



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
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PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Combination Memorandum: Town Council and Architectural Commission

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

SUBJECT: ARC-24-038 (ZON-24-045) 207 PENDLETON AVE (COMBO)

MEETING: MARCH 27, 2024
APRIL 10, 2024

ARC-24-038 (ZON-24-045) 207 PENDLETON AVE (COMBO) VARIANCES. The applicant, Maura Ziska (Attorney) in conjunction with Thomas M. Kirchhoff (Architect), has filed an application requesting Architectural Commission review and approval for the demolition of the existing front entry porch and removal of the front door to be replaced with the construction of a new front entry porch and installation of a new front door, replacement of all fixed shutters with new operable shutters, and removal of the existing driveway and installation of a new paver driveway with grass joints. Town Council shall review the application as it pertains to zoning relief/approval.

ZON-24-045 (ARC-24-038) 207 PENDLETON AVE (COMBO) VARIANCES. The applicant, Maura Ziska (Attorney) in conjunction with Thomas M. Kirchhoff (Architect), has filed an application requesting Town Council review and approval for two variances: one (1) to exceed the maximum allowable lot coverage and two (2) to exceed the maximum allowable Cubic Content Ratio (CCR) with the construction of the new front entry porch. The Architectural Commission shall perform design review of the application.

Applicant/Representative: Maura Ziska, Esq.
Professionals: Thomas M. Kirchhoff (Kirchhoff & Associates Architects) /
Mario F. Niviera (Niviera Williams Design)

HISTORY:

The residence was designed by John Volk in 1940. Volk was a prolific architect with over 2,000 projects in Palm Beach. The structure's distinguishing architectural features include a symmetrical facade, a front porch with decorative piers, a cornice, and quoin detailing which exemplify the Georgian Revival architectural style.

The subject property was granted three (3) variances at the September 18, 2018, Town Council meeting for (1) a west side yard setback for the loggia addition with an open balcony above; (2) cubic content ratio for the kitchen addition; and (3) lot coverage for the kitchen addition. In addition, several staff-level approvals were issued in 2018, 2019, and 2020, for window and door realignment and exterior sconces (A-18-00271), widening of sidelights in the north elevation (A-19-00319), and minor landscape and hardscape modifications (A-20-00931).

THE PROJECT:

The applicant has submitted plans, entitled "ENTRY RENOVATION 207 PENDLETON AVENUE", as prepared by **Kirchhoff & Associates Architects**, date stamped by the Town, February 12, 2024.

The application is proposing the following scope of work at the property:

- Demolition of existing front porch and door
- Construction of a new entry porch
- Installation of a new impact-rated front door
- Replacement of all fixed shutters with new operable shutters
- Removal of existing driveway and walkway
- Installation of a new driveway and walkway pavers with grass joints
- Minor landscape alterations

The following Variances are required for completion of the project as presented:

- **VARIANCE #1** – Section 134-893(b)(11)(b): To allow a lot coverage of 37.4%, whereas 37.1% is existing, and 30% is the maximum allowed for a two-story building.
- **VARIANCE #2**– Section 134-893(b)(13)(a)(1): To allow a Cubic Content Ratio of 4.52, whereas 4.51 is existing, and 4.31 is the maximum allowed.

