



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 *WLB*
Director PZ&B

SUBJECT: ARC-24-0029 (ZON-24-0023) 242 PARK AVE

MEETING: SEPTEMBER 25, 2024 ARCOM
OCTOBER 09, 2024 TC

ARC-24-0029 (ZON-24-0023) 242 PARK AVE (COMBO). The applicant, Rhonda Nasser, has filed an application requesting Architectural Commission review and approval for modifications to first floor fenestration and the addition of a swimming pool, requiring variances for pool setback, pool equipment setbacks, and pool equipment screening. The Town Council shall review the application as it pertains to zoning relief/approval.

ZON-24-0023 (ARC-24-0029) 242 PARK AVE (COMBO) – VARIANCES. The applicant, Rhonda Nasser, has filed an application requesting Town Council review and approval of four (4) variances for (1) a reduced swimming pool side-yard setback, (2) a reduced pool pump and filter side yard setback, (3) a reduced pool heater side yard setback, and (4) to forgo the requirement of a pool heater to be screened with a masonry wall. The Architectural Commission (ARCOM) shall perform design review of the application.

Applicant: Rhonda Nasser
Design: Daniel Clavijo

HISTORY:

This application was originally reviewed by ARCOM at the August 28, 2024 hearing. The commission deferred the project for one month with direction to explore the reduction of variances and retain the arrangement of fenestration on the street facing front façade.

THE PROJECT:

The applicant has submitted plans, entitled "RHONDA NASSER 242 PARK AVE" as prepared by Daniel Clavijo (not indicated on plans), uploaded to the Town September 10, 2024.

The following scope of work is proposed:

- Modify first floor fenestration at west side.
- Addition of plunge pool, requiring variances.

The following Special Exception, Site Plan Review, and/or Variance(s) are required to complete the project:

- **VARIANCE 1:** Sec. 134-1757: A variance to reduce the required setback for a swimming pool with a 3'-0" west side-yard setback in lieu of the 10'-0" swimming pool side-yard setback required.
- **VARIANCE 2:** Sec. 134-1728(c)(1): A variance to reduce the required setback for

swimming pool pump and filter equipment with a 2.58' west side setback, in lieu of the 5'-0" side setback required.

- **VARIANCE 3:** Sec. 134-1728(c)(2): A variance to permit swimming pool heater equipment with a 2.58' west side setback, in lieu of the 10'-0" setback required.
- ~~**VARIANCE 4:** Sec. 134-1728(c)(7): A variance to forgo the requirement of a swimming pool heater to be completely screened by a concrete wall as high as the heater by not providing a concrete wall.~~
 - a. *Previously requested variance has been eliminated with redesign.*

Site Data			
Zoning District	R-C	Future Land Use	Multi-Family Moderate Density
Lot Size	Required: 10,000 sf Existing: 3,500 sf	Crown of Road	2.4' NAVD
Lot Depth	75'	Lot Width	50'
Lot Coverage	Permitted: 30% (1,050 SF) Existing: 41.77% (1462 SF)	Side Yard Setback	Required: 10' Existing: 4.8'(W) & 4.7' (E)
Front Yard Setback:	Required: 25' Existing: 14.6'	Rear Yard Setback	Required: 15' Existing: 2.8'
Swimming Pool Setback	Required: 10' side Proposed: 3' side VARIANCE REQUESTED	Pool Equipment Setback	Required: 5' side (pump & filter) 10' side (heater) Existing/Proposed: 2.5' side VARIANCE REQUESTED
Surrounding Properties / Zoning			
North	253 Park Ave Residence / R-C		
South	235 Sunrise Ave Condo-Hotel (The Palm Beach Hotel Condominium) / C-TS		
East	240 Park Ave Public Park (Park Ave Mini-Park) / R-C		
West	248 Park Ave Residence / R-C		

