



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5430 • 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-22-032 (HSB-22-003) 594 NORTH COUNTY RD (COMBO)

MEETING: March 09, 2022

ZON-22-032 (HSB-22-003) 594 NORTH COUNTY RD (COMBO)—VARIANCES. The applicant, George and Sandra Marucci, has filed an application requesting Town Council review and approval for variances to reduce both side yard setback requirements for one-story additions to a historically significant building and for a variance from Chapter 50 for the required floor elevation for the new ground floor addition on a historically significant building to construct a ground floor addition with a finished floor of 6.49' NAVD in lieu of the required 7' NAVD.

LANDMARKS NOTICE:

HSB-22-003 (ZON-22-032) 594 NORTH COUNTY RD (COMBO). The applicant, George and Sandra Marucci, has filed an application requesting Landmarks Preservation Commission review and approval for the construction of three, one-story additions to a historically significant one-story building totaling approximately 500 SF, including variances from both side setback requirements and including a variance from Chapter 50 for the required floor elevation for the new ground floor addition. The variance portion of the application shall be reviewed by Town Council.

Applicant: George and Sandra Marucci
Professional: Harold J. Smith/Smith and Moore Architects, Inc.
Representative: David E. Klein, Esq.

HISTORY:

At the end of November 2021, the subject property was determined to meet at least one the criteria in Section 18-305(c) to be designated 'historically significant'. The structure falls within the Canopy Historic Conservation District and was constructed in 1940 designed by Belford Shoumate.

A very similar application (ARC-21-082 and ZON-21-020) for the construction of three additions totaling approximately 430 SF to an existing one-story residence, including variances from both side setback requirements was previously on track for ARCOM December 17, 2021 and TC review. Since then, the owner pursued to have the existing structure designated as a 'historically significant' building. The application at hand generally matches those requests.

At the February 16, 2022 LPC meeting, an application was approved (7-0) for the construction of three, one-story additions to a historically significant one-story building totaling approximately 500

SF, including variances from both side setback requirements and including a variance from Chapter 50 for the required floor elevation for the new ground floor addition, pursuant to HSB-22-003. The Commission additionally recommended favorably on the variance associated with project (7-0).

THE PROJECT:

The applicant has submitted plans, entitled "HSB-22-003 594 NORTH COUNTY ROAD", as prepared by **Smith and Moore Architects, Inc.**, dated 12/27/2021.

The following is the scope of work for the Project:

- Construction of a three minor single story additions totaling 529 square feet to an existing one 3,507 square foot story single •

The following Special Exceptions with Site Plan Review is required to complete the project:

- Section 134-893(a)(7): Request for a variance to allow an addition to the residence resulting in a side yard setback on the north side of the property of 8.1 feet in lieu of the 12.5 foot minimum required in the R-B Zoning District.
- Section 134-893(a)(7): Request for a variance to allow an addition to the residence resulting in a side yard setback on the south side of the property of 10.6 feet in lieu of the 12.5 foot minimum required in the R-B Zoning District.
- Section 50-114 – Historic Buildings A variance is authorized for the improvements to and rehabilitation of this historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Buildings, Chapter 12 Historic Buildings, as the proposed improvements will not preclude the building's continued designation as a Historic building. to construct a ground floor addition with a finished floor of 6.49' NAVD in lieu of the required 7' NAVD.

Site Data			
Zoning District	R-B	Lot Size (sq ft)	11,663 SF
Future Land Use	SINGLE-FAMILY	Total Building Size (sq ft)	4,036 SF
C-O-R	8.1	Flood Zone	AE 6
Finished Floor Elevation	6.49'	Max Fill	N/A
Year of Construction:	1940	Architect:	Belford Shoumate
Project			
	Required/Allowed	Existing	Proposed
Lot Coverage	40% (4665 SF)	30% (3507 SF)	34.6% (4,036 SF)
Building Height	15'	8'-1"	12'-6"
Overall Building Height	N/A	N/A	N/A
Front Yard Open Space:	40% OF FRONT YARD (703 SF)	18.8% (330 SF)	21.2% (373 SF)

Landscape Open Space (LOS)	45% (5,248 SF)	36.3% (4,238 SF)	36.4% (4,269 SF)
Native Plant Species %	25%	N/A	46%
Cubic Content Ratio (CCR)	3.98	2.39	2.75

*If value is not applicable, N/A

*If value is not changing, N/C

Surrounding Properties / Zoning	
North	Two-story 2020 residence
South	One-story 1952 residence
East	Two-story 1992 residence
West	Two-story 2021 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.

VARIANCES CRITERIA Sec. 50-116. Considerations for issuance of variances

In reviewing requests for variances, the town council shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this chapter, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the community;
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- (6) The compatibility of the proposed development with existing and anticipated development;
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

VARIANCES CRITERIA Sec. 50-117. - Conditions for issuance of variances.

Variances shall be issued only upon:

- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this chapter or the required elevation standards;
- (2) Determination by the town council that:
 - a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and

- c) The variance is the minimum necessary, considering the flood hazard, to afford relief;
- (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
- (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

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):

- Section 134-893(a)(7): Request for a variance to allow an addition to the residence resulting in a side yard setback on the north side of the property of 8.1 feet in lieu of the 12.5 foot minimum required in the R-B Zoning District.
- Section 134-893(a)(7): Request for a variance to allow an addition to the residence resulting in a side yard setback on the south side of the property of 10.6 feet in lieu of the 12.5 foot minimum required in the R-B Zoning District.
- Section 50-114 – Historic Buildings A variance is authorized for the improvements to and rehabilitation of this historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Buildings, Chapter 12 Historic Buildings, as the proposed improvements will not preclude the building's continued designation as a Historic building, to construct a ground floor addition with a finished floor of 6.49' NAVD in lieu of the required 7' NAVD.

STAFF ANALYSIS:

The construction of a new three minor single story additions totaling 529 square feet to an existing one 3,507 square foot historically significant building triggers the need for three (3) variances to be reviewed and approved by Town Council. The additions will require north and south side yard variances, and a flood variance. Staff is supportive of the application for the minor additions due to the retention and renovation of an older architecturally significant building.