



TOWN OF PALM BEACH
Planning, Zoning & Building Department
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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-21-009 (ARC-21-043)
1230 South Ocean Boulevard

MEETING: November 10, 2021

ZON-21-009 (ARC-21-043) 1230 S OCEAN BLVD (COMBO). The applicant, 1230 LLC (Staci Rutman, manager) has filed an application requesting Town Council review and approval for a variance (1) to reduce by approximately 15' the required side setback requirement of 30' in order to construct a new loggia addition to the rear of the existing two-story residence.

ARCOM NOTICE

ARC-21-043 (ZON-21-009) 1230 SOUTH OCEAN BOULEVARD (COMBO). The applicant, 1230 LLC (Staci Rutman, manager) has filed an application requesting Architectural Commission review and approval for the construction of a new one-story covered loggia addition including a variances relating to setback requirements, and exterior modifications to a previously approved design including alterations to the windows, shutters and other features. The variance portion of the application shall be reviewed by Town Council.

Applicant: 1230 LLC (Staci Rutman, manager)
Professional: MP Design & Architecture
Representative: Maura Ziska

HISTORY:

At the October 27, 2021 ARCOM meeting, an application was approved (7-0) for a new one-story covered loggia addition to the existing structure, pursuant to ARC-21-043. The Commission additionally found that implementation of the proposed variance would not cause negative architectural impact to the subject property (7-0).

THE PROJECT:

The applicant has submitted plans, entitled "1230 LLC", as prepared by **MP Design & Architecture DESIGN**, dated 09/07/2021.

The following is the scope of work for the Project:

- The construction of a new 121 SF covered loggia at the southeast corner of house on the first floor, requiring setback variances. This addition will require a variance for side yard setback of 15'-8" in lieu of the required 30'. The existing house has a non-conforming setback of 15'-2" from the south property line.

- Modifications to some elevations and floor plans changes from the approved ARCOM submittal that affects all elevations, including change in some windows, shutters, stucco details and architectural features.

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

- Section 134-793 (8) Variance 1 to reduce by approximately 15' the required side setback requirement of 30' in order to construct a new 121 SF loggia addition to the rear of the existing two-story residence.

PROJECT DATA:

Zoning District: R-AA
Lot Size: 42,529 SF
Existing Lot Coverage: 19.6% (8,332 SF)
Proposed Lot Coverage: 22.4% (9,658 SF)
Permitted Lot Coverage: 25% (10,632 SF)
Base Flood Elevation: ZONE X

SURROUNDING PROPERTIES:

North: Two-story 1924 residence
South: Two-story 1998 residence
East: Two-story 1998 residence
West: Two-story 2011 residence

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 **single family use** is **consistent** with the **single family** 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 15' in lieu of the required side setback requirement of 30' for the attached loggia.

STAFF ANALYSIS:

Staff has no objections to the proposed variance request, as it pertains to the linear extension of a nonconforming side setback to accommodate a 121 SF loggia. It should be noted that the applicant has entered into an Agreement Letter with the neighboring property proffering certain conditions. The proposal was unanimously approved by the Architectural Commission, subject to the conditions in the agreement.