

**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-22-129 (ARC-22-187) 441 AUSTRALIAN AVE (COMBO)

MEETING: MARCH 15, 2023

**ZON-22-129 (ARC-22-187) 441 AUSTRALIAN AVE (COMBO)—VARIANCES.** The applicant, John and Ginny Collett, has filed an application requesting town council review and approval for development of a new two-story single-family structure, requiring variances for (1) developing a lot deficient in area in the RC zoning district, (2) developing a lot deficient in width in the RC zoning district, and (3) ~~to reduce the required front yard landscaped open space,~~ in conjunction with the construction of a new two-story residence. The Architectural Commission will perform design review of the application.

**ARCOM NOTICE:**

**ARC-22-187 (ZON-22-129) 441 AUSTRALIAN AVE (COMBO).** The applicant, John and Ginny Collett, has filed an application requesting Architectural Commission review and approval for the construction of a new two-story single-family residence with related landscape and hardscape improvements, with variances required on a lot deficient in lot width and lot area in the R-C zoning district and ~~including variance from landscape open space requirements.~~ This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Applicant: John and Ginny Collett  
Professional: McAlpine Tankersley Architecture, PC

**THE PROJECT:**

The applicant has submitted plans, entitled "A proposed new home for 441 Australian Ave", as prepared by **McAlpine Tankersley Architecture, PC**, dated February 10, 2023.

The following is the scope of work:

- Construction of a new two-story residence requiring variances.

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

- **VARIANCE 1:** Sec. 134-948(1)a. & Sec. 134-446(b): A variance to develop a residence on a lot with a lot area of 7,000 sq ft where 10,000 sq ft minimum is required in the R-C

Zoning District.

- **VARIANCE 2:** Sec. 134-948(2)a. & Sec. 134-446(b): A variance to develop a single-family residence on a lot with a width of 50 ft where 75 ft in width minimum is required in the R-C Zoning District.
- **VARIANCE 3:** Sec. 134-948(11)e.: ~~A variance for a front yard landscaped open space of 38.8% in lieu of the 40% minimum required. Variance request eliminated.~~

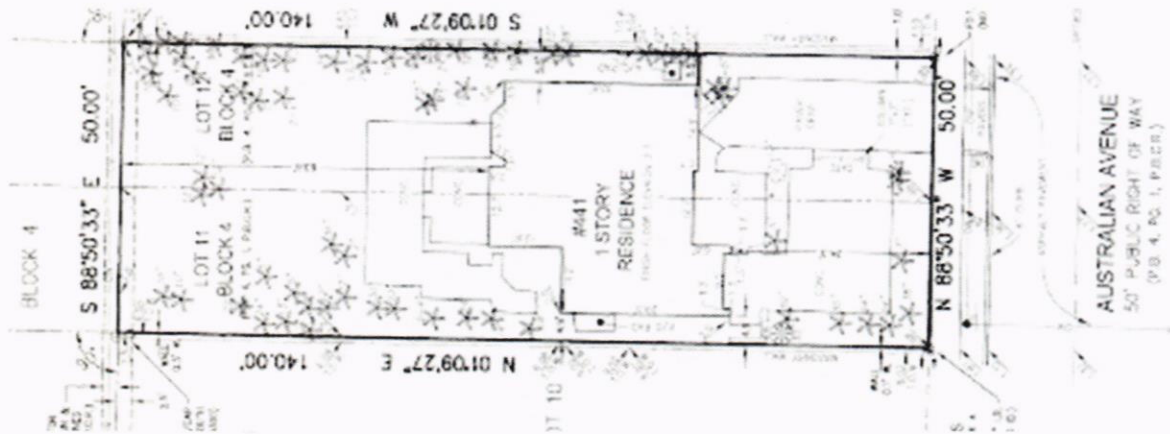
Site Data			
Zoning District	R-C	Lot Size	7,000 SF Required 10,000 SF <i>Variance required</i>
Future Land Use	MULTI FAMILY	Lot Width	50' Required 75' <i>Variance required</i>
Overall Height	Permitted: 26'-6" Proposed: 23'-6"	Lot Coverage	Permitted: 30% (2,100 SF) Existing: 18.5% (1,305 SF) Proposed 29.9% (2,099 SF)
Crown of Road (COR)	1.77' NAVD	Finished Floor Elevation	7.25' NAVD (main) 6.5' NAVD (front cabana)
Max Fill	2.74 $7.25 - 1.77 = 5.48 / 2$	Site Elevations	Existing: 2' NAVD rear, sides Proposed: 4' NAVD rear, sides
Landscape Open Space	Required: 45% (3,150 SF) Proposed: 45.4% (3,178 SF)	FEMA Zone	AE 6
Perimeter Open Space	Required: 50% (1,700 SF) Proposed: 81% (2,782 SF)	Front Yard Open Space	Required: 40% (500 SF) Proposed: 41% (513 SF)
Surrounding Properties			
North	1999 Two-story residence		
South	1951 Two-story residence		
East	1974 13-Unit Three-story Condominium— <i>The Australian of Palm Beach</i>		
West	2017 Two-story residence		

