



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5431 • www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT

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

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

SUBJECT: HSB-23-009 (ZON-23-111) 269 PARK AVE (COMBO)

MEETING: DECEMBER 20, 2023 LPC
JANUARY 10, 2024 TC

HSB-23-009 (ZON-23-111) 269 PARK AVE (COMBO) AND FLOODPLAIN VARIANCE.

The applicant, Schnapps 269 Park Avenue LLC (Andrew and Lorraine Dodge), has filed an application requesting Landmarks Preservation Commission review and approval for exterior alterations to an existing three-story historically significant building, specifically to add a front terrace deck onto an existing ground floor entry porch, to construct a new gable-end entry, to add four new dormer windows (two on the east and two on the west side) to the roof of an existing three-story building, requiring a variance from the Floodplain requirement from Chapter 50, Floods, to maintain the existing building at a finished floor elevation below current FEMA requirements, and a variance to expand a nonconforming third floor, to increase the maximum height and to reduce the required front and side setback. Town Council shall review the application as it pertains to zoning relief/approval.

ZON-23-111 (HSB-23-009) 269 PARK AVE (COMBO)-VARIANCES. The applicant, Schnapps 269 Park Avenue LLC (Andrew and Lorraine Dodge), has filed an application requesting Town Council review and approval for four (4) variances to (1) expand an existing nonconforming 3rd story of an existing three-story historically significant building by adding four side rooftop dormer windows, (2) to exceed the maximum overall building height for the construction of four dormer windows, (3) to reduce the required side setback for the dormer windows and habitable terrace deck, and (4) to reduce the required front setback for a new entrance feature and habitable terrace deck. The Landmarks Preservation Commission shall conduct the design review portion of the application and shall decide on the floodplain variance.

Applicant: Schnapps 269 Park Avenue LLC (Andrew and Lorraine Dodge)
Professional: Brasseur & Drobot Architects
Representative: Maura Ziska

HISTORY:

At the February 15, 1991, meeting, the Landmarks Preservation Commission unanimously voted to not recommend the property for designation as a landmark. The subject property was designated 'Historically Significant' in May of 2022 at the request of the property owner. The property is located within the Flagler Conservation District. The three-story dwelling was considered as a with a Spanish Colonial flavor with smooth stucco walls capped by Dutch gables at the north and south façades. In 1927, a porch addition (likely in the rear) and wood cladding was added in 1927. In

1954, the residence was converted into an apartment building with four units. The property is currently functioning as its original use, a single-family residence.

THE PROJECT:

The applicant has submitted plans, entitled "A Remodel and Addition to 269 Park Avenue", as prepared by **Brasseur & Drobot Architects** dated November 29, 2023.

The following is the scope of work for the Project:

- Partial demolition and exterior alterations to an existing three-story historically significant building, specifically to add a front terrace onto an existing ground floor entry porch, to construct a new gable-end entry, to add four new dormer windows (two on the east and two on the west) to the roof of the third floor, requiring variances to expand the nonconforming third floor, to increase the maximum height, and to reduce the required front and side yard setbacks.
- **Variance 1:** [Sec. 50-114](#): Variance to authorize the improvements to and rehabilitation of this historic building that is determined eligible for the exception of the flood resistant construction requirements of the Florida Building Code, Existing Buildings, Chapter 12 Historic Buildings, as the proposed improvements will not preclude the building's continued designation as a historic building due to a substantial improvement through the renovation of the residence with a finished floor of 4.01' NAVD in lieu of the required 7' NAVD (To be acted upon by the Landmarks Preservation Commission).

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

- **Variance 2:** [Sec. 134-948\(8\)\(a\)](#): Variance to expand an existing non-conforming 3rd story.
- **Variance 3:** [Sec. 134-948\(8\)\(a\)](#): Variance to exceed by 4'-6" the maximum building height of 23'-6" for single-family uses. The proposed height for dormers is 27'-11" from finished first floor/ 24'-10" from POM (base flood +1).
- **Variance 4:** [Sec. 134-948\(6\)\(a\)](#): Variance to reduce the required east side yard setback to construct two dormer windows with a 5.4 foot (east) side setback in lieu of the required 10 foot minimum side yard setback. This variance also extends to the new terrace above the front porch with a 5.9' foot setback.
- **Variance 5:** [Sec. 134-948\(5\)\(a\)](#): Variance to reduce the required front yard setback to construct the proposed terrace and front entry gable-end with a 8.1 foot front yard setback in lieu of the minimum 25 foot front yard setback required and existing 9.1 foot setback.

