



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Town Council Development Review

TO: Mayor and Town Council *WB*

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

SUBJECT: ZON-24-012 325 VIA LINDA

MEETING: DECEMBER 13, 2023

ZON-24-012 325 VIA LINDA—VARIANCE. The applicant, Three Palm Trees LLC (Maura Ziska), has filed an application requesting Town Council review and approval for a Variance to exceed by the maximum width of a dock based on lot width.

Applicant: Three Palm Trees LLC
Professional: Isiminger & Stubbs Engineering
Representative: Maura Ziska

HISTORY:

An application was reviewed and approved (5-2) for a new two-story residence at the April 26, 2023 ARCOM meeting, pursuant to ARC-23-014 (ZON-23-029). The combination Town Council portion of the project was due to a Special Exception with Site Plan Review for the installation of vehicular gate and columns with an 8 ft setback from the edge of pavement in lieu of the 18 ft required, on a cul-de-sac street. A permit for the dock cannot be issued until permits are issued for the new house previously approved on this parcel.

THE PROJECT:

The applicant has submitted plans, totaling 3 sheets entitled "Single Family Dock", as prepared by **Isiminger & Stubbs Engineering** stamped October 23, 2023 on the cover sheet.

The following is the scope of work for the Project:

- Installation of a new dock.

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

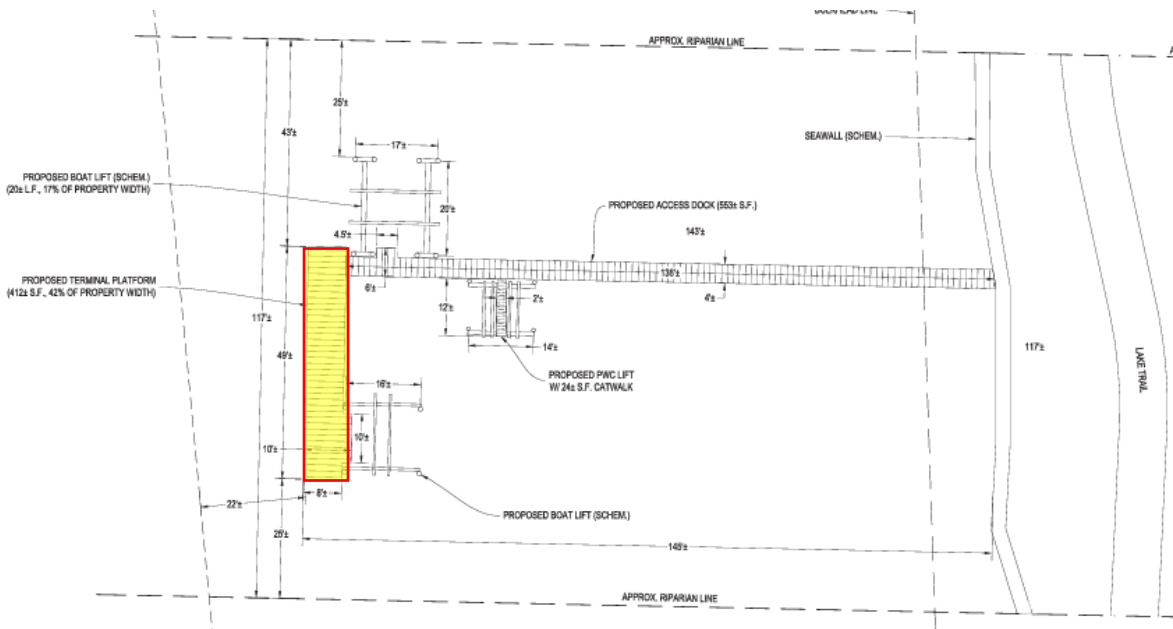
- VARIANCE 1:Section 62-74(2) and Section 62-75(h): A variance to exceed 30% of the lot width to allow a proposed dock that is 59% (49' + 20') of the 117' wide lot.

Site Data			
Zoning District	R-B	Future Land Use	SINGLE FAMILY
Surrounding Properties / Zoning			

North	1969 One-story residence w/ DOCK / R-B
South	1952 One-story residence w/ DOCK / R-B
East	1954 One-story residence / R-B
West	Lake Worth Lagoon

STAFF ANALYSIS:

The subject property is a waterfront property along Lake Worth Lagoon at the end of the Via Linda cul-de-sac, a small dead-end right-of-way with only a total of four properties with that roadway as the sole access. Nearly all of the waterfront properties south of the Palm Beach Country Club have extending docks in an “L” formation similar to this proposal. The applicant is seeking to install a new proposed terminal “L” dock that extends 143’-0” into the water and is designed as a 49’-0” long (plus 20’-0” if the boatlift is added) by 8’ wide (variance #1) terminal dock into the waters of Lake Worth Lagoon.



The zoning code modification for docks in 2021 was intended to restrict ‘marginal’ docks, i.e. those attached immediately adjacent and parallel to the shoreline or seawall, bulkhead or revetment, with regulating widths to a percentage of the overall lot width. Yet that was not transmitted to the ordinance, instead all docks became subject to this regulation. It is important to note that prior to this, the setback regulations alone for marine projections served as the primary zoning tool for review from a Planning Department stance. This section of the Code is currently being examined by the PZB staff, as is the 2021 ordinance which inadvertently resulted in many new boat lifts and docks requiring variances when installed adjacent to existing marginal docks. The applicant is seeking a dock that is 59% (69’-0”) of the 117’-0” wide lot in order to safely moor a larger boat, the proposal comports with both required north and south side setback requirements of 25’. The 30% limitation would permit a 35’-0” wide terminal dock. Staff has no objections to the request.

CONCLUSION:

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.