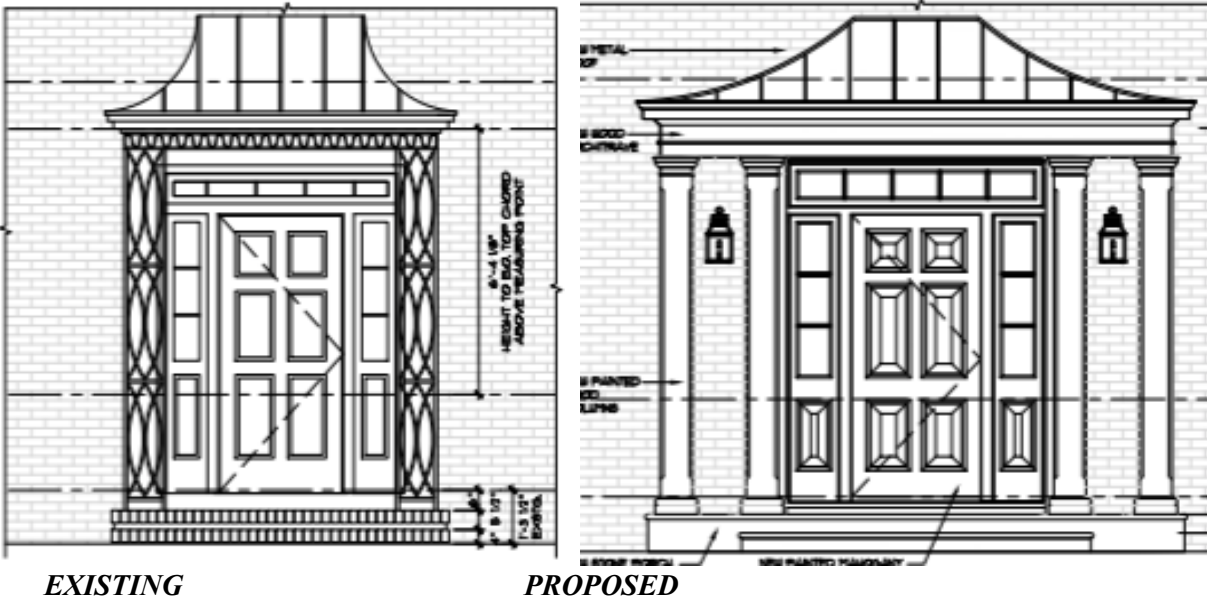
Site Data			
Zoning District	R-B	Future Land Use	SINGLE-FAMILY
Lot Size	Required: 10,000 SF Existing: 8,894 SF	Crown of Road	3.41' NAVD
Lot Depth	111.20' - 111.23'	Lot Width	79.95' - 80.00'
Lot Coverage	Permitted: 30% (2,668 SF) Existing: 37.1% (3,302 SF) Proposed: 37.4% (3,325 SF)		
Cubic Content Ratio (CCR)	Permitted: 4.31 (38,352 CF) * Existing: 4.51 (40,233 CF) * Proposed: 4.52 (40,255 CF) *		* Includes 5% allowance for Unenclosed loggias, pergolas, porches, terraces, and covered patios located on the first floor
Building Height	Permitted: 22'-0" Existing: 18'-3" Proposed Entry Porch: 9'-9"	Overall Building Height	Permitted: 30'-0" Proposed: 25'-8"
Finished Floor Elevation	Required: 7' NAVD Existing: 4.96' NAVD	FEMA Flood Zone	ZONE AE
Overall Landscape Open Space	Required: 45% (4,002 SF) Existing: 28.9% (2,572 SF) Proposed: 31.5% (2,801 SF)	Front Yard Landscape Open Space	Required: 40% (800 SF) Existing: 26.7% (533 SF) Proposed: 30.1% (615 SF)
Surrounding Properties / Zoning			
North	2 South County Road The Breakers / PUD		
South	206 & 216 Pendleton Avenue Residence / R-B		

East	201 Pendleton Avenue Residence / R-B
West	223 Pendleton Avenue Residence / R-B

STAFF ANALYSIS

The application is for the demolition of the existing front entry porch and the replacement with a larger front entry porch which triggers two (2) variances for lot coverage and cubic content ratio. In addition, the application is requesting front door replacement, shutter replacement, a new paver driveway and walkway with grass joints, and minor landscape alterations.

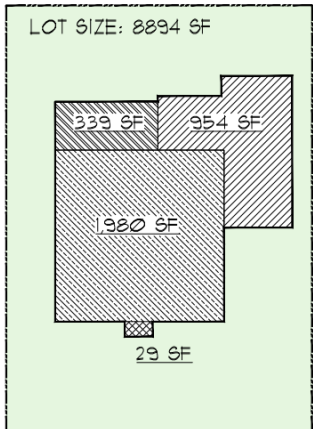
The new entry porch will be detailed with painted wood columns, a wood entablature, and a lead-coated copper roof. The new front door will be painted mahogany with sidelights and a transom. Even though the new entry is well proportioned and designed, staff is concerned about the loss of historic materials and design elements on a Volk home that is eligible for landmark status. The new driveway and walkway are proposed with tabby concrete and 4” grass joints.



