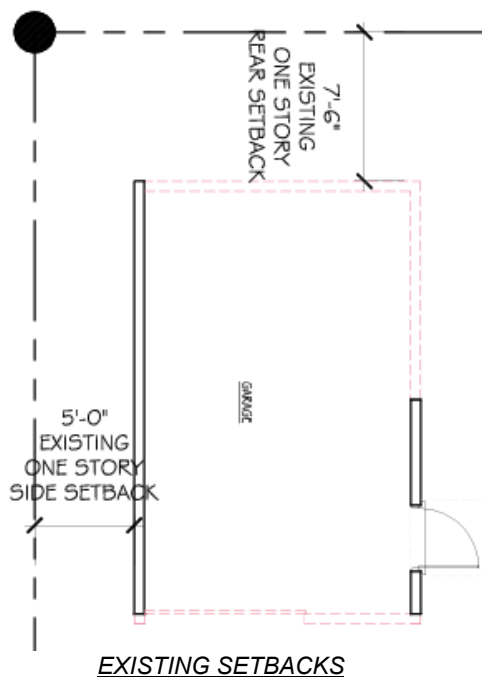


As it pertains to Variance 1, a variance for a side yard setback of 5' in lieu of the 12.5' required for an addition to an enclosed accessory structure, the applicant is seeking to maintain and continue a nonconforming west side yard setback as part of the renovation and addition to the existing detached garage structure.





As it pertains to Variance 2, a variance for a rear yard setback of 5' in lieu of 7.5' existing and 10' required for an addition to an enclosed accessory structure, the applicant is proposing to encroach further into required rear yard setback as part of the garage renovation and addition.





WEST ELEVATION



EAST ELEVATION

**CONCLUSION:**

The application is presented to the Landmarks Preservation Commission to consider whether all the criteria in section 54-122 have been met. Approval of the project will require three (3) separate motions to be made by the Commission, subject to any conditions:

- (1) For the overall design of the project in accordance with the aforementioned criteria.
- (2) That the floodplain variance is/is not granted pursuant to the criteria of Sec. 50-114.
- (3) That implementation of the variance(s) **would or would not** cause negative impact to the architecture.

Approval of the project will require one (1) motion 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 variances **shall or shall not** be granted that all the criteria applicable to this application as set forth in [Sec. 134-201\(a\)](#), items 1 through 7 have been met.

WRB:JGM:BMF