



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-22-089 (ARC-22-129) 515 N LAKE WAY (COMBO)

MEETING: August 10, 2022

ZON-22-089 (ARC-22-129) 515 N LAKE WAY (COMBO)—VARIANCES. The applicant, Roberto and Joanne DeGuardiola (Contract Purchaser), has filed an application requesting Town Council review and approval for variances for (1) to exceed the first story east rear yard setback encroachment, (2) to exceed second story east rear yard setback encroachment, (3) to permit a swimming pool in west front yard setback where swimming pools are prohibited, (4) second story west front yard setback encroachment, (5) second story south street side yard setback encroachment, (6) to exceed the maximum Cubic Content Ratio (CCR), (7) to exceed maximum angle of vision on N Lake Way, and (8) to exceed site wall height in front and street side yards; in conjunction with the conversion of a 1-story residence to a 2-story residence. The Architectural Commission will perform design review of the application.

ARCOM NOTICE:

ARC-22-129 (ZON-22-089) 515 N LAKE WAY (COMBO) The applicant, Roberto and Joanne DeGuardiola (Contract Purchaser), has filed an application requesting Architectural Commission review and approval for the partial demolition, enlargement and second floor addition to an existing one-story residence, including (1-5) to reduce setback requirements, (6) to exceed the angle of vision, (7) to exceed site wall height, and (8) to exceed the maximum Cubic Content Ratio (CCR) allowance. Town Council will review the variance portion of the application.

Applicant: Roberto and Joanne DeGuardiola (Contract Purchaser)
Professional: Fairfax & Sammons Architecture, Richard Franklin Sammons
Representative: Maura Ziska

THE PROJECT:

The applicant has submitted plans, entitled "De Guardiola Residence", as prepared by **Fairfax & Sammons Architecture** dated July 13, 2022.

The following is the scope of work for the Project:

- Substantial first and second story additions (1,403 sq ft) and renovations to an existing one-story residence.
- Hardscape and Landscape Improvements, including a new swimming pool, side walls, retaining walls, and elevating the grade of the lot to meet the current FEMA elevation requirements.

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

1. SPECIAL EXCEPTION WITH SITE PLAN REVIEW: Sec. 134-446(c): For demolition of more than 50% of structure on a lot nonconforming in depth in the RB zoning district.
2. VARIANCE 4: Sec. 134-893(b)(5)b.: A second story west front yard setback of 24.7 ft in lieu of the 30 ft required.
3. VARIANCE 6: Sec. 134-893(b)(13): A Cubic Content Ratio (CCR) of ~~5.13~~ 4.41 in lieu of the 2.88 existing and 3.98 maximum allowed.
4. VARIANCE 8: Sec. 134-1667: Site walls in the front and street side yard setbacks with a height of 7.5 ft measured from crown of road, in lieu of the maximum 6 ft allowed.
- ~~5. VARIANCE 1: Sec. 134-893(b)(9)a.: First story east rear yard setback of 4.8 ft in lieu of 10 ft required. Variance withdrawn by applicant~~
- ~~6. VARIANCE 2: Sec. 134-893(b)(9)b.: Second story east rear yard setback of 4.8 ft in lieu of 10 ft required. Variance withdrawn by applicant~~
- ~~7. VARIANCE 3: Sec. 134-1757: A swimming pool within the required front yard with a 15.2 ft setback in lieu of 25 ft required. Variance withdrawn by applicant~~
- ~~8. VARIANCE 5: Sec. 134-1576: A second story south street side yard setback of 25.1 ft in lieu of the 30 ft required. Variance withdrawn by applicant~~
- ~~9. VARIANCE 7: Sec. 134-893(b)(6): Angle of Vision of 131 degrees in lieu of the 116 degrees maximum allowed. Variance withdrawn by applicant~~

Site Data			
Zoning District	R-B Low Density Res.	Lot Size (SF)	12,094 SF
Future Land Use	SINGLE-FAMILY	Total Building Size (SF)	5,279 SF
C-O-R	1.9' NAVD (Tangier) 2.36' NAVD (avg)	Flood Zone	AE 6
Finished Floor Elevation	Existing 7' NAVD	Max Fill	2.23'
Project			
	Required/Allowed	Existing	Proposed
Lot Coverage	30% (3,628 SF)	31.97% (3,867 SF)	22.63% (2,737 SF)
Building Height	22'	11.92'	21.5'
Overall Building Height	25'	11.92'	24.67'
Point of Measure	7' NAVD	7' NAVD	7' NAVD
Landscape Open Space	45% (5,445 SF)	NA	46.69% (5,650 SF)
Native Landscaping	35%	29.6%	+35%
Cubic Content Ratio (CCR)	3.98	2.88 (34,803 cu. ft.)	4.41 (53,377 cu. ft.) <i>Variance Required</i>

*If value is not applicable, N/A

*If value is not changing, N/C

Surrounding Properties / Zoning

North	One-story 1996 single-family residence
South	Two-story 2008 single-family residence
East	Two-story 1951 single-family residence
West	Two-story 1960 single-family residence

STAFF ANALYSIS:

The project is for the second floor addition to an existing one-story residence built in 1963. Due to the nonconforming nature of the existing property and the extent of the demolition (more than 50% of structure on a lot nonconforming in depth in the RB zoning district) multiple variances are required. The existing lot coverage is reduced by eliminating the portion of the footprint of the existing house. And the sitework includes a new swimming pool, side walls, retaining walls, and elevating the grade of the lot to meet the current FEMA elevation requirements. The proposed architectural changes have been designed to match the English Regency character of the existing residence. The total new second floor addition encompasses 1,403 SF of enclosed area.

As it pertains to the variances, it must be noted that the existing 3,628 SF one-story residence contains many nonconforming zoning aspects as it relates to the R-B zoning district; specifically, angle of vision, lot coverage, and several yard and setback directionals. So, regardless of the second story addition, any improvements exceeding 50% value of the structure, or demolition of more than 50% of a elevation, floor or roof, would require all of the same variance requests with the exception of variance request #6 for the CCR. Again, the residence was built in 1963, predating many of these regulations.

The project has been redesigned substantially from the presentation made at the June ARCOM hearing. The new proposal eliminates the need for five of the originally requested 8 variances previously sought. Currently, the applicant is seeking two variances, one for 2-story front yard setback, and one to exceed the maximum allowed CCR. An additional variance for wall height is still being needed for the wall in the front yard.