



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-24-014 (ARC-24-004) 334 CHILEAN AVE (COMBO)

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

ARC-24-004 (ZON-24-014) 334 CHILEAN AVE (COMBO). The applicant, Overflow Pad Too LLC (Bradley McPherson, Authorized Representative), has filed an application requesting Architectural Commission review and approval for modifications to previously approved hardscape, landscape and site walls with incorporation of new vehicular gates at a previously approved new-single family residence; with variances required to exceed maximum site wall heights and minimum equipment setbacks. Town Council shall review the application as it pertains to zoning relief/approval.

ZON-24-014 (ARC-24-004) 334 CHILEAN AVE (COMBO) – VARIANCES. The applicant, Overflow Pad Too LLC (Bradley McPherson, Authorized Representative), has filed an application requesting Town Council review and approval for four (4) variances related to modifications to previously approved hardscape and landscape plans for construction of a new residence, including: (1 – 3) variances to exceed maximum site wall heights in the east, west and south yard areas and (4) a variance to provide a reduced pool heater equipment setback. The Architectural Commission shall perform design review of the application.

Applicant: 1350 North Lake Way Acquisitions, LLC
Professional: Nievera Williams Design / Smith and Moore Architects

HISTORY:

An application for a new, two-story single-family residence was approved at the August 25, 2021 Architectural Commission meeting, pursuant to B-050-2021. At the JANUARY 24, 2024 ARCOM meeting, the item was presented and approved (6-1) with the exception of the driveway gates and trash enclosure area. Additionally, ARCOM made a motion and passed (5-2) that the proposed variances **will not** cause negative architectural impacts to the subject property.

THE PROJECT:

The applicant has submitted plans, entitled "Private Residence 334 Chilean Ave", as prepared by Nievera Willaims Design, date stamped by the Town December 08, 2024

The following is the scope of work for the project:

- Revised previously approved driveway layout and material.
- Shift proposed front site wall to the north, 3 ft from property line.
- Addition of gate vehicular and pedestrian gates.
- New refuse area.

- Revised landscape and hardscape for entire site, including the incorporation of artificial turf into the driveway arrival area.

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

- VARIANCE 1: Sec. 134-1669: Variance for a perimeter site wall of 10’-7” in lieu of the 7’ maximum wall height permitted, for the west side-yard outdoor shower area.
- VARIANCE 2: Sec. 134-1669: Variance for a perimeter site wall of 8’-4” in lieu of the 7’ max height permitted, for the east side-yard generator area.
- VARIANCE 3: Sec. 134-1669: Variance for a site wall of 9’ in lieu of the 7’ max height permitted, for the south rear-yard pool equipment area.
- VARIANCE 4: Sec. 134-1728(c)(2): Variance for pool heater with 5’ rear-yard setback in lieu of 10’ minimum pool heater setback required.

Site Data			
Zoning District	R-C	Lot Size (SF)	9,379 SF
Future Land Use	MULTI-FAMILY MODERATE DENSITY	Overall Landscape Open Space	Required: 45% Prev. Approved: 45.06% Proposed: 45.06%
Front Yard Landscape Open Space	Required: 40% Prev. Approved: 73.65% Proposed: 70.83%	Perimeter Landscape Open Space	Required: 50% Proposed: 64.88%
Surrounding Properties / Zoning			
North	325 & 323 CHILEAN AVE SINGLE-FAMILY / R-C		
South	341 & 333 PERUVIAN AVE / SINGLE FAMILY / R-B		
East	328 CHILEAN AVE CONDOMINIMUM / R-C		
West	354 CHILEAN AVE (ISLAND HOUSE) SINGLE FAMILY & COMM. / C-TS		

