



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-22-100 (COA-22-035) 800 S COUNTY RD (COMBO)

MEETING: OCTOBER 12, 2022

ZON-22-100 (COA-22-035) 800 S COUNTY RD (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES The applicant, ANN DESRUISSEUAX, has filed an application requesting Town Council review and approval for site plan review for the installation of a generator over 100 kW with associated building, and variances (1) to reduce the required east front yard setback, (2) to reduce the required north side yard setback, (3) to exceed the maximum lot coverage allowed, (4) to decrease the minimum required landscape open space, (5) to place a cooling tower within a required side yard, and (6) to place an 150 kW generator in the required front and side yard. The Landmarks Preservation Commission will perform design review of the application.

LPC NOTICE:

COA-22-035 (ZON-22-100) 800 S COUNTY RD (COMBO). The applicant, ANN DESRUISSEUAX, has filed an application requesting a Certificate of Appropriateness for changes to previously approved project including modifications to windows and doors, removal of fence and masonry columns, relocation of fence and entry columns to the east, addition of a site wall to match existing along S County Rd, and the construction of a new generator building with cooling tower enclosure requiring special exception, site plan review and variances related to setback, lot coverage and open space. Town Council will review the special exception with site plan review and variance portion of the application.

Applicant: Ann Desruisseuax
Professional: Brasseur & Drobot Architects, P.A. (Jason Drobot)
Representative: Maura Ziska, Esq.

HISTORY:

The property was designed by renowned Palm Beach architect Addison Misner in 1923. This property has been reviewed by both Landmarks Preservation Commission and Town Council several times over the past 2 years, with town council actions approved and denied. The current scope of work was reviewed by Town Council at the August 10, 2022 hearing, but the applicant was instructed to find solutions which require less relief. The applicant has returned to the September 2022 meeting with 2 options proposed, each requiring less relief than previously requested. The landscape open space variance previously requested has been removed from both options and is no longer being requested.

THE PROJECT:

The applicant has submitted plans, entitled "A GENERATOR BUILDING AND SITE WALL ADDITION FOR: ANN DESRUISSEAU", prepared by **Brasseur & Drobot Architects, PA** dated August 29, 2022.

The following is the scope of work is proposed for the project:

- Removal of an existing fence and masonry column at the northeast corner of the parcel.
- Relocation of the existing entry columns and gates eastward.
- Construction of a new site wall to match existing along S County Road.
- OPTION 1: The addition of (2) 60 kW generators and a 60-ton cooling tower surrounded by a masonry site wall at the northeast corner of the property, requiring variances.
- OPTION 2: Construction of a new 227 SF generator building with a 60-ton cooling tower enclosure at the northeast corner of the property, requiring variances.

The following Special Exception with Site Plan Review and/or Variances are being requested for the project:

OPTION 1 (The addition of (2) 60 kW generators and a 60-ton cooling tower surrounded by a masonry site wall at the northeast corner of the property):

1. A variance to permit a 60-ton cooling tower in a required side yard.
2. A variance to allow (2) 60kW generators in a required side yard.
3. ~~A variance for a side yard setback of 10.9 ft in lieu of the 30 ft minimum required for lots over 60,000 sq ft, for the site wall around the proposed equipment yard. Requested by applicant but not required.~~

OPTION 2 (Construction of a new 227 SF generator building with a 60-ton cooling tower enclosure at the northeast corner of the property):

1. A variance for a side-yard setback of 10.9 ft in lieu of the 30 ft. minimum require for lots over 60,000 sq. ft., for a new generator and generator building.
2. A variance for a lot coverage of 25.36% in lieu of the 24.99% previously approved and the 25% maximum allowed, for a new generator building.
3. A variance to permit a 60-ton cooling tower in a required side-yard.
4. Special Exception with Site Plan review for a generator over 100kW with required building enclosure.

Site Data			
Zoning District	R-A Estate Residential	Lot Size (SF)	62,295 SF
C-O-R	7.40' NAVD	Flood Zone	AE 6' / Zone X
Exist. Floor Elevation	9' NAVD	Prop. Floor Elevation	9' NAVD
Year of Construction	1923	Architect	Addison Mizner
Project			

Landscape Open Space	Permitted: 50% (31,147.5 SF) Existing: 43.48% (27,086 SF) Proposed: 43.48% (27,086 SF) <i>Variance request eliminated</i>	Lot Coverage	Permitted: 25% (15,573.75 SF) Existing: 24.99% (15,570 SF) Proposed: 25.36% (15,798 SF) <i>Variance requested (option 2)</i>
Surrounding Properties			
North	1991 Two-story single-family estate residence		
South	1940 Two-story single-family estate residence		
East	1928 Three-story single-family estate residence		
West	Lake Worth Lagoon		

STAFF ANALYSIS

This item was deferred from the September 14, 2022 meeting at the request of the applicant. The application has returned to Town Council to consider whether all the criteria in section 134-229, 134-329, and 134-201 have been met. Based on comments from the counsel at the last meeting, the applicant proposes 2 options for consideration. No new variance relief would be required based on the changes, and selection of either option would result in less variances than presented at the last Town Council meeting. The landscaped open space variance has been removed altogether from either proposal. Each option is explained below in more detail.

