



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: Z-21-00390 (ARC-21-020)
300 North Lake Way

MEETING: December 15, 2021

Z-21-00390 (ARC-21-020) 300 N LAKE WAY (COMBO). The applicant, David and Constance Littman, has filed an application requesting Town Council review and approval for a variance to exceed the maximum allowed Cubic Content Ratio (CCR), in order to construct an approximate 1600 SF addition to an existing accessory structure.

ARCOM NOTICE:

ARC-21-020 (Z-21-00390) 300 N LAKE WAY (COMBO). The applicant, David and Constance Littman, has filed an application requesting Architectural Commission review and approval for the construction of an approximate 1600 SF one-story addition to an existing accessory structure, including variance from maximum allowed Cubic Content Ratio (CCR). The variance portion of the application shall be reviewed by Town Council.

Applicant: David Littman and Constance Littman
Professional: Jeff W. Smith/Smith Architectural Group
Representative: Maura Ziska

HISTORY:

August 25, 2021 – Project deferred to the November 19, 2021 ARCOM hearing at request of applicant. At the November 19, 2021 ARCOM meeting, an application was approved (6-1) for the construction of an approximate 1600 SF one-story addition to the existing structure, pursuant to ARC-21-020. The Commission additionally recommended favorably (7-0) on the variance associated with project.

THE PROJECT:

The applicant has submitted plans, entitled "300 North Lake Way", as prepared by **Smith Architectural Group, Inc.**, dated 11/19/2021.

The following is the scope of work for the Project:

- A 1,601 SF one-story addition onto an existing one-story guesthouse that will result in additional CCR.

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

- Variance request from code section 134-893(13) for a Cubic Content Ratio (CCR) of 4.75 in lieu of 4.49 existing and 4.5 maximum allowed.

PROJECT DATA:

Zoning District: R-B
Future Land Use: Single-Family
Lot Size: 65,504 SF
Existing Building Height: 35.5'
Permitted Overall Height: 30'
Proposed Lot Coverage: 24.86%
Permitted Lot Coverage: 30%
Base Flood Elevation: AE- 6
Existing Floor Area: 14,699 SF
Existing CCR: 4.49
Proposed CCR: 4.75
Permitted CCR: 4.5

EXISTING PROPERTY:

Year Built: 2002
Architect: Livingston Builders, Inc.
First Floor Elevation: 7.7' NGVD

SURROUNDING PROPERTIES:

North: Two-story 1963 single-family residence
South: Two-story 1990 single-family residence
East: Two-story 1955 single-family residence
West: Lake Worth Lagoon

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):

- Section 134-893 (13) Variance to exceed CCR to allow 4.75 CCR in lieu of 4.49 existing and 4.5 maximum allowed.

STAFF ANALYSIS

The 1601 SF one-story addition is located in the northwest portion of the site, compliant with setback requirements. The design elements of the addition match the existing residence and guesthouse with painted stucco walls, ornamentation and fenestration and slate roof, pediment detail and proportion. The existing guest house is 2,032 SF in size. The request for the additional 1601 SF is adding 79% more building to this structure. The new addition will further increase the nonconforming CCR for the site. At the November 19, 2021 ARCOM meeting, an application was approved (6-1) for the construction of an approximate 1600 SF one-story addition to the existing structure, pursuant to ARC-21-020. The Commission additionally recommended favorably (7-0) on the variance associated with project.