



TOWN OF PALM BEACH
Planning, Zoning & Building Department
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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-23-109 (ZON-23-084) 600 TARPON WAY (COMBO)

MEETING: OCTOBER 25, 2023 ARCOM
NOVEMBER 15, 2023 Town Council

ARC-23-109 (ZON-23-084) 600 TARPON WAY (COMBO): The applicants, Frank and Annie Falk, have filed an application requesting Architectural Commission review and approval for the construction of a new two-story single-family residence over 10,000 SF with sitewide landscape and hardscape improvements, requiring variances for mechanical equipment placement, building height plane, and site wall height, and a Special Exception for vehicular gate placement. Town Council shall have final review of the application as it pertains to the zoning relief.

ZON-23-084 (ARC-23-109) 600 TARPON WAY (COMBO)—SPECIAL EXCEPTION AND VARIANCES. The applicants, Frank and Annie Falk, have filed an application requesting Town Council review and approval for 7 variances, including (1-2) for building height plane reductions, (3-6) to locate mechanical equipment within the front yard, (7) to exceed maximum site wall height within the front yard, and a Special Exception for reduced vehicular gate setbacks on a dead-end street, for the construction of a new two-story single-family residence over 10,000 SF and sitewide landscape and hardscape improvements. The Architectural Commission shall perform the design review component of the application.

Applicant: Michael and Annie Falk
Professional: Thomas Kirchhoff | Kirchhoff Architects
Representative: Maura Ziska | Kochman & Ziska PLC

PROJECT HISTORY:

The application was initially scheduled to be reviewed at the August 23, 2023 ARCOM meeting but was deferred to the October 2023 meeting at the request of the applicant.

THE PROJECT:

The applicant has submitted plans, entitled "600 Tarpon Way" as prepared by **Kirchhoff Architects**, dated July 11, 2023.

The following scope of work is proposed:

- Construction of a new two-story single-family residence
- Sitewide landscape and hardscape improvements

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

- **Special Exception** [Sec. 134-1668](#): A request to install a vehicular gate with a 12' setback in lieu of the 18' required on a dead-end street.
- **Variance 1:** [Sec. 134-843\(7\)](#): A variance to provide a building height plane of 43'-10" in lieu of the 52'-8" required for the garage roof.
- **Variance 2:** [Sec. 134-843\(7\)](#): A variance to provide at building height plane of 46'-1" in lieu of the 59'-2" required for the southeast corner of the residence.
- **Variance 3:** [Sec. 134-1728\(a\)](#): A variance to locate air conditioning equipment within the front yard setback.
- **Variance 4:** [Sec. 134-1729](#): A variance to locate a 60kW generator within the front yard setback.
- **Variance 5:** [Sec. 134-1728\(c\)](#): A variance to locate pool equipment within the front yard setback.
- **Variance 6:** [Sec. 134-1728\(c\)](#): A variance to locate pool equipment within a required setback at a distance greater than 25 linear feet from the pool water's edge.
- **Variance 7:** [Sec. 134-1667](#): A variance to construct a mechanical screening wall within a front yard at a height of 9'-1" in lieu of the 6' maximum.

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

Site Data			
Zoning District	R-A	Future Land Use	SINGLE-FAMILY
Lot Size	Required: 20,000 SF Existing: 23,008 SF	Crown of Road	2.91' NAVD
Lot Depth	175'	Lot Width	132'
Lot Coverage	Permitted: 25% (5,752 SF) Proposed: 25% (5,725 SF)	Enclosed Square Footage	10,009 SF
Building Height	Permitted: 25' Proposed: 24'-5"	Overall Building Height	Permitted: 35' Proposed: 32'-5"
Finished Floor Elevation	Required: 7' NAVD Proposed: 8' NAVD	FEMA Flood Zone	AE-6
Site Fill	Permitted: 2.05' Max. Proposed: 2'	Zero Datum	7' NAVD
Overall Landscape Open Space	Req'd: 50% (11,509 SF) Prop: 50.1% (11,531 SF)	Front Yard Landscape Open Space	Req'd: 45% (2,406 SF) Prop: 63.6% (3,406 SF)
Surrounding Properties / Zoning			
North	The Everglades Club Golf Course		
South	614 Tarpon Way Residence / R-A		
East	350 Island Drive Residence / R-A		
West	Lake Worth Lagoon then Everglades Island / 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 seven (7) variances for the construction of the new single-family residence and the installation of mechanical equipment, and one (1) Special Exception for the installation of a vehicle gate.

