

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-22-108 (ARC-22-161) 335 COCOANUT ROW (COMBO)

MEETING: SEPTEMBER 14, 2022

ZON-22-108 (ARC-22-161) 335 COCOANUT ROW (COMBO)–VARIANCES. The applicant, N & R 335, LLC (Robert F. Kassatly), has filed an application requesting Town Council review and approval for Variances (1-2) to reduce the lot area and lot width from the minimum size requirements in the R-C zoning district, (3-4) to reduce both side (east) and (west) setback and (5) to reduce the minimum landscape open space requirement, in order to allow for the construction of new two-story residence on a substandard sized lot. The Architectural Commission will perform design review of the application.

ARCOM NOTICE:

ARC-22-161 (ZON-22-108) 335 COCOANUT ROW (COMBO). The applicant, N & R 335, LLC (Robert F. Kassatly), has filed an application requesting Architectural Commission review and approval for the demolition of an existing two-story residence and the construction of a new two-story residence on a deficient in lot width and lot area requirements the R-C Zoning District with related landscape and hardscape improvements, including variances from both side setback and landscape open space requirements, and from the minimum lot width and lot area requirements. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Applicant: N & R 335, LLC (Robert F. Kassatly)
Professional: Bartholemew + Partners (Kyle Bartholemew Fant)
Representative: Maura Ziska, Esq.

THE PROJECT:

The applicant has submitted plans, entitled "New Residence For The Kassatly Family 335 Cocoanut Row", as prepared by **Bartholemew + Partners**, dated July 08, 2022.

The following is the scope of work:

- Construction of a new two-story residence hardscape, landscape, and pool.

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

- **VARIANCE 1:** Section 134-948(1) & (2): A request for a variance to construct a new 3,347 SF, two story residence on a lot with a width of 40-feet in lieu of the 75-foot minimum required and a lot size area of 6,000 SF in lieu of the 10,000 SF minimum required in the R-C Zoning District.
- **VARIANCE 2:** Section 134-948(6): Request for a variance to have a 5-foot **NORTH** side yard setback in lieu of the 10-foot minimum required in the R-C Zoning District.
- **VARIANCE 3:** Section 134-948(6): Request for a variance to have a 5-foot **SOUTH** side yard setback in lieu of the 10-foot minimum required in the R-C Zoning District.
- **VARIANCE 4:** Section 134-948(11): Request for a variance to have 33% landscaped open space in lieu of the 45% minimum required in the R-C Zoning District (existing LOS is 27%).

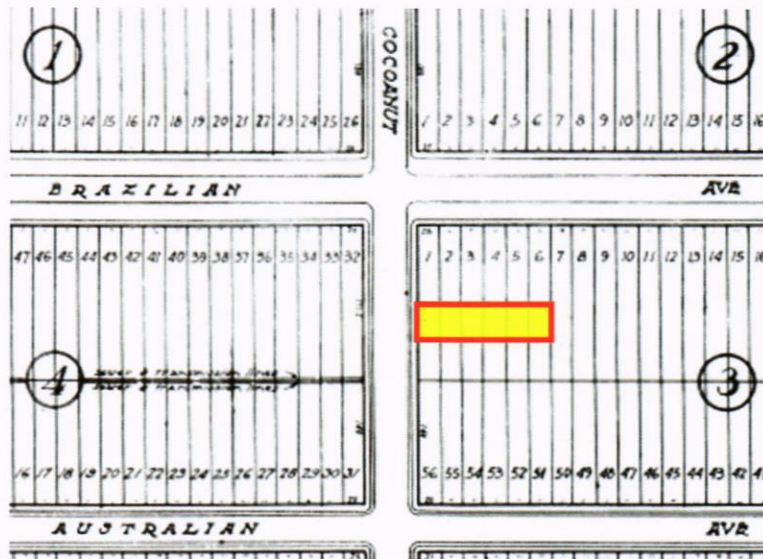
Site Data			
Zoning District	R-C	Lot Size (SF)	6,000 SF 10,000 SF required <i>Variance requested</i>
Future Land Use	SINGLE FAMILY	Lot Width	40' 75' required <i>Variance requested</i>
C-O-R	2.29' NAVD	Total Building Size (SF)	3,350 SF
Lot Coverage	Permitted: 30% (1,800 SF) Existing: 40% (2,357 SF) Proposed: 30% (1,796 SF)	Flood Zone	AE-6
Landscape Open Space (LOS)	Required: 45% Existing: 37% Proposed: 33% <i>Variance requested</i>	Side Setback	Required: 10' Existing: 6'-11" and 5'-4" Proposed: 5' <i>Variance requested</i>
Surrounding Properties / Zoning			
North	2004 Two-story residence		
South	1925 Two-story residence		
East	1982 Three-story 7-unit condominium		
West	1982 Six-story condominium		

STAFF ANALYSIS

The applicant is demolishing an existing 2,357 SF two-story home and existing one-story accessory structure, in order to construct a a new two-story Coastal Craftsman style home containing approximately 3,350 SF of enclosed space and swimming pool. 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:

- **VARIANCE 1:** Section 134-948(1) & (2): A request for a variance to construct a new 3,347 SF, two story residence on a lot with a width of 40-feet in lieu of the 75-foot minimum required and a lot size area of 6,000 SF in lieu of the 10,000 SF minimum required in the R-C Zoning District.
- **VARIANCE 2:** Section 134-948(6): Request for a variance to have a 5-foot **NORTH** side yard setback in lieu of the 10-foot minimum required in the R-C Zoning District.

- **VARIANCE 3:** Section 134-948(6): Request for a variance to have a 5-foot **SOUTH** side yard setback in lieu of the 10-foot minimum required in the R-C Zoning District.
- **VARIANCE 4:** Section 134-948(11): Request for a variance to have 33% landscaped open space in lieu of the 45% minimum required in the R-C Zoning District (existing LOS is 27%).



First, a variance for the construction of a new residence on a nonconforming lot in the R-C zoning district. The subject property is composed of portions of platted lots (1-6) on lot 3 of a historical subdivision of Royal Park Addition created on January 18, 1913. The subdivision was platted with long (171.2' deep) and narrow (25' wide) parcels of land for acquisition. The prior structure was built in 1925 on the same geometric boundaries as currently exists.

As is pertains to variance #2 and #3 for setback relief, the subject property is a substandard sized lot in the R-C zoning district, which requires both side setbacks to be 10' each. This is contemplated for 75' wide lots, leaving a possible building envelope with a developable width of 55'. The subject property is only 40' wide and it would lead to practical difficulty in allocated half of that area to minimum required setback distances. The existing structure had a nonconforming south side setback of 6'-11" and a nonconforming north side setback of 5'-4". The applicant is seeking both side setbacks to be permitted at 5' for a proposed two-story structure.

Finally, to allow less open space than required. While the proposal complies with the required front yard (40%) open space and required perimeter (50%) open space, it falls short of the required overall landscaped open space requirement of 45% by only providing 33%. While staff is understanding that the site is well below the lot size requirements of the R-C zoning district, staff maintains that capacious amounts of hardscape and a large square pool may be proportionately too large for the size of the parcel when considering the building footprint is at the maximum lot coverage (30%) permitted.