



**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 Memorandum: Architectural Commission

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

SUBJECT: ARC-24-006 249 SEABREEZE AVE

MEETING: MAY 29, 2024

**ARC-24-006 249 SEABREEZE AVE.** The applicant, Joseph & Elizabeth Berger, has filed an application requesting Architectural Commission review and approval for new vehicular and pedestrian gates and modifications to previously approved landscape and hardscape, including driveway reductions and change in perimeter site walls as well as modifications to the previously approved design of the front door and balcony railings.

Applicant: Joseph & Elizabeth Berger  
Professional: James Crowley | Gunster  
Dustin Mizell | Environment Design Group

**HISTORY:**

The subject site is a midblock parcel currently improved with a two-story residence. The parcel has frontage to the north along Seabreeze Ave. A previous application, ARC-21-042, was reviewed and approved (6-1) on October 27, 2021 for exterior modifications to the front entry door, second floor balcony, railing, and landscape modifications.

Additionally, an administrative approval, A-23-02895 was approved on 05/12/23 that altered as site wall and some garden plantings including the introduction of calophyllum hedge at 12' high that required and received an authorized neighbor consent form from the western neighbor.

This item was heard on February 28, 2024 by ARCOM. However, there were multiple requests by the applicant to both address items that were part of the code enforcement citation as well as new requests made on the floor. Ultimately, the motion was made to approve the curb cut, landscape plan, and modification to driveway and ex-filtration system with strong recommendation to install a wall for design purposes. No black chain link fence in front yard (south side), no solid aluminum fence on sides or front door/balcony railing modifications were approved.

On the March 26, 2024 ARCOM hearing an alternate proposal to the site wall was presented. In lieu of the masonry site wall or chain link fence a 12-foot hedge on the west property line was proposed with a metal picket fence to accommodate drainage issues and provide full screening for the adjacent neighbor. As of last month, no consensus was found between comments from the public or commission and the item was deferred.

The application today still requests that the homeowner not build a site wall along the west property line as approved by ARCOM in 2021. This revision can be accommodated administratively with written consent from the adjacent neighbor which was not granted hence moving the item to full board review.

Today the applicant has completed an interior renovation, upgrades to the pool and pool decking, removed all infected white fly and installed new perimeter landscaping. Determination of whether the previously approved site wall or proposed alternative is all that remains to finalize the open permit. The new proposal shows a retaining wall varying between 6-18 inches with a 4-foot-high horizontal aluminum fence placed above it. The applicant still proposes a 12-foot hedge to match the existing hedge on the north that will run the length of the western property line. Three white louvered pedestrian gates with a faux wood finish have been added to the proposal.

**Note:** Code Enforcement case mentioned in previous applications and hearings (CE 23-1728) issued on October 03, 2023 for items not in compliance with ARCOM approved plans has been resolved and closed.

**THE PROJECT:**

The applicant has submitted plans, entitled “Private Residence 249 Seabreeze Avenue” as prepared by **Environment Design Group**, dated May 6, 2024.

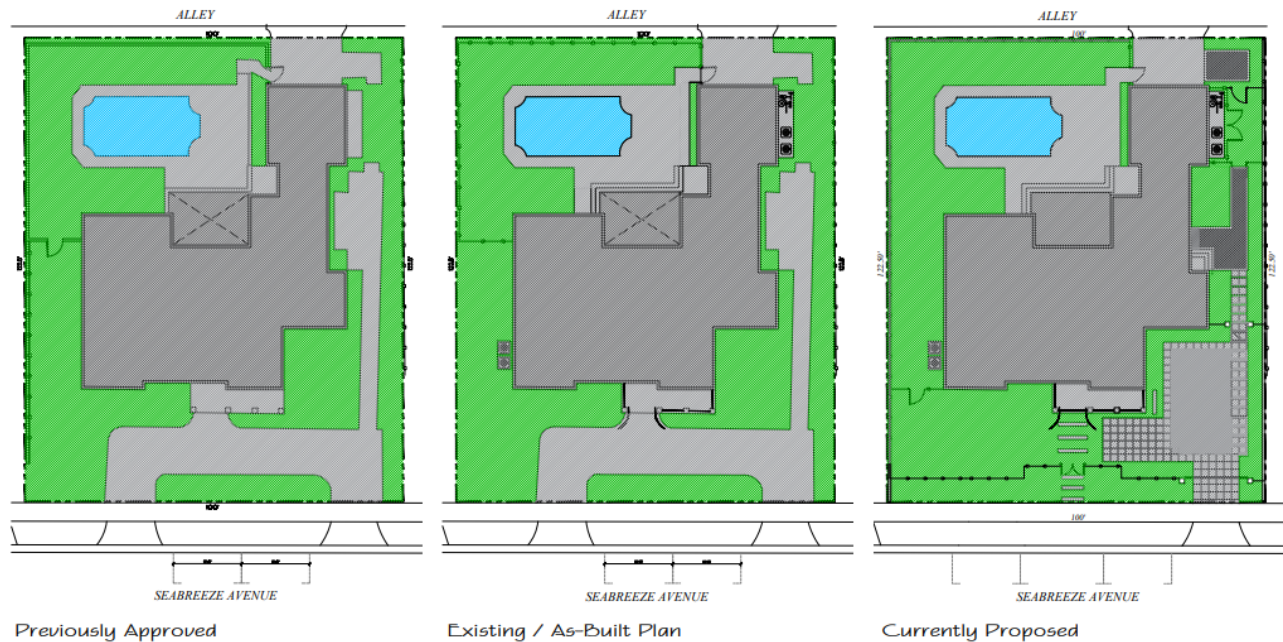
The following is the scope of work:

- Change in perimeter site walls.

Site Data			
Zoning District	R-B	Future Land Use	SINGLE-FAMILY
Landscape Open Space	Required: 45% Proposed: 47.4%	Front Yard Landscape Open Space	Required: 40% Proposed: 45.2%
Surrounding Properties / Zoning			
North	230 Clarke Ave   Residence / R-B Zoning		
South	300 and 242 Seabreeze Ave   Residences / R-B Zoning		
East	237 Seabreeze Ave   Residence / R-B Zoning		
West	301 Seabreeze Ave   Residence / R-B Zoning		

**STAFF ANALYSIS**

A review of the project indicates that the application, as proposed, is consistent with the Town zoning code. As this project has started already begun site work, it has ‘As-Built Plans’ within the submittal package reflect the difference in what was approved, built. To note, there is an increase of Landscape Open Space from what was previously approved by about 7%. The elimination of the westernmost curb cut and removal of motor court paving increases the Landscape Open Space and increases the number of overall on-street parking being proposed.



Additionally, the proposal of a vehicular and pedestrian gate at the street were denied at a previous hearing. Those items have since been removed from the scope and the applicant has proffered that those items will return to the originally approved design configuration.

**CONCLUSION:**

This application is presented to the Commission to consider whether all criteria in [Sec. 18-205](#) have been met. Approval of the project will require one motion 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.

WRB:JGM:SCP