



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) 144 CHILEAN AVE (COMBO)

MEETING: DECEMBER 14, 2022

ZON-22-139 (ARC-22-213) 144 CHILEAN AVE (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES. The applicant, Allen Perl, as Trustee of the 144 Chilean Trust dated April 13, 2022, has filed an application requesting Town Council review and approval special exception with site plan review for development of a lot nonconforming in lot width in the R-B zoning district in order to construct a new two-story single family residence which requires variances to (1) exceed maximum lot coverage, (2) provide deficient landscaped open space and (3) exceed the maximum cubic content ratio (CCR) allowed. The Architectural Commission will perform design review of the application.

ARCOM NOTICE:

ARC-22-213 (ZON-22-139) 144 CHILEAN AVE (COMBO). The applicant, Allen Perl, as Trustee of the 144 Chilean Trust dated April 13, 2022, has filed an application requesting Architectural Commission review and approval for the construction of a new two-story single-family residence with hardscape and landscape, requiring special exception with site plan review for a lot deficient in width, and variances for ~~lot coverage, overall landscaped open space, and~~ cubic content ratio (CCR). This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Applicant: Allen Perl, as Trustee of the 144 Chilean Trust dated April 13, 2022
Professional: Fairfax & Sammons | Nievera Williams

HISTORY:

This application was originally presented at the October 26, 2022, ARCOM meeting. After discussion, the matter was deferred for one month. At the November 18, 2022 the application was approved by the Architectural Commission, including a motion that the variance (CCR) would not cause negative impact to the architecture.

THE PROJECT:

The applicant has submitted revised plans, entitled "Guff Residence", as prepared by **Fairfax & Sammons**, dated November 03, 2022.

The following is the scope of work:

- Construction of a new two-story single-family residence
- Site wide landscape and hardscape improvements

Site Data			
Zoning District	R-B	Lot Size (SF)	10,000 SF
Lot Width	Required: 100 ft Existing/Proposed: 80 ft SPECIAL EXCEPTION W/ SITE PLAN REVIEW	Lot Depth:	Required: 100 ft Existing/Proposed: 125 ft
Future Land Use	SINGLE FAMILY	Cubic Content Ratio (CCR)	Permitted: 4.0 (40,000 CF) Proposed: 4.94 (49,390 CF) Variance Requested
Lot Coverage	Permitted: 30% (3,000 SF) Proposed: 29.6% (2,963 SF)	Building Size	Air condition: 4,909 SF Total w/Non condition: 5,603 SF
Native Landscape	Complies	Perimeter Open Space	Required: 50% (2,250 SF) Proposed: 66% (2,969 SF)
Landscape Open Space (LOS)	Required: 45% (4,500 SF) Proposed: 45% (4,500 SF)	Front Yard Open Space	Required: 40% (800 SF) Proposed: 54.3% (1,087 SF)
Building Height	Permitted: 22'-0" Proposed: 22'-0"	Overall Building Height	Permitted: 30'-0" Proposed: 25'-6"
Crown of Road	9.78 ft NAVD	FEMA Flood Zone	ZONE X
Surrounding Properties / Zoning			
North	1924 Two-story residence / R-B 1911 Two-story residence / R-B		
South	1980 Three-story condominium bldg. / R-C 1997 Two-story residence / R-C		
East	1925 Two-story residence / R-B		
West	1925 Two-story residence / R-B		

STAFF ANALYSIS

. 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:

- *SPECIAL EXCEPTION WITH SITE PLAN REVIEW: Sec. 134-229 & 134-446: Special exception with site plan review for the development of a lot nonconforming in lot width in the R-B Zoning District.*
- *VARIANCE 1: Sec. 134-893(13): Variance for a cubic content ratio (CCR) of 4.94 in lieu of the 4.0 maximum allowed*

The application requests the construction of a new, 3-bedroom, 5,603 SF, two-story single-family dwelling designed in the Mediterranean style with new hardscape, landscape and a swimming pool. A new curb cut is proposed for the site for two total curb cuts. A half-circle drive is met on the east side of the lot with a ribbon drive, separated by a solid wood vehicular gate which leads to the rear of the home where a side-loaded two-car garage is located, out of view from the right-of-way. The

drive in the north yard is screened by a hedge, as required by code. The swimming pool and outdoor living area are located in a courtyard area on the west side of the residence. All mechanical and pool equipment is located in the south rear yard of the home, outside of the required setback and screened from neighboring properties with a combination of site walls and landscape material.

Special Exception with Site Plan Review is required due to a nonconforming lot width of 80' where 100' is required by the zoning code, regardless that the parcel meets the minimum lot area requirement of 10,000 SF for the R-B zoning district. The applicant is seeking one variance, to exceed the maximum cubic content ratio (CCR) permitted. The originally requested variances to exceed lot coverage and reduce the overall landscaped open space have been eliminated in the November resubmittal. The reduction of the project to comply with the lot coverage requirements most notably comes at the loss of the covered loggia internal to the courtyard that was complimentary to the overall design and added interest and functionality to the interior massing of the C-formed residence. Additionally, to quell neighbor concerns to the east of the subject property, the applicant has installed landscaping buffering in the form of a 10' high Podocarpus hedge and 16-18' high Seagrape trees along the backout area of the garage located to the rear of the property.

Variance Request

The following Variances required to complete the project, and shall be reviewed by Town Council:

Code section	Required	Proposed	Variance
<i>Sec. 134-893(13): Variance for a cubic content ratio (CCR) of 4.94 in lieu of the 4.0 maximum allowed</i>	4.0 (40,000 cf)	4.94 (49,390 CF)	.94 (9,390 cf)

As it pertains to the variance, the applicant is seeking an allowance for a 0.94 overage of CCR. Of late, there certainly has been much discussion over the merit of CCR in reducing or controlling the massing of the property. The architect maintains that the scale and massing of the proposed house is in keeping with the scale and massing of the neighboring houses, and a streetscape CCR study has been provided by the applicant, provided on Sheet G-002 of the plan set.

WRB/JGM/JRH