The parcel at 600 Tarpon Way is an irregularly shaped corner lot which is boarded to the east by Tarpon Way, to the north by Island Drive, and to the west by Lake Worth Lagoon. The lot encompasses 23,008 SF of area, which is slightly larger than the minimum required within the RA zoning district and is currently developed with a two-story single-family residence. The application seeks to redevelop the parcel with a new two-story single-family residence containing 10,009 SF of enclosed space, a new landscape and hardscape program— including new site walls and a pool, and a freestanding pergola in the rear yard.

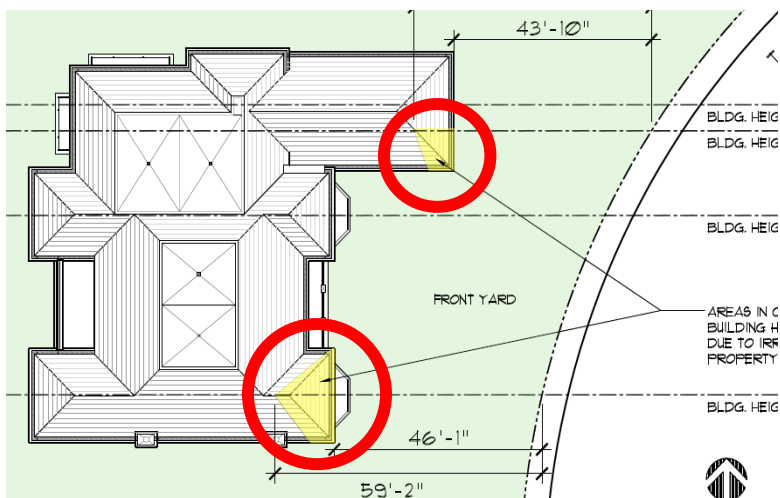
The proposed residence is designed with a French influence that carries through the design in architectural detail, material, and color palette. Exterior building materials include cream stucco walls, Portuguese Limestone cladding, grey Ludowici roof tiles, mahogany divided lite casement windows and doors, painted louvered shutters, and bronze railings.

The proposed residence is sited roughly at the center lot, but due to its dual frontage along two rights-of-way, is required to meet an increased north street-side yard setback of 35', which shifts the bulk of the massing south. The north garage wing of the residence projects east of the primary façade and largely follows the front setback contour created by the curve of Tarpon Way. The north wing provides three bays of garage parking with vehicular access provided via a secondary drive off Island Drive. The front yard contains a circular drive. Both driveways, off Island Drive and Tarpon Way, are gated. The rear yard contains a new 12' x 60' lap pool, pool deck, and freestanding pergola.

The application contains seven (7) variance requests: two (2) for building height plane encroachments and five (5) for mechanical equipment location and its associated screening.

As the diagram to the left illustrates, **Variances 1 and 2** occur where two portions of the building's roof intersect with the building height plane.

The building height plane is a height limiting angle that extends at an incline from the intersection of the front property line and the property's code prescribed zero datum (7' NAVD) at a rate of two feet (2') of front setback for every one foot (1') of building height.



