



**TOWN OF PALM BEACH**  
Planning, Zoning & Building Department  
360 South County Road  
Palm Beach, FL 33480  
(561) 838-5430 • [www.townofpalmbeach.com](http://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-22-027 (ARC-22-038) 225 INDIAN RD (COMBO)

MEETING: March 09, 2022

**ZON-22-027 (ARC-22-038) 225 INDIAN ROAD (COMBO)—VARIANCES.** The applicant, White Oak, LLC, a Wyoming LLC, as Trustee for 225 Trust u/a/d 12/13/2019 (Dennis Walsh, Trust Officer), has filed an application requesting Town Council review of a variance for a loggia addition with stair case, to encroach into a required setback. ARCOM will perform design review of the application.

**ARCOM NOTICE:**

**ARC-22-038 (ZON-22-027) 225 INDIAN ROAD (COMBO).** The applicant, White Oak, LLC, a Wyoming LLC, as Trustee for 225 Trust u/a/d 12/13/2019 (Dennis Walsh, Trust Officer), has filed an application requesting Architectural Commission review and approval for a driveway hardscape addition and a 226 SF loggia expansion with staircase to access the existing 2<sup>nd</sup> floor open terrace including variances from the setback requirements. The variance portion of the application will be reviewed by Town Council.

Applicant: White Oak, LLC, a Wyoming LLC, as Trustee for 225 Trust u/a/d 12/13/2019 (Dennis Walsh, Trust Officer)  
Professional: DJA Dailey Jannsen Architects PA  
Representative: Maura Ziska

**HISTORY:**

Demolition of a previously existing two-story residence and construction of new two-story Cape Dutch Colonial style house with new landscape and hardscape was approved at ARCOM in January 2014, pursuant to B-008-2014. A variance application was processed, #7-2014, but was withdrawn by the applicant at the February 12, 2014 Town Council meeting.

At the February 23, 2022 ARCOM an application will be heard) for a driveway hardscape, and an addition of a 226 SF loggia expansion with staircase to access the existing 2<sup>nd</sup> floor open terrace including variances from the setback requirements.

**THE PROJECT:**

The applicant has submitted plans, entitled "Proposed Additions at 225 Indian Rd", as prepared by DJA Dailey Jannsen Architects PA, dated 12/27/21.

The following is the scope of work for the Project:

- The extension of the existing loggia.
- The addition of staircase to access loggia deck.
- The addition of hardscape to driveway.

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

- **VARIANCE 1:** Sec. 134-893(7): A variance for a side yard setback of 4.25' in lieu of the 13.17' existing and the 15' minimum required for 2 stories, for a loggia addition with staircase.

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Site Data			
<b>Zoning District</b>	R-B Low Density Res.	<b>Lot Size (SF)</b>	32,993 SF
<b>Future Land Use</b>	SINGLE-FAMILY	<b>Total Building Size (SF)</b>	12,890 SF
<b>C-O-R</b>	4' NAVD	<b>Flood Zone</b>	AE 6
<b>Finished Floor Elevation</b>	7'-6" NAVD	<b>Max Fill</b>	N/A
Project			
	Required/Allowed	Existing	Proposed
<b>Lot Coverage</b>	25% (8,035 SF)	21.6% (6950 SF)	22.2% (7156SF)
<b>Building Height</b>	22'	22'	N/A
<b>Overall Building Height</b>	30'	28'-5"	N/A
<b>Point of Measure</b>	7' NAVD	7' NAVD	7' NAVD
<b>Landscape Open Space</b>	50% (16497 SF)	51% (16825 SF)	50.4% (16613 SF)
<b>Native Plant Species %</b>	35%	29.6%	29.6%
<b>Cubic Content Ratio (CCR)</b>	3.68	3.42	3.43

\*If value is not applicable, N/A

\*If value is not changing, N/C

Surrounding Properties / Zoning	
North	Palm Beach Inlet /Lake Worth Lagoon
South	Two-story 2020 single-family residence
East	Two-story 2016 single-family residence
West	Two-story 1995 single-family 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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**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 1:** Sec. 134-893(7): A variance for a side yard setback of 4.25' in lieu of the 13.17' existing and the 15' minimum required for 2 stories, for a loggia addition with

staircase.

**STAFF ANALYSIS:**

The subject property is an irregularly shaped parcel with an L configuration. The proposed 226 SF addition to the existing loggia project requires a south side setback variance of 4'-3" in lieu of the 15'-0" minimum required. And while the subject property fronts to the south, the geometry also requires relief from the south side property line.