

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-22-143 (ARC-22-188) 266 ORANGE GROVE RD (COMBO)

MEETING: NOVEMBER 09, 2022

ZON-22-143 (ARC-22-188) 266 ORANGE GROVE RD (COMBO)—VARIANCE. The applicant, Olofson Jeanne H Trust, has filed an application requesting Town Council review and approval for an after-the-fact variance to maintain landscape open space less than the minimum requirements in the R-B zoning district. The Architectural Commission will perform the design review of the application.

ARCOM NOTICE:

ARC-22-188 (ZON-22-143) 266 ORANGE GROVE RD (COMBO). The applicant, Olofson Jeanne H Trust, has filed an application requesting Architectural Commission review and approval for modifications to an existing landscape plan including the removal of all non-permitted artificial turf resulting in an after-the-fact variance from the landscape open space requirements of the R-B zoning district. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Applicant: Olofson Jeanne H Trust
Professional: Environment Design Group (Dustin Mizell)

THE PROJECT:

The applicant has submitted plans, entitled "Private Residence at 266 Orange Grove Rd ", as prepared by **Environment Design Group**, dated July 19, 2022.

The following is the scope of work:

- Removal of non-permitted artificial turf sitewide, including variance from the open space requirements.

Site Data			
Zoning District	R-B	Lot Size (SF)	8,160 SF
Future Land Use	SINGLE FAMILY	Native Planting	Required: 35% Existing: NA Proposed: 45.68%

Lot Coverage	Permitted: 45% (3,672 SF) Existing: 38.75% (3,162 SF) Proposed: NC	Perimeter Open Space	Required: 50% (1,836 SF) Existing: 40.22% (1,477 SF) Proposed: 62.42% (2,292 SF)
Landscape Open Space (LOS)	Required: 45% (3,672 SF) Existing: 25% (2,070 SF) Proposed: 38.75% (3,160 SF) <i>Variance Requested</i>	Front Yard Open Space	Required: 40% (755 SF) Existing: 52.22% (986 SF) Proposed: 53.38% (1,008 SF)
Surrounding Properties / Zoning			
North	1949 One-story residence/ R-B		
South	1945 One-story residence/ R-B		
East	1941 One-story residence/ R-B		
West	1940 Two-story residence/ R-B		

STAFF ANALYSIS

This application is presented to the Commission to consider whether all of the criteria in Sec. 18-205 have been met. 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 Sec. 134-893(b)(12): Open Space. An after the fact variance for landscape open space of 38.75% in lieu of the 45% minimum required*

The original design for a new one-story residence was approved on January 24, 2018, pursuant to B-102-2017 (SKA Architects). Those plans maintained compliance with the 45% open space requirement. Then, a minor application was approved in June of 2019, pursuant to A-019-2019, for a change in the driveway material. Those plans maintained compliance with the 45% open space requirement. And finally, a revision to the project was approved on August 25, 2021 with a variance from parking requirements resulting from a garage conversion and other site improvements, pursuant to ARC-21-019/Z-21-00389 (Spina ORourke). Those plans maintained compliance with the 45% open space requirement.

As the recently approved architectural improvements neared completion, the client has decided to revisit the landscape design that was previously approved. During pre-application review by the Planning, Zoning and Building Department, the nonpermitted nonconformances as it pertains to the landscape and open space requirements were identified. Sometime after the Certificate of Occupancy was issued the owner installed extensive artificial turf and extended the hardscape within the building envelope. As a consequence, the proposal is removing all artificial turf, installed without a permit and without ARCOM approval, which will bring the site up to 38.75% open space (3,160 sf)— yet still 512 SF deficient. Resulting in an after-the-fact variance request needed to be heard by Town Council for review and approval.

Variance Request

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

- *Variance #1 Sec. 134-893 Lot, yard and area requirements—Generally.*
(b) Schedule of regulations. In the R-B low density residential district, the schedule of lot, yard and area requirements is as given in this section:(12) a. The minimum landscaped open space is 45 percent, of which 50 percent of that percentage is

required to be perimeter landscaping within ten feet of the property line. The perimeter landscaped open space requirement shall not apply to lots 20,000 square feet or more in area.

Sec. 134-893(b)(12)(a)	45% (3,672 SF)	38.75% (3,160 SF)	6.25% (512 SF)
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The following zoning legend is from B-102-2017 266 Orange Grove Rd ARCOM dwgs.

