



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: HSB-22-017 (ZON-23-005) 128 SEABREEZE AVE (COMBO)

MEETING: FEBRUARY 17, 2023

HSB-22-017 (ZON-23-005) 128 SEABREEZE AVE. (COMBO). The applicant, Jennifer Palumbo and Keith Palumbo, as Trustees of the Keith R. Palumbo 2007 Trust u/a/d August 10, 2007, have filed an application requesting a Landmarks Preservation Commission approval for the demolition and reconstruction of a porte cochere and rear two-story accessory structure, fenestration alterations, roof alterations, and landscape and hardscape alterations for the Historically Significant property, requiring nine (9) variances for Cubic Content Ratio, increased lot coverage, decreased landscaped open space, the construction of a two-story accessory structure, and decreased building setbacks, requiring Special Exception with Site Plan Review due to the demolition of more than 50% of the two Historically Significant structures. This is a combination project that shall also be reviewed by Town Council as it pertains to the zoning relief/approval.

ZON-23-005 (HSB-22-017) 128 SEABREEZE AVE. (COMBO) – SITE PLAN REVIEW AND VARIANCES. The applicant, Jennifer Palumbo and Keith Palumbo, as Trustees of the Keith R. Palumbo 2007 Trust u/a/d August 10, 2007, have filed an application requesting Town Council review and approval for the rehabilitation of the primary residence and reconstruction of the detached two-story accessory structure with site wide landscape and hardscape improvements, including variances for (1) Cubic Content Ratio, (2) increased lot coverage, (3) decreased landscaped open space, (4) the construction of a two-story accessory structure, and (5-9) to vest non-confirming building setbacks, requiring Special Exception with Site Plan Review due to the demolition of more than 50% of the two Historically Significant structures. The Landmarks Preservation Commission will perform the design review component of the application.

Applicant: Jennifer Palumbo and Keith Palumbo
Design Professional: LaBerge & Menard Inc. (Chris Kidle)
Representative: Chris Kidle

HISTORY:

The property at 128 Seabreeze Ave was constructed circa 1922 by an unknown architect and builder. This property is an example of the Mediterranean Revival style of architecture which can be found on the Sea Streets and throughout Palm Beach. Permits for various repairs and maintenance activities have been made throughout the year, with a remodel in 1991. A variance request for a covered awning on the rear of the home was denied by Town Council in 1994.



Figure 1: Subject property location arial.

THE PROJECT:

The applicant has submitted plans “128 SEABREEZE RENOVATION” as prepared by LaBerge & Menard, Inc., dated January 12, 2023.

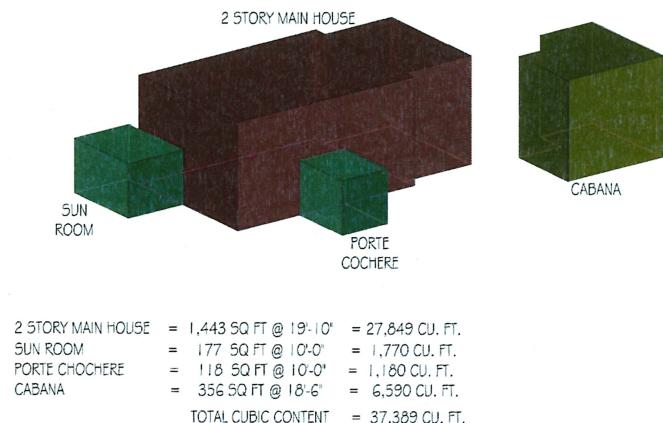
The following is the scope of work for the Project:

- Renovate existing home and garage.
- New windows and doors.
- Modifications to fenestrations.
- Removal of decorative entry arch.
- Demolition and reconstruction of porte cochere due to structural issues.
- Demolition and reconstruction of accessory structure due to structural issues.
- New landscape and hardscape.

The following Special Exception, Site Plan Review, and/or Variance(s) are required for the application:

- Variance 1: Sec. 134-893(b)(13) a.1.: A variance for a Cubic Content Ratio of 6.1 in lieu of the 4.38 maximum Cubic Content Ratio allowed in the RB zoning district.

