



**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-21-028 (COA-21-008)  
271 El Vedado Road

MEETING: December 15, 2021

**ZON-21-028 (COA-21-008) 271 EL VEDADO ROAD (COMBO).** The applicant, 271 EL VEDADO, LLC (Jay Krehbiel), has filed an application requesting Town Council review and approval of two variances (1) Chapter 50 for the required floor elevation for the new ground floor addition on a landmarked building to construct an approximately 640 SF addition with a finished floor of 4.19' NAVD in lieu of the required 7' NAVD and (2) a variance to locate pool equipment at 32' from waters edge in lieu of the required 25'.

**LANDMARKS NOTICE:**

**COA-21-008 (ZON-21-028) 271 EL VEDADO ROAD (COMBO).** The applicant, 271 EL VEDADO, LLC (Jay Krehbiel), has filed an application requesting a Certificate of Appropriateness approval for modifications to a previously approved COA including the construction of a new approximately 450SF one-story addition to the reconstructed two-story landmarked garage-guesthouse destroyed by fire in the rear of the property, new pool, patio, driveway, and landscaping, and minor renovations to the main house including replacement of all existing wood doors and windows, including a variance from Chapter 50 for the required floor elevation for the new ground floor addition and pool equipment separation distance. The variance portion of the application shall be reviewed by Town Council.

Applicant: 271 EL VEDADO, LLC (Jay Krehbiel)  
Professional: Jacqueline Albarron/SKA Architect+Planner  
Representative: Maura Ziska

**HISTORY:**

House was permitted on October 22, 1929 for the residence and garage. The architect of record is believed to be E.B. Walton. The landmarked garage-guest house accessory building, destroyed by fire in the fall of 2019, will be reconstructed 6' to the East and 1.83' to the South of the original footprint in order to conform to the rear 15' setback. At the November 17, 2021 LPC meeting, an application was approved for exterior modifications to the existing structure, pursuant to COA-21-008. The Commission additionally recommended favorably on the variance(s).

**THE PROJECT:**

The applicant has submitted plans, entitled "KREHBIEL RESIDENCE", as prepared by SKA ARCHITECT+PLANNER, dated 11/17/2021.

The following is the scope of work for the Project:

- The construction of the garage-guest house with a finished floor elevation of 4.19' NAVD for the 640 SF first floor non-garage area to match the finished floor of the existing main house, which will require a flood plain variance. The finished floor of the original garage-guest house was 3.09' NAVD.

The following Special Exceptions and Variances required to complete the project

1. New ground floor addition requires requested variance of required floor elevation (floodplain variance) Sec. 50-116 – Considerations for issuance of variances. Sec 50-117 – Conditions for issuances of variances.
2. Variance to relocate the existing pool equipment further from a swimming pool then allowed by code and thus requesting a variance for the equipment to be 32' from the pool, in lieu of the required 25'.

**PROJECT DATA:**

Zoning District: R-A  
Future Land Use: Single-Family  
Lot Size: 17,500 SF  
Proposed Height: 23.27'  
Permitted Height: 35'  
Proposed Lot Coverage: 23.6% (4139SF)  
Permitted Lot Coverage: 25% (4375 SF)  
Base Flood Elevation: AE-6 NAVD  
Finished Floor Elevation: 4.19' NAVD  
Garage Floor Elevation: 3.68' NAVD

**EXISTING PROPERTY:**

Year Built: 1926

**SURROUNDING PROPERTIES:**

North: Two-story 1925 residence  
South: Two-story 1993 residence  
East: Two-story 1927 residence  
West: Two-story 1962 residence

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**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.

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**VARIANCES CRITERIA Sec. 50-116. Considerations for issuance of variances**

In reviewing requests for variances, the town council shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this chapter, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the community;
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- (6) The compatibility of the proposed development with existing and anticipated development;
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

**VARIANCES CRITERIA Sec. 50-117. - Conditions for issuance of variances.**

Variances shall be issued only upon:

- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this chapter or the required elevation standards;

- (2) Determination by the town council that:
  - a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
  - b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
  - c) The variance is the minimum necessary, considering the flood hazard, to afford relief;
- (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
- (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

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**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 from Chapter 50 as it pertains to the finished floor elevation.
- Section 134-1728 (c)(6) Variance 1 to exceed the distance separation of 25' for the pool equipment from the water's edge if located within a required yard setback.

**STAFF ANALYSIS:**

Staff has no objections to the proposed variance requests. The proposal was unanimously approved by the Landmarks Preservation Commission.