



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: Architectural Commission and Town Council

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

SUBJECT: ZON-23-113 (ARC-23-145) 123 CHILEAN AVE (COMBO)

MEETING: FEBRUARY 28, 2024, ARCOM
MARCH 13, 2024, TC

ARC-23-145 (ZON-23-113) 123 CHILEAN AVE (COMBO). The applicant, Robert & Perri Bishop, has filed an application requesting Architectural Commission review and approval for construction of a new two-story single-family residence and one-story accessory cabana structure with final hardscape, landscape and swimming pool, requiring Special Exception approval to develop a nonconforming parcel and variances to reduce the required side setbacks and to exceed the maximum cubic content ratio (CCR) permitted. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval.

ZON-23-113 (ARC-23-145) 123 CHILEAN AVE (COMBO)—SPECIAL EXCEPTION AND VARIANCE(S). The applicant, Robert & Perri Bishop, has filed an application requesting Town Council review and approval for Special Exception to develop a parcel comprised of portions of platted lots which is deficient in minimum required lot width and lot area in the R-B district, and (3) Variances including (1 and 2) to reduce the required east and west side-yard setbacks and (3) to exceed the maximum permitted cubic content ratio (CCR) permitted, in conjunction with a new two-story single-family residence and one-story accessory cabana structure. The Architectural Commission shall perform a design review of the application.

Applicant: Robert & Perri Bishop
Professional: SKA Architect and Planner

PROJECT HISTORY:

The application was initially scheduled to be reviewed at the November 20, 2023, ARCOM meeting but was deferred to the December 15, 2023, meeting at the request of the applicant.

At the January 24, 2024, meeting, the application was presented. The Monterey style of the proposed design was generally well received by the Commission, especially given the lot size and location. Comments focused primarily on the openings on the balcony, the size and shape of the front door, the gable ends, the height of the home and construction screening plan. The item was deferred (7-0) to the meeting on February 28, 2024.

At the FEBRUARY 28, 2024 ARCOM meeting, the Commission approved (5-2) the design of the project. Additionally, the Commission approved (7-0) that the implementation of the proposed variances would not negatively affect the architecture.

THE PROJECT:

The applicant has submitted revised plans, entitled "Bishop Residence" as prepared by **SKA Architect and Planner**, dated February 5, 2024.

The following scope of work is proposed:

- Construction of a new two-story single-family residence with detached one-story cabana
- Sitewide landscape and hardscape improvements

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

- **Special Exception [Sec. 134-893\(c\)](#):** A request to develop a parcel comprised of portions of platted lots which is deficient in minimum required lot width (100 foot required 50 foot provided) and lot area (10,000SF required, 6,520SF provided) in the R-B district.
- **Variance 1: [Sec. 134-893\(7\)b](#):** A variance to reduce the required east (10' in lieu of 15') side-yard setbacks.
- **Variance 2: [Sec. 134-893\(7\)b](#):** A variance to reduce the required west (10.5' in lieu of 15') side-yard setback.
- **Variance 3: [Sec. 134-893\(b\)\(13\)](#):** A variance to exceed the maximum permitted cubic content ratio (CCR) permitted, in conjunction with a new two-story single-family residence and one-story accessory cabana structure, 4.66 in lieu of 4.38.

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

Site Data			
Zoning District	R-B	Future Land Use	SINGLE-FAMILY
Lot Size	Required: 10,000 SF Existing: 6,250 SF	Crown of Road	12.13' NAVD
Lot Depth	125'	Lot Width	50'
Lot Coverage	Permitted: 30% (1,875 SF) Proposed: 27% (1,710 SF)	Enclosed Square Footage	2,770 SF
Building Height	Permitted: 22' Proposed: 20.83'	Overall Building Height	Permitted: 30' Proposed: 25.08'
Finished Floor Elevation	Required: 14.5' NAVD Proposed: 14.5' NAVD	FEMA Flood Zone	X
Site Fill	Permitted: .75' Max. Proposed: .75'	Zero Datum	7' NAVD
Overall Landscape Open Space	Req'd: 45% (2,812.5 SF) Prop: 45.4% (2,834 SF)	Front Yard Landscape Open Space	Req'd: 40% (600 SF) Prop: 53.1% (796 SF)
Surrounding Properties / Zoning			
North	350 South Ocean Boulevard (Condo)/ R-D (2) Heavy Density Residential		
South	124 Chilean Avenue Residence / R-B		

East	360 South Ocean Boulevard (Condo)/ R-D (2) Heavy Density Residential
West	125 Chilean Avenue 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 two (2) variances for the construction of the new single-family residence and cabana and one (1) Special Exception for the development of a substandard sized lot.