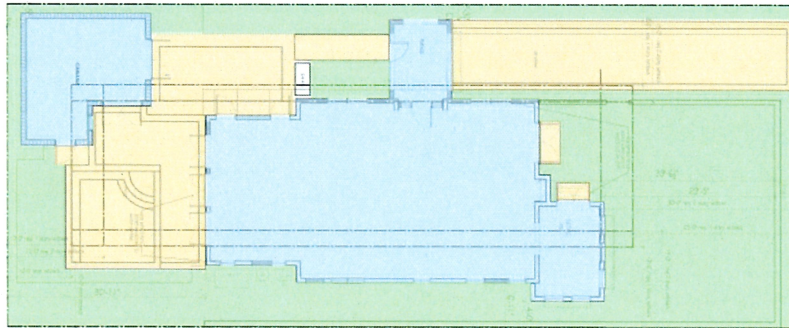
As it pertains to Variance #1, the applicant is seeking a variance to exceed the maximum allowed Cubic Content Ratio. This property was developed prior to current zoning regulations and is therefore considered to be existing non-conforming. Because the applicant proposes to demolish more than 50% of an elevation or roof area, the zoning code requires that the property comes up to current code or reestablish any nonconformities with



any required variances. Therefore, the applicant must seek a CCR variance for the proposed renovations and reconstruction of the accessory structure.

- Variance 2: Sec. 134-893(b)(11) b.: A variance for a lot coverage amount of 33% in lieu of the 30% maximum lot coverage allowed in the RB zoning district.

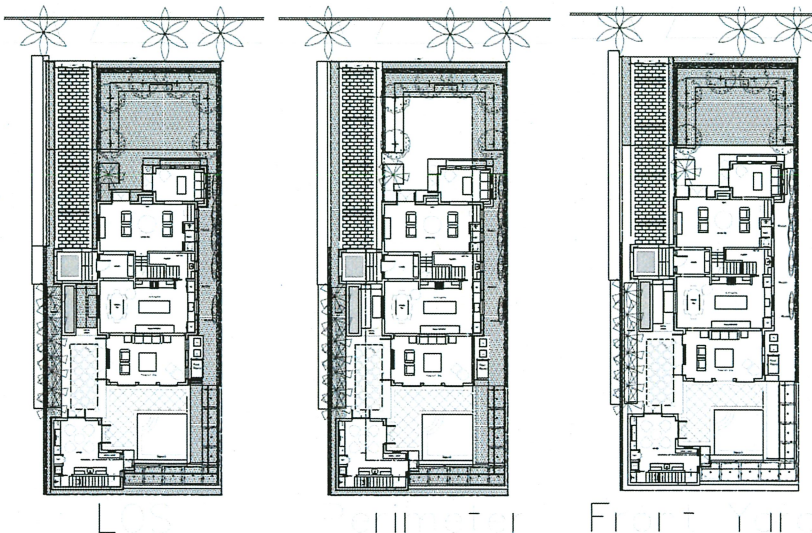
As it pertains to Variance #2, the applicant is seeking a variance to exceed the maximum amount of lot coverage allowed. This property was developed prior to



current zoning regulations and is therefore considered to be existing non-conforming. Because the applicant proposed to demolish more than 50% of an elevation or roof area, the zoning code requires that the property comes up to current code or reestablish any nonconformities with any required variances. Therefore, the applicant must seek a lot coverage variance for the proposed renovations and reconstruction of the accessory structure. Staff will note that according to data provided by the applicant, the proposed lot coverage is less than existing, however, still nonconforming.

- Variance 3: Sec.134-893(b)(12) a.: A variance for landscape open space of 43% in lieu of the 45% minimum landscape open space required in the RB zoning district.

As it pertains to Variance #3, the applicant is seeking a variance to provide landscape open space which is deficient in required area. This property was developed prior to current zoning regulations and is therefore considered to be existing non-



conforming. Because the applicant proposes to demolish more than 50% of an elevation or roof area, the zoning code requires that the property comes up to current code or reestablish any nonconformities with any required variances. Therefore, the applicant must seek a landscape open space variance for the proposed renovations and reconstruction of the accessory structure. Staff will note that according to data provided by the applicant, the

proposed landscape open space area is greater than what is existing, however, still nonconforming.

- Variance 4: Sec. 134-891(b): A variance for a 2-story unattached accessory structure in lieu of the 1 story unattached accessory structure permitted for a lot under 20,000 square feet.

