

**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-22-136 (COA-22-050) 200 REGENTS PARK RD (COMBO)

MEETING: DECEMBER 14, 2022

**ZON-22-136 (COA-22-050) 200 REGENTS PARK RD (COMBO)—VARIANCES.** The applicant, 200 REGENTS PARK ROAD TIC-I, LLC And 200 REGENTS PARK ROAD TIC-II, LLC I, has filed an application requesting Town Council review and approval for variances (1) to exceed the maximum amount of fill allowed in required yards, (2) a variance to retain an existing nonconforming front yard setback at an elevated height, (3) a variance to retain an existing nonconforming side yard setback at an elevated height, and (4) a variance to retain an existing nonconforming angle of vision at an elevated height, in conjunction to the raising of an existing two-story Landmarked structure and site. Landmarks Preservation Commission will perform the design review.

**LPC NOTICE:**

**COA-22-050 (ZON-22-136) 200 REGENTS PARK RD (COMBO).** The applicant, 200 REGENTS PARK ROAD TIC-I, LLC And 200 REGENTS PARK ROAD TIC-II, LLC, has filed an application requesting Certificate of Appropriateness review and approval to raise the existing two-story Landmarked structure above minimum FEMA requirements, including a variance to exceed the maximum amount of fill in all required yards and variances to retain existing nonconformances. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Applicant: 200 Regents Park Road TIC-I, LLC  
Professional: Michael Perry/ MP Design & Architecture, Inc.

**HISTORY:**

The subject property was landmarked May 13, 2015 as part of the Regents Park Historic District and includes 5 properties. At the July 20, 2022 LPC meeting, an application was approved for the renovation of the landmarked structure with a loggia addition to an existing two-story landmarked structure including windows and doors, as well as modifications to the existing hardscape and pool, pursuant to COA-22-031.

**THE PROJECT:**

The applicant has submitted plans, entitled "200 Regents Park Road TIC-I LLC", as prepared by **MP Design & Architecture, Inc.** dated October 07, 2022.

The proposed scope of work is as follows:

- Raising existing structure from 4.81/6.27 NAVD to 7.0/8.5' NAVD, triggering multiple variances.
- Addition of exfiltration trench north of the garage and east of the existing storm sewer main to relieve constant flooding.

The following Variances are being requested for the project:

- **VARIANCE 1:** Sec. 134-1600. A variance to exceed max fill of 1.14 by **2.86** to elevate required yards up to 7' NAVD. (FFE)  $8.5 - (c-o-r) 4.72 = 2.28 / 2 = 1.14$  MAX FILL allowed in required yards.
- **VARIANCE 2:** Sec. 134-793(a)(5) A variance to retain an existing non-conforming front yard (north) setback of 29'-11" in lieu of 35'-0" required.
- **VARIANCE 3:** Sec. 134-793(a)(8) A variance to retain an existing non-conforming side yard setback (west) of 22'-9" in lieu of 30'-0" required.
- **VARIANCE 4:** Sec. 134-893(b)(6) A variance to retain an existing non-conforming angle of vision of 115 degrees in lieu of 100 degrees required.

Site Data			
Zoning District	R-AA	Lot Size (SF)	30,818 SF
Year of Construction:	1958-1959	Architect:	Clarence Mack
Exist Fin. Floor Elevation	6' NAVD	Fin. Floor Elevation	4.81'/6.27' NAVD Existing 7.00'/8.50' NAVD Proposed
C-O-R	4.72' NAVD	Flood Zone	AE 6' NAVD
Lot Coverage	25% (7,704 SF) Permitted 20.5% (6,333 SF) Approved 20.5% (6,333 SF) Proposed	Max Fill	1.14 Permitted 4.00 Proposed <i>Variance requested</i>
Landscape Open Space (LOS)	55% Required 74% Proposed	Native Planting	35% Required 86% Proposed
Surrounding Properties / Zoning			
North	1959 Two-story single-family estate residence		
South	2011 Two-story single-family estate residence		
East	1924 Two-story single-family estate residence		
West	1959 Two-story single-family estate residence		

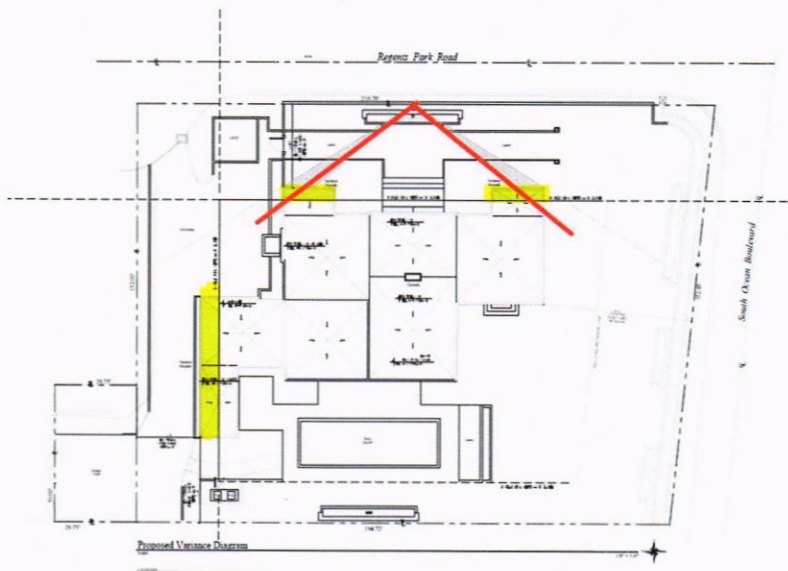
**STAFF ANALYSIS**

The application is presented to the Town Council to consider the variances being requested.

