



**TOWN OF PALM BEACH**  
Planning, Zoning & Building Department  
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PLANNING, ZONING, & BUILDING DEPARTMENT  
PZ&B Staff Memorandum: Town Council Development Review

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

SUBJECT: ZON-24-0052 346 SEASPRAY AVE

MEETING: NOVEMBER 13, 2024 TC

**ZON-24-0052 346 SEASPRAY AVE – VARIANCE.** The applicant, Rafael Portuondo, has filed an application requesting Town Council review and approval of one (1) variance to reduce the rear yard setback for relocated air-conditioning compressor units for the Historic Significant Building (HSB).

Property Owner: Alessandra Branca  
Professionals: Rafael Portuondo / Portuondo-Perotti and Nievera Williams Design

**HISTORY:**

The Town's Historic Conversation Districts and the Historically Significant Building (HSB) program was adopted through Ordinance No. 02-2020 in August 2020. **The HSB designation of 346 Seaspray was completed in September 2020, as one of the first properties to obtain this type of designation.** The residence is located within the Mid-Town Conservation District. The residence was built by City Builders Realty Company in 1924. As indicated in the designation form: *"346 Seaspray Avenue is also important because it helps maintain the historic fabric of Seaspray Avenue, the Sea Streets, and the development of the town of Palm Beach."*

Based on permitting documentation, the front door on the north elevation was altered to a French door configuration in the 1970s.

At the August 26, 2020, Architectural Commission (ARCOM) meeting, a 161 square-foot addition to the existing loggia, an 877 square-foot two-story addition to the northeast side of the property for a new garage, an upper-level studio, and a 443 square-foot pool loggia addition to the east side of the property were approved per B-053-2020. At the October 21, 2020, Landmarks Preservation Commission (LPC) meeting, LPC approved these same modifications per H-001-2020.

At the September 9 and December 9, 2020, Town Council meetings, lot coverage, cubic content ratio (CCR), and flood plain variances (Z-20-00278) were granted to allow the proposed additions.

At the November 19, 2021, ARCOM meeting, ARC-21-069 was approved for exterior modifications to a previously approved landscape and hardscape plan, including driveway, driveway gates, and site walls.

On August 19, 2023, staff administratively approved A-22-02365 for revisions to the hardscape and landscape.

The subject application seeks to modify the scope of work approved under ARC-21-069 and H-001-2020 since work was completed on site that does not match the approvals. As an HSB property, these modifications must be reviewed and approved by the Landmarks Preservation Commission.

At the July 17, 2024, LPC meeting, HSB-24-0003 was approved for exterior modifications including revised railing designs, removal of shutters, hardscape and landscape changes, site wall revisions. At the hearing, the applicant withdrew the variance request for the relocation of mechanical equipment within the side yard which required a variance. At the August 12, 2024, Town Council meeting, ZON-24-0027 was approved to increase the site wall height in the side yard of the property.

#### **THE PROJECT:**

The applicant has submitted plans, entitled "SEASPRAY RESIDENCE", as prepared by **Portuondo-Perotti**, received by the Town on October 7, 2024.

The following is the scope of work for the Project:

- Relocation of air-conditioning compressor units.

The following variances are required to achieve the scope of work.

- **VARIANCE #1:** Reduce the rear yard setback for mechanical equipment required to 4'-7" in lieu of the 5'-0" minimum required.

Site Data			
Zoning District	R-B	Lot Size (SF)	18,375 SF
Future Land Use	SINGLE-FAMILY	Total Building Size (SF)	9,512 SF
FEMA Flood Zone	AE		
Year of Construction:	1924	Architect/Builder:	City Builders Realty Company

Surrounding Properties / Zoning	
North	335, 339, and 345 Seaspray Ave / R-B
South	241 Seaview Ave (Palm Beach Day School) / R-B
East	332 Seaspray Ave / R-B
West	350 Seaspray Ave / R-B