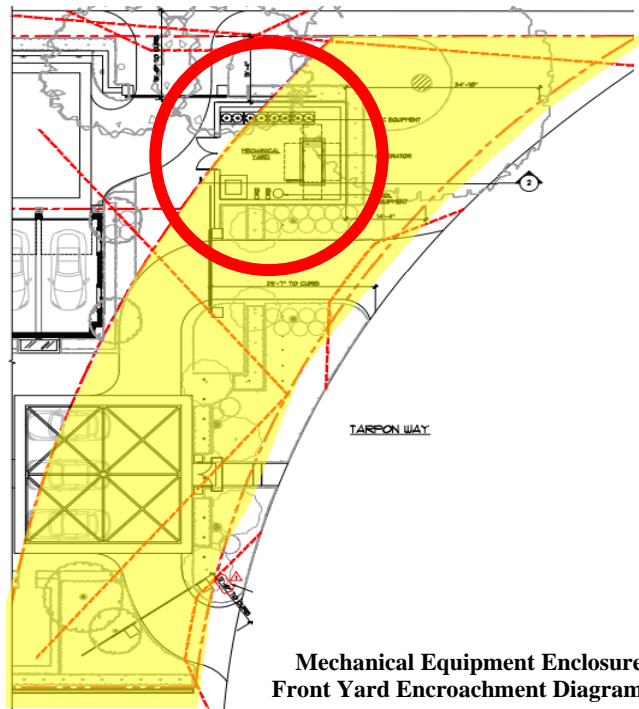
Building Height Plane Encroachment Diagram

The building height plane variance request code sections, provisions, and amounts are provided in the table below:

Code Section	Required	Proposed	Variance
Variance 1: Sec. 134-843(7):	Building Height Plane of 52'-8"	Building Height Plane of 43'-10"	8'-10" GARAGE WING ROOF
Variance 2: Sec. 134-843(7):	Building Height Plane of 59'-2"	Building Height Plane of 46'-1"	13'-1" RESIDENCE SOUTH ROOF

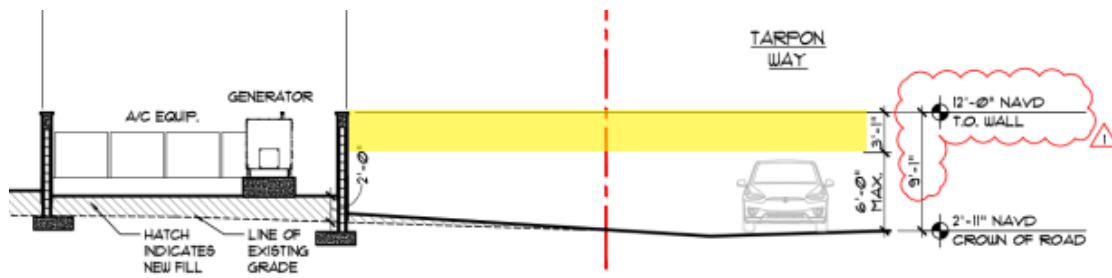
Variances are also required for the proposed location of the property's equipment yard. The equipment yard is located within the front yard's 35' setback, indicated in yellow on the graphic to the right. The equipment yard contains the property's AC condensing units (**Variance 3**), a 60kW generator (**Variance 4**), and the pool equipment (**Variance 5**) – all of which are prohibited within the front yard setback.

Additionally, when pool equipment is located within a required yard area, its location cannot exceed a separation distance greater than 25 linear feet from the pool water's edge. As the pool is located at the rear of the property at a distance greater than 25' from the equipment, an additional variance for the pool equipment is required (**Variance 6**).



**Mechanical Equipment Enclosure
 Front Yard Encroachment Diagram**

Lastly, all equipment within required yard areas shall be screened from adjoining properties with a masonry wall as high as the equipment. The applicant is proposing masonry screening walls to the top of the equipment (9'-1"), but walls located within the Front Yard Setback are limited to 6'-0" in height as measured from the adjacent crown of road. Therefore, a variance to increase allowable wall height by 3'-1" is required (**Variance 7**). The variance diagram below illustrates the 3'-1" variance amount in yellow as measured from the crown of road.



