



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 *WRB*
Director PZ&B

SUBJECT: ARC-24-015 (ZON-24-025) 153 AUSTRALIAN AVE (COMBO)

MEETING: APRIL 24, 2024 ARCOM
MAY 15, 2024 TOWN COUNCIL

ARC-24-015 (ZON-24-025) 153 AUSTRALIAN AVE (COMBO). The applicant, Rabbi Zalman Levitin, has filed an application requesting Architectural Commission review and approval for construction of a new, two-story single-family residence with final hardscape, landscape, and swimming pool, with a variance required to forgo required garage parking. Town Council shall review the application as it pertains to zoning relief/approval.

ZON-24-025 (ARC-24-015) 153 AUSTRALIAN AVE (COMBO) – SPECIAL EXCEPTION AND VARIANCE. The applicant, Rabbi Zalman Levitin, has filed an application requesting Town Council review an approval for a special exception to develop an existing nonconforming parcel with a new, single-family residence and (1) variance to forgo required garage parking. The Architectural Commission shall perform design review of the application.

Applicant: Rabbi Zalman Levitin
Architecture: Dailey Janssen Architects (Jason Skinner)
Landscape: Todd MacClean Outdoors (Todd MacClean)

HISTORY:

At the FEBRUARY 28, 2024 ARCOM meeting, the Commission deferred (7-0) the project with comments to restudy architectural details, massing, roof plan, and landscape plantings. Additionally, a motion was made and approved (7-0) that the implementation of the proposed variances would not negatively affect the architecture.

The project was deferred at the MARCH 27, 2024 meeting for further refinement of architectural details.

THE PROJECT:

The applicant has submitted plans, entitled "153 AUSTRALIAN AVE" as prepared Dailey Janssen Architects, dated March 11, 2024.

The following scope of work is proposed:

- New two-story residence.
- Landscape, hardscape, and swimming pool.

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

- **SPECIAL EXCEPTION W/ SITE PLAN REVIEW:** [Sec. 134-893\(c\)](#): Special Exception with Site Plan Review for development of an existing nonconforming parcel which is 75 ft

in width in lieu of the 100 ft width required.

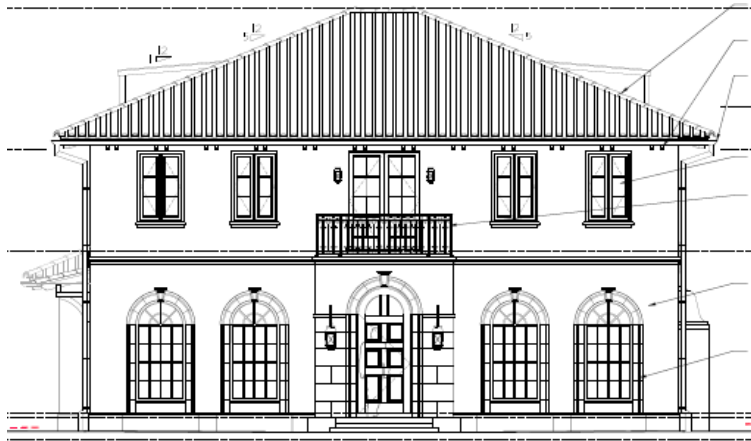
- **VARIANCE 1:** [Sec. 134-2179\(b\)\(1\)](#): A variance to provide zero (0) garage parking spaces in lieu of the two (2) garage parking spaces required for new construction of a residence on a lot 75 ft in width or greater.