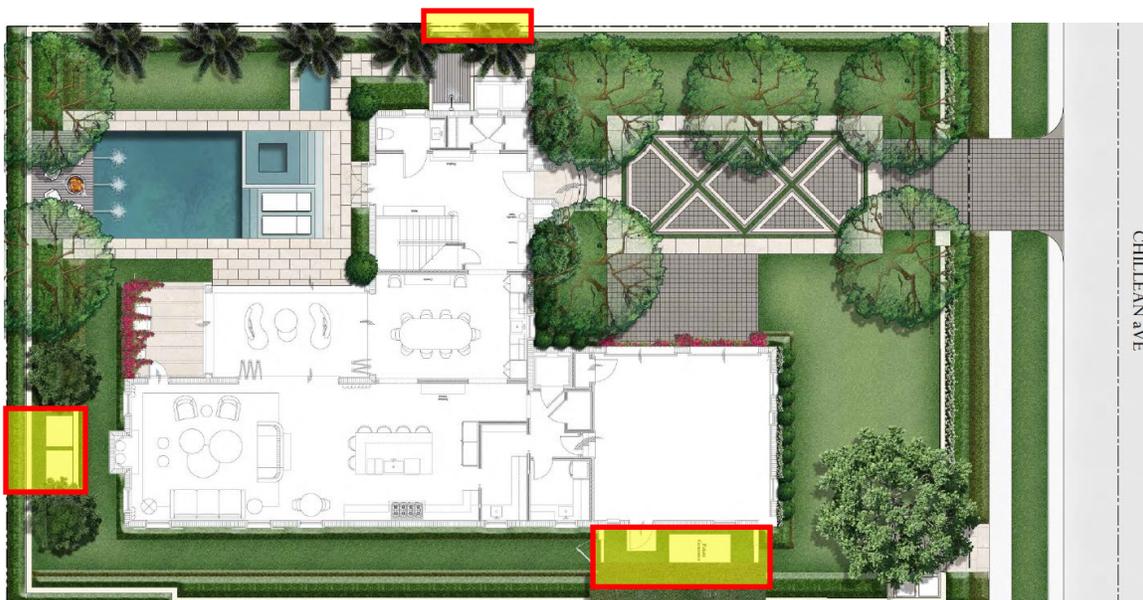
STAFF ANALYSIS

A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and requires four (4) variances for modifications to the previously approved hardscape and landscape plan.



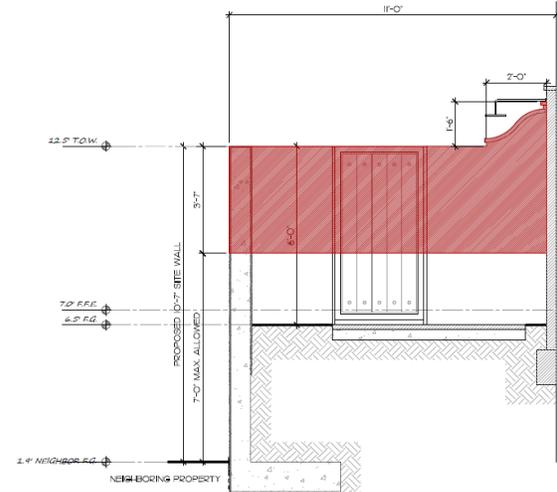
The applicant is proposing modifications to the landscape and hardscape plan for a previously approved new single-family residence. The proposal includes modification to hardscape designs, including the incorporation of artificial turf into the driveway arrival area. Staff notes that Sec. 66-313 allows for the installation of artificial turf as a driveway accent with ARCOM approval. Artificial turf does not count towards required landscape open space requirements.

New opaque cypress wood vehicular and pedestrian gates are proposed on Chilean Avenue with a new refuse bin area. Changes for equipment yard areas are also proposed, with variances required for pool heater setback, and variances required to exceed maximum screening wall height. The original application was approved prior to the Town of Palm Beach adopted an ordinance limiting the amount of fill permitted to be added on a given site, allowing this applicant to make plan modifications under the previously approved code condition. The equipment locations are roughly the same as the previous approval, however, staff hypothesizes that the variances required to screen the equipment were not known or completely realized by the applicant at the time of the original application approval.



