



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

PZ&B Staff Combination Memorandum: Architectural Commission (ARCOM) and Town Council

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

SUBJECT: ARC-24-0022 (ZON-22-0014) 1246 N LAKE WAY

MEETING: AUGUST 28, 2024 ARCOM  
SEPTEMBER 11, 2024 TC

**ARC-24-0022 (ZON-24-0014) 1246 N LAKE WAY (COMBO)- VARIANCES.** The applicant, Myron and Michelle Miller, has filed an application requesting Architectural Commission review and approval to enclose an existing covered patio with a variance to exceed allowable Cubic Content Ratio. Town Council shall review the application as it pertains to zoning relief/approval.

**ZON-24-0014 (ARC-24-0022) 1246 N LAKE WAY (COMBO) – VARIANCES.** The applicant, Myron and Michelle Miller, has filed an application requesting Town Council review and approval of a variance for exceeding allowable cubic content. The Architectural Commission (ARCOM) shall perform the design review of the application.

Applicant: Mr. & Mrs. Miller  
Professional: Design Group Inc  
Representative: Kochman & Ziska PLC (Maura A. Ziska)

**HISTORY:**

The single-family residence at 1246 N Lake Way was built in 1962 with several modifications occurring since its construction. In December 2023 ARCOM approved sitewide landscape and hardscape improvements under ARC-23-160. The application included installation of a new pool and spa, new site walls, landscape lighting and vegetation.

The project was presented at the July 24, 2024 meeting. The commission expressed concerns over the proposed railing design and material selection, specifically the window and shutter color. A motion to defer the project to the August 28, 2024 meeting for the applicant to restudy these elements was carried unanimously.

**THE PROJECT:**

The applicant has submitted plans, entitled "1246 N LAKE WAY" as prepared by **JSR Design Group Inc**, uploaded August 5, 2024, and identified as final submittal for ARCOM hearing 8/28/24.

The following scope of work is proposed:

- Enclosure of a first-floor loggia and second story balcony.

The following is required to complete the project:

- **Variance 1:** Sec. 134-893(13): A variance to exceed the maximum allowable cubic content ratio (CCR) to 4.14 in lieu of the 3.96 permitted.

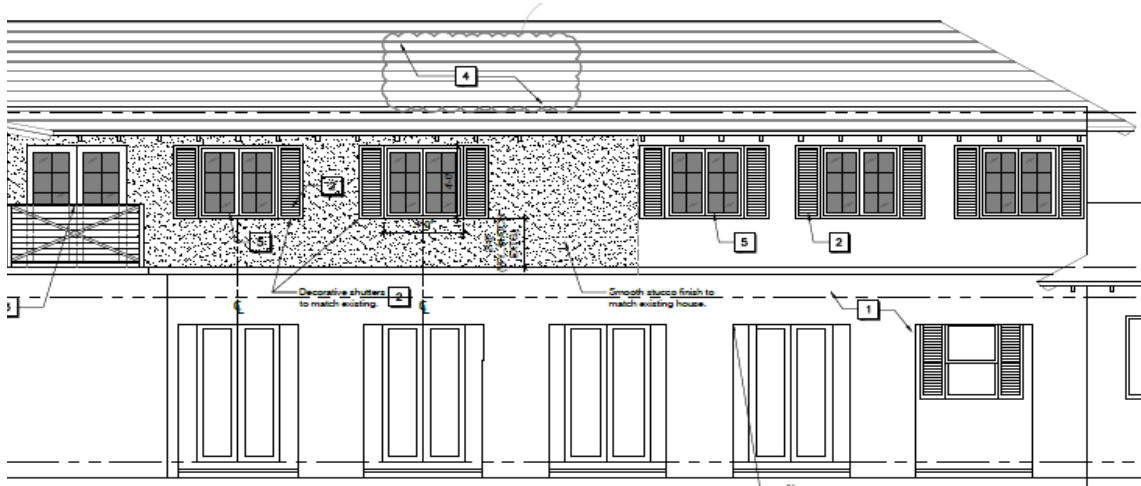
Site Data			
<b>Zoning District</b>	R-B	<b>Future Land Use</b>	SINGLE-FAMILY
<b>Lot Size</b>	Required: 10,000 SF Existing: 13,826 SF	<b>Lot Coverage</b>	Existing: 35% (4,147 SF) Proposed: No Change
<b>Lot Depth</b>	187.27'	<b>Lot Width</b>	Existing: 70.29
<b>Cubic Content Ratio (CCR)</b>	Permitted: 3.96 Existing: 3.93 Proposed: 4.14 <b><i>VARIANCE REQUIRED</i></b>	<b>Enclosed Square Footage</b>	Existing: 5,031 SF Proposed: 5,509 SF
<b>Building Height</b>	Permitted: 22" Proposed: 19'2"	<b>Overall Building Height</b>	Permitted: 30' Proposed: 26'9"
<b>Finished Floor Elevation</b>	Existing: 9.13' NAVD	<b>Overall Landscape Open Space</b>	Required: 45% Existing: 46.67%
<b>Perimeter Landscape Open Space</b>	Required: 50% Existing: 61.83%	<b>Front Yard Landscape Open Space</b>	Required: 40% Existing: 60.78%
Surrounding Properties / Zoning			
<b>North</b>	1255 N Lake Way   Residence / R-B		
<b>South</b>	1237 N Lake Way   Residences / R-B		
<b>East</b>	1241 N Lake Way   Residence / R-B		
<b>West</b>	Intercoastal Waterway		



