



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-22-003 (COA-21-020)
127 ROOT TRAIL

MEETING: January 12, 2022



ZON-22-003 (COA-21-020) 127 ROOT TRAIL (COMBO)—VARIANCES. The applicants, David and Catherine Brooker, have filed an application requesting Town Council review and approval for variances (1) to reduce the required setback for a pool heater, (2) to reduce required setback for pool equipment, and (3) to eliminate the requirement to provide two on-site parking spaces.

LANDMARKS NOTICE:

COA-21-020 (ZON-22-003) 127 ROOT TRAIL (COMBO). The applicants, David and Catherine Brooker, have filed an application requesting a Certificate of Appropriateness approval for modifications to a previously approved COA, including the removal of a subterranean parking level and variances from on-site parking requirements and the setback requirements for pool equipment. The variance portion of the application shall be reviewed by Town Council.

Applicant: David & Catherine Brooker
Professional: SKA Architect & Planner
Representative: Maura Ziska, Esq.

HISTORY:

At the January 2021 meeting, the LPC unanimously approved Certificate of Appropriateness COA-005-2021 for renovations, additions, and modifications to the existing structure and site, and made a positive recommendation to Town Council for variances related to the proposed scope of work. The following variances were previously approved in February 2021, pursuant to Z-20-00321:

- Section 134-948(5): a front yard setback of 1.1 feet in lieu of the 25 foot minimum required in the R-C Zoning District;
- Section 134-948(6): a west side yard setback of 4.5 feet in lieu of the 10 foot minimum required in the R-C Zoning District;
- Section 134-948(6): an east side yard setback of 1.1 feet in lieu of the 10 foot minimum required in the R-C Zoning District;
- Section 134-948(7): a rear yard setback of 3 feet in lieu of the 15 foot minimum required in the R-C Zoning District; Section 134-948(9): a lot coverage of 49.24% in lieu of the 30% maximum allowed in the R-C Zoning District; Section 134-948(11): a landscaped open space of 40.79% in lieu of the 45% minimum required in the R-C Zoning District;

- Section 134-1728: allow two air conditioning unit with a west side yard setback of 1.75 feet in lieu of the 5 foot minimum required;
- Section 134-1668: to allow a sliding driveway gate with a .67 foot setback from the edge of pavement in lieu of the 18 foot minimum required.
- Section 134-17 57: to allow a 3.5 foot rear yard setback for the proposed swimming pool in lieu of the 10 foot minimum required; and
- Section 134-1757: to allow a 4 foot east side yard setback for the proposed swimming pool in lieu of the 10 foot minimum required.

At the December 22, 2021 LPC meeting, an application was approved (7-0) for the application, pursuant to COA-21-020. The Commission additionally recommended favorably on the variance associated with project (7-0).

THE PROJECT:

The applicant has submitted plans, entitled "PROPOSED RENOVATIONS FOR: MR. & MRS. BROOKER", as prepared by Patrick Segraves, dated 10/11/2021.

The following is the scope of work for the existing two-story residence:

- The original approval of the project included a basement where pool equipment and a required off-street parking space would be located. The applicant no longer wishes to pursue construction of the basement due to feasibility triggering the need for variances for the newly proposed location of pool equipment and due to the elimination of an off-street parking space.

The following Variances are required to complete the project:

- VARIANCE 1: Sec 134-2176(1): Request for a variance to allow one parking space on site in lieu of the two parking spaces required for dwelling units that are 3,000 square feet or less
- VARIANCE 2: Sec 134-1728(c): Request for a variance to have swimming pool equipment with a 1.75 foot setback in lieu of the 10 foot minimum setback required.

Site Data			
Zoning District	R-C Medium Density Res.	Lot Size (sq ft)	2943 SQ FT
Future Land Use	SINGLE FAMILY	Total Building Size (sq ft)	1182 SQ FT (Footprint)
C-O-R	N/A	Flood Zone	N/A
Finished Floor Elevation	14.50' NAVD	Max Fill	N/A
Project			
	Required/Allowed	Existing	Proposed
Lot Coverage	30% max	49.24%	40.15%
Building Height	23.5'	19'	19'
Overall Building Height	31.5'	26.16'	26.16'

Point of Measure	7' NAVD Min	14.50' NAVD	14.50' NAVD
Landscape Open Space (LOS)	45%	40.79%	40.79%
Native Plant Species %	N/A	N/A	N/A
Cubic Content Ratio (CCR)	N/A	N/A	N/A

*If value is not applicable, N/A

*If value is not changing, N/C

Surrounding Properties / Zoning	
North	1964 Single-Family Residence
South	1923 Single-Family Residence
East	1920 Single-Family Residence
West	1926 Single-Family 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:

- VARIANCE 1: Sec 134-2176(1): Request for a variance to allow one parking space on site in lieu of the two parking spaces required for dwelling units that are 3,000 square feet or less.
- VARIANCE 2: Sec 134-1728(c): Request for a variance to have swimming pool equipment with a 1.75 foot setback in lieu of the 10 foot minimum setback required.

STAFF ANALYSIS:

A previous approval of a basement can no longer proceed due to structural concerns. While no perceivable differences exist from the previous approval, with the elimination of the basement, which included a garage, a parking variance and pool equipment/heater setback are requested. At the December 22, 2021 LPC meeting, an application was approved (7-0) for the application, pursuant to COA-21-020. The Commission additionally recommended favorably on the variance associated with project (7-0).

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