



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-21-029 (HSB-21-003 aka COA-21-021)
215 Seaspray Avenue

MEETING: December 15, 2021

ZON-21-029 (HSB-21-003 aka COA-21-021) 215 SEASPRAY AVENUE (COMBO). The applicant, 215 Seaspray Ave LLC, has filed an application requesting Town Council review and approval for a variance from Chapter 50 for the required floor elevation for the new ground floor addition on a historically significant building to construct a ground floor addition with a finished floor of 5.13' NAVD in lieu of the required 7' NAVD. The structure is a historically significant building.

LANDMARKS NOTICE:

HSB-21-003 aka COA-21-021 (ZON-21-029) 215 SEASPRAY AVENUE (COMBO). The applicant, 215 Seaspray Ave LLC, 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 two-story addition in the rear of the structure, including a variance from Chapter 50 for the required floor elevation for the new ground floor addition, minor architectural changes, and overall site work. The variance portion of the application shall be reviewed by Town Council.

Applicant: 215 Seaspray Ave LLC
Professional: Kristin Kellogg/Smith Kellogg Architecture Inc.
Representative: N/A

HISTORY:

At the November 17, 2021 LPC meeting, an application was approved for exterior modifications to the existing structure, pursuant to COA-21-021 ~~HSB-21-003~~. The Commission additionally recommended favorably on the variance(s) associated with the project. The subject property is now 'under consideration' for landmark consideration during the 2021-2022 designation season.

THE PROJECT:

The applicant has submitted plans, entitled "215 Seaspray Avenue", as prepared by **Smith Kellogg Architecture Inc.**, dated 10/4/2021. Applicant is requesting a renovation including construction of a two story addition in the rear of the structure.

The following is the scope of work for the Project:

- The renovation of and modifications to a historically significant building including the construction of a new two-story addition in the rear of the property.

The following Special Exceptions and Variances required to complete the project:

- New ground floor addition requires requested variance of required floor elevation (floodplain variance). Sec. 50-116. - Considerations for issuance of variances and Sec. 50-117. - Conditions for issuance of variances

PROJECT DATA:

Zoning District: R-B
Future Land Use: Single-Family
Lot Size: 6,125 SF
Proposed Height: 22'
Permitted Height: 30'
Proposed Lot Coverage: 1514 SF
Permitted Lot Coverage: 30%(1837 SF)
Base Flood Elevation: AE-6 NAVD
Finished Floor Elevation: 5.13' NAVD

EXISTING PROPERTY:

Year Built: 1928
Architect: E.B. Walton

SURROUNDING PROPERTIES:

North: Two-story 2009 residence
South: Two-story 1925 residence
East: Two-story 1925 residence
West: Two-story 1924 residence

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.

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.

STAFF ANALYSIS:

Staff has no objections to the proposed floodplain variance requests, as it pertains with the new ground floor addition on a historically significant building to construct a ground floor addition with a finished floor of 5.13' NAVD in lieu of the required 7' NAVD. The proposal was unanimously approved by the Landmarks Preservation Commission.