The structure is an existing nonconforming structure as it pertains to lot coverage with a 37.1% coverage where 30% is permitted. The cubic content ratio existing is also non-conforming, with 4.51 existing and 4.31 maximum permitted. The expansion of the covered entry however exacerbates these nonconformities by increasing lot coverage to 37.4% and CCR to 4.52. Therefore, two requests are being pursued by the applicant for review by Town Council for the enlargement of the front entry.

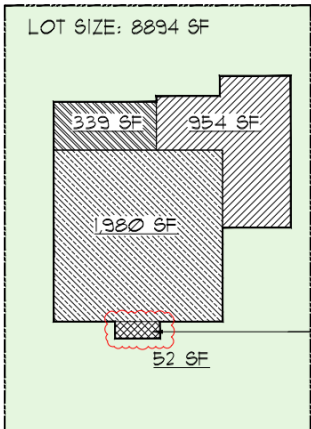
Code Section	Permitted	Existing & Proposed	Variance
VARIANCE 1 Section 134-893(b)(11)(b)	Lot Coverage: 30% (2668 SF)	Existing: 37.1% (3302 SF) Proposed: 37.4% (3325 SF)	0.3% (657 SF)

VARIANCE 2 Section 134-893(b)(13)(a)(1)	Cubic Content Ratio: 4.31	Existing: 4.51 Proposed: 4.52	0.01
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PENDLETON AVE.

③ **CUBIC CONTENT- EXISTING**



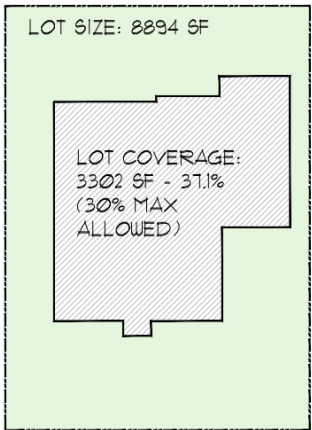
PENDLETON AVE.

④ **CUBIC CONTENT- PROPOSED**

VARIANCE REQUIRED
 SECTION 134-893 (13) A
 REQUEST FOR A
 VARIANCE TO ALLOW THE
 FRONT ENTRY ADDITION
 TO HAVE A CUBIC
 CONTENT RATIO (CCR) OF
 4.52 IN LIEU OF THE 4.51
 EXISTING AND THE 4.31
 MAXIMUM ALLOWABLE.

ADDED
 CUBIC CONTENT:
 145 CF

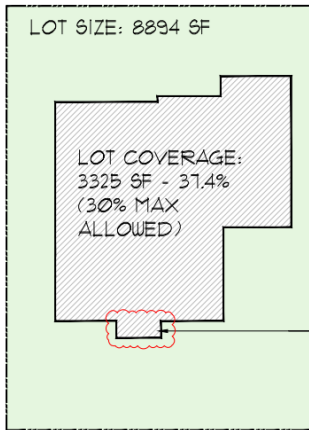
* EXISTING LOT COVERAGE
 EXCEEDS MAX. ALLOWED



PENDLETON AVE.

① **LOT COVERAGE- EXISTING**

* REFER TO LANDSCAPE DRUGS.
 FOR NEW OPEN SPACE CALCS.



PENDLETON AVE.

② **LOT COVERAGE- PROPOSED**

VARIANCE REQUIRED
 SECTION 134-893 (11) A
 REQUEST FOR A
 VARIANCE TO ALLOW THE
 FRONT ENTRY ADDITION
 TO HAVE A 37.4% LOT
 COVERAGE IN LIEU OF
 THE 37.1% EXISTING AND
 THE 30.0% MAXIMUM
 ALLOWABLE.

ADDED
 COVERAGE:
 23 SF

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) 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 Section 134-201(a), items 1 through 7 have been met.

WRB: JGM: FHM: ALF