



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-22-017 (ARC-22-032) 1237 N LAKE WAY (COMBO)

MEETING: March 09, 2022

ZON-22-017 (ARC-22-032) 1237 N LAKE WAY (COMBO) — VARIANCES & SITEPLAN REVIEW. The applicant, Frank H. Pearl and Geryl T. Pearl, has filed an application requesting Town Council review of and approval of Site Plan Review for the construction of a new two-story residence on a lot with less width than required in the RB district, and including variances (1) to allow a two-story accessory structure on a lot less than 20,000SF in lot area, and (2) to exceed the point of measurement. ARCOM will perform design review of the application.

ARCOM NOTICE:

ARC-22-032 (ZON-22-017) 1237 N LAKE WAY (COMBO). The applicant, Frank H. Pearl and Geryl T. Pearl, has filed an application requesting Architectural Commission review and approval for construction of a new 5800 SF two story residence and two story accessory structure in the Modern/Classical style of architecture including variances for a two-story accessory structure to replace an existing two-story residence to be demolished. The variance portion of the application will be reviewed by Town Council.

Applicant: Frank H. Pearl and Geryl T. Pearl
Professional: SKA Architect + Planner
Representative: Maura Ziska

HISTORY:

At the February 23, 2022 ARCOM an application will be heard for the construction of a new 5800 SF two story residence and two story accessory structure in the Modern/Classical style of architecture including variances including variances.

THE PROJECT:

The applicant has submitted plans, entitled "Pearl Residence 1237 N LAKE WAY", as prepared by **SKA Architect + Planner**, dated 12/27/21.

The following is the scope of work for the Project:

- The demolition of the existing two-story subject residence, accessory structure, including foundation, and hardscape.

- The construction of a new 5800 SF two story residence and two story accessory structure in the Modern/Classical style of architecture.

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

- **SITE PLAN REVIEW:** Section 134-893: Site Plan Review to allow the construction of a new two-story residence on a lot that is 70' wide in lieu of the 100' minimum width required in the R-B Zoning District.
- **VARIANCE 1:** Section 134-891 to allow a two-story accessory structure on a lot less than 20,000SF in lot area. Existing 19,966.50 SF where 20,000 SF is required.
- **VARIANCE 2:** Section 134-2 to allow the point of measurement to be 8.5' NAVD in lieu of the 7' NAVD required.

| Site Data | | | |
|----------------------------------|----------------------|---------------------------------|----------------------|
| Zoning District | R-B Low Density Res. | Lot Size (SF) | 13,450 SF |
| Future Land Use | SINGLE-FAMILY | Total Building Size (SF) | 6,000 SF |
| C-O-R | 3.42' | Flood Zone | ZONE X and ZONE AE 6 |
| Finished Floor Elevation | 8.75' NAVD | Max Fill | 2.665' |
| Year of Construction | 1936 | Architect | C Sheldon Tucker |
| Condition | Good | Existing Floor Elevation | 8.35' NAVD |
| Project | | | |
| | Required/Allowed | Existing | Proposed |
| Lot Coverage | 30% (4,035 SF) | 18.5% (2,490 SF) | 22.5% (3,030 SF) |
| Building Height | 22' | 23.5' | 21' |
| Overall Building Height | 30' | N/A | 23.67' |
| Point of Measure | 7' | | |
| Landscape Open Space | 45% | 45% | 45% |
| Front Yard Open Space | 40% | 21% | 50% |
| Native Plant Species % | 35% | N/A | 75.7% |
| Cubic Content Ratio (CCR) | 3.66 | N/A | 3.66 |

*If value is not applicable, N/A

*If value is not changing, N/C

| Surrounding Properties / Zoning | |
|---------------------------------|--|
| North | Two-story 1960 single-family residence |
| South | Two-story 1960 single-family residence |
| East | One-story 1952 single-family residence |
| West | Lake Worth Lagoon |

SITE PLAN REVIEW CRITERIA SEC. 134-329

Before any site plan shall be approved, approved with changes, or denied, the town council shall make a finding that the approval of the site plan will or will not adversely affect the public interest and certify that the specific zoning requirements governing the individual use have or have not been met and that, further, satisfactory provision and an arrangement has or has not been made concerning the following matters, where applicable:

