



**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

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

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

MEETING: NOVEMBER 20, 2023 ARCOM  
DECEMBER 13, 2023 TC

**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.

**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.

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

**PROJECT HISTORY:**

The application was initially reviewed by ARCOM at the August 2023 meeting, and was deferred for one month. The project was reviewed again at the September 2023 meeting, where it was deferred for two months. The applicant resubmitted drawings on November 6, 2023. At the November 20, 2023, ARCOM meeting, the Commission approved (5-2) an application for new second floor enclosure to an existing two-story residence. Additionally, a motion carried (7-0) that the implementation of the proposed variances would not negatively impact the architecture.

**THE PROJECT:**

The applicant has submitted plans, entitled "Proposed Renovations of Residence for: David & Jill Shulman" as prepared by **SKA Architect + Planner**, dated November 6, 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 4.42 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 (SF)</b>	Existing: 4,974 SF Proposed: 5,114 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: 4.25 <b>Proposed: 4.42</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: 45.72% (4,960 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% (1,122 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**

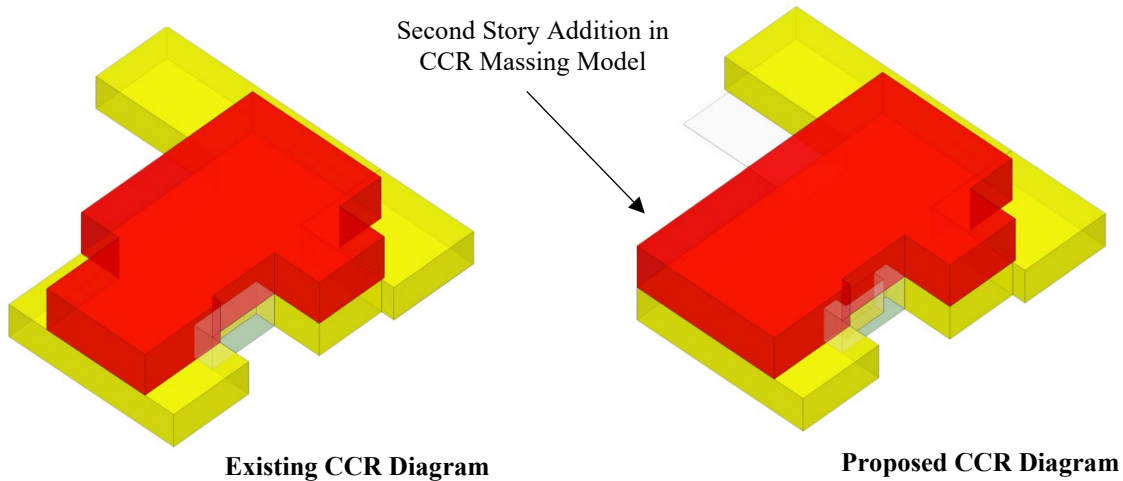
A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and requires one (1) variance to increase the already non-conforming Cubic Content Ratio (CCR) beyond what code permits, the maximum of which for this sized (10,848 SF) R-B zoned lot is 3.99.

The two-story single-family residence at 162 E Inlet Drive was constructed ca. 2004 on a 10,848 SF parcel. The current application requests to construct two enclosed additions and a rear pergola 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 applicant has made modifications to the project since the September meeting, including design alterations to the rear trellis, fenestration modifications to the rear façade, and roof and façade adjustments to the rear second story addition. The landscape and hardscape program remains as

proposed at the September meeting.

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 entry area for a pair of French doors within the front courtyard. The addition to this area is completely underneath the existing overhang, therefore it does not increase cubic content as the area under the overhang is already 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 the plans provided for this submittal, the existing residence is over allowable CCR by 0.258 for an existing total of 4.25.



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 plan sheets 18 and 19 to enclose the space. Per the CCR diagrams on plan sheet 4, this addition will increase the cubic content by roughly 1,696 CF, or 159 SF of enclosed square footage (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	4.42	<b>.43 Over Maximum</b> <b>.17 Over Existing</b>

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 allowable cubic content.

As evident on the existing and proposed elevation drawings (Sheets 29-32), the application also requests modifying the existing fenestration by replacing, relocating, removing, and/or enlarging openings on various elevations.

The replacement windows are largely in keeping with



the style of the existing windows. Additionally, the rear door modifications, which were discussed at length at the August and September meetings, have been altered to maintain the existing door configuration for the November hearing.

Modifications are also proposed to the second story rear addition. The applicant is now requesting to utilize a new parapet roof configuration which applies barrel tile slopes to the south and east sides in order to help integrate the addition into the primary roofline.



**November Rear Elevation**

Additionally, engaged columns have been added to the rear (south) and side (east) elevations of the addition to help create the appearance of a covered terrace, or sleeping porch, that has been enclosed over time. The bracketed trellis over the rear doors has also been removed from the design.

The rear yard's patio and landscape plan remains as presented in September. The September design introduced new planters and tree wells to the patio to help reduce the overall hardscape and to provide areas for natural shade. The pool, fountain wall, and equipment enclosure remain in the previously proposed locations.

### **CONCLUSION**

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 [Sec. 18-205](#) 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 motion 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 criteria applicable to this application as set forth in [Sec. 134-201\(a\)](#), items 1 through 7 have been met.