



**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-23-012 (ARC-22-212) 246 EVERGLADE AVE (COMBO)

**MEETING:** FEBRUARY 15, 2023

**ZON-23-012 (ARC-22-212) 246 EVERGLADE AVE (COMBO) — VARIANCES.** The applicant, 246 Everglade LLC, has filed an application requesting Town Council review and approval for site modifications including variances for (1) reduced landscape open space (2) for reduced air conditioning equipment setbacks and (3) for reduced pool equipment setbacks. The Architectural Commission will perform design review of the application.

**ARCOM NOTICE:**

**ARC-22-212 (ZON-23-012) 246 EVERGLADE AVE (COMBO).** The applicant, 246 Everglade LLC, has filed an application requesting Architectural Commission review and approval for the modification to an existing driveway, entry steps, pool and decking area, equipment area, entry path, site wall, and a new front entry vehicular gate, including variances for (1) reduced landscape open space (2) for reduced air conditioning equipment setbacks and (3) for reduced pool equipment setbacks. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

**Applicant:** 246 Everglade LLC  
**Professional:** Environment Design Group (Dustin Mizell)

**HISTORY:**

At the January 25, 2023 ARCOM meeting, an application was reviewed and approved with the exception of the gate, 5-2. Additionally, a motion to support the variances was approved 5-2.

**THE PROJECT:**

The applicant has submitted plans, entitled "Private Residence 246 Everglade Avenue Palm Beach", as prepared by **Environment Design Group**, dated January 04, 2023.

The following is the scope of work:

- Modification of entry path, entry steps, pool, and pool deck (retroactive)
- Modification of equipment area and entry path (retroactive)
- Increase heights of previously permitted site walls (retroactive)
- Installation of a front entry vehicular gate (retroactive)
- Relocation of existing AC condensing unit out of setback installed without approval

- Modification of existing driveway configuration installed without approval

Site Data			
Zoning District	R-C Medium Density Residential	Lot Size (SF)	5,963 SF
Landscape Open Space (LOS)	Required: 35% (2,078 SF) Existing: 24.65% (1,470 SF) Proposed: 28.8% (1,720 SF) <i>Variance Requested</i>	Front Yard Open Space	Required: 35% (441.9 SF) Existing: 48.55% (613 SF) Proposed: 55.1% (696 SF)
Surrounding Properties			
North	255 Everglade Ave / Duplex		
South	249 Seminole Ave / Duplex		
East	242 Everglade Ave. / Adjoining Duplex		
West	250 Everglade Ave. / Duplex		

#### **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:

- **Variance 1:** *Sec. 134-948(11)*: Variance for landscape open space of 28.8% in lieu of the required 35%.
- ~~**Variance 2:** *Sec. 134-1728(a)(1)*: Variance to install air conditioning equipment at 1' in lieu of the 5'-0" minimum setback required.~~
- **Variance 3:** *Sec. 134-1728(c)*: Variance to install pool equipment at 1' in lieu of the 5'-0" minimum setback required.

The subject property at 246 Everglade Avenue is the western half of a duplex constructed in 1997. The original approved site plan for the property, the current plan, and the proposed modifications are provided on Sheet L3.1 of the submitted miniset. Recently, most site features, including the driveway, site walls, pathways, pool, mechanical equipment locations, and pool deck were modified without ARCOM review or building permits. Additionally, the applicant was requesting approval of new front vehicular gates which was not approved by AROCM

This application seeks to receive ARCOM and Town Council approval for the work completed without permits, as well as to modify some unpermitted site features to eliminate the need for variances. Below please find an analysis of the requested variances.

Code section	Required	Proposed	Variance
<i>Sec. 134-948(11)</i> <i>Landscape Open Space</i>	35% (2,078 SF)	28.8% (1,720 SF)	6.2% (358 SF)

Per the record plans, at the time of its construction, the property complied with the minimum Landscape Open Space requirements. Work completed without permits include the enlargement of



the pool deck (with artificial turf joints) and driveway, which decreases the Landscape Open Space calculations to 28.8% in lieu of the required 35%. The applicant is currently requesting to eliminate two portions of the driveway to arrive at the 28.8% calculation (See Sheet L2.4). Currently, the property has an unpermitted Landscape Open Space calculation of 24.65%.

Code section	Required	Proposed	Variance
<i>Sec. 134-1728(a)(1) Condensing Unit Setback</i>	5'-0"	1'-0"	4'-0"

As evident on Sheet L2.4, an air conditioning condensing unit was installed 1'-0" off the west property line without permits. The applicant is selecting to move the condensing unit outside of the 5'-0" required setback, which eliminates the need for a variance. An existing site wall provides adequate screening from the neighboring property.

Code section	Required	Proposed	Variance
<i>Sec. 134-1728(c) Pool Equipment Setback</i>	5'-0"	1'-0"	4'-0"

Lastly, new pool equipment has been installed 1'-0" off the west property line whereas 5'-0" is required. The pool equipment is housed in a previously unapproved site wall extension that creates an equipment enclosure. A built-in planter atop the enclosure fully screens the mechanical equipment, as depicted in the photographs and drawings provided on Sheet L3.0.

Due to extensive work without ARCOM approval or building permits, the applicants are seeking to retroactively receive approval for all aspects of the modified site plan and exterior design, including the modifications to the entry steps, driveway, installation of the driveway vehicular gates, and alterations to the entry path, equipment yards, equipment locations, human gates, site walls, and the enlargement of the pool deck (with artificial turf joints) and installation of a new pool. The driveway vehicular gate was not approved by ARCOM.

WRB:JGM:JRH