The applicant is proposing the construction of a new two-story residence with detached one-story guest house cabana structure. The primary structure is a condensed stylized version of a Monterey house with a cantilevered balcony on the front elevation that faces south. The front entry has been redesigned to feature a rectangular door with transom light and a front facing gable above. Windows are primarily 6/6 Hartman Mahogany sash windows depicted with white frames. Smooth stucco, shutters and wood detailing completed the finishes. The rear detached cabana which features a single room plus bathroom has side facing gables. Both structures are proposed to have a flat white concrete tile roof. There is a mix of one- and two-story single-family residences on the north side of this block, however, almost all single-family homes on the other side of the street are two story with very similar massing. The applicant has revised the arrangement of openings on the balcony to feature a pair of French doors flanked by 4/4 sash windows. The gable on the primary façade has been widened. The building height has been lowered from 20'-10" to 20'-4", however, the overall building height has been raised from 27' to 27'-7" to the top of roof, with a change of roof pitch. The arrangement of columns at the rear loggia has been redesigned with corresponding changes to the railings above. Small adjustments have been made to the arrangement of fenestration on the east and west sides of the structure. Adjustments were also made to the landscape plan. No changes were made to the detached cabana structure.



Previously proposed front elevation.



Currently Proposed Front Elevation



Previously proposed west side elevation.



Previously proposed east side elevation.



Currently proposed west side elevation.



Currently proposed east side elevation.

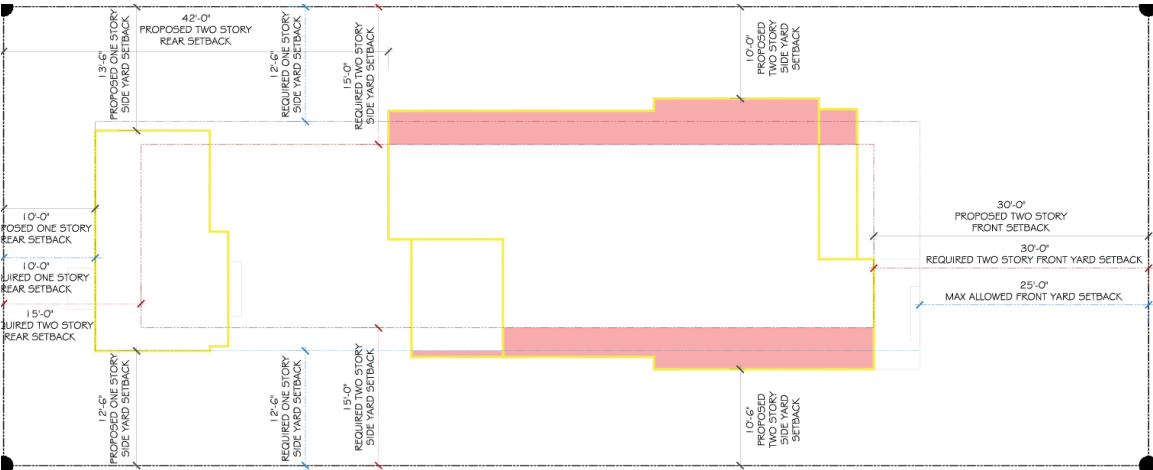


Previously proposed rear elevation.



Currently proposed rear elevation.

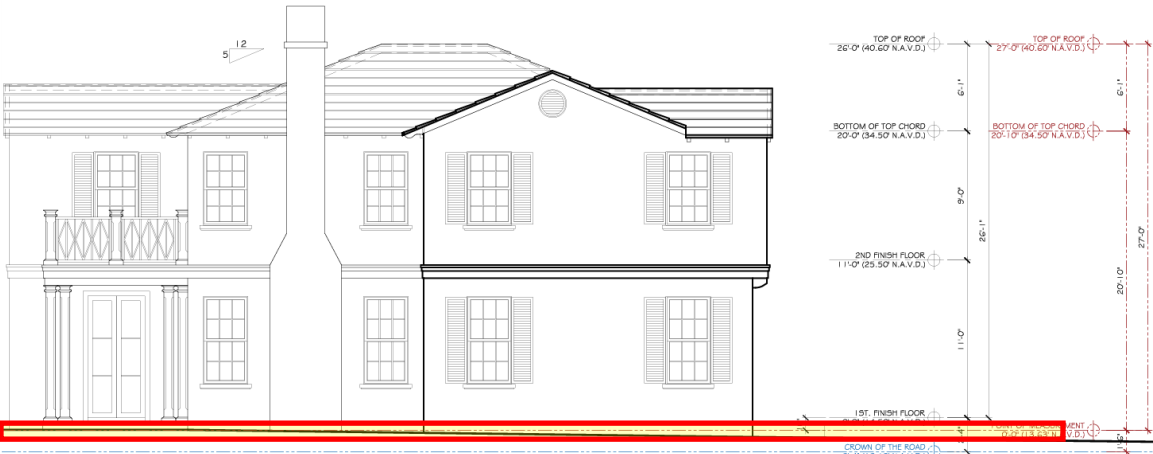
The application as presented requires 3 variances for construction, one for the west side yard setback, one for the east side yard setback, and one to exceed the maximum allowable cubic content ratio. The lot is a substandard size for the district (special exception required) at only 50 ft in width. The applicant is proposing a 10' east side yard setback, and a 10.5' west side yard setback. The proposed cubic content ratio is 4.66 in lieu of the 4.38 maximum permitted, an excess of 1750 cubic feet. The diagram below highlights the portion of the proposed main structure which violates the setback requirements.



