



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-22-075 (ARC-22-117) 102 FLAGLER DR (COMBO)

MEETING: July 13, 2022

ZON-22-075 (ARC-22-117) 102 FLAGLER DR (COMBO)—VARIANCES. The applicant, FDPB Holding Company LLC (Adam Seligman), has filed an application requesting Town Council review and approval for Variances for (1) a second story walkway encroachment into the required setback, (2) to reduce the street side setback to construct a free standing folly structure, (3) to reduce the side yard setback for the same folly structure, (4) to install second story skylights in the required setback, and (5) to exceed the maximum allowable Cubic Content Ratio (CCR) for a folly structure, in association with a new accessory structure. Architectural Commission will perform design review of the application.

Applicant: FDPB Holding Company LLC (Adam Seligman)
Professional: Kirchoff & Associates Architects
Representative: Maura Ziska

THE PROJECT:

The applicant has submitted plans, entitled "FDPB HOLDING COMPANY LLC", as prepared by **Kirchoff & Associates Architects** dated May 13, 2022.

The following is the scope of work for the Project:

- Replace the existing shed roof that connects the main house and the guest house with a walkway. Beams, posts, and railing to match existing.
- Change in fenestration from previously approved ARCOM set: revisions to Guest House windows and doors, adding windows in Main House Living Room, changing design of door to grade under Main House stairs, of doors in Dining Room, Family Room, and cabana.
- Adding skylight above stair hall.
- Addition of a butterfly/ folly structure in the northeast corner of the lot.

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

1. VARIANCE 1: Sec. 134-893(b)(7)(b): To allow a south side yard setback of 13.3 ft in lieu of the 15 ft required for a new second story walkway
2. VARIANCE 2: Sec. 134-891(b)(4): A variance to construct a folly structure with a

- north street-side yard setback of 11.8 ft in lieu of the 35 ft required
3. VARIANCE 3: Sec. 134-891(b)(3): A variance to construct a folly structure with a east side-yard setback of 10 ft in lieu of the 15 ft required.
 4. VARIANCE 4: Sec. 134-893(b)(7)(b): A variance to install three second story skylights at 12.5 ft in lieu of the 15 ft required.
 5. VARIANCE 5: Sec. 134-893(b)(13): A variance for a cubic content ratio (CCR) of 4.14 in lieu of the 4.08 existing and 3.97 maximum allowed, in conjunction with the construction of a new folly structure

Site Data			
Zoning District	R-B Low Density Res.	Lot Size (SF)	31,617 SF
Future Land Use	SINGLE-FAMILY	Total Building Size (SF)	7,238 SF
C-O-R	13.27'	Flood Zone	X
Finished Floor Elevation	16.16' NAVD	Max Fill	NA
Project			
	Required/Allowed	Existing	Proposed
Lot Coverage	25% (7,904 SF)	22.89% (7,238 SF)	23.37% (7,389 SF)
Building Height	22'	21'-1"	NC
Overall Building Height	30'	27'-8"	NC
Point of Measure	14.36' NAVD (avg)	14.36' NAVD	14.36' NAVD
Landscape Open Space	45%	45%	45%
Native Landscaping	NC	NC	NC
Cubic Content Ratio (CCR)	3.97 (125,487 cu. ft.)	4.08 (128,889 cu. ft.)	4.14 (130,827 cu. ft.)

*If value is not applicable, N/A

*If value is not changing, N/C

Surrounding Properties / Zoning	
North	Breakers Golf Course
South	Two-story 1928 single-family residence
East	One-story 1928 single-family residence
West	Two-story 1925 single-family residence

STAFF ANALYSIS

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the Town zoning code:

1. VARIANCE 1: Sec. 134-893(b)(7)(b): To allow a south side yard setback of 13.3 ft in lieu of the 15 ft required for a new second story walkway.
2. VARIANCE 2: Sec. 134-891(b)(4): A variance to construct a folly structure with a

north street-side yard setback of 11.8 ft in lieu of the 35 ft required.

3. VARIANCE 3: Sec. 134-891(b)(3): A variance to construct a folly structure with a east side-yard setback of 10 ft in lieu of the 15 ft required.
4. VARIANCE 4: Sec. 134-893(b)(7)(b): A variance to install three second story skylights at 12.5 ft in lieu of the 15 ft required.
5. VARIANCE 5: Sec. 134-893(b)(13): A variance for a cubic content ratio (CCR) of 4.14 in lieu of the 4.08 existing and 3.97 maximum allowed, in conjunction with the construction of a new folly structure.

The site has an existing two-story residence with a connected two-story garage/guest suite and a one-story cabana accessory structure. The subject property is irregularly shaped L shaped parcel with frontage along Flagler Drive and Via Bethesda. The project consists of replacing the existing shed roof that connects the main house and the guest house with a walkway, which requires a variance due to existing nonconforming building setback. Changes in fenestration from previous ARCOM approval are also proposed, including the addition of a skylight above the stair hall which requires a variance due to existing nonconforming location. A butterfly/folly structure is also proposed, requiring variances for its proposed location in an east side-yard and north street-side yard setback, as well as a variance to exceed the maximum cubic content ratio (CCR) for the site.

The existing main house, guest house, and cabana already exceed the maximum CCR permitted and the proposed structure is a small octagonal site wall that is open from all sides promoting a high level of transparency with door and window openings and an open slat roof structure. Due to the prescriptive interpretation of the zoning code, this element must be critically reviewed as if it were enclosed space. Additionally, the subject property is an irregularly shape L-shape parcel and the existing two-story structure is nonconforming in its current setbacks. Some of the elements are within the existing build to line of the structure yet within the required setback amounts thus requiring variances for setback relief.