Site Data			
Zoning District	R-C	Future Land Use	COMMERCIAL
Year of Construction:	c. 1923	Architect/Builder:	Unknown
C-O-R	1.36' NAVD	Flood Zone	AE 6
Exist Fin. Floor Elevation	4.01' NAVD	Prop. Fin. Floor Elevation	No Change
Building Height	Allowed: 23'-6" (SFR) Proposed: 27'-11" <i>Variance requested</i>	Point of Measurement	7'-0" (base flood +1).

Surrounding Properties / Zoning	
North	One-story commercial / C-TS
South	One-story commercial / C-TS
East	Two-story residence/ R-C
West	One-story commercial / C-TS

STAFF ANALYSIS

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the abovementioned sections of the Town zoning code, requiring four (4) variances.

The scope of work includes the partial demolition of the existing roof of the three-story Historically Significant residence to accommodate the installation of four new dormer windows—two on the east side and two on the west, requiring variances. Additionally, the proposal seeks to install a new Dutch gabled entry feature to recall the original 1923 design, and to create a habitable second floor terrace above the existing front shed roof porch, also requiring variances.

First, as it pertains to **Variance 1**, the floodplain variance, the finished floor of the existing three-story residence is below the current required base flood elevation. It must be noted that should the cost of improvements / construction costs of alterations exceed 50 percent of the market value of the building, the entire residential structure must be brought up to the most current building codes, including minimum flood regulation; as such, a floodplain variance would be necessary for maintain the current construction at 4.01' NAVD, in lieu of the 7' NAVD current minimum. Of note, the floodplain waiver (variance) is only afforded to landmarked and historically significant buildings in the Town

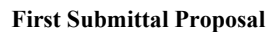


Existing Front Facade

and is in fact one of the greatest benefits of the program for the retention and rehabilitation of older historic building stock. The property is located within Flood Zone AE6, which requires a base flood elevation of 6' (plus 1' freeboard) = 7' NAVD. Staff is supportive of the floodplain variance.

The construction of four dormer windows along the eastern and western sides of the third floor triggers the need for three of the requested variances—**Variance 2**, for the expansion of the nonconforming third floor, **Variance 3**, for the maximum height of the residence, and **Variance 4**, to reduce the side setbacks. The structure was built circa 1923 as a single-family residence. Building records identifies it as three stories. The R-C zoning district height regulations for single-family uses permit the maximum building height of two stories, not to exceed 23½ feet. As such, the addition of the top-level window dormers increases the habitable occupiable space (Variance 2) of the third level and are designed to align with the height of the existing roof (Variance 3). Staff is supportive of these variances, in theory, due to the nature of the existing legally non-conforming structure, which is now designated as 'Historically Significant', pending design modifications. Staff will note

that through the design review process, the applicant modified the proposal as originally presented to staff and moved the two front dormers further back from the street between First and Second Submittals as depicted below:



