



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: Town of Palm Beach Mayor and Council

FROM: Wayne Bergman, MCP, LEED-AP
Director PZ&B

SUBJECT: ZON-22-131 163-165 SEMINOLE AVE

MEETING: OCTOBER 12, 2022

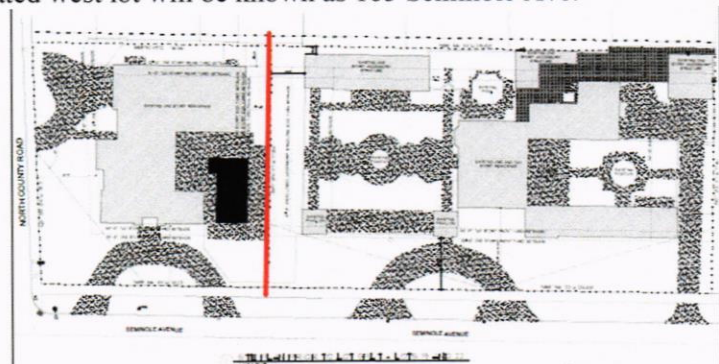
ZON-22-131 163-165 SEMINOLE AVE—VARIANCES. The applicant, 2012 Steven H. Rose Irrevocable Trust (Dale Coudert), has filed an application requesting Town Council review and approval for variances (1) to create a new nonconforming west side-yard setback, (2) to create nonconforming lot coverage, (3 -4) to create nonconforming landscaped open space o, and (5) to create nonconforming angle of vision; as part of the subdivision of the existing unified property at 163-165 Seminole Avenue into 2 separate lots while maintaining all existing structures.

Applicant: 2012 Steven. H. Rose Irrevocable Trust (Dale Coudert)
Professional: Asbacher Architecture
Representative: Maura Ziska, Esq.

THE PROJECT:

The applicant has submitted plans, entitled "PROPOSED LOT SPLIT", as prepared by **Asbacher Architecture**, dated August 2, 2022, requesting approval by the Town Council for variances which are required to allow a lot split which will result in zoning nonconformities due to existing structures and hardscape on both sites.

Currently, the unified parcel exists with a one-story residence, a one- and two-story residence, and three (3) one-story accessory structures with related hardscape, landscape and water features. After the lot split, the west lot (165 Seminole Ave) will contain only a 1 story residence with hardscape, landscape, and swimming pool. The east lot (163 Seminole Ave) contains Landmarked features and will contain a 1 and 2 story residence, three (3) one-story accessory structures, with hardscape pool and water fountain features. The newly created east lot will be known as 163 Seminole Ave, and the newly created west lot will be known as 165 Seminole Ave.



Each of the newly created lots will be compliant to zoning in regard to the width, depth and area lot size requirements of the underlying R-B zoning regulations for the parcels, and themselves would not require any Special Exception or Site Plan Review by Town Council if they were to be redeveloped in the future.

The applicant is seeking variances which result from the new lot line dividing the parcel. The new nonconformities requiring variances arise as a result of the existing structures on the site, which will require variances for setbacks, lot coverage, angle of vision, and landscape open space. The applicant DOES NOT need to seek variance relief for the EXISTING nonconformities. There is no site work or any construction proposed as a part of this application.

The variance relief required to create the west parcel (165 Seminole Ave) are as follows:

1. VARIANCE 1: Section 134-893(b)(7)a: A variance for an east side-yard setback of 12.3' in lieu of the 12.5' minimum required for an existing structure on a newly created lot in the R-B zoning district. (West Parcel: 165 Seminole Ave, Lot 19)
2. VARIANCE 2: Section 134-893(b)(12): A variance for a landscaped open space of 41.4% in lieu of the 45% minimum required for a newly created lot in the R-B zoning district with pre-existing structures and hardscape. (West Parcel: 165 Seminole Ave, Lot 19)

The variance relief required for the east lot (163 Seminole Ave) are as follows:

3. VARIANCE 3: Section 134-893(b)(1)a.: A variance for a west side-yard setback of 15-ft in lieu of the 30 ft minimum required for a newly created lot with pre-existing structures in the R-B zoning district, which is over 20,000 SF in area and is greater than 150 ft in width. (East parcel: 163 Seminole Ave, Lot 22).
4. VARIANCE 4: Section 134-893(b)(1)e.: A variance for a lot coverage of 27.2% in lieu of the 25% maximum allowed, for a newly created lot with pre-existing structures in the R-B zoning district, which is over 20,000 SF in area. (East parcel: 163 Seminole Ave, Lot 22).
5. VARIANCE 5: Section 134-893(b)(1)e.: A variance for a landscaped open space of 44% in lieu of the 50% minimum required, for a newly created lot with pre-existing structures and hardscape in the R-B zoning district on lot in excess of 20,000 SF in area (East parcel: 163 Seminole Ave, Lot 22).
6. VARIANCE 6: Section 134-893(b)(1)b. A variance for an angle of vision of 148° in lieu of the 110° maximum allowed for a newly created lot with pre-existing structures in the R-B zoning district which is in excess of 20,000 SF in area. (East parcel: 163 Seminole Ave, Lot 22).

Zoning

Below is a summary of the subject application with regards to Zoning Code compliance and variance request.