As it pertains to Variance #4, the applicant is seeking a variance to reconstruct a two-story accessory structure on a lot which is less than 20,000 sq. ft. in the R-B Zoning District. . This property was developed prior to current zoning regulations and is therefore considered to be existing non-conforming with an existing two-story accessory structure. Because the applicant proposes to completely demolish the existing accessory structure, the existing nonconforming status of the structure is forfeited. Therefore, the applicant must seek a variance to reconstruct a two-story accessory structure.

- Variance 5: Sec. 134-893(b)(7) a.: A variance for a reduced one-story west side yard setback of 2'-3½" in lieu of the 12'-6" required for the one-story portion of the primary residence.

As it pertains to Variance #5, the applicant is seeking a variance for a reduced one-story side yard setback. This property was developed prior to current zoning regulations and is therefore considered to be existing non-conforming. Because the applicant proposes to demolish more than 50% of an elevation or roof area, the zoning code requires that the property comes up to current code or reestablish any nonconformities with any required variances. Therefore, the applicant must seek a one-story side-yard setback variance to reestablish the west side yard setback after demolition and reconstruction of the porte cochere.

- Variance 6: Sec. 134-893(b)(7) b.: A variance for a reduced two-story west side yard setback of 14.6' in lieu of the 15' required for the two-story portion of the primary residence.

As it pertains to Variance #6, the applicant is seeking a variance for a reduced two-story side yard setback. This property was developed prior to current zoning regulations and is therefore considered to be existing non-conforming. Because the applicant proposes to demolish more than 50% of an elevation or roof area, the zoning code requires that the property comes up to current code or reestablish any nonconformities with any required variances. Therefore, the applicant must seek a side yard setback variance to reestablish the existing nonconforming two-story west side-yard setback.

- Variance 7: Sec. 134-893(b)(7) b.: A variance for a reduced east side yard setback of 4' in lieu of the 15' required for the two-story residence.

As it pertains to Variance #7, the applicant is seeking a variance for a reduced two-story side yard setback. This property was developed prior to current zoning regulations and is therefore considered to be existing non-conforming. Because the applicant proposes to

demolish more than 50% of an elevation or roof area, the zoning code requires that the property comes up to current code or reestablish any nonconformities with any required variances. Therefore, the applicant must seek a side yard setback variance to reestablish the existing nonconforming east two-story side-yard setback.

- Variance 8: Sec. 134-893(b)(7) b.: A variance for a reduced west side yard setback of 1'-5" in lieu of the 15' required for a two-story accessory structure.

As it pertains to Variance #8, the applicant is seeking a variance to reconstruct a two-story accessory structure. This property was developed prior to current zoning regulations and is therefore considered to be existing non-conforming with an existing two-story accessory structure. Because the applicant proposes to completely demolish the existing accessory structure, the existing nonconforming status of the structure is forfeited. Therefore, the applicant must seek a variance to reestablish the nonconforming west side-yard setback.

- Variance 9: Sec. 134-893(b)(9) b.: A variance for a reduced rear yard setback of 2'-1" in lieu of the 15' required for a two-story accessory structure.

As it pertains to Variance #9, the applicant is seeking a variance to reconstruct a two-story accessory structure. This property was developed prior to current zoning regulations and is therefore considered to be existing non-conforming with an existing two-story accessory structure. Because the applicant proposes to completely demolish the existing accessory structure, the existing nonconforming status of the structure is forfeited. Therefore, the applicant must seek a variance to reestablish the nonconforming south rear-yard setback.

