



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-22-034 (ARC-22-027) 127 EL BRAVO WAY (COMBO)

MEETING: March 09, 2022

ZON-22-034 (ARC-22-027) 127 EL BRAVO WAY (COMBO)—VARIANCES. The applicant, 127 El Bravo Trust (Guy Rabideau, Trustee), has filed an application requesting Town Council review and approval for a variance to exceed the maximum building height allowed in relation to new construction of single family residence. The Architectural Commission will perform design review of the application.

ARCOM NOTICE

ARC-22-027 (ZON-22-034) 127 EL BRAVO WAY (COMBO). The applicant, 127 El Bravo Trust (Guy Rabideau, Trustee), has filed an application requesting Architectural Commission review and approval for construction of a new residence and guest house designed in a Mediterranean Revival style and landscaping. Town Council will review the variance portion of the application.

Applicant: 127 El Bravo Trust (Guy Rabideau, Trustee)
Professional: Roger Janssen / Dailey Janssen Architects
Representative: Guy Radibeau, Trustee

HISTORY:

2017 – The parcel for 127 El Bravo Way was created from a subdivision (SUB 1-2017) of 89 Middle Road.

The item is scheduled to be heard at the January 26, 2022 ARCOM for construction of a new residence and guest house designed in a Mediterranean Revival style and landscaping 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 "Final Submittal Presentation Rev 01 127 EL BRAVO WAY", as prepared by **Dailey Janssen Architects**, dated 02/11/22.

The following is the scope of work for the Project:

- The construction of a new 7,461 square foot home in the Mediterranean Revival style with final hardscape and landscape.

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 134-843(a)(10)a.: A variance to allow development of a two-story single-family residence with a maximum building height of 29.6' in lieu of the 25' maximum allowed in the R-A Zoning District.

Site Data			
Zoning District	R-A Estate Residential	Lot Size (sq ft)	20,154 SF
Future Land Use	Single-family	Total Building Size (sq ft)	6,332 SF
C-O-R	6.95' NAVD	Flood Zone	X
Finished Floor Elevation	12.5' NAVD	Max Fill	N/A
Project			
	Required/Allowed	Existing	Proposed
Lot Coverage	25%	N/A	25% (5,034 SF)
Building Height	25'	N/A	29'-6"
Overall Building Height	35'	N/A	34'-4"
Point of Measure	7.89' NAVD	N/A	7.89' NAVD
Landscape Open Space (LOS)	50%	N/A	50.2%
Native Plant Species %	35% (3527 SF)	N/A	55.6% (11,211 SF)
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	Vacant / R-B Low Density Residential
South	1973 One-story residence / R-A Estate Residential
East	Vacant / R-B Low Density Residential
West	1930 Two-story residence / R-A Estate Residential

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 134-843(a)(10)a. A variance to allow development of a two-story single-family residence with a maximum building height of 29.6' in lieu of the 25' maximum allowed in the R-A Zoning District.

STAFF ANALYSIS:

The applicant is requesting a 4'-5" building height variance from Section 134-843 for the new two-story residence. The applicant maintains that special circumstances exist in that El Bravo Way is four feet higher than S. County Road and the property grade is consistent with the height of El Bravo Way. Additionally that the neighboring properties have a greater height than the proposed project since there is a great disparity between these two heights of the roads, whereby the height of El Bravo Way is four feet higher than that of South County Road and the grade of the subject property is consistent with the height of El Bravo Way.