



**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

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

SUBJECT: ZON-23-076 (ARC-23-104) 1295 S OCEAN BLVD (COMBO)

MEETING: JANUARY 24, 2024 ARCOM  
FEBRUARY 14, 2024 TC

**ARC-23-104 (ZON-23-076) 1295 S OCEAN BLVD (COMBO).** The applicant, WEMIO LLC (Tom Waller, Chief Operating Officer), has filed an application requesting Architectural Commission review and approval for installation of a clay tennis court with viewing platform along with related hardscape and landscape improvements, including new site entry walls, columns, vehicular gates and supplemental parking area. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

**ZON-23-076 (ARC-23-104) 1295 S OCEAN BLVD (COMBO)—SPECIAL EXCEPTION(S) & VARIANCE.** The applicant, WEMIO LLC (Tom Waller, Chief Operating Officer), has filed an application requesting Town Council review and approval for two (2) special exceptions, (1) for the installation of a new tennis court and (2) for supplemental parking and one (1) variance for reduced tennis enclosure height. The Architectural Commission shall perform design review of the application.

Applicant: WEMIO LLC (Tom Waller, COO)  
Professional: Environment Design Group (Dustin Mizell)

**HISTORY:**

At the JANUARY 24, 2024 ARCOM meeting, the item was presented and approved (7-0). Additionally, ARCOM made a motion and passed (7-0) that the proposed variances **will not** cause negative architectural impacts to the subject property.

**THE PROJECT:**

The applicant has submitted plans, entitled "Private Residence 1295 S Ocean Blvd Palm Beach" as prepared by **SKA Architect and Planner**, dated December 6, 2023.

The following scope of work is proposed:

- Construction of a clay tennis court, viewing platform, supplemental parking, and related landscape and hardscape improvements on a vacant parcel joined by unity of title to the contiguous parcel opposite South Ocean Boulevard.

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

- **SPECIAL EXCEPTION:** [Sec. 134-790\(7\)](#): A request for special exception to construct supplemental parking.
- **SPECIAL EXCEPTION:** [Sec. 134-1759\(e\)](#): A request for special exception to permit the construction of a tennis court.
- **VARIANCE 1:** [Sec. 134-1759\(c\)](#): A variance to enclose a tennis court with 10' and 4' high fence in lieu of the 10' high fence enclosure required.

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

Site Data			
<b>Zoning District</b>	R-AA	<b>Future Land Use</b>	SINGLE-FAMILY
<b>Lot Size</b>	46,011	<b>Crown of Road</b>	5.01' NAVD
<b>Lot Depth</b>	470'	<b>Lot Width</b>	132.29'
<b>Overall Landscape Open Space</b>	Req'd: 55% (25,306 SF) Prop: 61.9% (28,473 SF)	<b>Front Yard Landscape Open Space</b>	Req'd: 45% (3,151 SF) Prop: 73.9% (5,176 SF)
Surrounding Properties / Zoning			
<b>North</b>	1296 S Ocean Blvd   Residence / R-AA		
<b>South</b>	1330 S Ocean Blvd   Residence / R-AA		
<b>East</b>	1295 S Ocean Blvd (Parent Parcel) / R-AA		
<b>West</b>	Lake Worth Lagoon		

### **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 tennis court without required minimum fence height, and two (2) Special Exceptions for the construction of a tennis court and to construct supplemental parking.

