



**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 *WRB*  
Director PZ&B

SUBJECT: ARC-24-035 (ZON-24-043) 620 N LAKE WAY (COMBO)

MEETING: MAY 29, 2024 ARCOM  
JUNE 12, 2024 TC

**ARC-24-035 (ZON-24-043) 620 N LAKE WAY (COMBO).** The applicant, Ocean Front Avenue 2, LLC, a VA limited liability company (Don & Donna Whitaker), 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 variances for building height and cubic content ratio (CCR). This is a combo application that shall be reviewed by Town Council as it pertains to zoning relief/approval.

**ZON-24-043 (ARC-24-035) 620 N LAKE WAY (COMBO) – VARIANCES.** The applicant Ocean Front Avenue 2, LLC, a VA limited liability company (Don & Donna Whitaker), has filed an application requesting Town Council review and approval for two (2) variances, (1) to exceed maximum permitted building height and (2) to exceed maximum permitted cubic content ratio (CCR), as it relates to the construction of a new residence. The Architectural Commission (ARCOM) shall perform design review of the application.

Applicants: Ocean Front Avenue 2, LLC, a VA limited liability company (Don & Donna Whitaker)  
Architecture: Dailey Janssen Architects  
Landscape: Nielsen Landscape Architects

**THE PROJECT:**

The applicant has submitted plans, entitled "PROPOSED NEW RESIDENCE AT: 620 N LAKE WAY" as prepared by **Dailey Janssen Architects**, dated April 15, 2024.

The following scope of work is proposed:

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

The following Special Exception is required to complete the project:

- **Variance 1:** Sec. 134-893(b)(10)b.: A variance for a building height of 23'-8" in lieu of the 22' maximum building height permitted.
- **Variance 2:** Sec. 134-893(b)(13)a.2.: A variance for a maximum CCR of 4.31 in lieu of the 3.92 Maximum CCR permitted.

Site Data			
<b>Zoning District</b>	R-B	<b>Future Land Use</b>	SINGLE-FAMILY
<b>Lot Size</b>	Required: 10,000 SF Existing: 17,625 SF	<b>Crown of Road</b>	6.35' NAVD
<b>Lot Depth</b>	150'	<b>Lot Width</b>	117'-6"
<b>Lot Coverage</b>	Permitted: 30% (5,287.5 SF) Proposed: 28.5% (5,027 SF)	<b>Enclosed Square Footage</b>	Proposed: 6,152 SF
<b>Cubic Content Ratio (CCR)</b>	Permitted: 3.92 (69,090 CF) Proposed: 4.33 (76,128 CF) <i>Variance Required</i>	<b>Angle of Vision</b>	Permitted: 104° Proposed: 82°
<b>Building Height</b>	Permitted: 22' – 0" Proposed: 23' – 8" <i>Variance Required</i>	<b>Overall Building Height</b>	Permitted: 30' Proposed: 28.9'
<b>Finished Floor Elevation</b>	Proposed: 12.17' NAVD	<b>FEMA Flood Zone</b>	ZONE X
<b>Maximum Fill</b>	Permitted: 2.91' Proposed: None	<b>Zero Datum</b>	7.85' NAVD
<b>Overall Landscape Open Space</b>	Required: 45% Proposed: 45.5%	<b>Front Yard Landscape Open Space</b>	Required: 40% Proposed: 54%
Surrounding Properties / Zoning			
<b>North</b>	624 N Lake Way   Residence / R-B		
<b>South</b>	301 Plantation Rd   Residence (Under Construction) / R-B		
<b>East</b>	272 Southland Rd   Residence / R-B & Southland Road R-O-W		
<b>West</b>	630 Crest Rd & 640 Crest Rd   Residence(s) / R-B		