Surrounding Properties/Zoning	
North	1972 1-story residence / 1962 2-story residence / 2019 2-story residence / 1922 2-story residence (R-B)
South	2005 2-story residence / vacant parcel / 1925 2-story residence (R-B)

East	1950 2-story residence (R-B)
West	2007 2-story residence (R-C)

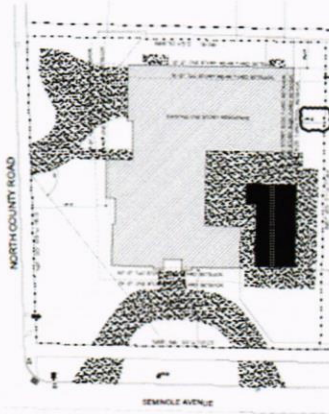
Site Data - 165 Seminole Ave (West Parcel)			
Zoning District	R-B Low Density Residential	Lot Size (SF)	Required: 10,000 SF Proposed: 13,358 SF
Lot Depth	Required: 100 ft Existing: 117 ft 7 in	Lot Width	Required: 100 ft Proposed: 110 ft
Lot Coverage	Max Allowed: 40% Proposed: 29.3%	Angle of Vision	Required: 102° max Proposed: 102°
Front Yard Setback	Required: 25 ft Existing: 29 ft 2 in	Rear Yard Setback	Required: 10 ft Existing: 9 ft 10 in
Side Yard Setback (East)	Required: 12 ft 6 in Proposed: 12 ft 4.75 in (<i>VARIANCE 1</i>)	Side Yard Setback (West Street)	Required: 25 ft Existing: 28 ft 6 in
Landscape Open Space (LOS)	Required: 45% minimum Proposed: 41.4% (<i>VARIANCE 2</i>)	Perimeter LOS	Required: 50% min. Proposed: 54.5%
Front Yard LOS	Required: 45% min. Proposed: 66.9%	FEMA FLOOD ZONE	X

Site Data - 163 Seminole Ave (East Parcel)			
Zoning District	R-B Low Density Residential (Lot over 20,000 SF)	Lot Size (SF)	Required: 10,000 SF Proposed: 25,311 SF
Lot Depth	Required: 100 ft Existing: 117 ft 7 in	Lot Width	Required: 100 ft Proposed: 215 ft
Lot Coverage	Max Allowed: 25% Proposed: 27.2% (<i>VARIANCE 4</i>)	Angle of Vision	Required: 102° max. Proposed: 148° (<i>VARIANCE 6</i>)
Front Yard Setback	Required: 25 ft Existing: 25 ft 5.5in	Rear Yard Setback	Required: 10 ft Existing: 6 in
Side Yard Setback (East)	Required: 30 ft Existing: 10 in	Side Yard Setback (West)	Required: 30 ft Proposed: 15 ft (<i>VARIANCE 3</i>)
Landscape Open Space (LOS)	Required: 50% minimum Proposed: 44.2% (<i>VARIANCE 5</i>)	Perimeter LOS	Required: N/A (Lot over 20,000 sf)
Front Yard LOS	Required: 45% min. Proposed: 77.5%	FEMA FLOOD ZONE	X

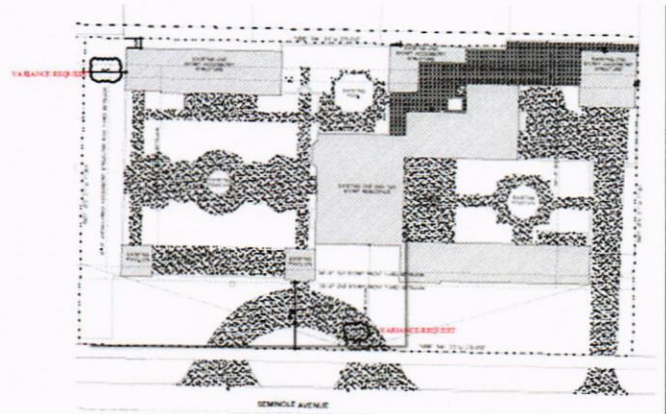
STAFF ANALYSIS:

The existing parcel is 38,000+ SF corner parcel on the northeast intersection of Seminole Ave and N. County Road. It appears that at some point, the existing parcel was created by combining two separate parcels, however, there is no record of a unity of title between the parcels in the Town's

records. The proposed lot split would be in keeping with neighborhood development patterns; the existing oversized parcel made up of multiple dwellings and accessory structures is out of sync with the rest of the neighborhood. There is no new development or improvements to hardscape being proposed as a part of this application. The need for variances arise because of the relationship of the newly proposed lot line with the existing structures/conditions of the site. The actual lots being proposed are compliant with the regulations of the R-B zoning district in which they are located. Any future redevelopment would not require special exception or site plan review by town council for lots with nonconforming width, depth or area.



West Lot (165 Seminole Ave)



East Lot (163 Seminole Ave)

Staff notes that the proposed east lot (163 Seminole Ave) does have features which are landmarked and any future changes would be subject to review and approval by the Landmarks Preservation Commission. The proposed west lot (165 Seminole Ave) does not have any Landmarked features, therefore any alteration or redevelopment would be subject to review by the Architectural Commission. Staff is of the opinion that the request to split these parcels is not unreasonable and in keeping with development patterns of the immediate neighborhood.