




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
Director PZ&B 
SUBJECT: ZON-25-0013 (ARC-25-0008) 401 BRAZILIAN AVE
MEETING: APRIL 23, 2025 ARCOM
MAY 14, 2025 TC

ARC-25-0008 (ZON-25-0013) 401 BRAZILIAN AVE (COMBO). The applicant, Marlene Perlmutter (Nievera Williams Design), has filed an application requesting Architectural Commission review and approval for sitewide landscape and hardscape improvements, with related setback variances for the placement of pool and mechanical equipment and reduction in required overall landscape open space. Town Council shall review the application as it pertains to zoning relief/approval.

ZON-25-0013 (ARC-25-0008) 401 BRAZILIAN AVE (COMBO) – VARIANCE(S). The applicant, Marlene Perlmutter (Nievera Williams Design), has filed an application requesting Town Council review and approval of three (3) variances related to sitewide landscape and hardscape improvements, including (1) a variance to place a generator within a street side setback and (2) a variance to place pool equipment within a a street side setback and (3) a variance for reduction in minimum overall landscape open space. The Architectural Commission (ARCOM) shall perform design review of the application.

Applicant: Marlene Perlmutter
Architecture: Nievera Williams Design

HISTORY:

The subject property was built in 2003 as a duplex structure along with its 403 Brazilian Avenue which has a shared wall between the two properties. They recently received a staff level approval for the addition of French doors and window replacements on the east façade under application ARCS-24-0424.

At the April 23, 2025 ARCOM meeting, the Commission approved (7-0) the project with the condition to place the niches on center with the architecture and add additional landscape the pool terrace. Additionally, the Commission motioned (7-0) that the implementation of the proposed variances would not negatively affect the architecture.

THE PROJECT:

The applicant has submitted plans, entitled "PRIVATE RESIDENCE" as prepared by **Nievera Willaims Design**, uploaded April 7, 2025.

The following scope of work is proposed:

- Sitewide landscape and hardscape modifications.
- Installation of a generator.

- Relocation of pool equipment.

The following Special Exception, Site Plan Review, and/or Variance(s) are required for the application:

- **VARIANCE 1:** Sec. 134-948: A variance for reduced landscape open space providing 27.3% in lieu of the 45% minimum landscape open space required.
- **VARIANCE 2:** Sec. 134-1728: A variance to install pool equipment within a street side setback at 10'6" in lieu of the 20' required.
- **VARIANCE 3:** Sec. 134-1729: A variance to place a generator within a street side setback at 4' in lieu of the 5' required.

Site Data			
Zoning District	R-C	Future Land Use	SINGLE-FAMILY
Lot Depth	125'	Lot Width	70'
Lot Size	7,840 SF	Overall Landscape Open Space	Required: 45% Existing: 26.9% Proposed: 27.3% Variance Requested
Front Landscape Open Space	Required: 40% Existing: % Proposed: 56.7%	Perimeter Landscape Open Space	Required: 50% Existing: 47.4% Proposed: 57.2%
Surrounding Properties / Zoning			
North	308 Cocoanut Row Residence / R-C		
South	330 Cocoanut Row Residences / R-C		
East	315 Cocoanut Row Residence / R-C		
West	403 Brazilian Ave Residence / R-C		