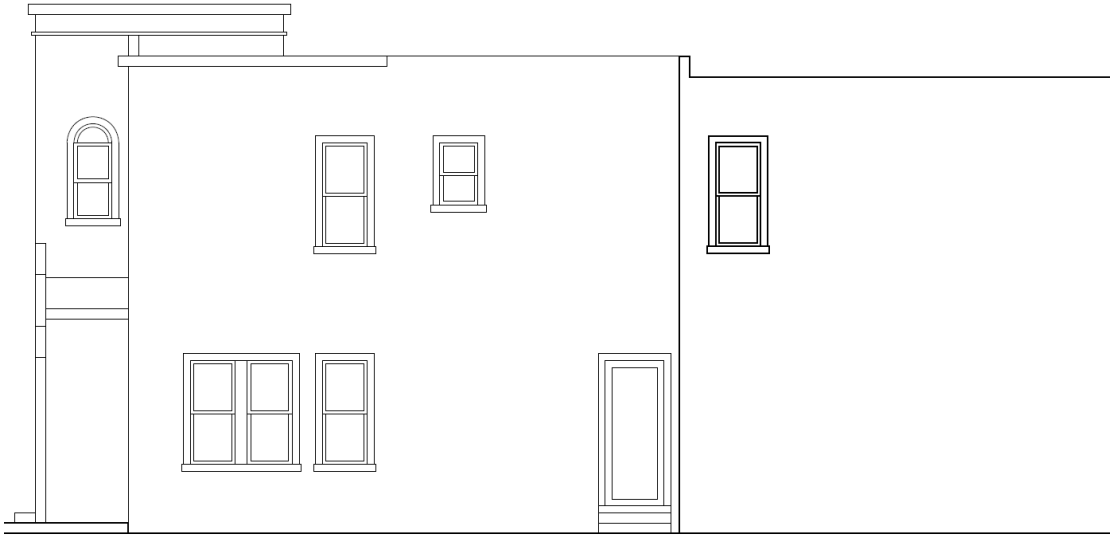
STAFF ANALYSIS

The applicant is proposing first floor fenestration modifications to the existing residence, as well as a new plunge pool. A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and requires three (3) variances to achieve the application as proposed.

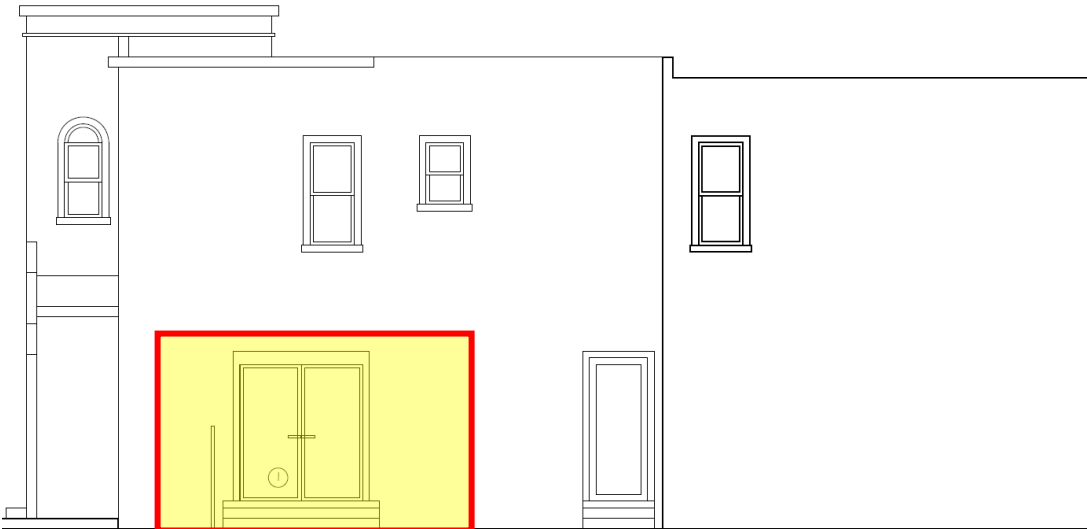
The subject property is located on the south side of Park Avenue abutting The Palm Beach Hotel and a town owned park. The site is composed of the entirety of Bungalow Addition Lot 42, however, the parcel is nonconforming in width, depth and area and subsequently the existing improvements are nonconforming to lot coverage and landscape open space requirements under the current zoning code.

