



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-22-048 (ARC-22-060) 224 SOUTHLAND RD (COMBO)

MEETING: April 13, 2022

ZON-22-048 (ARC-22-060) 224 SOUTHLAND RD (COMBO) – VARIANCES. The applicant, MR. & MRS. FROST, has filed an application requesting town council approval for (1) variance to expand an existing nonconforming East side-yard setback in conjunction with a 750 sq. ft. addition to the existing structure. The Architectural Commission will perform design review of the application.

ARCOM NOTICE:

ARC-22-060 (ZON-22-048) 224 SOUTHLAND RD (COMBO). The applicant, MR. & MRS. FROST, has filed an application requesting Architectural Commission review and approval for the construction of a new approximately 750 SF one-story addition and renovation and alterations to an existing two-story residence including a variance to expand an existing nonconforming setback. Town Council will review the variance portion of the application.

Applicant: Mr. & Mrs. Frost
Professional: SKA Architect + Planner
Representative: Same

HISTORY:

At the March 23, 2022 ARCOM an application will be heard for the construction of a new approximately 750 SF one-story addition and renovation and alterations to an existing two-story residence including a variance to expand an existing nonconforming side (east) setback.

THE PROJECT:

The applicant has submitted plans, entitled "FROST RESIDENCE", as prepared by **SKA Architect + Planner**, dated 01/24/2022.

The following is the scope of work for the Project:

- The renovation and addition of 736 SF to an existing one story house.
- Modification of front entry and fenestration.

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 134-893(7): A variance to continue an east side yard setback of 10' in lieu of 12.5' required, in conjunction with a 750 SF addition to the existing structure.

Site Data			
Zoning District	R-B Low Res.	Lot Size (SF)	11,000 SF
Future Land Use	SINGLE-FAMILY	Total Building Size (SF)	3,848 SF
C-O-R	4.52 NAVD	Flood Zone	AE 6
Finished Floor Elevation	Exist: 6.25' Prop: 6.25'	Max Fill	N/A
Project			
	Required/Allowed	Existing	Proposed
Lot Coverage	40% (4,400SF)	28.8% (3,111 SF)	35% (3,848 SF)
Side Setback	12.5' required	10' existing	10' provided <i>variance reqd.</i>
Building Height	14' 22'	10'	11'
Overall Building Height	22' 30'	14.16'	14.66'
Point of Measure	7' NAVD	Native Landscape	Compliant
Landscape Open Space	45%	46.85% (5153 SF)	45% (4953 SF)

*If value is not applicable, N/A

*If value is not changing, N/C

Surrounding Properties / Zoning	
North	One-story 1952 single-family residence
South	Two-story 2016 single-family residence
East	One-story 1956 single-family residence
West	One-story 1950 single-family 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.

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 to continue an east side yard setback of 10' in lieu of 12.5' required, in conjunction with a 750 SF addition to the existing structure.

NOTE: If value of renovation exceeds 50% of improved value, the structure must be raised to meet minimum FEMA requirement for building elevation.

STAFF ANALYSIS

The applicant is proposing a one-story addition to the rear of the existing two-story residence that will extend into the required side yard. The applicant has established that no more than 50% of the south elevation will be demolished to accommodate the addition; however, the design does feature the linear extension of a nonconforming side (east) setback of a one-story residence built in 1955. The property is located in the R-B Zoning District which requires a 12.5 foot side yard setback for

new construction or additions. The existing residence has 10 foot side yard setbacks and is currently non-conforming to today's code. Staff has no objections to the application.