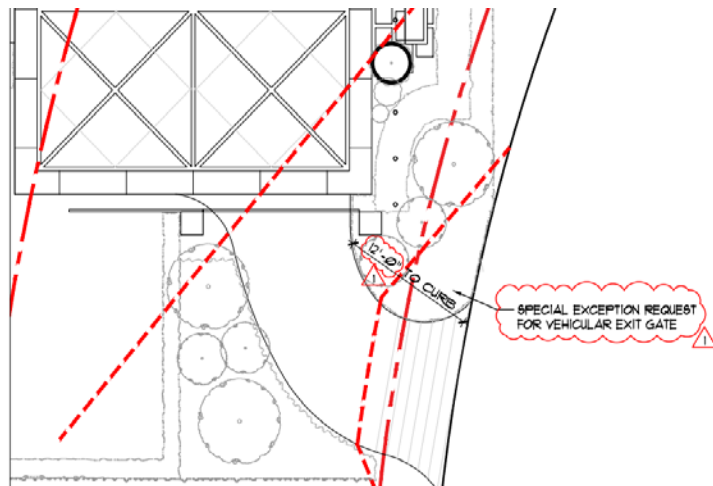
Wall Height Variance Diagram

The five (5) mechanical equipment and wall height variance code sections, provisions, and amounts are provided in the table below:

Code Section	Required	Proposed	Variance
Variance 3: Sec. 134-1728(a):	Locate AC Units Outside of Front Yard Setback	Locate AC Units within Front Yard Setback	Locate AC Units within Front Yard Setback
Variance 4: Sec. 134-1729:	Locate Generator Outside of Front Yard Setback	Locate Generator within Front Yard Setback	Locate Generator within Front Yard Setback
Variance 5: Sec. 134-1728(c):	Locate Pool Equipment Outside of Front Yard Setback	Locate Pool Equipment Within Front Yard Setback	Locate Pool Equipment Within Front Yard Setback
Variance 6: Sec. 134-1728(c):	Locate Pool Equipment within 25' of the Pool Edge when installed in a Setback	Locate Pool Equipment Greater than 25' from the Pool Edge and installed in a Setback	Locate Pool Equipment Greater than 25' from the Pool Edge and installed in a Setback
Variance 7: Sec. 134-1667:	Maximum Wall Height of 6' within Front Yard	Construct a Wall at 9'-1" within Front Yard	3'-1"

Lastly, a **Special Exception** is requested from the Town Council to permit a new vehicular gate at the south end of the front circular driveway. The proposed gate has a 12' setback from the edge of pavement in lieu of the 18' setback required for vehicular queuing.

Typically, a request to reduce a vehicular gate setback requires a variance, but as Tarpon Way is a dead-end street terminating at Tarpon Island, a Special Exception is required.



The Special Exception code section, provision, and amount is provided in the table below:

Code Section	Required	Proposed	Exception
Special Exception Sec. 134-1668:	18' Minimum Vehicular Gate Setback	12' Vehicular Gate Setback	6'-0" Reduction

CONCLUSION:

Approval of the project will require two (2) separate motions to be made by the Architectural Commission:

- (1) for the overall design of the project in accordance with [Sec. 18-205](#) criteria, subject to any imposed conditions, and
- (2) that the implementation of the proposed variances **will** or **will not** cause negative architectural impacts to the subject property.

Approval of the project will require two (2) separate motions to be made by the Town Council:

- (1) for final determination of approval or denial of the (7) 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, and
- (2) for final determination of approval or denial of the (1) Special Exception for the installation of a vehicle gate in that the approval of said application meets the criteria set forth in [Sec. 134-229](#) and finding that approval of the site plan will not adversely affect the public interest, that all zoning requirements governing the use have been met and that satisfactory provision and arrangement has been made.

WRB:JGM:JRH