Revised Second Submittal Proposal

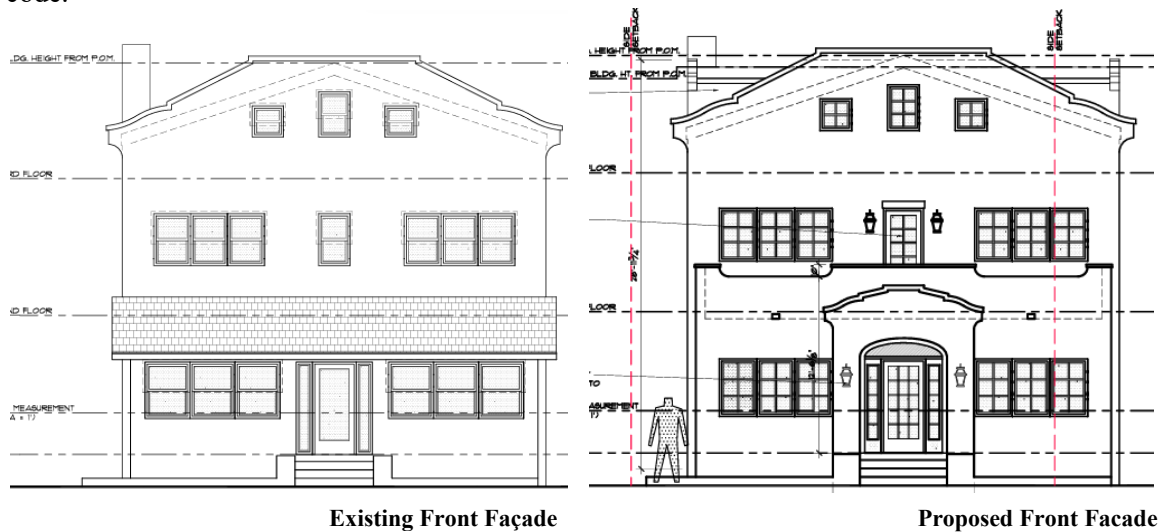
The Town's historic preservation consultants maintain that the installation of four new dormers, with two being located towards the front of the building, is not appropriate and is unnecessary for the proposed storage space use. One larger dormer, centrally located on the east and west facades, would provide natural light, egress if needed, and greatly minimize the visibility from the street.



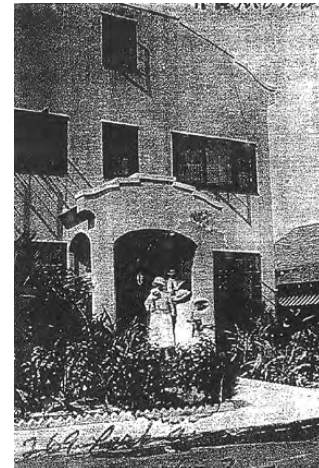
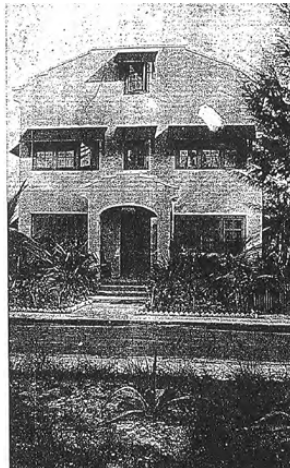
Alternatively, staff is amenable to exploring a further step back behind the existing chimney, as depicted above, for the two southernmost front dormers. Otherwise, with the elimination of two of the four dormers, staff is supportive of Variances 2 and 3.

In addition to Variances 2 and 3, Variance 4 involves the location of the two **east side** dormers, which are in the required setback. Although the property was constructed prior to the current zoning code and has an established non-conforming side setback of 5'-5", today's code requires a side setback of 10'-0" for single family structures. As such, the vertical extension of the east wall for the construction of the dormers requires a variance. This variance also extends to the new terrace above the front porch (see analysis below) with a 5.9' foot side setback.

As it pertains to **Variance 5**, the applicant is proposing a new entry designed with a Dutch Colonial gable at the front of the structure. Similar to the existing side setback, the existing building has a non-conforming front yard setback dimension of 9.1', whereas 25'-0" is required under today's code.



The architectural improvements to the primary façade include the construction of a gabled covered entry which is closer to the street than currently permitted and will further exacerbate the existing non-conforming front setback by bringing a portion of the front entry 1'-0" closer. Staff is highly supportive of the chosen design, which incorporates a feature that is evocative of the original entry. The 1927 permit and drawings that are presented as evidence of the front addition are likely of the rear addition, as the floor plan shows the entry door in an off-center location and notes that it contains kitchen features such as a stove, sink, and icebox. There is not a building



permit located in the Town's Microfiche records that provide a date for the addition, however, it was likely a very early addition. (4 and 5) as it pertains to the revised front entry feature.

CONCLUSION:

As a HSB project the proposed changes must meet the Secretary of the Interior's Standards for Rehabilitation and [Sec. 18-306](#), [Sec. 54-122](#) and [Sec. 54-123](#) of the Landmark Preservation Ordinance. Approval of the project will require two separate motions to be made by the Commission:

- (1) for the overall design of the project in accordance with the aforementioned criteria, subject to any imposed conditions, and
- (2) that the implementation of the proposed variances will/will not cause negative architectural impact to the subject property. The variance portion of the application is scheduled for review by Town Council on December 13, 2023.

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

WRB:JGM