Code Section	Required	Proposed	Variance
Variance 1 Sec. 134-893(7)b:	Two-Story East Side-Yard Setback of 15'	Two-Story East Side-Yard Setback of 10'	5'
Variance 2 Sec.134-893(b)(13)	Two-Story West Side Yard Setback of 15'	Two-Story West Side-Yard Setback of 10.5'	4.5'

Is it pertains to variance number 3, the applicant is seeking a variance to exceed maximum cubic content ratio (CCR). Staff will note that this is a technical variance which is due to unique aspects of the subject parcel, as it slopes from a higher point at the north, lower to the south. This change in grade causes the point of measurement to start below grade towards the rear of the parcel. While the actual massing of the house is not affected, the point of measurement is prescribed by code, and the resulting overage of cubic content is a result of the point of measurement being below grade.

The diagram below shows how the grade changes slightly, affecting where the point of measurement is taken. Staff does acknowledge that while this technically increases the cubic content of the home, the impact appears to be de minimus.



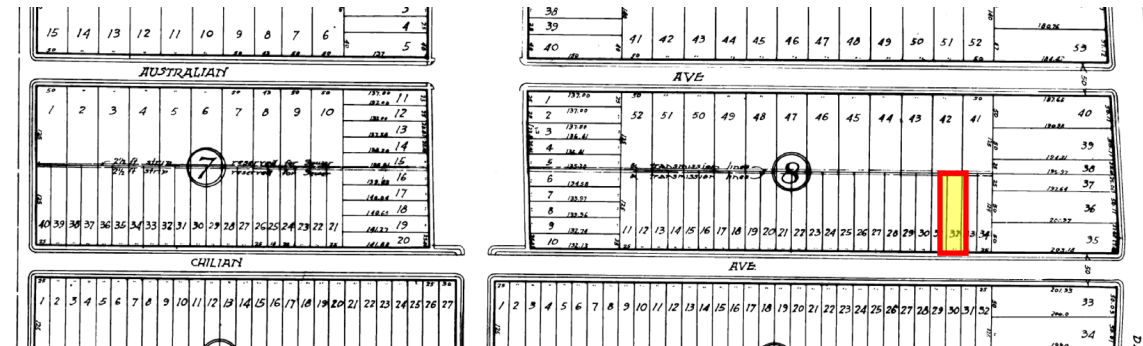
Code Section	Permitted	Proposed	Variance
Variance 3: Sec. 134-893(b)(13)	Cubic Content Ratio of 4.38	Cubic Content Ratio of 4.64	+ 0.26 CCR

A **Special Exception** is also requested from the Town Council to permit the development of this lot due to its substandard size, yet it is contextually appropriate for the mix of development pattern on this street. A 100' lot width is required, with only 50' existing. And a lot area of 10,000 sq ft is required, with only 6,520 sq ft available. A lot depth of 100' is required, and this property does exceed this requirement with a 125' lot depth. Additionally, the site was previously improved with a single-family residence. A special exception is required to develop a parcel comprised of portions of platted lots. The property is assembled with the East 10 ft of Lot 10, all of Lot 32, and the West

15 of Lot 33 of the Plat of Royal Park Addition.



Current neighborhood conditions



Neighborhood Capture of Plat of Royal Park Addition

The Special Exception code section, provision, and amount is provided in the table below:

Code Section	Required	Existing	Exception
Special Exception Sec. 134-893(c):	Lot Width: 100 Ft. Lot Area: 10,000 Sq. Ft.	Lot Width: 50 Ft Lot Area: 6520 Sq Ft	Lot Width: 50' Deficient Lot Area: 3480 Sq. Ft. Deficient

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 (2) 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, and
- (2) for final determination of approval or denial of the (1) Special Exception 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.

WRB: JGM: FHM: BMF