



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 (ARCOM) and Town Council

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

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

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

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 the maximum allowable cubic content (CCR). The Architectural Commission (ARCOM) shall perform the design review of the application.

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 (CCR). Town Council shall review the application as it pertains to zoning relief/approval.

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. At the August 28, 2024, ARCOM meeting, the Commission approved (6-1) the first-floor expansion and enclosure of a second-floor balcony with conditions (see below). Additionally, the Commission approved (5-2) that the implementation of the proposed variances would not negatively affect the architecture.

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:

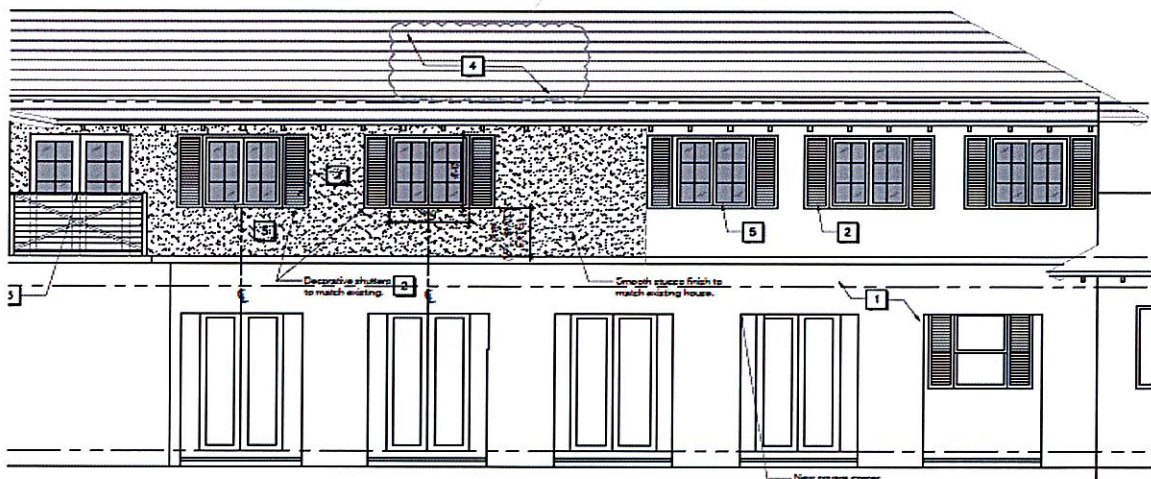
- **Variance 1:** Sec. 134-893(13): A variance to exceed the maximum allowable cubic content ratio (CCR) to 4.14 in lieu of the 3.96 permitted.

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

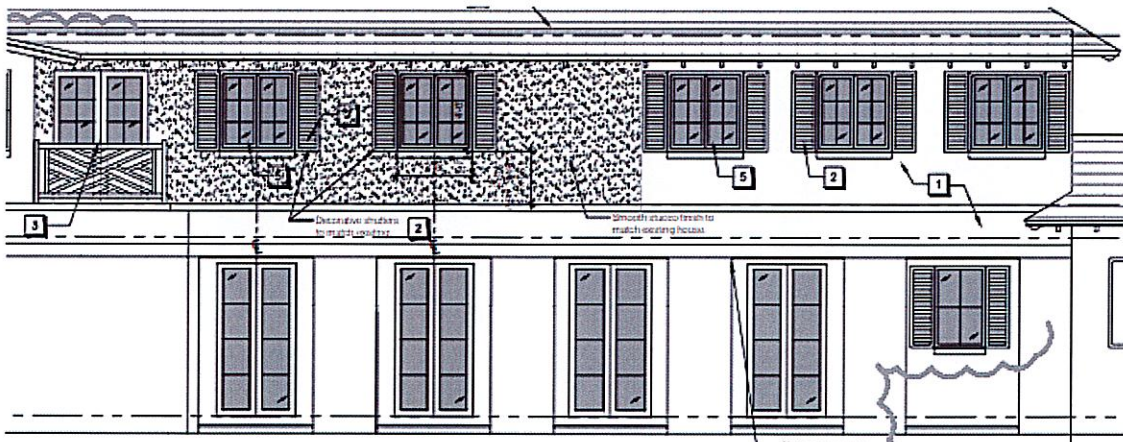


EXISTING CONDITIONS
STAFF ANALYSIS

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 4,551 SF 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



