



**TOWN OF PALM BEACH**  
Planning, Zoning & Building Department  
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PLANNING, ZONING, & BUILDING DEPARTMENT  
PZ&B Staff Memorandum: Architectural Commission (ARCOM)

TO: ARCOM Chairperson and Members

FROM: Wayne Bergman, MCP, LEED-AP  
Director PZ&B

SUBJECT: ARC-22-231 (ZON-23-013) 7 LA COSTA WAY (COMBO)

MEETING: DECEMBER 16, 2022

**ARC-22-231 (ZON-23-013) 7 LA COSTA WAY (COMBO)**. The applicant, La Costa Way Trust (Cooper Andrew TR), has filed an application requesting Architectural Commission review and approval for exterior modifications to an existing nonconforming one-story residence including new windows and doors, new rooftop equipment with screening, new rooftop terrace and new hardscape and landscape, requiring variances for lot coverage, landscape open space, and setbacks. This is a combination project that shall also be reviewed by town council as it pertains to zoning relief/approval.

Applicant: La Costa Way Trust (Andrew Cooper TR)  
Professional: Smith and Moore Architects (Daniel Kahan)

**THE PROJECT:**

The applicant has submitted plans, entitled "7 La Costa Way, Palm Beach, Florida", as prepared by **Smith and Moore Architects, Inc.**, dated November 4, 2022.

The following is the scope of work:

- Replacement of all existing doors and windows.
- Relocation of mechanical equipment to the existing flat roof with associated screening.
- New roof access stair.
- New roof terrace with associated screening.
- Updates to landscape, hardscape, and swimming pool.

Site Data			
Zoning District	R-B	Lot Size (SF)	35,959 SF
Future Land Use	SINGLE FAMILY	Native Planting	Complies

<b>Lot Coverage</b>	Permitted: 25% (8,990 SF) Existing: 35% (12,672 SF) Proposed: N/C <i>Variance requested for rooftop terrace</i>	<b>2<sup>nd</sup> Story Street Rear-Yard Setback</b>	Required: 35' Existing: N/A Proposed: 9.8' <i>Variance requested for rooftop terrace.</i>
<b>Landscape Open Space (LOS)</b>	Required: 50% (17,979.5 SF) Existing: 33.5% (12,027 SF) Proposed: 36.5% (13,117 SF) <i>Variance requested to establish nonconformity.</i>	<b>Front Yard Open Space</b>	Required: 40% (2,117.6 SF) Existing: 54.5% (2,862 SF) Proposed: 57.8% (3,062 SF) <i>Complies</i>
<b>Surrounding Properties / Zoning</b>			
<b>North</b>	1981 One-story residence/ R-B		
<b>South</b>	1996 One-story residence & 1993 One-story residence / R-B		
<b>East</b>	1993 One-story residence/ R-B		
<b>West</b>	2015 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. 134-1577(a) & Sec. 134-893(b)(1)d. & Sec. 134-793(a)(5):** *A variance for a 2<sup>nd</sup> story street (north) rear-yard setback of 9.8 ft in lieu of the 35 ft street rear-yard setback required, to provide a new second floor roof terrace.*
- **VARIANCE 2: Sec. 134-893(b)(1)e. & Sec. 134-843(12)a.:** *A variance to provide an overall landscaped open space of 36% in lieu of 35% existing and the 50% landscaped open space required for a 35,000+ sq ft lot in the R-B Zoning District, when doing a complete renovation of the hardscape and landscape on site.*
- **VARIANCE 3: Sec. 134-893(b)(1)e. & Sec. 134-843(11)b.:** *A variance for a two-story lot coverage of 35% in lieu of the 25% two-story lot coverage maximum allowed for a two-story structure on a 35,000+ sq. ft. lot in the R-B Zoning District, to provide a second floor roof terrace.*

The original design by Denis La Berge for a new one-story residence was approved in 1995, with a variance granted by the town council for a driveway vehicular gate setback. When the home was originally approved, it was compliant with the lot, yard and area regulations of the R-B zoning district. In 1997, changes were made to the zoning regulations (Ord. 01-97) of the lot, yard and area regulations of the R-B zoning district which affected properties over 20,000 sq. ft. Subsequently, the zoning change caused this property to become nonconforming to lot coverage and landscape open space requirements. While the applicant is improving the existing nonconforming landscape open space percentages, they need to establish a variance for the deficiency because more than half of the landscape and hardscape area of the site is being removed and renovated as a part of this application.

The existing residence is a single-story structure. The scope of work includes the addition of rooftop access stairs, and the applicant seeks to activate the roof-top area by converting portions of it to a rooftop deck with screening. The definition of “story” in the Town Zoning Code Sec. 134-2 identifies “accessible roof decks not used exclusively for mechanical equipment” as a story. Therefore, the structure must now conform to zoning regulations for a two-story structure, even though the massing of the structure maintains the semblance of a one-story structure. Adding the rooftop terrace triggers the need for a variance for 2<sup>nd</sup> story street (north) rear-yard setback and also triggers the need for a variance to exceed the allowed 2 story lot coverage. Note that the footprint of the building is not increasing and that a covered second story is not being proposed.

#### Variance Request

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

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Code section	Required/Allowed	Proposed	Variance
<i>Sec. 134-893(b)(1)d. (Sec. 134-793(a)(5))</i>	<i>35 ft 2<sup>nd</sup> story rear street-yard setback</i>	<i>9.8 ft</i>	<i>25.2 ft</i>
<i>Sec. 134-893(b)(1)e. (Sec. 134-843(12)a.)</i>	<i>50 % Landscape Open Space (17,979 Sq. Ft.)</i>	<i>36.5% (13,117 Sq. Ft.)</i>	<i>4,862 Sq. Ft.</i>
<i>Sec. 134-893(b)(1)e. (Sec. 134-843(11)b.)</i>	<i>25%</i>	<i>35%</i>	<i>10%</i>

Approval of the project will require two separate motions to be made by the Commission: (1) for the overall design of the project in accordance with the aforementioned criteria, subject to any imposed conditions, and (2) that the implementation of the proposed variances will/will not cause negative architectural impact to the subject property.

WRB:JGM:BMF