



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-22-061 (ARC-22-056) 250 SANDPIPER DR (COMBO)

MEETING: April 13, 2022

ZON-22-061 (ARC-22-056) 250 SANDPIPER DR (COMBO)-VARIANCE. The applicant, Judith Guest, has filed an application requesting Town Council review and approval for a variance to allow an upper floor encroachment into the required east side-yard setback, conjunction with a major renovation of the existing structure within its existing footprint. The Architectural Commission will perform design review of the application.

ARCOM NOTICE:

ARC-22-056 (ZON-22-061) 250 SANDPIPER DR (COMBO). The applicant, Judith Guest, has filed an application requesting Architectural Commission review and approval for the substantial renovation and alterations to an existing nonconforming split-level residence including variance for nonconforming east side-yard setback. Changes include revisions to the fenestration, roof and entry portico, new hardscape and landscape design, and a new rear loggia, pool and pergola. Town Council will review the variance portion of the application.

Applicant: Judith Guest
Professional: Kyle Fant / Bartholomew + Partners
Representative: N/A

HISTORY:

The residence located at 250 Sandpiper Drive was built in 1988. More modifications have taken place including the addition of a generator in 2015. At the March 23, 2022 ARCOM an application will be heard for the substantial renovation and alterations to an existing nonconforming split-level residence including variance for nonconforming east side-yard setback.

At the March 23, 2022 ARCOM meeting, the application was approved (7-0) and the Commission additionally recommended favorably that the variances associated with project would not negatively impact the architecture (7-0).

THE PROJECT:

The applicant has submitted plans, entitled "250 SANDPIPER DRIVE", as prepared by **Bartholomew + Partners**, dated 02/04/22.

The following is the scope of work for the Project:

- New landscape and hardscape
- Replace exterior windows and doors with some changes to fenestrations
- Perimeter adjustments to existing roof with new roofing materials
- New exterior gables
- New pergolas in rear of home
- New swimming pool and fountain

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(b)(7)b.: A variance for an upper level east side yard setback of 12.5 ft. in lieu of 15 ft. required, in conjunction with a renovation of the existing nonconforming structure within its existing footprint.

| Site Data | | | |
|---------------------------|----------------------|-----------------------------|--------------------|
| Zoning District | R-B Low Density Res. | Lot Size (sq ft) | 12,841 SF |
| Future Land Use | SINGLE-FAMILY | Total Building Size (sq ft) | 4,662.5 SF |
| C-O-R | 2.91' NAVD | Flood Zone | AE 6 |
| Finished Floor Elevation | 6.10' NAVD | Max Fill | N/A |
| Project | | | |
| | Required/Allowed | Existing | Proposed |
| Lot Coverage | 30% (3,852.45 SF) | 29.3% (3,760.2 SF) | 29.4% (3,773.5 SF) |
| Building Height | 22' | 11'-0.5" | N/C |
| Overall Building Height | 30' | 23'-1.5" | N/C |
| Point of Measure | 7' NAVD | 7' NAVD | 7' NAVD |
| Landscape Open Space | 45 % (5,778 SF) | 39.8% (5,110 SF) | 40.63% (3,269 SF) |
| Native Plant Species % | 35% (2,022 SF) | N/A | 36.9% (2,132 SF) |
| Cubic Content Ratio (CCR) | 3.97 | 3.55 | 3.95 |

*If value is not applicable, N/A

*If value is not changing, N/C

| Surrounding Properties / Zoning | |
|---------------------------------|--|
| North | One-story 2016 single-family residence |
| South | One-story 1964 single-family residence |

| | |
|------|--|
| East | One-story 2009 single-family residence |
| West | Two-story 1969 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 setback variance from Sec. 134-893(7) for an upper level east yard setback of 12.5' in lieu of 15' required, due to the installation of a new upper level window in the setback.

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 seeking to renovate the existing split level residence. The proposed renovation will dramatically transform the architectural style of the existing structure. The renovation consists of an extension of an existing wall (and gable) into an existing dormer on the upper level with an east side yard setback of 15' in lieu of 12.5' required. . The renovation proposes to reduce the existing lower level setback by eliminating a bay window to further reduce or eliminate any negative impact to the neighbor.