| Site Data | | | |
|-------------------------------------|--|--|--|
| Zoning District | R-B | Future Land Use | SINGLE-FAMILY |
| Lot Size | Required: 10,000 SF Existing: 10,500 SF | Crown of Road | 8.68' NAVD |
| Lot Depth | 140' | Lot Width | 75' |
| Lot Coverage | Permitted: 30% (3,150 SF) Proposed: 23.35% (2,452 SF) | Enclosed Square Footage | 4,281 SF |
| Building Height | Permitted: 22' Proposed: 19' – 0 ¹ / ₈ " | Overall Building Height | Permitted: 30' Proposed: 29' – 10 ³ / ₈ " |
| Finished Floor Elevation | Required: N/A Proposed: 10'-6" NAVD | FEMA Flood Zone | ZONE X |
| Maximum Fill | Permitted: 0.91' Proposed: 0.91' | Zero Datum | 10.18' NAVD |
| Overall Landscape Open Space | Req'd: 45% Prop: 46% (4,800 SF) | Front Yard Landscape Open Space | Req'd: 40% Prop: 46% (875 SF) |
| Surrounding Properties / Zoning | | | |
| North | 160 Brazilian Ave (Parking Lot) 150 Brazilian Ave (Residence) / R-B | | |
| South | 150 Australian Ave (Multi-Family) / C-TS 149 Chilean Ave (Residence) / R-B | | |
| East | 149 Australian Ave Residence / R-B | | |
| West | 159 Australian Ave Residence / R-B | | |

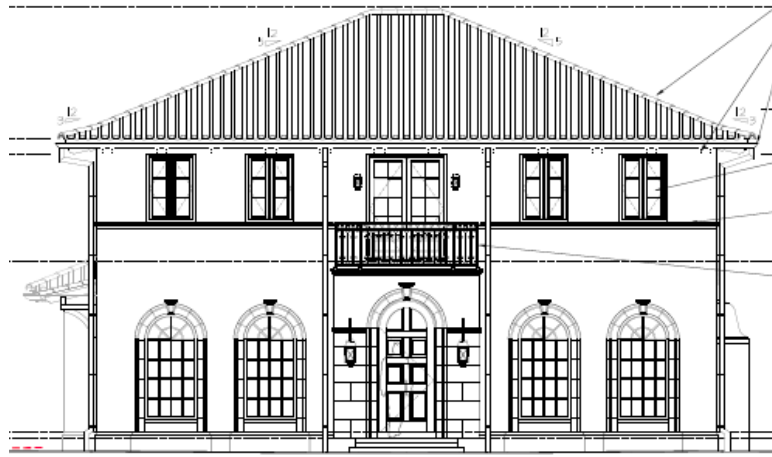
STAFF ANALYSIS

The application is for the construction of a new two-story residence. A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and requires one (1) special exception with site plan review and one (1) variance for the construction of the new single-family residence. There is no need for ARCOM to weigh in on the variance, as the Commission directed on that aspect at the February meeting.