- (1) Sufficiency of statements on ownership and control of the subject property and sufficiency of conditions of ownership or control, use and permanent maintenance of common open space, common facilities or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the town.
- (2) Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon; provided, however, that nothing in this subsection shall be construed as granting the town council the authority to reduce residential densities below that permitted by the use regulations in article VI of this chapter.
- (3) Ingress and egress to the property and the proposed structure thereof, with particular reference to automotive and pedestrian safety; separation of automotive traffic; traffic flow and control; provision of services and servicing of utilities and refuse collection; and access in case of fire, catastrophe or emergency.
- (4) Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns within the property, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.
- (5) Proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the property boundaries.
- (6) Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall town capacities.
- (7) Utilities, with reference to hook-in locations and availability and capacity for the uses projected.
- (8) Recreation facilities and open spaces, with attention to the size, location and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the property, and relationship to communitywide open spaces and recreation facilities.
- (9) Such other standards as may be imposed by this chapter for the particular use or activity involved.
- (10) Height of commercial structures with reference to adjoining buildings, the effect on uniformity in height, and the general principle of retaining the low profile scale of commercial architecture.
- (11) Visible size and bulk. The proposed development should be so arranged that it minimizes the visible bulk of the structures to drivers and pedestrians on abutting roadways, the point of reference being the centerline of the abutting roadways, with the intent being to maintain visual impact of multistory buildings at the same relative level of intensity as a single-story building at the minimum required setback.

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:

The applicant is requesting the following variance(s):

- SITE PLAN REVIEW: Section 134-893: Site Plan Review to allow the construction of a new two-story residence on a lot that is 70' wide in lieu of the 100' minimum width required in the R-B Zoning District.
- VARIANCE 1: Section 134-891 to allow a two-story accessory structure on a lot less than 20,000 SF in lot area. Variance to allow a two story accessory structure with an overall height of 22 feet on a lot under 20,000 SF where only a one story 15 foot tall building would be allowed.
- VARIANCE 2: Section 134-2 to allow the point of measurement to be 8.5' NAVD in lieu of the 7' NAVD required.

STAFF ANALYSIS:

The subject property is a rectilinear site along Lake Worth Lagoon. The site is nonconforming in terms of lot width (70' where 100' is required), and does have a change of grade and topography, the site's elevation is 3.42' NAVD along North Lake Way and rises to about 7.18' NAVD at the Lake Trail. The site is currently improved with a one-story garage and guesthouse at the eastern portion of the site and a two-story principal structure configured more towards the western portion of the site. The new construction consisting of two independent two-story structures will mostly mimic this siting.

This application is presented to the Council to consider whether all of the criteria in Sec. 134 -201 and Sec. 134-329 have been met. As previously mentioned, the subject property is a platted lot (lot 12) containing 13,450 SF of lot area with a 70' foot width. Due to the lot width deficiency, the application is before the Council for Site Plan Review.

Additionally, the applicant is seeking relief from two zoning requirements: (1) to allow two, two-story structures on sites less than 20,000 SF of lot area. The subject property is over 6,000SF in area deficient in this regard. Where the existing site conditions have a one-story accessory structure at the front of the property subservient to the two-story principal structure, the applicant is seeking a two-story accessory structure. The structure shall be located at the minimum (30') front setback to North Lake Way, sited at both minimum (15') side setback distances. The principal structure is setback 25' to the Lake Trail. The two structures are separated by 61' of open garden, hardscape and pool space. This siting may lead to the appearance of acerbated massing from the Lake Trail. The contextual plan does indicate the principal residence is sited further west than other neighboring properties.

The minimum FEMA elevation requirement for the first habitable floor to be is 7' NAVD, where the applicant is proposing both structures to be at 8.75 NAVD while still complying with the Town's maximum fill amount for required yards. If the Town Council permits the two-story accessory structure (variance #1), the structure appears to be similar in height to others along North Lake Way.