



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5430 • www.townofpalmbeach.com

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

TO: Mayor and Town Council

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

SUBJECT: ZON-21-005 (HSB-21-001)
251 Park Avenue

MEETING: November 10, 2021

ZON-21-005 (HSB-21-001) 251 Park Avenue (COMBO). The applicant, Patrick McGowan, has filed an application requesting Town Council review and approval for variances (1) to reduce the side (east) setback for a new trellis, (2) to reduce the front (south) setback for a new trellis, (3) to reduce the required side (east) setback for the installation of new pool, (4) to reduce the required rear (north) setback for the installation of new pool, (5) to further reduce the nonconforming open space requirement in the front yard, and (6) to exceed the maximum allowable lot coverage, in order to renovate and construct improvements to a historically significant building.

LPC NOTICE

HSB-21-001 (ZON-21-005) 251 Park Avenue (COMBO). The applicant, Patrick McGowan, has filed an application requesting Landmarks Preservation Commission review and approval for the renovation of and modifications to a historically significant building including the construction of a new loggia, minor architectural changes, and overall site work, including variances from the setback, lot coverage and open space requirements. The variance portion of the application shall be reviewed by Town Council.

Applicant: Patrick McGowan
Professional: Daniel Clavijo/SKA Architect+Planner
Representative: Maura Ziska

HISTORY:

At the October 20, 2021 LPC meeting, an application was approved for exterior modifications to the existing structure, pursuant to HSB-21-001. The Commission additionally recommended favorably on the six (6) variance(s) associated with project.

PROJECT DATA:

Zoning District: R-C

Historic Conservation District:

Flagler Conservation District

Style: Mission Revival

SURROUNDING PROPERTIES:

North: Two-story three unit multifamily residence

South: Town greenspace

East: Town greenspace

EXISTING PROPERTY:

Year: 1923

Architect: Eugene Bartholomew

First Floor Elevation: 7.7' NGVD

West: Two-story two unit multifamily residence

THE PROJECT:

The applicant has resubmitted plans, entitled "251 Park Avenue", as prepared by **Daniel Clavijo**, dated 09/07/2021.

- The renovation of an existing 1923 two-story structure.
- The construction of new trellis parking structure.
- The installation of a new pool.

The following Special Exceptions, Site Plan review and/or Variances required to complete the project, and shall be reviewed by Town Council:

- Section 134-948(6): East side setback of 0.25 feet in lieu of 10 foot minimum required for the trellis.
- Section 134-948(5): Front yard setback of 14.5 feet in lieu of the 25 foot minimum required for the trellis
- Section 134-948(9): Lot coverage of 47% in lieu of the 40% existing and the 30% minimum required.
- Section 134-1757: East setback of 3 feet in lieu of the 10 foot minimum required for the new swimming pool
- Section 134-1757: North setback of 6.5 feet in lieu of the 10 foot minimum required for the new swimming pool
- Section 134-948(11)e: Front yard landscaped open space of 23.9% in lieu of 33.4% existing and the 40% minimum required.

VARIANCES CRITERIA SEC. 134-201

The town council may authorize upon appeal such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this chapter will result in unnecessary and undue hardship. In order to authorize any variance from the terms of this chapter, the town council must and shall find the following:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
- (2) The special conditions and circumstances do not result from the actions of the applicant.
- (3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in this same zoning district.
- (4) Literal interpretation of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.
- (5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

- (6) For granting of a variance to sections 134-387 or 134-390 through 134-392, pertaining to the regulation of nonconforming uses, the following additional findings shall be made pertaining to the nonconforming use for which the variance is requested:
- a. It is the continuance of a unique hotel or residential use that has, for at least 15 years proven compatible with the surrounding uses; and
 - b. Neither rezoning to a district which would allow the use, nor inclusion of the subject use as a permitted or special exception use in the district would act to achieve the preservation of the subject use without opening the possibility of the incursion of uses incompatible with the immediately surrounding area and, further, such variance shall:
 1. Be granted only for the continuation of the same hotel or residential use; and
 2. Require the applicant to submit a declaration of use limiting the utilization of the property for which the variance was granted to the same use as that existing at the time the variance was granted.
- (7) The grant of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. In granting any variance, the town council may prescribe appropriate conditions and safeguards in conformity with this chapter. Upon granting a variance the town council may require the landowner to provide a declaration of use agreement which shall be recorded in the public records to ensure continuing compliance with town council imposed conditions of such grants. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

A preliminary review of the project indicates that the proposed use is **consistent** with the **multifamily** designation of the Future Land Use Map of the Comprehensive Plan.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the Town code:

The applicant is requesting the following variance(s):

- Variance 1: east side setback 0.25' in lieu of the required 10' for trellis
- Variance 2: east side yard setback of 3' in lieu of 10' required for swimming pool.
- Variance 3: north rear yard setback of 6.5' in lieu of 10' required for swimming pool.
- Variance 4: front yard landscape open space at 23.9% in lieu of 33.4% existing and 40% required
- Variance 5: Sec 134-948(5)a: Front yard setback of 14.5' for proposed trellis in lieu of 25' required
- Variance 6: to exceed lot coverage 47% in lieu 40% existing, 30% required.

STAFF ANALYSIS:

Town of Palm Beach Historic Conservation District Ordinance No. 02-2020 outlines the criteria for designation of a historically significant building and states that the building must be at least 50 years old and meet at least one criterion to justify the designation.

Staff has no objections to the proposed variance requests, as it pertains ancillary improvements addocaited with the retention and restoration of an existing 1923 two story structure. The proposal includes the adaptive re-use of the three-unit multifamily building and restoring the structure to a single family dwelling. To the benefit of the applicant, and the comfort of staff, the setback requests mostly impact the abutting property to the east which is Town-owned greenspace and therefore will not have any negative impact to an adjacent neighbor. The proposal was unanimously approved by the Landmarks Preservation Commission.