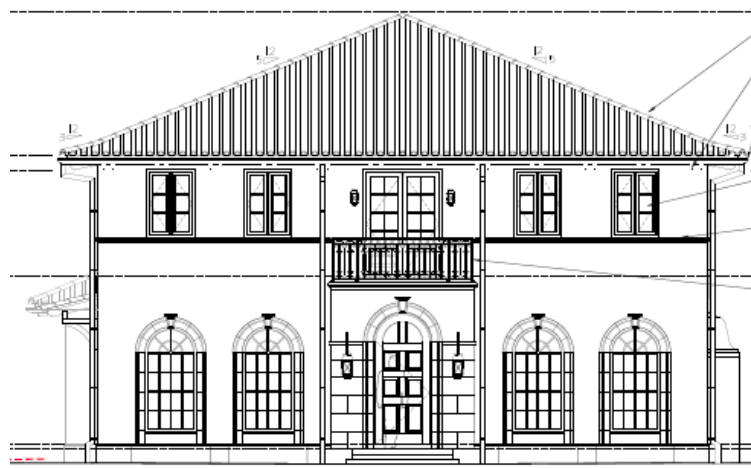




PREVIOUSLY PROPOSED SOUTH ELEVATION



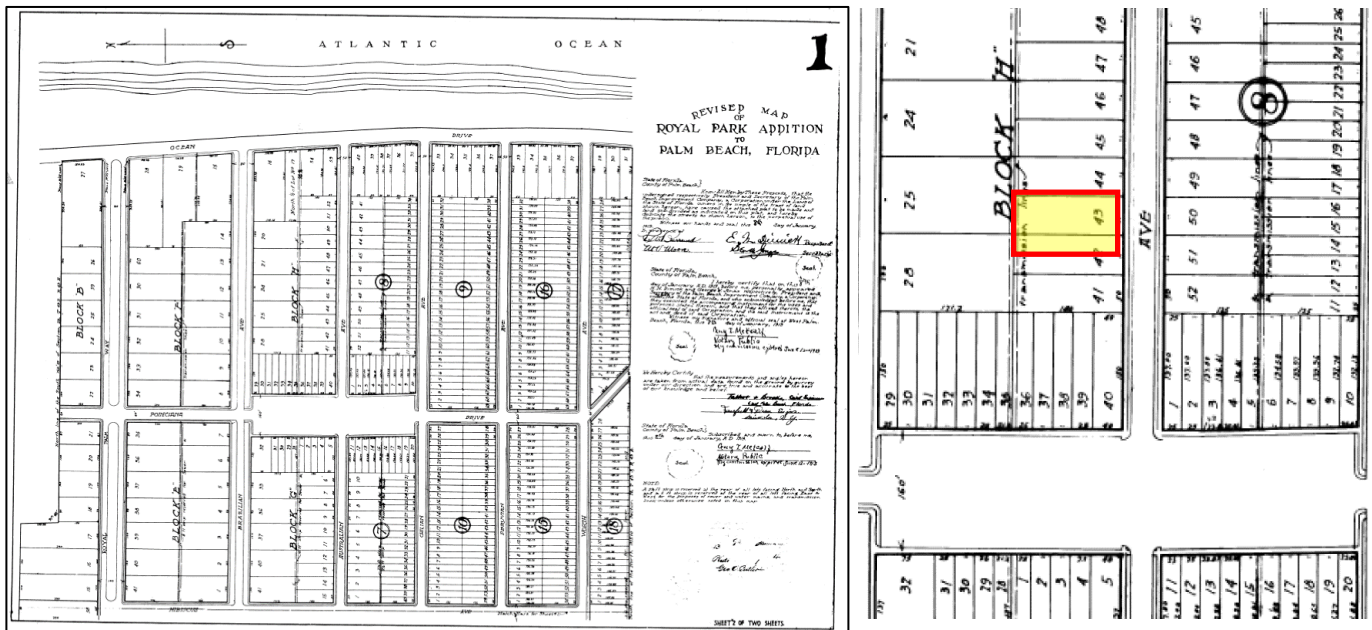
CURRENTLY PROPOSED SOUTH ELEVATION



ALTERNATE SOUTH ELEVATION

The applicant has resubmitted plans in response to comments of the commission. Changes include relocation of the belt course to the second floor sill, and modification of the entire roof, including elimination of previously proposed dormer windows. An alternate roof design is also included in the presentation.

The application as presented requires (1) special exception with site plan review for construction and (1) variance.



As it pertains to the special exception with site plan review required, the lot is 75 ft in width where 100 ft is required. A special exception with site plan review is required for the development or redevelopment of a parcel in the R-B zoning district that is comprised of un-platted lots or portions of platted lots. This lot is comprised of the East ½ of lot 42 and lot 43 of block H of the Royal Park Addition Plat.

| Code Section | Required | Existing | Difference |
|--|---------------------------|------------------|------------------|
| SPECIAL EXCEPTION W/ SITE PLAN REVIEW: Sec.134-893(c) | Minimum Lot Width of 100' | Lot Width of 75' | 25' of Lot Width |

is 75' or greater in width.

As it pertains to the variance request, the applicant is proposing zero (0) enclosed garage parking spaces where two garage parking spaces are required for a lot which

| Code Section | Required | Proposed | Variance |
|--|---|--------------------------------|-------------------------|
| VARIANCE 1: Sec. 134-2179(b)(1) | Two (2) Enclosed 9' x 18' Garage Parking Spaces | Zero (0) Garage Parking Spaces | 2 Garage Parking Spaces |

A precursory review of the immediate area (the 100 block of Australian Avenue), indicates that

eight of the 14 parcels have garages, or 57% of the residences.



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 (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 [Sec. 134-2179\(b\)\(1\)](#) Special Exception with Site Plan Review for the redevelopment of a nonconforming parcel comprised of portions of platted lots.