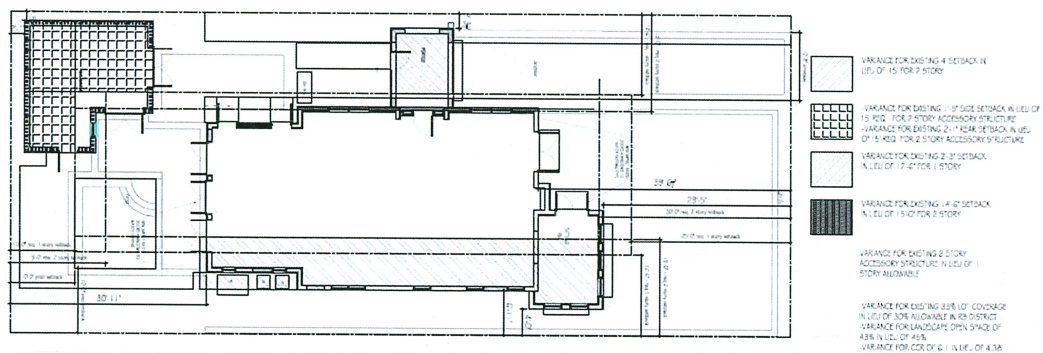


Figure 2: Variance Diagram

- Special Exception with Site Plan Review: Sec. 134-893(c): Special Exception with Site Plan Review for modifications to structures on existing platted lots deficient in lot area (6,125 SF in lieu of 10,000 SF) to reestablish vestments due to the demolition of more than 50% of existing structures.

As it pertains to the requested Special Exception with Site Plan Review, the applicant is seeking renovations and modifications to an existing improved parcel which is deficient in lot width and area. The proposal will result in more than 50% demolition of existing elevations and/or roof area, therefore nonconformities must be vested. The zoning code for the R-B zoning district requires that platted lots which are deficient in required lot dimensions be reviewed by the Town Council as a Special Exception with Site Plan Review.

Site Data			
Zoning District	R-B	Future Land Use	SINGLE-FAMILY
Lot Size	Required: 10,000 Sq. Ft. Existing: 6125 Sq. Ft. <i>Special Exception w/ Site Plan Review</i>	Crown of Road	12.49' NAVD
Lot Depth	122.5'	Lot Width	50'
Rear Yard Setback	Required: 10' & 15' Existing & Proposed: 2.1' (2 nd story) <i>Variance Requested</i>	Front Yard Setback	Required: 25' & 30' Existing & Proposed: 29.4' (1 st story)
Building Height	Permitted: 22' Existing: 19.8' Proposed: 19.8'	Overall Building Height	Permitted: 30' Existing: 23.7' Proposed: 24.7'
Finished Floor Elevation	12.57' NAVD	Zero Datum for Point of Measurement	12.57' NAVD
FEMA Flood Zone	ZONE X	Base Flood Elevation	N/A
Lot Coverage	Permitted: 30% Existing: 36.9% Proposed: 33.5% <i>Variance Requested</i>	Angle of Vision	Maximum: 100° Existing/Proposed: 57.12°
Cubic Content Ratio (CCR)	Maximum: 4.38 Existing: 6.14 Proposed: 6.1 <i>Variance Requested</i>	Enclosed Square Footage	3,465 SF
Landscape Open Space	Required: 45% Existing: 41% Proposed: 43% <i>Variance Requested</i>	Front Yard Landscape Open Space	Required: 40% Existing: 83% Proposed: 83%%
Perimeter Open Space	Required: 50% (of overall LOS) Existing: 52% Proposed: 52%	Amount of Fill Added to Site	None
Surrounding Properties / Zoning			
North	1935 2-Story Residence / R-B Zoning		

South	1923 2-Story Residence & 1925 2-Story Residence / R-B Zoning
East	1927 2-Story Residence / R-B Zoning
West	1925 2-Story Residence / R-B Zoning

STAFF ANALYSIS

The application is presented to the Commission to consider whether all the criteria in section 54-122 have been met. A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the above-mentioned sections of the Town zoning code.

As demonstrated in the chart above, the site exists with several nonconforming elements. Because the subject application proposed to demolish more than 50% of a proposed roof area or wall elevation, the zoning code mandates that the site comes into compliance with current regulations. Due to the existing nonconformities, the applicant is seeking variance requests and special exception with site plan review to establish the existing nonconforming aspects of the site.

The subject application proposes renovate, repair, and modify the existing Historically Significant Building residence. The applicant seeks to demolish and reconstruct the existing porte cochere to match the existing conditions, citing wood rot and termite damage as causing the need to do so. The existing flat portion of the roof is proposed to be replaced with a hip roof with barrel tile. Modifications to fenestration are proposed throughout the main house and guest house, with existing units to be replaced with impact rated units. The applicant also seeks to demolish and rebuild the existing garage/guest house structure in its existing footprint (eliminating the garage), also due to wood rot and termite damage.

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, (2) that the implementation of the proposed variances **will or will not** cause negative architectural impact to the subject property. The variance portion of the application is scheduled for review by Town Council.

WRB:JGM:BMF