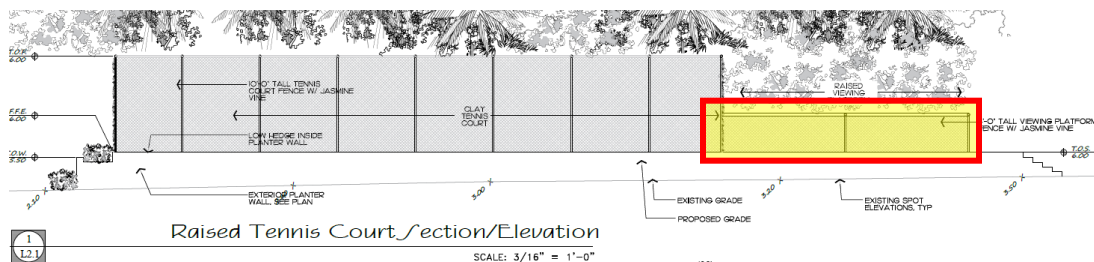
The applicant is proposing the construction of a tennis court and supplemental parking on a vacant parcel west of S Ocean Blvd and East of the Lake Worth Lagoon. The parcel is joined by unity of title to the contiguous parcel located directly east of the subject parcel. Sec. 134-1756 of the town zoning code states "...an accessory use shall be clearly supplementary and incidental and shall not be separated from the principal use of the lot and shall be located on the same lot as the principal use to which it is subordinate or located on a contiguous lot when a unity of title, acceptable to the town, is provided under the same ownership. For the purpose of this section contiguous shall mean directly across a street or public way or abutting the lot on which the principal structure is located and to which the accessory use is subordinate. If the lot on which the accessory use is located does not abut the property on which the principal use is located, said lot shall not be used in the calculation of lot, yard and bulk regulations."

The scope of work includes the construction of new site walls and vehicular gates along South Ocean Boulevard, a new clay tennis court with a viewing platform, construction of sixteen (16) supplemental parking spaces, new walkways, and new landscaping.

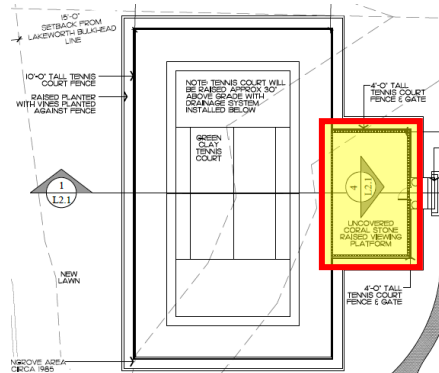
The site will be accessed by one of two vehicular entrances at the north and south which leads directly to the supplemental parking area. The vehicle entrances include 8 ft high vehicular gates which are designed to match and existing vehicular gate across the street at the parent parcel. The proposed site wall along the east side of the property at S Ocean Blvd is also proposed to match the site wall of the parent parcel and will be 6 ft in height with 8 ft columns. The proposed parking material is grass block paver with Chicago brick border. At the north of the parking area, a short path made of Chicago brick takes you to coral steps leading to the raised uncovered coral stone tennis viewing platform. Beyond the platform is the green clay tennis court. The tennis court is located towards the west side of the property and shifted slightly north from center, with a small, raised viewing platform on the east side of the court. Either from the platform steps or the south side of the parking area, Chicago brick paths meander westward to the existing dock on the lagoon. The landscape plan includes new plantings for the new site wall, new landscaping on the interior of the parcel at the parking area and tennis court, and existing plan buffers are proposed to remain along the north and south property line.

The first special exception is required for the construction of sixteen (16) supplemental parking spaces. The code describes supplemental parking as parking facilities provided as special exception which are in addition to the existing required parking set for the schedule of off-street parking regulations. The second special exception is required for the construction of the tennis court. The zoning code permits a tennis court as an accessory use of a parcel with special exception approval by the town council.

A variance is required for the proposed fence around the tennis court. The zoning code requires that tennis courts be enclosed on all sides by a fence with a minimum height of 10 ft. The applicant does propose a 10' high fence on the entire north, south and west sides of the tennis court, however, the fence height drops to 4 ft where it surrounds the viewing platform on the east side of the property.



**Figure 1. Tennis court fence section looking north. Highlighted area requires variance relief.**



*Figure 2: Tennis court in plan view. Highlighted area requires variance.*

**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 (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, and
- (2) for final determination of approval or denial of the (2) Special Exception(s) for development of an undersized parcel 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.