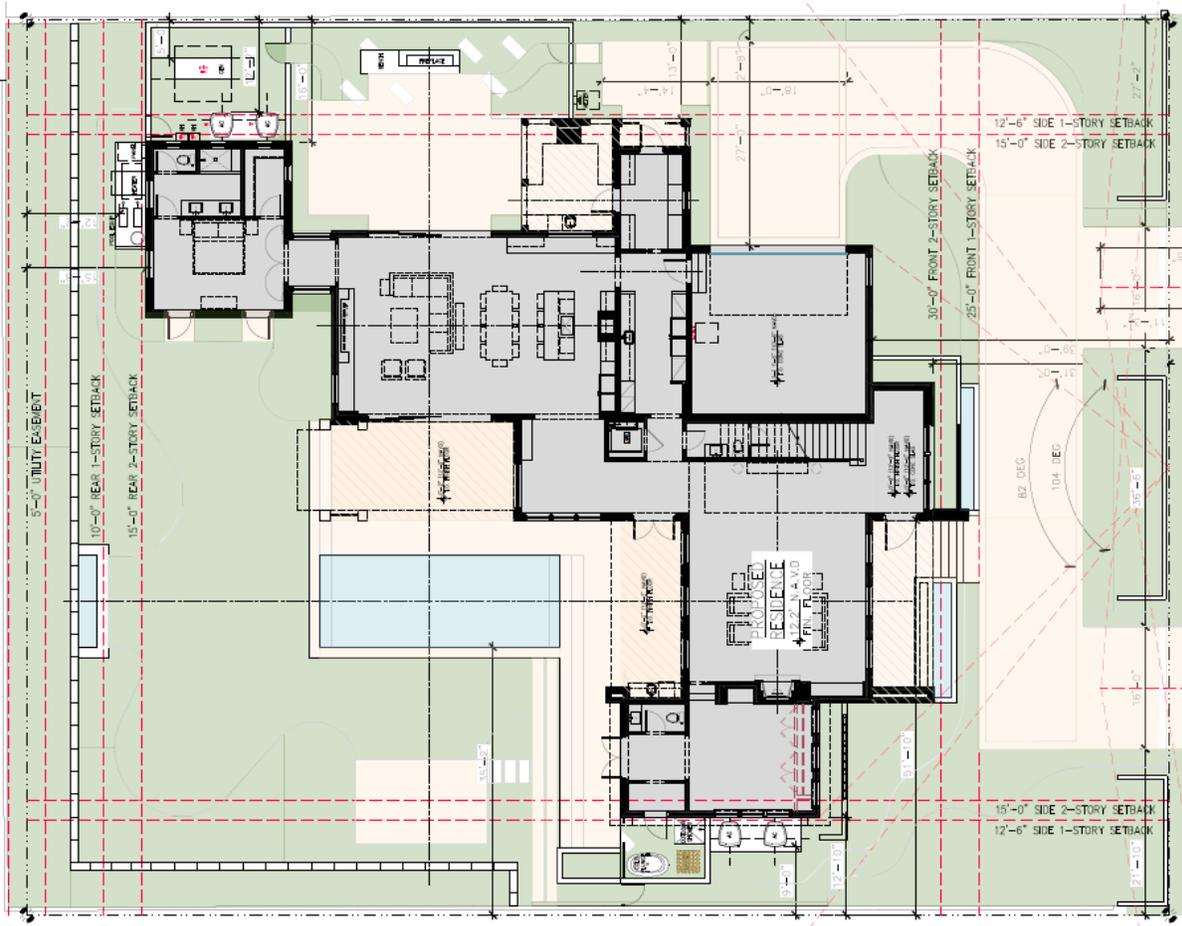
**STAFF ANALYSIS**

The applicant is proposing the construction of a new two-story residence with final hardscape, landscape, and swimming pool on a currently vacant parcel of land on North Lake Way. A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and requires two (2) variances to achieve the application as proposed.



The subject property is located on the west side of North Lake Way midblock at the terminus of Southland Road. The proposed house is sited with massing along the north half of the site back to

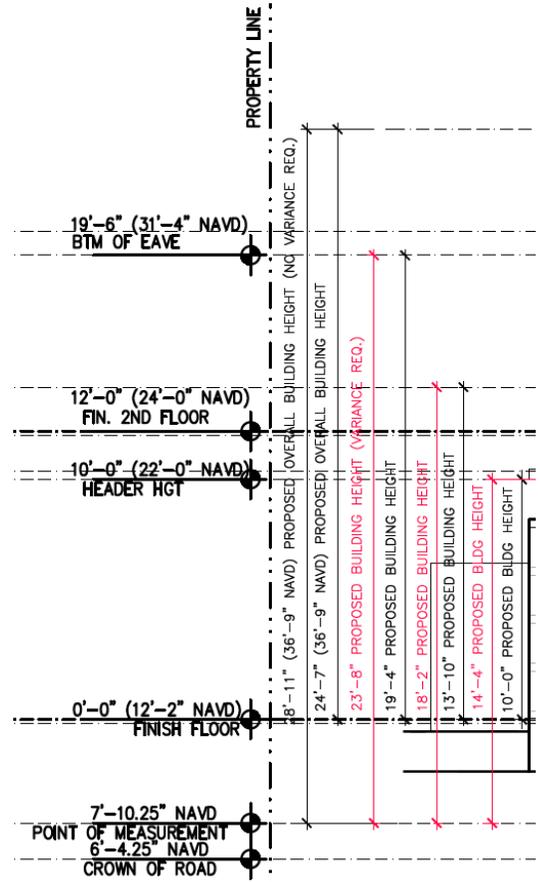
the rear property line with a side loading garage and front entry facing North Lake Way. Outdoor terraces are proposed on the north and south of the structure, with a swimming pool and open yard area in the south west. Two curb cuts are proposed on North Lake Way without vehicular gates. The residence's massing features one-story and two-story volumes with second floor open terraces. The design features both flat roofs and hipped roofs with Bermuda concrete flat roof tiles. Exterior details include stucco parapet cap, stucco siding, limestone banding, scored reveal, limestone cladding and cast stone breezeblock. Doors and windows are proposed to be aluminum, with divided window lites.