At the July 20, 2022 LPC meeting—when the prior application was approved—there was Commission discussion and comment regarding elevating the landmarked structure in a resiliency effort to combat the persistent flooding that affects this and other properties in the area. The project architect stated they would discuss the option with the client. The overall scope of this project includes that elevating of the one-story landmarked structure from the existing grade elevation of 4.81/6.27 NAVD to 7.0/8.5' NAVD, the addition of an exfiltration trench along the north side of the garage and east of the existing storm sewer main to relieve constant flooding. And finally, the applicant is proposing sitewide improvements by elevating in the majority of the site with extra 'fill' to increase the overall height or grade of the site in order to address the concerns, and portions of the site may exceed maximum allowed fill requirements, particularly in the garage/driveway

area and all of the required yards.

As it pertains to variance #1, there are basically two ways to elevate a structure on a site that is affected by rainy day flood events. One way is to elevate the structure and pour a new elevated foundation at the proper and required elevation and design steps, ramps, tiers, and terraces within the site in order to provide access into the new higher structure. The second way is to simply elevate the entire site with fill. The former is the more environmentally sensitive approach and the likely option to minimize the impact to the neighboring abutting properties. This solution would not provide resolution to the site-wide flooding issues. The latter resolves all of water collection issues and provides a more seamless transition from the interior of the newly elevated structure and the surrounding sitework. This approach requires a variance. In 2021, the Code was modified to limit the amount of fill that new construction can be added to the site within the required yards. The intent of this limitation was to prevent the ‘house on the hill’ design approach that was beginning to surface around the Town due to the new two-story structures responding to higher base flood elevations and freeboard. And while this variance request would not be supported by staff in the case of new construction—this is for the higher land elevation in response to a landmarked structure. The Code does not distinguish the matter, the code calculates and limits the amount of fill the following way: subtracting the highest crown of road from the highest proposed design floor elevation and dividing that by two. In this specific example it is the following: (FFE) 8.5 – (c-o-r) 4.72 = 2.28 / 2 = 1.14 the maximum amount of fill that can be added to the site within the required yards. It must be noted that prior to this, the Code inadvertently required the yards to be filled within 8” of the finished floor elevation of the interior habitable space of the ground floor. At this time, staff would recommend a further discussion of this aspect of the application to fully vet the method of raising the landmarked structure and alternate avenues to have the site meet the desired grade elevation—perhaps through tiering, or terracing the site. Further, additional evidence of the proposed perimeter condition is needed (See additional discussion at the end of this analysis).

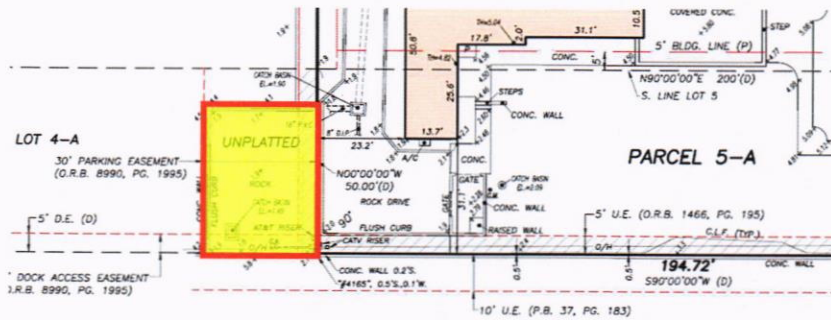


As it pertains to variances #2, #3, and #4 the applicant is proposing to raise the existing landmarked residence sited on a corner lot—one of the entrances to the Regents Park Local Historic District. In doing do, three of the nonconforming conditions of the structure must be established through the variance process. Specifically, the new elevation of the building requires variance relief from the requirements of the front

(north) and side (west) setbacks. Additionally, an angle of vision variance is needed as well. Staff is supportive of the variances pertaining to the existing structure (#2, #3 and #4).

There are some unresolved issues with the proposal: specifically how the retention of the filled yards will be handled, ie the perimeter walls. Site walls within the street-side yard (South Ocean

Boulevard) and along the front yard (Regent's Park Road) are measured from the highest crown-of-road and the maximum wall height is 6'-0". Further, if any walls exceed 4'-0" in height, they must be setback 3'-0" and be screened with a 3'-0" high hedge. Site walls within side and rear yards (non-adjacent to streets) are measured from the lowest grade on either side of the site wall and the maximum wall height is 7'-0".



Additionally, the applicant must resolve the outstanding ownership issues of the existing portion of land currently serving as a parking area for the owner. Improvements on property under different ownership shall be

requested under an independent application by that property owner; currently that land is together serving as a perpetual easement for parking over and across the east 30 feet of parcel 4-A, and an easement for drainage over and across the southerly 5 feet of parcel 4-A. Improvements appear to occur outside of the boundaries of the property lines.

WRB:JGM