



**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-22-038 (ARC-22-058) 220 BRAZILIAN AVE (COMBO)

MEETING: May 11, 2022

**ZON-22-038 (ARC-22-058) 220 BRAZILIAN AVE (COMBO)—VARIANCES.** The applicant, 1220 PB LLC (Guy Rabideau), has filed an application requesting Town Council review and approval for variances (1-2) to install AC equipment within both (east and west) side yards of a duplex building not fully screened by a 7' high wall and (3-4) to install an emergency generator in the side (west) yard setback exceeding maximum height allowed and not completely screened by a 7' high wall. The Architectural Commission will perform design review of the application.

**ARCOM NOTICE:**

**ARC-22-058 (ZON-22-038) 220 BRAZILIAN AVE (COMBO).** The applicant, 220 PB LLC (Guy Rabideau), has filed an application requesting Architectural Commission review and approval for the installation of generators and AC equipment within both side yards (east and west) for a duplex site. The variance portion of the application will be reviewed by Town Council.

Applicant: 220 PB, LLC (Richard Kurtz, manager)  
Professional: Patrick O'Connell / Patrick Ryan O'Connell Architect, LLC  
Representative: David E. Klein, Esq.

**HISTORY:**

In 2020, ARCOM approved the design of a new 2-story duplex residence with hardscape, landscape and pools (B-063-2019).

April 20, 2021, a staff level application was approved for slab and hardscape expansion of both side yard mechanical areas, A-21-01594.

At the March 23, 2022, the item was presented, discussed and was deferred for one month to allow the professional to restudy the project in order to minimize the impact of the equipment on the neighboring properties. Since the original submittal, four (4) variances were originally requested, two are no longer needed.

At the April 13, 2022 Town Council meeting, the item was deferred for one month.

ARCOM an application will be heard for the installation of generators and AC equipment within both side yards (east and west) for a duplex site.

**THE PROJECT:**

The applicant has submitted plans, entitled "Private Residence: 420 Brazilian", as prepared by **Patrick Ryan O'Connell Architect, LLC**, dated 04/07/2022.

The following is the scope of work for the Project:

- The installation of A/C equipment in the east and west side yards which are not completely screened by a concrete wall, requiring variances. These have been relocated towards the rear of each of the duplex units.
- The installation of a generators for both duplex units which have been relocated outside of the required side yard.

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

- **VARIANCE 1:** Section 134-1728(a)(4): Request for a variance to allow installation of air conditioning equipment in the east side yard and south rear setback which is not completely screened by a concrete wall.
- **VARIANCE 2:** Section 134-1728(a)(4): Request for a variance to allow installation of air conditioning equipment in the west side yard setback and south rear setback which is not completely screened by a concrete wall.
- ~~**VARIANCE 3:** Section 134-1729(1)e.: Request for a variances to allow installation of a generator with a maximum of height of 7 ft., 1 in. above neighboring grade in lieu of the 7' maximum allowed.~~ ***VARIANCE NO LONGER NEEDED***
- ~~**VARIANCE 4:** Section 134-1729(1)d.: Request for a variance to allow installation of generator in the West side yard setback which is not completely screened by a 7 foot high concrete wall.~~ ***VARIANCE NO LONGER NEEDED***

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Site Data			
<b>Zoning District</b>	R-C Medium Density Res.	<b>Lot Size (sq ft)</b>	17,120 SF
<b>Future Land Use</b>	SINGLE-FAMILY	<b>Total Building Size (sq ft)</b>	4,548 SF
<b>C-O-R</b>	4.5' NAVD	<b>Flood Zone</b>	AE 6
<b>Finished Floor Elevation</b>	7.19' NAVD	<b>Max Fill</b>	N/A
Project			
	Required/Allowed	Existing	Proposed
Lot Coverage	30% + 3%	N/A	29.9% (5,130 SF) + 2.47% (424 SF)
Landscape Open Space (LOS)	40%	N/A	40.78% (6,982 SF)
Native Plant Species %	35%	N/A	28.65% (1,962 SF) <i>(Approved prior to current regulations)</i>
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 townhomes, the Palazzo Villas
South	Surface parking lot, Town owned parking area
East	Two-story 1925 retail multi-occupancy building
West	Three-story 1968 condominium, Villa Del Sur

**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), the applicant is seeking four variances:

- VARIANCE 1: Section 134-1728(a)(4): Request for a variance to allow installation of air conditioning equipment in the east side yard and south rear setback which is not completely screened by a concrete wall.
- VARIANCE 2: Section 134-1728(a)(4): Request for a variance to allow installation of air conditioning equipment in the west side yard setback and south rear setback which is not completely screened by a concrete wall.
- ~~VARIANCE 3: Section 134-1729(1)c.: Request for a variances to allow installation of a generator with a maximum of height of 7 ft., 1 in. above neighboring grade in lieu of the 7' maximum allowed.~~ **VARIANCE NO LONGER NEEDED**
- ~~VARIANCE 4: Section 134-1729(1)d.: Request for a variance to allow installation of generator in the West side yard setback which is not completely screened by a 7-foot high concrete wall.~~ **VARIANCE NO LONGER NEEDED**

**STAFF ANALYSIS**

This application is presented to the Commission to consider whether all of the criteria in Sec. 18-205 have been met. Since the March 23, 2022, ARCOM meeting, the architect has studied alternative locations for all of the mechanical equipment for both units within the duplex.

In 2020, ARCOM approved the design of a new 2-story duplex residence with hardscape, landscape and pools (B-063-2019). In this scheme, the mechanical equipment areas for each of the duplex units was shown to be within both of the side yards. Due to FEMA regulations, all of the new proposed equipment (generators and AC equipment's) must be raised above grade to meet minimum flood elevation requirements. Staff is finding instances like this becoming more and more of challenge in fulfilling the screening requirement under the code's prescriptive regulations—that measure some of these elements from the neighboring grade elevations. As such the height of the perimeter wall cannot exceed 7 feet, which is measured from the grade of neighboring properties, which prohibits the applicant's 7-foot perimeter wall from completely screening the air conditioning equipment. The neighboring property to the south is a Town-owned parking lot. The landscape plan consists of previously approved 12' bamboo and 14'-16' high eagleston holly trees which should visually screen the equipment not in the corners of each unit's property.