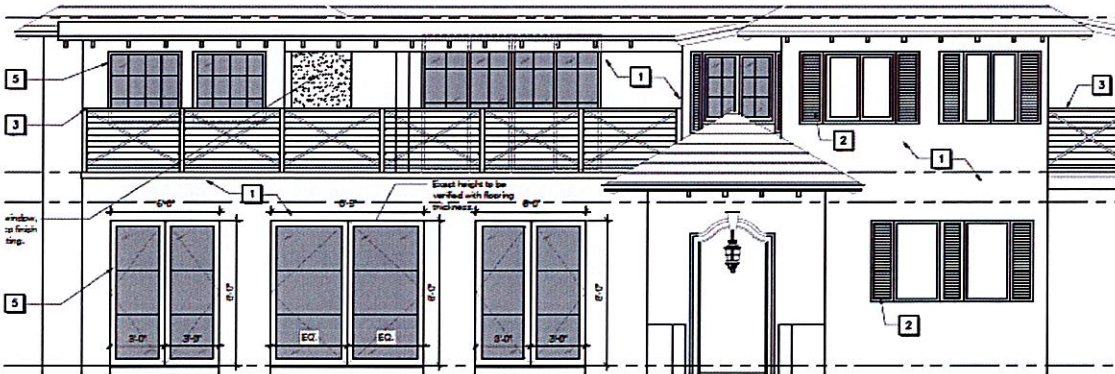
CURRENTLY PROPOSED SOUTH ELEVATION

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.

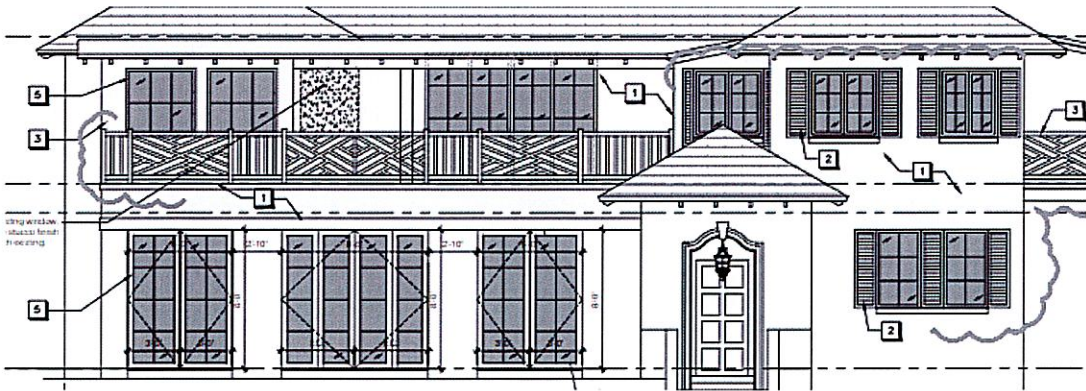
Code Section	Required	Proposed	Variance
Variance 1: Section 134-893(13)	3.93 maximum allowable CCR	4.14 CCR	.21 CCR

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

The applicant received approval at the August 28, 2024, ARCOM meeting with a vote of (6-1) with commissioner Connaughton dissenting. The following conditions we made as part of the Development Order:

1. Applicant shall retain the arches on the first floor at the open loggia and new enclosure on the east.
2. Applicant shall remove the shutters above the front door.
3. Sconces shall be revised.
4. Applicant shall submit an administrative application with all required revisions to be reviewed by the ARCOM Chair.

The commission also found that implementation of the proposed variances would not cause negative architectural impact to the subject property with a vote of (5-2) with commissioners Smith and Connaughton dissenting.

CONCLUSION:

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