Garden gates are proposed in Ipe, with hardscape featuring Spanish limestone, limestone pavers the rear pool terrace, and porphyry pavers and crushed gravel proposed at the driveway.

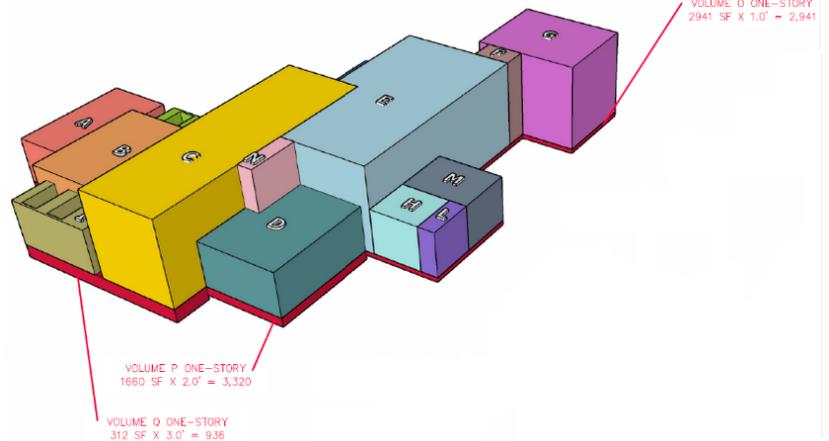
Variations are required to achieve the application as proposed. The slope of the lot increases rapidly from east to west, and the zoning code requires that Zero Datum for the point of measurement be taken 18 inches above the highest crown-of-road. This puts the point of measurement at 7.85' North American Vertical Datum (NAVD), which is actually *below* existing grade at the front of the structure (approx. 9.67' NAVD). The applicant is proposing their finished floor higher than existing grade at 12.17' NAVD, about 4.32' higher than the point of measurement. The difference in the finished floor and the required point of measurement must be figured into the building height calculation (even though it is below grade) and the portions of the structure below the finished floor, but above the point of measurement, must be calculated into Cubic Content Ratio.

Variance 1 pertains to the proposed building height of the structure. The structure is proposed to be constructed with a building height of 23 ft., 8 in. where a maximum building height of 22 ft. is the maximum building height permitted. Staff will note that this is the height, as taken from the point of measurement, which is *below existing grade*. The applicant is proposing a finished floor elevation of 12.17' NAVD, and if the building height measurement was taken from this point, the building height would be 19'-4" below the 22' maximum permitted. The definition of building height clearly establishes the point of measurement at 18" above the crown of road, which does not take into account this type of parcel which experiences a somewhat significant change in grade as it traverses from the street on the east side of the parcel to the rear of the lot on the west side of the parcel. The difference in grade from the highest and lowest points on the lot are approximately 7.5'.



Code Section	Permitted	Proposed	Variance
<a href="#">Variance 1: Sec. 134-893(b)(10)b.</a>	Maximum building height of 22'-0" from point of measurement.	Maximum building height of 23'-8" from point of measurement.	+1.67'

Variance 2 is to exceed the maximum cubic content permitted on site. Similar to variance 1, the lot conditions appear to be driving the variance request. Similar to the issue with building height, any portion of the structure above the point of measurement (even if it is below the finished floor) must be included in the calculation of cubic content. If calculated from the proposed point of measurement, a variance would not be required.



Code Section	Max. Permitted	Proposed	Variance
<a href="#">Sec. 134-893(b)(13)a.2.</a>	3.92 (69,090 Cubic Feet)	4.33 (76,128 Cubic Feet)	+0.41 CCR (+7,038 Cubic Feet)

**CONCLUSION:**

Approval of the project will require two (2) separate motion(s) 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(s) 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.

WRB:JGM:BMF