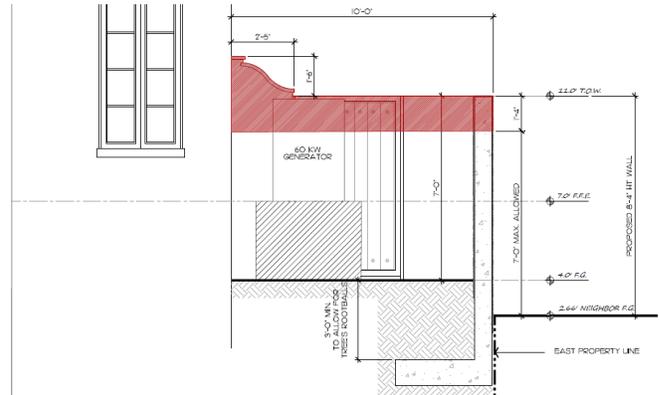
Site Plan. Highlighted areas indicate areas of variance request.

Variance number 1 is for the construction of a site wall in the west side yard with a height of 10' – 7" from lowest grade, in lieu of the 7' maximum wall height permitted.



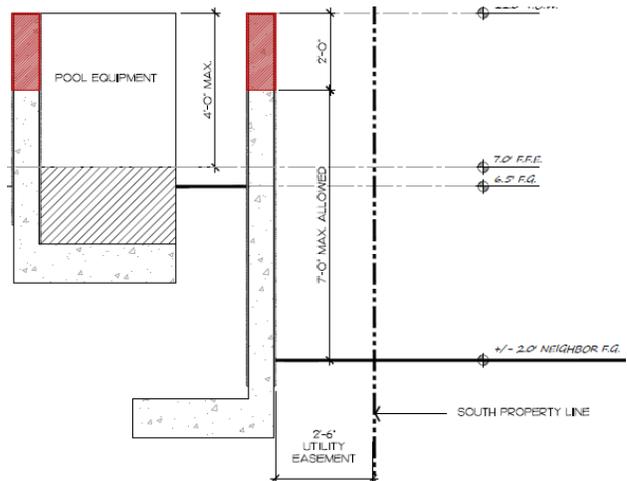
West side yard variance diagram

Variance number 2 is for construction of a site wall in the east side yard that is 8' – 4" in height in lieu of the 7 ft maximum height permitted. This wall height is required to adequately screen the generator installed at minimum FEMA elevation from the property to the east.



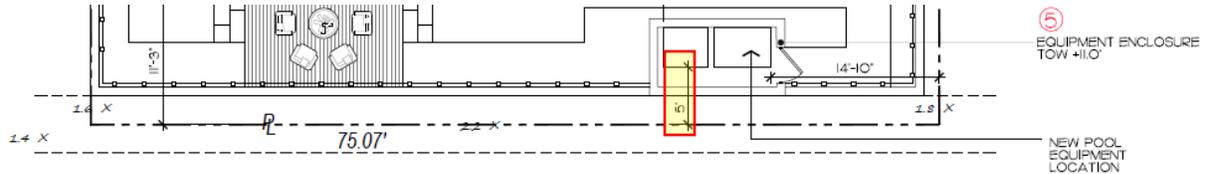
East side yard variance diagram.

Variance number 3 is for construction of a site wall in the south rear yard with a height of 9' in lieu of the 7' maximum permitted. The increased wall height is required to screen the pool equipment located in this area.



South rear yard variance diagram.

Variance number 4 is for a reduced pool heater setback. Pool heaters require a side and rear yard setback of 10', while pool pumps and filters are permitted with a side and rear yard setback of 5'. The applicant is proposing to install pool pump, filter and heater at 5', hence the requested variance.



South rear yard pool heater setback variance.

Code Section	Permitted	Proposed	Variance
Sec. 134-1669	Wall height of 7'.	East site wall height 8'-4" 10'-7"	3' – 7"
Sec. 134-1669	Wall height of 7'.	West site wall height 8' 4"'''.	1'-4"
Sec. 134-1669	Wall height of 7'.	South site wall height of 9'.	2'
Sec. 134-1728(c)(2)	Pool heater setback of 10'	Pool heater setback of 5'	5'

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 one (1) motion to be made by the Town Council:

1. for final determination of approval or denial of the (4) variances 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.

WRB:JGM:BMF