The applicant has resubmitted plans addressing comments of the commission from the August hearing. The arrangement of fenestration on the first floor street facing façade is proposed to remain. The applicant has resubmitted plans which now proposed modification to the west façade of the main massing to provide new glass doors which will open to the proposed new swimming pool. The changes are not readily visible from the Park Avenue right-of-way due to an opaque

fence fronting Park Avenue with tall, dense plantings behind.



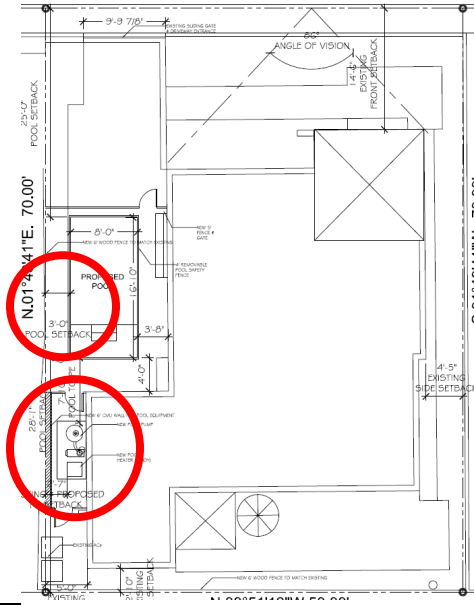
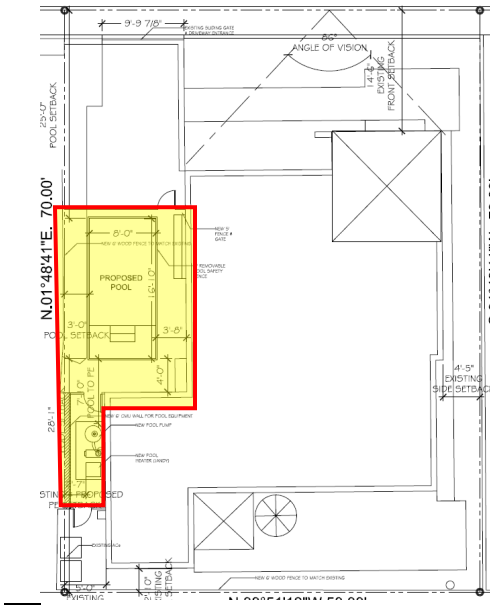
Existing west elevation.



Proposed west elevation.

In addition to the fenestration alterations, the applicant also proposes the installation of a small plunge pool in front of the house. The placement of the pool is 25'-0" from the front property line and out of the required front yard setback. The swimming pool is proposed to replace the end segment of the existing driveway and a new 5'-0" high fence and gate will separate the pool area from the drive. The existing drive currently can park two (2) stacked vehicles. For a lot of this size, only one 9' x 18' parking space is required on site and the applicant proposes to maintain one parking space. The applicant affirms that the scope of work will not result in the loss of any existing open space, and that the swimming pool and any related hardscape improvements will occur within the current footprint of the existing driveway surface. As previously mentioned, the existing site features many nonconforming aspects, and leaves few options for this type of improvement. As a result, 3 variance requests must be granted for the scope of work as it relates to pool setback and equipment setback. The variance previously requested to forgo masonry wall screening for the pool heater has been eliminated in this resubmission.

Code Section	Permitted/Required	Proposed	Variance
<u>VARIANCE 1:</u> Sec. 134-1757	10'-0" side-yard for swimming pools.	3'-0" swimming pool side yard setback	7'
<u>VARIANCE 2:</u> Sec. 134-1728(c)(1)	5'-0" side-yard setback for swimming pool pumps and filters.	2.58' side yard setback for swimming pool pump and filter	2.42'
<u>VARIANCE 3:</u> Sec. 134-1728(c)(2):	Min 10' side-yard for swimming pool heaters.	2.58' side yard for swimming pool heaters	7.42'



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 four (4) variances 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