SITE CALCULATIONS- RB Zoning District			
REQUIREMENTS	REQUIRED	EXISTING	PROPOSED
LOT AREA	10,000 S.F.	8,156.00 S.F.	8,156.00 S.F.
LOT WIDTH	100 FT	75.00' NORTH, 75.00' SOUTH	75.00' NORTH, 75.00' SOUTH
LOT DEPTH	100 FT	108.79' WEST, 108.79' EAST	108.79' WEST, 108.79' EAST
FRONT YARD SETBACK	25.0' (1), 30.0' (2)	30.6'	25.0'
SIDE YARD SETBACK	12.5' (1), 15.0' (2)	9.5' W, 11.0' E	12.5', 12.5'
REAR YARD SETBACK	10.0' (1), 15.0' (2)	44.5'	10.0'
BUILDING HEIGHT	14.0' (1), 22.0' (2)	10.0'	10.0'
ANGLE OF VISION	100.00 DEG. MAX.	90.00 DEG.	90.00 DEG.
LOT COVERAGE	40% MAX. (1), 30% MAX. (2)	36.10% (2,944.47 S.F.)	35.97% (2,934.75 S.F.)
LANDSCAPED OPEN SPACE	45% MIN. (OF 8,156.00 = 3,671.66 S.F.)	% (.00 S.F.)	45.71% (3,729.58 S.F.)
FRONT YARD LANDSCAPE	40% (1,875.00 S.F.)	% (.00 S.F.)	53.93% (1,011.12 S.F.)
PERIMETER LANDSCAPE	50% of Total Required Open Space (1,835.83 S.F.)	% (.00 S.F.)	79.33% (2,912.61 S.F.)

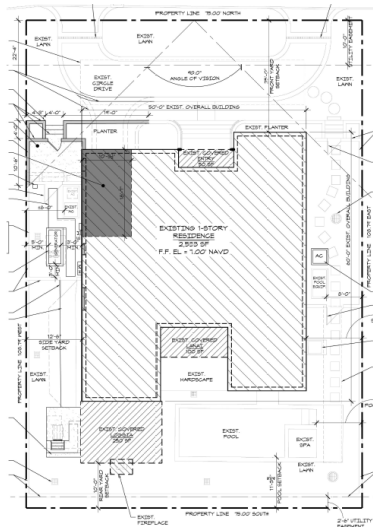
The follow zoning legend is from A-019-2019 266 Orange Grove Rd ARCOM dwgs.

SITE CALCULATIONS- RB Zoning District			
REQUIREMENTS	REQUIRED	EXISTING	PROPOSED
LOT AREA	10,000 S.F.	8,156.00 S.F.	8,156.00 S.F.
LOT WIDTH	100 FT	75.00' NORTH, 75.00' SOUTH	75.00' NORTH, 75.00' SOUTH
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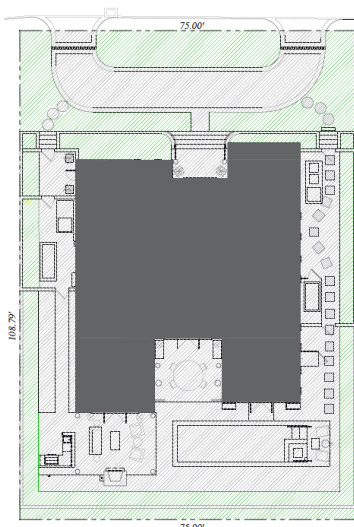
The follow zoning legend is from ARC-21-019/Z-21-00389 266 Orange Grove Rd ARCOM dwgs.

TOTAL LOT COVERAGE			
2,934.75 SF COVERAGE / 8,156 SF TOTAL PARCEL	40% MAX. ALLOWED (3,262.4 SF)	35.97% EXISTING (2,934.75 SF)	NO CHANGE
LANDSCAPED OPEN SPACE			
4,483 SF OPEN / 8,156 SF TOTAL PARCEL	45% MIN. REQUIRED (3,671.66 SF)	45.71% EXISTING (3,729.58 SF)	45% PROPOSED (3,673.58 SF)
FRONT YARD LANDSCAPED OPEN SPACE			
937.025 SF LAND. OPEN SPACE 1,874.5 TOTAL FRONT YARD	40% REQUIRED (749.8 SF)	53.96% EXISTING (1,011.12 SF)	55.7% PROPOSED (1,044.37 SF)

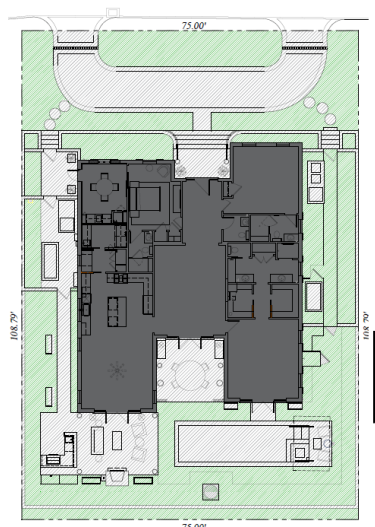
There are considerable improvements proposed with the site work, including an increased native planting schedule and increase over the minimum amount of perimeter and front yard open space (green space)—arguably the most important as it relates to the potential impact of neighboring abutting properties and visual impact from the right-of-way. But the fact remains that the within the timeline of approvals, the overall open space was either disingenuously represented or somehow otherwise erroneously accounted for.



Original Approval B-102-2017



Revised ARC-21-019/Z-21-00389



Proposed

Staff maintains that the applicant should continue to explore ways for further reducing the hardscape in an effort to maximize the amount of overall landscape open space.

WRB/JGM