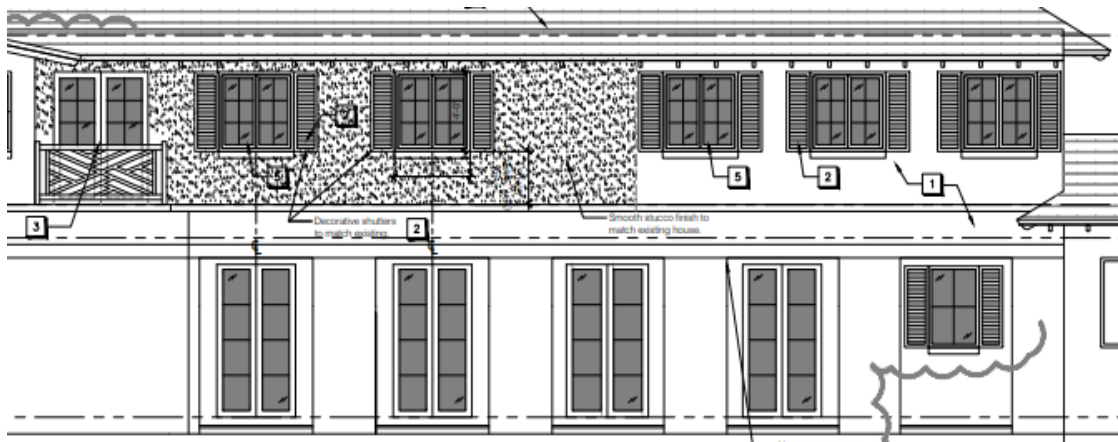
***EXISTING CONDITIONS***

### **STAFF ANALYSIS**

A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and requires one (1) variance—to exceed the maximum allowable Cubic Content Ratio (CCR). The property is situated on a 13,826 SF lot with 4,551SF under air. The first floor has an existing 277 SF covered loggia and a 588 SF second floor balcony. The applicant requests to enclose both the ground floor loggia and second floor balcony to enclosed air-conditioned interior space. The footprint of the home, as well as all open space calculations, will not be altered. The enclosures will trigger a variance to exceed the maximum for CCR.



***PREVIOUSLY PROPOSED SOUTH ELEVATION***



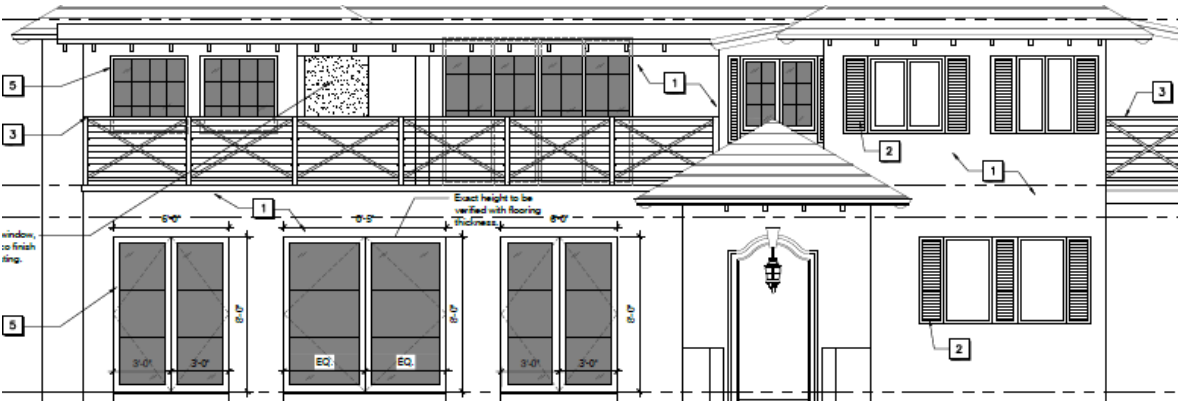
***CURRENTLY PROPOSED SOUTH ELEVATION***

The work area is positioned within the interior of the lot. On the first floor, there is a 397 square foot covered patio and a 277 square foot covered loggia. The proposal involves enclosing the 397 square foot patio to create a new living area approximately 11' x 32'. The west loggia will remain open air west of the existing swimming pool. On the second floor, the 588 square foot covered balcony will be enclosed to form an interior hallway providing access to the bedrooms. The current CCR calculations are at 3.963 of the 3.93 permitted—which is already slightly above the allowance. Should this project be approved, there will be an increase to 4.14 CCR. It should be noted that CCR requirements of the Town code were implemented after construction of the residence.

Code Section	Required	Proposed	Variance
Variance 1: Section 134-893(13)	3.93 maximum allowable CCR	4.14 CCR	.21 CCR

Following the deferral at the July hearing, the applicant has refined the proposed palette and material selections, aligning with the feedback provided. The previously approved shutter color, "Raccoon Fur" by Benjamin Moore, has been substituted with a more historically aligned tone, "Colonial Blue," also by Benjamin Moore. Additionally, the treatment of the window and door frames has shifted from the initial proposal of paint to white oak stain, harmonizing with the garage and front doors.

The east elevation now features the introduction of horizontal muntins on the nano door, contributing to a visually integrated design language. The balcony railings have been modified, moving away from the prior 42-inch white cross design to a more elegant and proportionally balanced 36-inch white Chippendale motif, providing a subtle yet distinguished architectural enhancement.



PREVIOUSLY PROPOSED EAST ELEVATION



CURRENTLY PROPOSED EAST ELEVATION

**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) motion to be made by the Town Council:

1. for final determination of approval or denial of the variance by the Town Council, and that the variance **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:SCP