



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: NOVEMBER 09, 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 proposed scope of work is an amendment to an existing Historic Preservation Property Tax Exemption application. There have been multiple amendments to the initial approval, with the last amendment request being reviewed and approved by the LPC in May of 2022. The property was designed by renowned Palm Beach architect Addison Misner in 1923.

The applicant came before the Town Council at the August 10, 2022 Development Review Meeting and presented the plans that are before the Town Council again today. At that August meeting, a neighbor expressed concerns regarding a property wall. The Town Council directed the applicant to revise the proposal and reduce the variance requests. At the September 14, 2022 the applicant

was ready to present revised plans for two alternative designs but requested a deferral. The applicant requested another deferral at the October 12, 2022 meeting.

Plans presented today are the same request as the original submittal back in August. This site plan and proposed design changes were approved by the Landmarks Preservation Commission at the July 20, 2022 (6-0) and the LPC also motioned that the variances will not cause negative architectural impact to the subject landmarked property (6-0).

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 June 10, 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.
- Construction of a new 227 SF generator building with a 60-ton cooling tower enclosure at the northeast corner of the property

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

- SPECIAL EXCEPTION W/ SITE PLAN REVIEW: for the installation of a new generator over 100kW.
- VARIANCE 1: Section 134-843(5): A variance for a front yard setback of 31.6 ft. in lieu of the 35 ft. minimum required for the construction of the new generator building.
- VARIANCE 2: 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.
- VARIANCE 3: 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.
- VARIANCE 4: Section 134-843(12): A variance for a landscape open space of 42.8% in lieu of the 43.48% previously approved, and the 50% minimum required, for the construction of the new generator building.
- VARIANCE 5: Section 134-1728(b)(1): A variance to permit a 60-ton cooling tower in a required side yard.
- VARIANCE 6: Section 134-1729: A variance to allow a 150kW generator within the required front yard, where generators are prohibited.

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: 42.8% (26,662 SF) <i>Variance requested</i>	Lot Coverage	Permitted: 25% (15,573.75 SF) Existing: 24.99% (15,570 SF) Proposed: 25.36% (15,798 SF) <i>Variance requested</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

The application is presented to the Town Council to consider whether all the criteria in section 134-229, 134-329, and 134-201 have been met. The applicant seeks to construct a new 227 SF utility building to house a new generator over 100kW and new masonry site walls to screen a cooling tower directly north of the proposed vehicle gate location. The generator building's proposed location requires substantial relief from the zoning code, including a front yard setback variance, a side yard setback variance, a lot coverage variance, and a landscape open space variance. Additionally, a variance to permit a 60-ton cooling tower in a required side yard and a variance to locate a 150kW generator within the required front yard is also needed, as generators are prohibited from being placed in front yard setbacks. 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.
- B. VARIANCE 1: Section 134-843(5): A variance for a front yard setback of 31.6 ft. in lieu of the 35 ft. minimum required for the construction of the new generator building.
- C. VARIANCE 2: 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.
- D. VARIANCE 3: 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.
- E. VARIANCE 4: Section 134-843(12): A variance for a landscape open space of 42.8% in lieu of the 43.48% previously approved, and the 50% minimum required, for the construction of the new generator building.
- F. VARIANCE 5: Section 134-1728(b)(1): A variance to permit a 60-ton cooling tower in a required side yard.

- G. VARIANCE 6: Section 134-1729: A variance to allow a 150kW generator within the required front yard, where generators are prohibited.

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. The addition of a 227 SF generator building with a 60 ton cooling tower enclosure is proposed at the northeast corner of the property requiring six variances. The first two are for setbacks to permit the elements within the front and side yard. The fact that the generator must be in a building triggers the need for the coverage and open space variance which have already been granted. And finally, two variances are needed to place the equipment in the front yard which are otherwise not permitted.