



**TOWN OF PALM BEACH**  
Planning, Zoning & Building Department  
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**PLANNING, ZONING, & BUILDING DEPARTMENT**

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

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

**SUBJECT:** COA-23-043 (ZON-23-117) 235 BANYAN RD (COMBO)

**MEETING:** APRIL 17, 2024, LPC  
MAY 15, 2024, TC

**COA-23-043 (ZON-23-117) 235 BANYAN RD (COMBO).** The applicant, Richard Kurtz, has filed an application requesting a Certificate of Appropriateness for the review and approval of a new two-story approximately 1,072 SF accessory structure with hardscape and landscape. This request also requires three (3) variances in accordance with Section 134-201 for; (1) front yard setback found in Section 134-843(5), (2) building height plane requirement found in Section 134-843(7), and (3) side yard setback found in Section 134-843(8). This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

**ZON-23-117 (COA-23-043) 235 BANYAN RD (COMBO)—VARIANCES.** The applicant, Richard Kurtz, has filed an application requesting Town Council approval for three (3) variances in accordance with Section 134-201 for: (1) front yard setback found in Section 134-843(5), (2) building height plane requirement found in Section 134-843(7), and (3) side yard setback found in Section 134-843(8) associated with the construction of a new two-story approximately 1,072 SF accessory structure with hardscape and landscape. The Landmarks Preservation Commission shall perform design review of the application.

**Applicant:** Richard Kurtz  
**Professionals:** Patrick Ryan O'Connell Architect, LLC /  
Dustin Mizell (Environmental Design Group)

**HISTORY:**

The subject property was built in 1925. It was designed by Howard Major in a Mediterranean Revival architectural style. In 1985, the property was landmarked. As stated in the designation report *"Notable architectural features of this house include its three-story entrance tower, recessed entry highlighted by a rusticated cast stone Florentine arch and decorative iron entry gate and window grilles."*

Major renovations were completed in the early 1990s. Smaller modifications were completed in 2016. At the March 22, 2023, LPC meeting, COA-23-009 was granted for the construction of a second-story addition. At the February 21, 2024, LPC meeting, an extension of time was approved for this project.

The subject application was originally scheduled for the January 17, 2024, LPC meeting but was deferred by the applicant twice.

### **THE PROJECT:**

The applicant has submitted plans, entitled "PROPOSED ADDITION AT 235 BANYAN ROAD", as prepared by **Patrick Ryan O'Connell Architect**, received and stamped by the Town on March 11, 2024.

The following is the scope of work for the Project:

- A new two-story addition (1,417 square feet).
- A new trellis (132 square feet).
- Landscape and hardscape modifications.

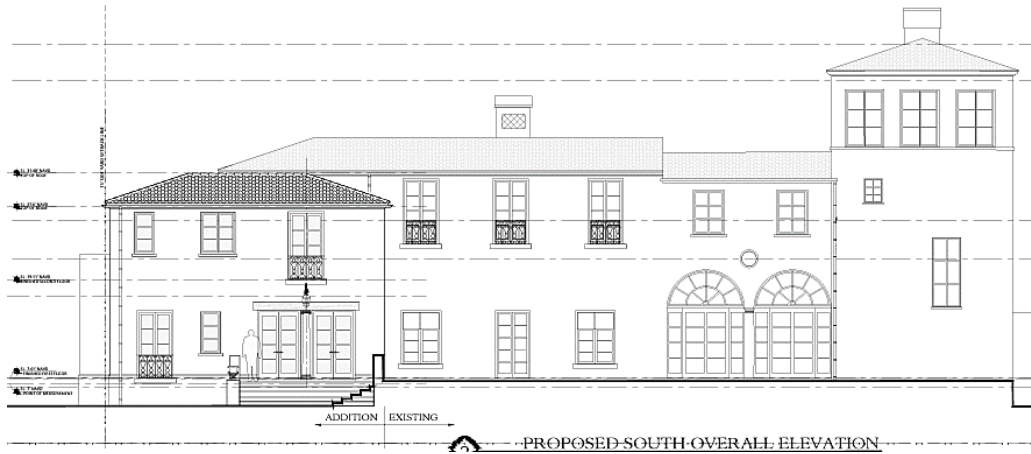
The following variance(s) are required to achieve the scope of work.

- **VARIANCE #1:** Decrease of the front yard setback of 30'-3¾" in lieu of the required 35'.
- **VARIANCE #2:** Increase of the building height plane requirement.
- **VARIANCE #3:** Decrease of the side yard setback of 12'-0¼" in lieu of the required 15'.