### STAFF ANALYSIS

The application is presented to the Town Council for consideration of compliance with zoning code Sec. 134-201 as it pertains to variance relief. A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of Town zoning code:

- **VARIANCE 1:** Sec. 134-948(1)a. & Sec. 134-446(b): A variance to develop a residence on a lot with a lot area of 7,000 SF where 10,000 SF minimum is required in the R-C Zoning District.
- **VARIANCE 2:** Sec. 134-948(2)a. & Sec. 134-446(b): A variance to develop a single-family residence on a lot with a width of 50 ft where 75 ft in width minimum is required in the R-C Zoning District.





The Town of Palm Beach has regulations which govern the minimum size of building lots in each zoning district. In the R-C zoning district, the minimum dimensions are 100' wide x 100' deep with a minimum lot area of 10,000 sq. ft. The subject property is currently improved with a deficient lot area of 7,000 SF and a lot width of 50'. In the R-C zoning district, variances are required to establish these nonconforming lot area requirements.

The subject property is a mid-block parcel zoned R-C. The proposal includes the construction of a new main house and entry cabana—both structures are proposed to be two-stories, with the rear structure—the primary structure—at a higher height. The primary residence is entered through the smaller scaled entry cabana and into an elevated central courtyard. The lot area is 7,000, which is substandard in size for the R-C zoning district that requires 10,000 SF of lot area (variance #1) for development of the site with a single-family residence; additionally, the lot is deficient in lot width (variance #2). The development patterning of the immediate area consists of several multifamily buildings of varying age and architectural styles, heights and densities. Further, there are two-story single family residences, both older and newer, along the block. Notably, the development of the newer single-family residences are all two-story in height on relatively similar lot sizes to the subject property. In this regard, the granting of the variances as they pertain to the dimensional aspects of the lot—area and width—are not inconsistent with the surrounding area or out of character with the immediate vicinity.



Figure 1: Front Elevation Rendering Proposed February 2023



*Figure 2: Front Elevation Rendering Presented December 2022.*

The applicant has resubmitted plans with modifications to the buildings, while retaining the overall siting, size and massing and concept of the prior proposed submittal. Previously, the exterior finish was proposed as a rough, painted wood siding. The Commission requested a restudy of the siding, suggesting a simpler smooth stucco finish. The applicant now proposes a white stucco finish for both structures. Additional design direction from the Commission also requested a restudy of the street facing façade of the accessory structure, noting that the previously proposed version looked to be commercial. The applicant has responded by making modifications to the façade, including changing the previously proposed street facing shade canopy has now been changed to a balcony with railings, and the 2<sup>nd</sup> story window on the same façade of the accessory structure has been changed to French doors with louvered shutters.

WRB/JGM