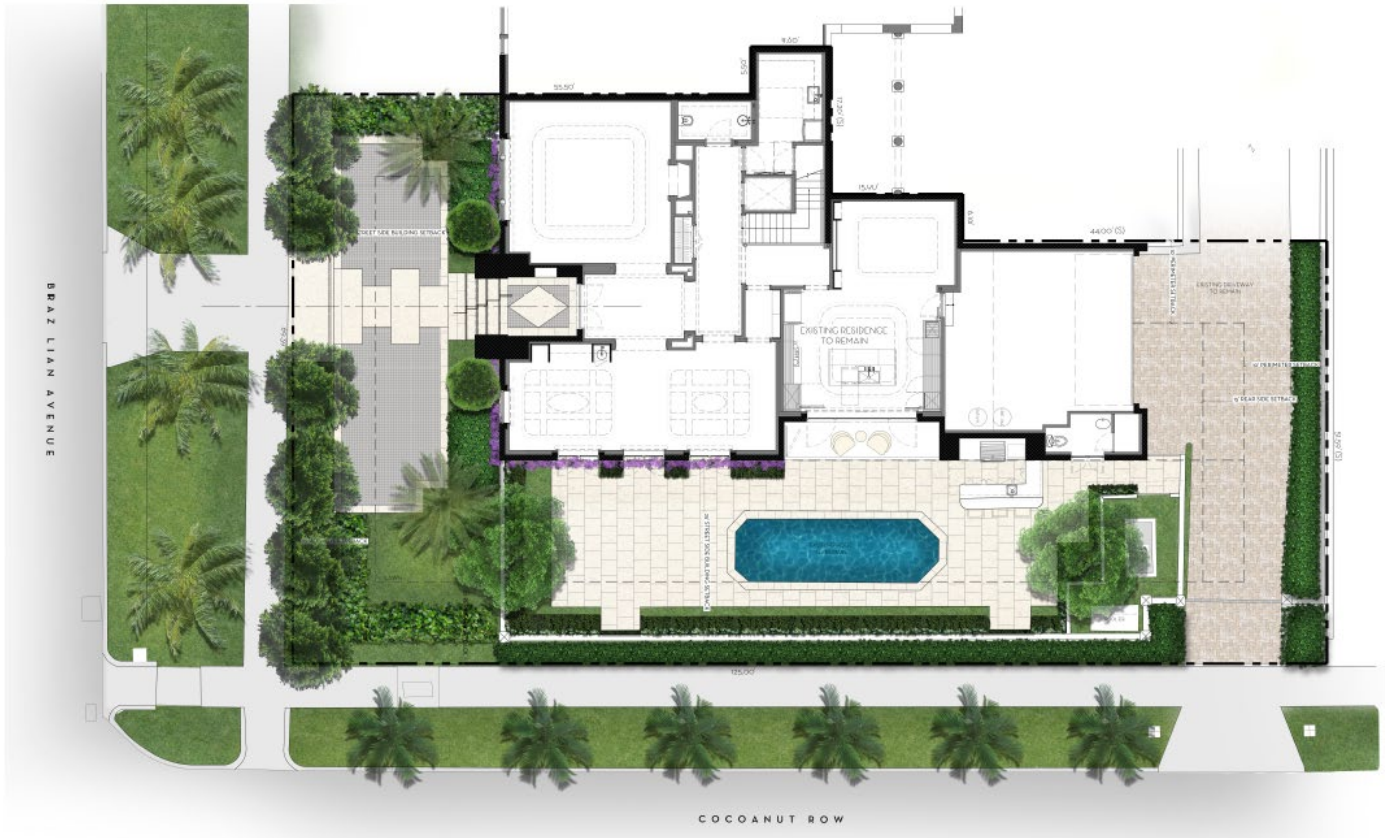
STAFF ANALYSIS

The property located at 401 Brazilian shares a common wall with the adjacent property at 403 Brazilian. This shared wall presents a natural constraint to achieving the required maximum landscape open space. Currently, the property provides 26.9% of the required 45% open space. The applicant has made efforts to address this limitation and, through proposed adjustments, has increased the landscape open space to 27.3% in the current application.

The proposed application includes several updates to both the landscape and hardscape elements of the property. At the front, the existing stone and gravel driveway will be removed and replaced with a new design featuring granite cobblestone and limestone. The existing ficus hedge will be replaced with a combination of Calophyllum trees and Clusia hedges.



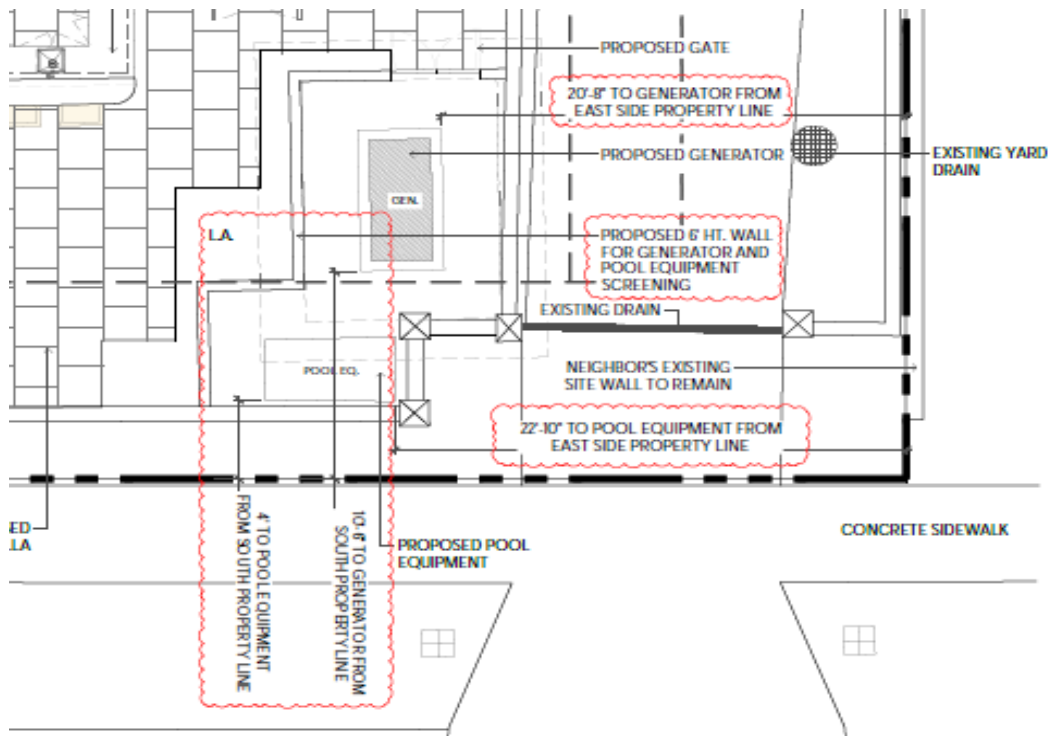
On the east side of the residence, the current terrace will also be removed and replaced with Shell Reef beige limestone—the same material used as a border in the front hardscape—to ensure a cohesive look throughout the property. This area will be enhanced with new plantings of green Buttonwoods and climbing vines.



VARIANCE REQUEST

A preliminary review of the project indicates that the proposed application does not comply with the Town's zoning code and requires three (3) variances to proceed as submitted. Two of the requested variances pertain to the relocation of pool equipment and the installation of a generator. Both pieces of equipment do not meet the minimum required setback distance from the property line along the side street. As noted in the application, the site's configuration—particularly its connection to the adjacent property to the west—limits placement options for the equipment.

Code Section	Required	Proposed	Variance
Sec. 134-948(11)(a)	Min LOS 45% in R-C Zoning District	27.3%	- 17.7%
Sec. 134-1728 (c)(5)	Min Street side yard setback for pool equipment= 20'	4'	16'
Sec. 134-1729	Generator shall not be placed in a street side setback. Street-side setback for corner lot in R-C is 25 feet.	10'-6"	15



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 **shall** or **shall not** cause negative architectural impacts to the subject property.

Approval of the project will require one (1) separate motion to be made by the Town Council:

1. for final determination of approval or denial of the (3) 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.