



**TOWN OF PALM BEACH**  
 Planning, Zoning & Building Department  
 360 South County Road  
 Palm Beach, FL 33480  
[www.townofpalmbeach.com](http://www.townofpalmbeach.com)

PLANNING, ZONING, & BUILDING DEPARTMENT  
 PZ&B Staff Memorandum: Town Council

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

SUBJECT: ZON-25-0015 401 WORTH AVE

MEETING: MAY 14, 2025

**ZON-25-0015 401 WORTH AVE –VARIANCE.** The applicant, 401 Worth Avenue Building Inc. Condominium Association, has filed an application requesting Town Council review and approval for one (1) variance to exceed the maximum wall height in order to install a generator screening wall higher than permitted.

Applicant: 401 Worth Avenue Building Inc. Condominium Association  
 Architecture: Nievera Williams  
 Representative: Maura Ziska

**HISTORY:**

An application (ZAON-24-0090) was recently reviewed and approved (5-0) by Town Council at the 2-12-2025 meeting for two (2) variances to reduce the required street side yard and the rear yard setback requirements to install a new 100KW generator with screen wall and landscaping in the required side yard of an existing of multi-family building in the RC district. At that time, the applicant was not aware of the required screening wall would exceed the maximum wall height allowance due to the elevation of the slab for the generator.

**THE PROJECT:**

The applicant has submitted plans, entitled "401 WORTH AVE PALM BEACH" as prepared by **Nievera Williams**, dated uploaded to the Town April 21, 2025.

The following scope of work is proposed:

- Screening wall.

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

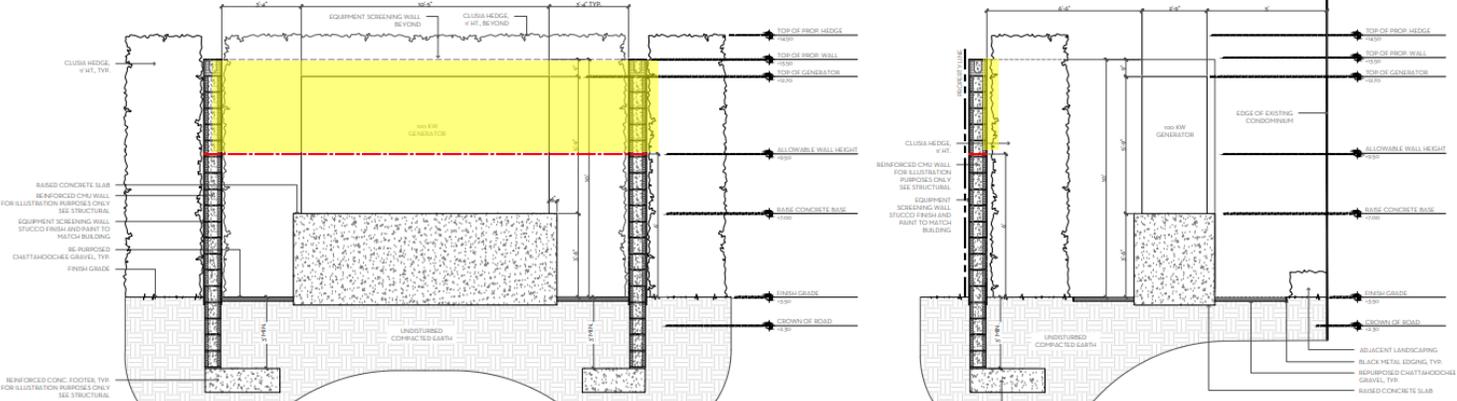
- **Variance 1:** SEC 134-1728(4) A variance to exceed the maximum wall by 3’ in order to install a generator screening wall at 10’ high where 7’ is permitted. Sec. 134-1669. The height of a wall or fence located in a side or rear yard shall be measured from the lowest grade on either side of the side or rear property line adjacent to said wall or fence to the top of the wall or fence and shall not exceed seven feet in height

Site Data			
Zoning District	R-C	Future Land Use	MULTI-FAMILY HIGH DENSITY
Grade	3.5’ NAVD	Base Flood Elevation	AE-7’
Lot Size	15,446 SF	Overall Landscape Open Space	21%

Surrounding Properties / Zoning	
North	Four-story multifamily / R-C
South	Everglades Club / C-WA
East	Three-story commercial office / C-WA
West	Six-story multifamily / R-D (2)

**STAFF ANALYSIS**

The subject property is an existing three-story multifamily building built in 1978. Sited on a lot with three street frontages (Peruvian Ave, Worth Ave, and Coconut Row) the proper front entrance faces Coconut Row. The applicant is installing a 100kW generator for the six-unit building in the southwest corner of the site requiring two variances (front and side) which were previously granted at the 2-12-2025 Town Council meeting. Due to low lying nature of the elevation of the lot and base flood elevation of AE-7 NAVD, the construction of the slab (8' NAVD) and the installation of the generator will result in a required screening wall higher than permitted by Code.



Code Section	Maximum Permitted	Proposed	Variance
<b>Variance #1:</b> Sec. 134-1669.	7'-0" Screening Wall Height	10'-0" Screening Wall Height	+ 3'-0" Height

Staff supports the variance and has identified this discrepancy between requiring a screening wall for mechanical equipments, wall height limitations and the requirement of setting these equipments at an elevation determined by the site's flood zone plus one, as a contradictory section of the current zoning code that needs to be corrected.

**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.