



**TOWN OF PALM BEACH**  
Planning, Zoning & Building Department  
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PLANNING, ZONING, & BUILDING DEPARTMENT  
PZ&B Staff Memorandum: Landmarks Preservation Commission

TO: LPC Chairperson and Members

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

SUBJECT: COA-22-042 (ZON-22-123) 218 PHIPPS PLZ (COMBO)

MEETING: DECEMBER 21, 2022

**COA-22-042 (ZON-22-123) 218 PHIPPS PLZ (COMBO).** The applicant, Bruce Leeds, Trustee of the Bruce Leeds Declaration of Trust, dated May 30, 2007, has filed an application requesting a Certificate of Appropriateness for the renovation of and addition to an existing detached rear accessory structure, the construction of a new pergola, and side wide landscape and hardscape improvements for the Landmarked property including variances for (1) the flood resistant construction requirements from Chapter 50-114 of the Florida Building Code, (2-4) reduced building setback requirements in the south and west yards, (5) reduced garage parking requirements, and (6) reduced mechanical equipment (pool heater) setback requirements in the north yard. This is a combination project and Town Council will review the variance portion of the application.

Applicant: Bruce Leeds, Trustee  
Professional: Patrick Ryan O'Connell Architect, LLC.

**THE PROJECT:**

The applicant has submitted plans, entitled "Renovations for single-family residence at: 218 Phipps Plaza", as prepared by **Patrick Ryan O'Connell Architect, LLC.**, dated October 24, 2022.

The following is the scope of work for the project:

- Existing accessory structure to be modified.
- Proposed 171 sq. ft. addition to existing accessory structure.
- New whole house generator and screening walls.
- New landscape and hardscape.

Site Data			
Zoning District	R-C	Future Land Use:	Multi-Family High-Density
Style	British Colonial	Designated:	5/4/82
Year of Construction:	1948	Architect:	Belford Shumate
Surrounding Properties			

North	Palm Beach Day Academy Campus
South	1940 two-story residence
East	Phipps Plaza Right-of-Way and Park
West	Palm Beach Day Academy Campus

#### **STAFF ANALYSIS**

The application is presented to the Commission to consider whether all the criteria in section 54-122 have been met. The following elements appear inconsistent with the following sections of the Town Zoning Code:

- **VARIANCE 1: Chapter 50-114:** Historic Buildings: A variance is authorized for the improvements to and rehabilitation of this historic building that is determined eligible for the exception for the flood resistant construction requirements of the Florida Building Code, Existing Buildings, Chapter 12 Historic Buildings, as the proposed improvements will not preclude the building's continued designation as a historic building to construct a ground floor addition with a finished floor of 4.5' NAVD in lieu of the required 7.0' NAVD. Additionally, this variance authorization and subsequent eligibility, allows for the installation of mechanical equipment, pool equipment, and a generator below the required base flood elevation.
- **VARIANCE 2: Section 134-948(6):** Variance request to allow a South side-yard setback of 6.45 feet in lieu of the 10.0-foot minimum required setback for habitable space in the R-C Zoning District.
- **VARIANCE 3: Section 134-948(7):** Variance request to allow a west rear-yard setback of 5.0 feet in lieu of the 15.0-foot minimum required setback for habitable space in the R-C Zoning District.
- **VARIANCE 4: Section 134-948(6):** Variance request to allow a pergola in the south side-yard with a side yard setback of 2.46 feet in lieu of the 5.0 feet minimum required in the R-C Zoning District.
- **VARIANCE 5: Section 134-2179:** Variance request to have zero (0) garage parking spaces in lieu of the one (1) car garage required.
- **VARIANCE 6: Section 134-948(6):** Variance request to allow a pool heater in north side yard with a setback of 7.0 feet in lieu of the 10.0-foot minimum setback required in the R-C Zoning District.

The scope of work includes the modification of the existing accessory structure at the rear of the property, including a 171 sq. ft. addition to the structure on the south side of the building. A new pergola is proposed on the south side of the existing swimming pool. All new hardscape and landscape is proposed.

Several variances are required to achieve the proposed changes. A flood plain variance is being requested for the historic structure to allow an addition with a finished floor of 4.2 ft in lieu of the

7 ft required by code. The accessory structure addition requires variances for a west rear-yard setback of 5 ft in lieu of the 15 ft rear yard setback required (the existing nonconforming structure has a rear yard setback of 3 ft). A variance is also being requested for a south side-yard setback of 6.45 ft in lieu of the 10 ft required (the encroaching element of the addition is to house pool equipment). Further, conversion of the accessory structure into a gym and storage area in itself requires a variance, because the required garage space is being eliminated. The new pergola being proposed also requires a south side-yard setback. The zoning code allows for a pergola to be setback 5 ft from a side property line. Most of the proposed pergola will meet this setback, however, the existing property line has a peculiar shape which jogs 3 ft into the site for about 12 ft. The pergola along this portion of the property line will have a 2.5 ft setback. Lastly, the addition of a pool heater to the north side-yard equipment yard requires a variance for a 7 ft setback in lieu of the 10 ft setback required.

Approval of the project will require three 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, (2) the approval of variance #1, to construct a ground floor addition with a finished floor of 4.5' NAVD in lieu of the required 7.0' NAVD; (3) that the implementation of the proposed variances will/will not cause negative architectural impact to the subject property. The variance portion of the application is scheduled for review by Town Council.

WRB: BMF:JGM