



**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-22-019 (ARC-22-033) 200 OCEAN TERRACE (COMBO)

MEETING: March 09, 2022

**ZON-22-019 (ARC-22-033) 200 OCEAN TERRACE (COMBO)—VARIANCES.** The applicant, Mr. & Mrs. Timothy Davidson, has filed an application requesting Town Council review and approval for a variance to reduce the required street rear-yard setback for the construction of a new one-story guest house. The Architectural Commission will perform design review of the application.

**ARCOM NOTICE:**

**ARC-22-033 (ZON-22-019) 200 OCEAN TERRACE (COMBO).** The applicant, Mr. & Mrs. Timothy Davidson, has filed an application requesting Architectural Commission review and approval for the demolition of an existing one-story residence (201 Osceola Way) and construction of a new one-story guest residence of approximately 2400 SF with new hardscape, landscape and pool. The variance will be reviewed by Town Council.

Applicant: Mr. & Mrs. Timothy Davidson  
Professional: Angelo Davila / MP Design & Architecture  
Representative: N/A

**HISTORY:**

The item is scheduled to be heard at the January 26, 2022 ARCOM meeting for the demolition of an existing one-story residence (201 Osceola Way) and construction of a new one-story guest residence including variances. The item was deferred for one month.

At the February 23, 2022 ARCOM meeting, the application item was approved (7-0).

The item was continued at February 09, 2022 Town Council meeting at the request of the applicant.

**THE PROJECT:**

The applicant has submitted plans, entitled "Mr. and Mrs. Tim Davidson", as prepared by **MP Design & Architecture**, dated 02/22/22.

The following is the scope of work for the Project:

- The demolition of an existing one-story residence (201 Osceola Way)

- The construction of a new one-story guest residence of approximately 2400 SF with new hardscape, landscape and pool.

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

- VARIANCE 1: Section 134-1577: To allow a street-rear yard setback of 25' where 35' is required for a lot over 20,000 square feet in area and over 150 ft in depth in the R-B Zoning District.

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Site Data			
<b>Zoning District</b>	R-B Low Density Residential	<b>Lot Size (sq ft)</b>	25,162 SQ FT (11,804 SF south portion)
<b>Future Land Use</b>	SINGLE-FAMILY	<b>Total Building Size (sq ft)</b>	8,008 SF
<b>C-O-R</b>	6.02' NAVD	<b>Flood Zone</b>	X
<b>Finished Floor Elevation</b>	7.89' NAVD	<b>Max Fill</b>	N/A
Project			
	Required/Allowed	Existing	Proposed
Lot Coverage	25%	13.9%	25% (6,667 SF)
Building Height	25'		10'-0" new one-story
Overall Building Height	30'		16'-9" new one-story
Point of Measure	7.89' NAVD		
Landscape Open Space (LOS)	50% (13,333 SF)	N/A	50.13% (13,371 SF)
Front Yard Open Space:	45% (1,181 SF)	N/A	63.6% (1,914 SF)
Native Plant Species %	25% (3,333 SF)	N/A	59% (7,890 SF)
Cubic Content Ratio (CCR)	3.83	1.97	1.29

\*If value is not applicable, N/A

\*If value is not changing, N/C

Surrounding Properties / Zoning	
North	Two-story 2019 single-family residence
South	One-story 1955 single-family residence
East	One-story single-family residence
West	One-story 1972 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 **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 134-1577: To reduce the street-rear yard setback to 25' where 35' is required for a lot over 20,000 SF in area and over 150' in depth in the R-B Zoning District.

**STAFF ANALYSIS:**

The applicant is proposing to combine two western lots along North Ocean Way and demolish the existing one-story building on the southern corner of North Ocean Way and Osceola Way and construct a new guest house. The combined parcels will yield a through-lot with three street frontages. Zoning review requires the north and south fronts of both properties to have an increased front and rear setback(s) due to the aggregated lot size. The new one-story (guest) residence occupies the southern lot that contained 11,804 SF of area and is restricted to the required rear yard setback.