### **STAFF ANALYSIS**

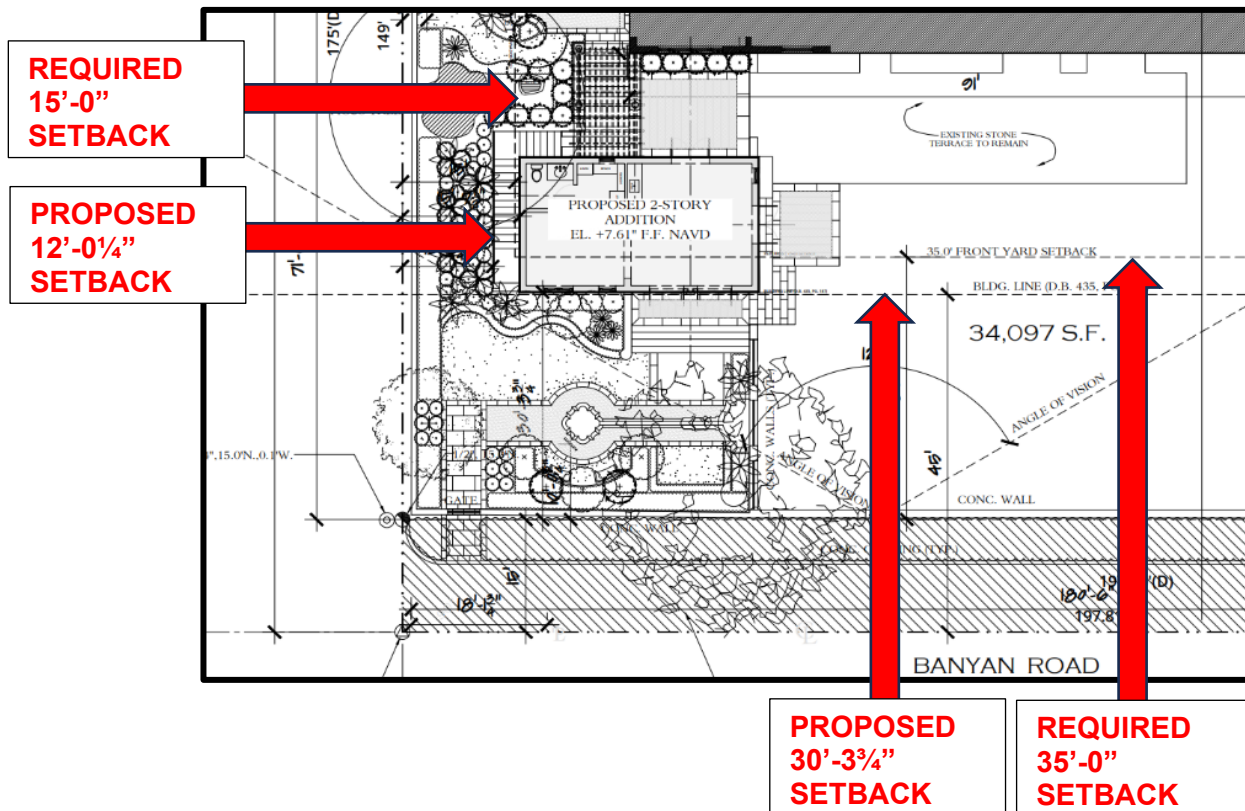
The application is seeking a Certificate of Appropriateness to construct a new two-story addition on the south side of the property, fronting Banyan Road. The addition will be connected to the main residence by a trellis. The addition will have an exterior stucco finish and color to match the existing residence, a barrel tile roof, and limestone columns and exterior front door casing. The fenestration will consist of aluminum casement windows and aluminum French doors with white frames and divided light patterns. Additional exterior details include light fixtures, window railings, copper gutters and downspouts, and stair risers with hand painted tiles. The pergola and beam headers will utilize cypress wood. Overall, the exterior finishes and detailing seek to match existing residence and be consistent with the Mediterranean Revival architectural style. Even though Banyan Road is considered the front of the property, the east elevation is really the primary approach and entry to the house and should be considered the focal point.





The application as proposed requires three (3) variances for construction. As the diagram below illustrates, **Variances 1 and 3** seek a reduced front setback of 30'-3¾" in lieu of the required 35'-0" per Section 134-843(a)(5) and a reduced side yard setback of 12'-0¼" in lieu of the required 15'-0" per Section 134-843(a)(8).

