



**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: Architectural Commission and Town Council

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

SUBJECT: ARC-23-165 (ZON-24-008) 161 VIA PALMA (COMBO)

MEETING: DECEMBER 15, 2023 ARCOM  
JANUARY 10, 2024 TC

**ARC-23-165 (ZON-24-008) 161 VIA PALMA (COMBO).** The applicant, Sam and Vicki Hunt, has filed an application requesting Architectural Commission review and approval for construction of a new two-story addition, requiring a west side-yard setback variance. This is a combination project that shall be reviewed by Town Council as it pertains to the zoning relief/approval.

**ZON-24-008 (ARC-23-165) 161 VIA PALMA (COMBO).** The applicant, Sam and Vicki Hunt, has filed an application requesting Town Council review and approval of (1) variance for the construction of a two-story addition within the required west side-yard setback. The Architectural Commission shall perform design review of the application.

APPLICANT: Sam and Vicki Hunt  
ARCHITECT: Smith & Moore Architects (Harold Smith)  
Fernando Wong Outdoor Living Design  
REPRESENTATIVE: Maura Ziska, Esq.

**THE PROJECT:**

The applicant has submitted plans, entitled "161 VIA PALMA PALM BEACH, FLORIDA" as prepared by **Smith & Moore Architects**, dated November 09, 2023.

The following scope of work is proposed:

- Demolition of 1-story portion of residence and stair and construction of new 2-story addition and stair.

The following Special Exception, Site Plan Review, and/or Variance(s) are required to complete the project:

1. **VARIANCE 1: Sec. 134-843(a)(8):** A variance for a two-story addition with an 11'-2" west side-yard setback in lieu of 7'-6" setback existing and the 15' setback required.

Site Data			
Zoning District	R-B	Future Land Use	SINGLE-FAMILY
Lot Size	20,300 SF	Crown of Road	5.25' NAVD

<b>Lot Coverage</b>	Permitted: 25% (5,075 SF) Existing: 22.7% (4,685 SF) Proposed: 23.1% (4,685 SF)	<b>Enclosed Square Footage</b>	Existing: 7,283 SF Proposed: 7,369 SF
<b>Building Height</b>	Permitted: 25' Existing/Proposed: 20'	<b>Overall Building Height</b>	Permitted: 35' Existing/Proposed: 25'-5"
<b>Finished Floor Elevation</b>	7.36' NAVD	<b>FEMA Flood Zone</b>	AE 6
<b>Site Fill</b>	N/A	<b>Zero Datum</b>	7' NAVD
<b>Overall Landscape Open Space</b>	Req'd: 50% (10,150 SF) Existing: 51.8% (10,518 SF) Proposed: 52.5% (10'662 SF)	<b>Front Yard Landscape Open Space</b>	Req'd: 45% (2,284 SF) Existing: 57% (2,918 SF) Proposed: No Change
<b>Surrounding Properties / Zoning</b>			
<b>North</b>	175 Via Palma   Residence / R-A		
<b>South</b>	200 Algoma Rd / 150 Algoma Rd   Residences / R-A		
<b>East</b>	190 Via Palma   Residence / R-A		
<b>West</b>	142 Via Palma   Residence / R-A		



EXISTING  
NORTH ELEVATION  
SCALE: 1/8"=1'-0"



PROPOSED  
NORTH ELEVATION  
SCALE: 1/8"=1'-0"

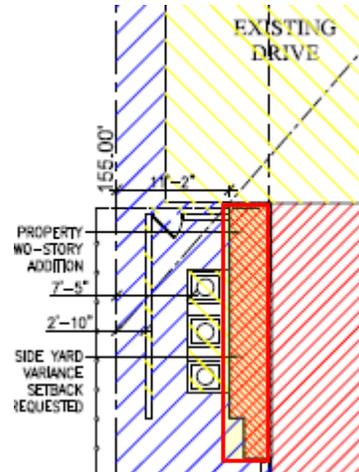
**STAFF ANALYSIS**

A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and requires one (1) variance for the construction of a new two-story addition in the side yard setback.

The parcel at 161 Via Palma is a mid-block lot which is bordered to the north by Via Palma, the south by Algoma Road, and to the east and west by residences. The lot encompasses 20,300 SF of area, which is slightly more than the minimum required within the R-A zoning district. The property is currently improved with a two-story residence with swimming pool, hardscape and landscape improvements. The application seeks to demolish an existing one-story storage area at the west of the parcel and reconstruct a new two-story addition. The finishes of the addition are proposed to match the rest of the structure with Ludowici flat slab clay tile, windows and shutters painted a matching dark green, and house painted white.

The existing one-story portion is existing nonconforming for side-yard setback at 7.5' in lieu of the 15' required. The new addition will be closer to setback compliance, however, it is still nonconforming at 11.1' in lieu of the 15' required. Thus, the applicant is seeking a side-yard setback variance.

As the diagram to the right illustrates, **Variance 1** occurs at the new two-story addition in the west side yard. In the R-A Estate Zoning District, a minimum 15' side-yard setback is required. While the existing setback is only 7.5' the nonconforming setback is lost with the demolition of the one-story portion. Therefore, the new, two-story portion requires a variance, even though the nonconformity is reduced with a proposed setback of 11.1'.



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

Code Section	Required	Proposed	Variance
<b>VARIANCE 1:</b> <a href="#">Sec. 134-843(a)(8)</a>	Minimum West Side-Yard Setback of 15 Ft.	A West Side-Yard Setback of 11.1 ft, in lieu of 7.5 Ft Existing and 15 Ft Required.	<b>3.9 Ft</b> <i>New Two-Story Addition</i>

**CONCLUSION:**

This application is presented to the Commission to consider whether all of the criteria in Sec. 18-205 have been met. 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 one (1) motion to be made by the Town Council:

- (1) for final determination of approval or denial of the on (1) variance 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, subject to any proposed conditions.