Option 1:

The scope of work for Option 1 includes the following:

1. Removal of an existing fence and masonry column at the northeast corner of the property.
2. The relocation of the exiting entry columns and gate to the east.
3. The addition of a site wall to match existing along S County Rd.
4. The addition of (2) 60 kW generators and a 60-ton cooling tower surrounded by a masonry site wall at the northeast corner of the property, requiring variances.

Option 1 eliminates four (4) previously requested variances. The council relief required for Option 1 are:

4. ~~A variance for a side yard setback of 10.9 ft in lieu of the 30 ft minimum required for lots over 60,000 sq ft, for the site wall around the proposed equipment yard. Requested by applicant but not required.~~
5. A variance to permit a 60-ton cooling tower in a required side yard.
6. A variance to allow (2) 60kW generators in a required side yard.

Option 2:

The scope of work for Option 2 includes the following:

1. Removal of an existing fence and masonry column at the northeast corner of the property.
2. Relocation of the existing entry columns and gate to the east
3. The addition of a site wall to match existing along S County Rd.

4. The addition of a 227 sq. ft., 150 kW generator building with a 60 ton cooling tower enclosure at the northeast corner of the property, requiring variances.

Option 2 eliminates three (3) previously requested variances. The council relief required for Option 2 include:

5. A variance for a side-yard setback of 10.9 ft in lieu of the 30 ft. minimum require for lots over 60,000 sq. ft., for a new generator and generator building.
6. A variance for a lot coverage of 25.36% in lieu of the 24.99% previously approved and the 25% maximum allowed, for a new generator building.
7. A variance to permit a 60-ton cooling tower in a required side-yard.
8. Special Exception with Site Plan review for a generator over 100kW with required building enclosure.

Option 1 requires relief solely for the location of equipment in a side yard. Landscape openspace, lot coverage, and building setback variances have been removed from this proposal. The wall enclosure itself is conforming to the town code. The variances are for the cooling tower in the required side yard setback, and for two (2) 60kW generators in the side yard setback where only one (1) is permitted. The exact code relief sections and calculations are provided below:

- A. VARIANCE 1: Section 134-1729(2)a.: A variance to allow two (2) 60kW generators in the required side yard setback.
- B. VARIANCE 2: Section 134-1728(b): A variance to allow a cooling tower and required enclosure in a required side yard setback

Option 2 requires variance relief for the location of cooling tower equipment in the side yard, and variances are required for the setback for a new generator and required building enclosure and to exceed maximum lot coverage allowed for the new generator building. The installation of a generator over 100kW is required to be housed in a building as a Special Exception and is subject to Site Plan Review and approval by Town Council. The exact code relief sections and calculations are provided below.

- A. SPECIAL EXCEPTION W/ SITE PLAN REVIEW: for the installation of a new generator over 100kW with required building enclosure.
- B. VARIANCE 1: Section 134-843(8): A variance for a side yard setback of 10.9 ft. in lieu of the 30 ft. minimum required for lots over 60,000 SF for the construction of the new generator building and generator.
- C. VARIANCE 2: Section 134-843(11): A variance for lot coverage of 25.36% in lieu of the 24.99% previously approved, and the 25% maximum allowed, for the construction of the new generator building.
- D. VARIANCE 3: Section 134-1728(b)(1): A variance to permit a 60-ton cooling tower in a required side yard.

Staff is understanding of the desire for the generator and cooling towers for this large estate. The applicant affirms that the proposed location of the generator, cooling tower, and associated structure has been discussed with affected neighbors. Several variances are being proposed, however, they

do not appear to be detrimental. Generators of this size are required to be within an enclosed building. Option 1 appears to be the least impactful option, requiring only 2 variances; one for a cooling tower in the side yard setback and one for 2 generators in the side yard setback. Option 2 requires 3 variances along with special exception and site plan review. Special exception with Site Plan Review is required for generators over 100kW and their associated required building enclosure. One variance is for the generator and building to be located in a required side-yard setback, one variance is to exceed the maximum lot coverage, and one variance is to permit a cooling tower in a required side-yard.