



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-22-006 (ARC-21-095) 432 SEABREEZE AVE (COMBO)

MEETING: February 09, 2022

ZON-22-006 (ARC-21-095) 432 SEABREEZE AVE (COMBO)—VARIANCES. The applicant Bijon Memar, has filed an application requesting Town Council review and approval for modifications and an addition to the existing residence, requiring variances for lot coverage and retention of existing nonconforming side yard and rear yard setbacks.

ARCOM NOTICE:

ARC-21-095 (ZON-22-006) 432 SEABREEZE AVE (COMBO). The applicant, Bijon Memar, has filed an application requesting Architectural Commission review and approval for modifications to the exiting residence including window and door replacements, roof changes, and new covered loggia, including variances from lot coverage and setback requirements. The variance portion of the application will require review and approval by Town Council.

Applicant: Bijon Memar
Professional: Smith Kellogg Architecture, Inc
Representative: N/A

HISTORY:

At the April 11, 1990 Town Council meeting, an application was approved for variances for the construction of a new two-story garage addition to the existing structure, pursuant to Zoning Variance 16-90.

The item is scheduled to be heard at the January 26, 2022 ARCOM meeting for modifications to the exiting residence including window and door replacements, roof changes, and new covered loggia including variances.

THE PROJECT:

The applicant has submitted plans, entitled "Addition and Alterations to: 432 Seabreeze Avenue", as prepared by **Smith Kellogg Architecture, Inc**, dated 12/06/21.

The following is the scope of work for the Project:

- The renovation of the interior, modify window/door openings.
- Change roofing material.

- Replace and modify shutters, railing and trim.
- Construction of aa new exterior covered loggia to the ground floor.

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

1. Variance 1: Section 134-893(11)b. Lot Coverage – Maximum lot coverage exceeded.
2. Variance 2: Section 134-894(9)a Rear Yard Setback – Roof height increasing in nonconforming rear yard setback.
3. Variance 3: Section 134-893(7)a Side Yard Setback – Roof height increasing in nonconforming side yard setback.

Site Data			
Zoning District	R-B Low Density Res.	Lot Size (sq ft)	11,638 SF
Future Land Use	SINGLE-FAMILY	Total Building Size (sq ft)	5,252 SF
C-O-R	N/A	Flood Zone	AE 6
Finished Floor Elevation	4.27' NAVD	Max Fill	N/A
Architect of Record:	Henry Harding	Year of Construction:	1937
Project			
	Required/Allowed	Existing	Proposed
Lot Coverage	30% max	30.57% (3,558 SF)	33.35% (3,882 S)
Building Height	22'	17'-8"	same
Overall Building Height	30'	23'-10"	same
Point of Measure	4.27' NAVD	4.27' NAVD	4.27' NAVD
Landscape Open Space (LOS)	45%	48%	50%
Native Plant Species %	25%	N/A	33%
Cubic Content Ratio (CCR)	3.98	3.89	3.96

*If value is not applicable, N/A

*If value is not changing, N/C

Surrounding Properties / Zoning	
North	Two-story 1924 single-family residence
South	Two-story 1936 single-family residence
East	Two-story 1935 single-family residence
West	Two-story 1924 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 **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: Section 134-893(11)b. Lot Coverage – Maximum lot coverage exceeded.

- Variance 2: Section 134-894(9)a Rear Yard Setback – Roof height increasing in nonconforming rear yard setback.
- Variance 3: Section 134-893(7)a Side Yard Setback – Roof height increasing in nonconforming side yard setback

STAFF ANALYSIS:

The applicant is proposing 324 SF addition to the rear of an existing 1937 two-story residence resulting in a lot coverage and side yard setback. Additionally, the reroofing of the project, specifically to the attached rear portion of the structure triggers a need for a rear setback variance to establish the nonconformity.