Code Section	Required	Proposed	Variance
<b>Variance 1:</b> Sec. 134-843(a)(5)	35'-0" Front Setback	30'-3¾" Front Setback	4'-8¼"
<b>Variance 3:</b> Sec. 134-843(a)(8)	15'-0" Side Yard Setback	12'-0¼" Side Yard Setback	2'-11¾"

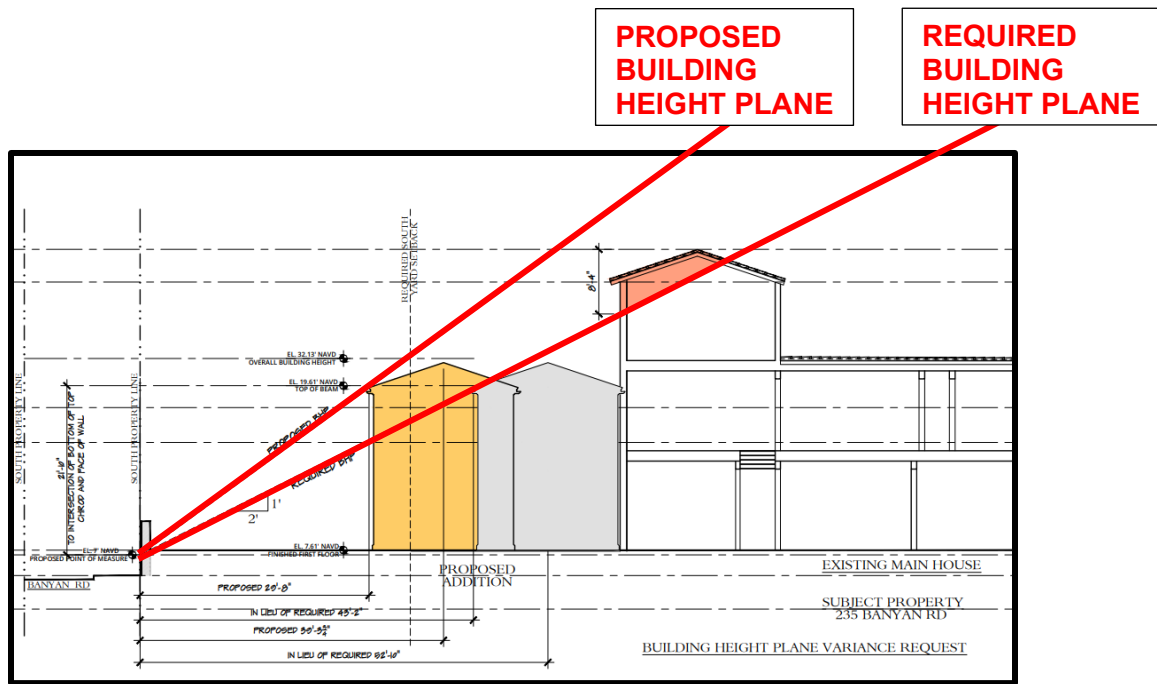


As the diagram below illustrates, **Variance 2** occurs where a southern portion of the addition's roof intersects with the building height plane.

The building height plane is a height limiting angle that extends at an incline from the intersection of the front property line and the property's code prescribed zero datum (7' NAVD) at a rate of two feet (2') of front setback for every one foot (1') of building height.

The building height plane variance request code sections, provisions, and amounts are provided in the table below:

Code Section	Required	Proposed	Variance
<b>Variance 2:</b> Sec. 134-843(a)(7):	Building Height Plane of 43'-2"	Building Height Plane of 29'-8"	<b>13'-6"</b> <i>ADDITION ROOF</i>



Site Data			
Zoning District	R-A	Future Land Use	SINGLE FAMILY
Designation	01/08/1985	Architect/Builder:	Howard Major
Lot Area	31,080 SF	Year of Construction	1925
Project			
	Required/Allowed	Existing	Proposed
Lot Coverage	7,770 SF (25%)	4,860 SF (15.6%)	5,433 SF (17.4%)

<b>Landscape Open Space (LOS)</b>	50.0% (15,559.83 SF) Required / 50.3% (15,655) Proposed	<b>Front Yard Landscape Open Space</b>	45% (3,802.45 SF) Required / 76% (5,471 SF) Proposed
<b>Surrounding Properties / Zoning</b>			
<b>North</b>	Two-Story Single-Family Residence / R-A		
<b>South</b>	Two-Story Single-Family Residence / R-A		
<b>West</b>	Two-Story Single-Family Residence / R-A		
<b>East</b>	Two-Story Single-Family Residence / R-A		

**CONCLUSION:**

The application is presented to the Commission to consider whether all the criteria in Sections 54-122 and 54-123 have been met. Approval of the project will require two (2) separate motions to be made by the Landmarks Preservation Commission:

- (1) for the overall design of the project in accordance with aforementioned 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 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, subject to any proposed conditions.

WRB: FHM: ALF