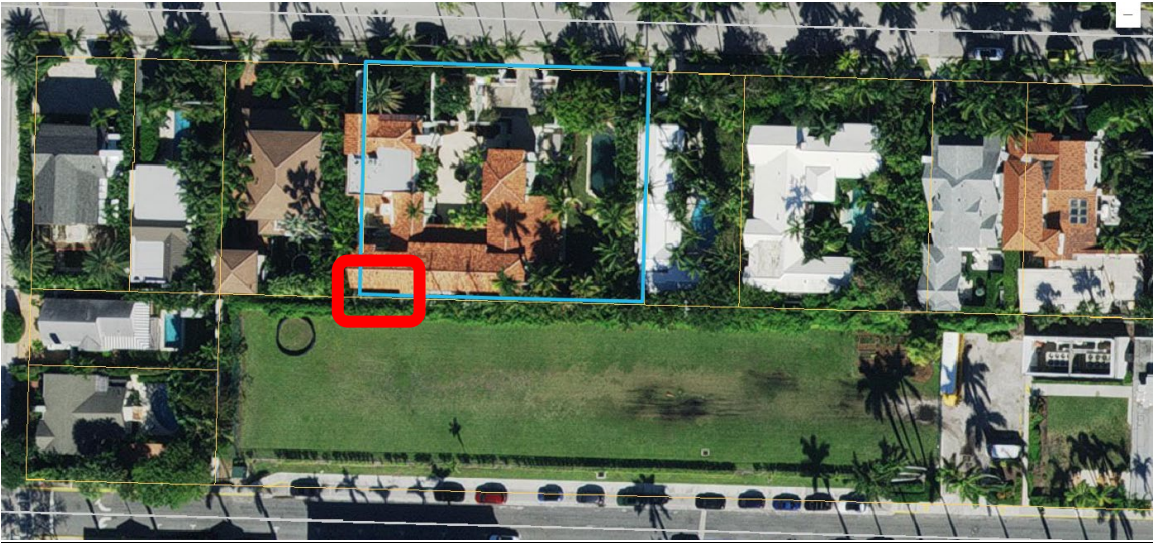
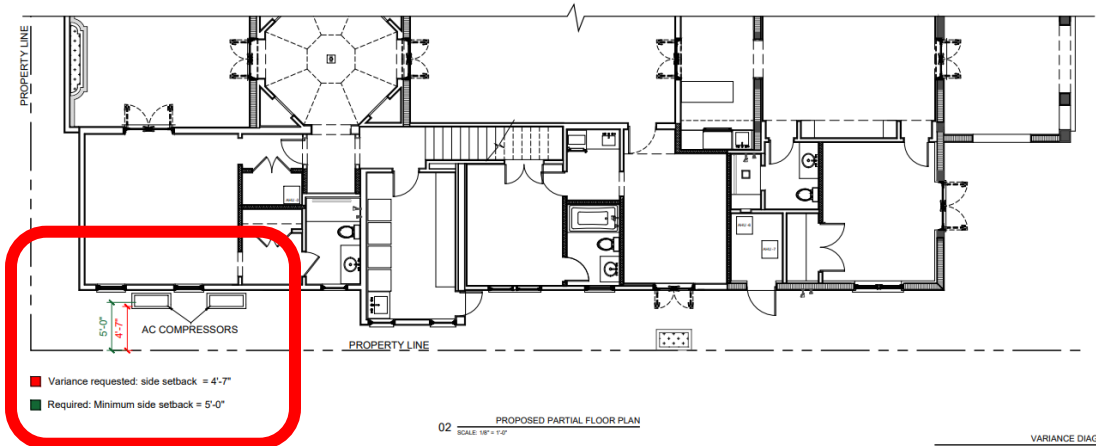
#### **STAFF ANALYSIS**

The application is seeking approval for the relocation of mechanical equipment (air-conditioning compressor units) within the rear yard setback.

#### **Variance**

One variance is being requested as summarized in the table and diagrams below:

Code Section	Required	Proposed	Variance
<b>Variance #1:</b> Sec. 134-1728(a)	5'-0" Mechanical Equipment Rear Yard Setback	4'-7" Mechanical Equipment Rear Yard Setback	<b>0'-3"</b>



The installation of the equipment will not negatively impact any abutting residential property, as the only abutting property to the south is the Palm Beach Day School. An existing concrete wall and landscaping buffers the proposal, albeit currently existing on the Day School's property.

**CONCLUSION:**

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: FHM: ALF