



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-22-040 (ARC-22-061) 1950 S OCEAN BLVD (COMBO)

MEETING: April 13, 2022

ZON-22-040 (ARC-22-061) 1950 S OCEAN BLVD (COMBO)—VARIANCES. The applicant, Earl Mack, has filed an application requesting Town Council review and approval for variance (1) to encroach into the (south) side-yard setback in conjunction with the renovation and approximately 150 SF addition to a pool cabana. The Architectural Commission will perform design review of the application.

ARCOM NOTICE:

ARC-22-061 (ZON-22-040) 1950 S OCEAN BLVD (COMBO). The applicant, Earl Mack, has filed an application requesting Architectural Commission review and approval for renovation and construction of an approximately 150 SF addition to an existing one-story cabana structure in the required side (south) yard including a variance to reduce the required setback. The variance portion of the application will be reviewed by Town Council.

Applicant: Earl Mack
Professional: SKA Architect + Planner
Representative: Same

HISTORY:

At the March 23, 2022 ARCOM an application will be heard for renovation and construction of an approximately 150 SF addition to an existing one-story cabana structure in the required side (south) yard including a variance to reduce the required setback.

THE PROJECT:

The applicant has submitted plans, entitled "Mack Residence 1950 S Ocean Blvd", as prepared by **SKA Architect + Planner**, dated 01/24/22.

The following is the scope of work for the Project:

- The construction of an approximately 150 SF addition in the required south side yard to an existing one-story detached cabana.

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

- VARIANCE 1: Section 134-793 (8): Request for a variance for a (south) side-yard setback of 25.67' in lieu of the 30' required to accommodate an addition to an existing accessory cabana structure.

Site Data			
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Zoning District	R-AA Large Estate Res.	Lot Size (sq ft)	92,595 SF
Future Land Use	SINGLE-FAMILY	Total Building Size (sq ft)	8,096 SF
C-O-R	18.73' NAVD	Flood Zone	AE 6'
Finished Floor Elevation	12.53' NAVD	Max Fill	N/A

Project			
	Required/Allowed	Existing	Proposed
Lot Coverage	25% (23,148 SF)	8% (7,950 SF)	8% (8,096 SF)
Building Height	9'(cabana)	9' (cabana)	9'
Overall Building Height	14'(cabana)	13.66'(cabana)	13.66'
Point of Measure	12.53' NAVD		
Landscape Open Space	50% (46,297 SF)	59.2% (54,810 SF)	59.4% (54,668 SF)
Native Plant Species %	N/A	N/A	N/A
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	Two-story 1973 single-family residence
South	Two-story 2003 single-family residence
East	Atlantic Ocean
West	Lake Worth Lagoon

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):

- One variance for a (south) side-yard setback of 25.67' in lieu of the 30' required to accommodate an addition to an existing accessory cabana structure

STAFF ANALYSIS

The construction of an approximately 150 SF addition in the required south side yard to an existing one-story detached cabana; specifically, to add a 8'-8" x 16'-9" bathroom addition to the south side of the existing open cabana. The new height will match the height of the existing, and the entirety of the roof is proposed to be copper. The property is located in the R-AA Zoning District which requires a 30' side yard setback for new construction or additions. The existing residence has 25.67' side yard setbacks and is currently non-conforming to today's code. Staff has no objections to the application