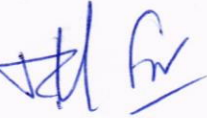




**TOWN OF PALM BEACH**  
Planning, Zoning & Building Department  
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**PLANNING, ZONING, & BUILDING DEPARTMENT**  
**PZ&B Staff Memorandum**

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

**SUBJECT:** ZON-23-036 (ARC-23-019) 247 SEASPRAY AVE (COMBO)

**MEETING:** MARCH 15, 2023

**ZON-23-036 (ARC-23-019) 247 SEASPRAY AVE (COMBO)—VARIANCES.** The applicant, Alicia Grace (ALICIA GRACE TR TITL HLDR), has filed an application requesting Town Council review and approval for (5) variances required to construct a second floor addition on an existing detached single story accessory structure, including variances (1-2) to vest existing non-conforming first story side and rear setbacks due to the demolition of more than 50% of the structure, (3-4) variances to permit the construction of a second story with reduced side and rear setbacks, and (5) to construct a two-story accessory structure within the R-B zoning district on a parcel under 20,000 SF. The Architectural Commission will perform design review component of the project.

**ARC-23-019 (ZON-23-036) 247 SEASPRAY AVE (COMBO).** The applicant, Alicia Grace (ALICIA GRACE TR TITL HLDR), has filed an application requesting Architectural Commission review and approval for the construction of a second floor addition on an existing single-story detached accessory structure, requiring variances to vest existing non-conforming first story side and rear setbacks due to the demolition of more than 50% of the structure, and variances to permit the construction of a second story with reduced side and rear setbacks. This is a combination project that shall also be reviewed by Town Council as it pertains to the zoning relief/approval.

**Applicant:** Alicia Grace  
**Professional:** Peter Papadopoulos | Smith & Moore Architects

**HISTORY:**

At the February 22, 2023 ARCOM meeting, the application ARC-23-019 was reviewed and approved for the design (7-0) with the exception of a design detail of a larger fascia at ground level be explored and return to the 03/29/23 meeting; additionally, the Commission supported the variances that would not negatively impact the architecture 7-0.

**THE PROJECT:**

The applicant has submitted plans, entitled "247 Seaspray Ave., Palm Beach, Florida" as prepared by **Smith and Moore Architects, Inc.**, dated February 6, 2023.

The following is the scope of work:

- Exterior alterations and a, one-room approximately 205 SF two-story second-floor addition to an existing non-conforming detached one-story accessory structure requiring variances.

The following Special Exception, Site Plan Review and/or Variances are required to complete the project:

- **Variance #1:** Sec. 134-893(b)(7)(a). A variance to vest an existing non-conforming first floor side (east) yard setback of 1.6' in lieu of the 12.5' required within the R-B zoning district due to the demolition of more than 50% of the existing structure.
- **Variance #2:** Sec. 134-893(b)(9)(a). A variance to vest an existing non-conforming first floor rear (north) yard setback of 1.3' in lieu of the 10' required within the R-B zoning district due to the demolition of more than 50% of the existing structure.
- **Variance #3:** Sec. 134-893(b)(7)(b). A variance to permit a second story with a side (east) yard setback of 13'-7 1/2" in lieu of the 15' required within the R-B zoning district.
- **Variance #4:** Sec. 134-893(b)(9)(b). A variance to permit a second story with a rear (north) yard setback of 2'-6 1/4" in lieu of the 15' required within the R-B zoning district.
- **Variance #5:** Sec. 134-891(B). A variance to permit a two-story accessory structure on a parcel less than 20,000 SF within the R-B zoning district.

Site Data			
Zoning District	R-B	Future Land Use	SINGLE-FAMILY
Lot Size	Required: 10,000 SF Existing: 9,138.5 SF	Crown of Road	2.69' NAVD
Lot Depth	122.5'	Lot Width	74.60'
Rear Yard Setback (North)	Required: (1 <sup>st</sup> ) 10' (2 <sup>nd</sup> ) 15' Proposed: (1 <sup>st</sup> ) 1.3' (2 <sup>nd</sup> ) 2'-6" <i>2 Variances Requested</i>	Side Yard Setback (East)	Required: (1 <sup>st</sup> ) 12'-6" (2 <sup>nd</sup> ) 15' Proposed: (1 <sup>st</sup> ) 1.6' (2 <sup>nd</sup> ) 13'-7" <i>2 Variances Requested</i>
Building Height	Permitted: 22' Existing: 9'-10 1/4" Proposed: 17'-4 5/8"	Overall Building Height	Permitted: 25' (accessory) Existing: 14'-7" Proposed: 21' 1 7/16"
Finished Floor Elevation	Required: 7' NAVD Existing: 2.87' NAVD Proposed: 3.87' NAVD	FEMA Flood Zone	AE-6
Cubic Content Ratio (CCR)	Maximum: 4.09 Existing: 3.478 Proposed: 3.581	Enclosed Square Footage	4,075 SF (Cumulative)
Landscape Open Space	Required: 45% Existing: 39.43% Proposed: N/C	Lot Coverage	Required: 30% Existing: 29.8% Proposed: N/C
Surrounding Properties / Zoning			
North	242 Seabreeze / Residence / R-B		
South	252 Seaspray Ave / Residence / R-B		
East	243 Seaspray Ave / Vacant Parcel / R-B		
West	255 Seaspray / Residence / R-B		



### STAFF ANALYSIS

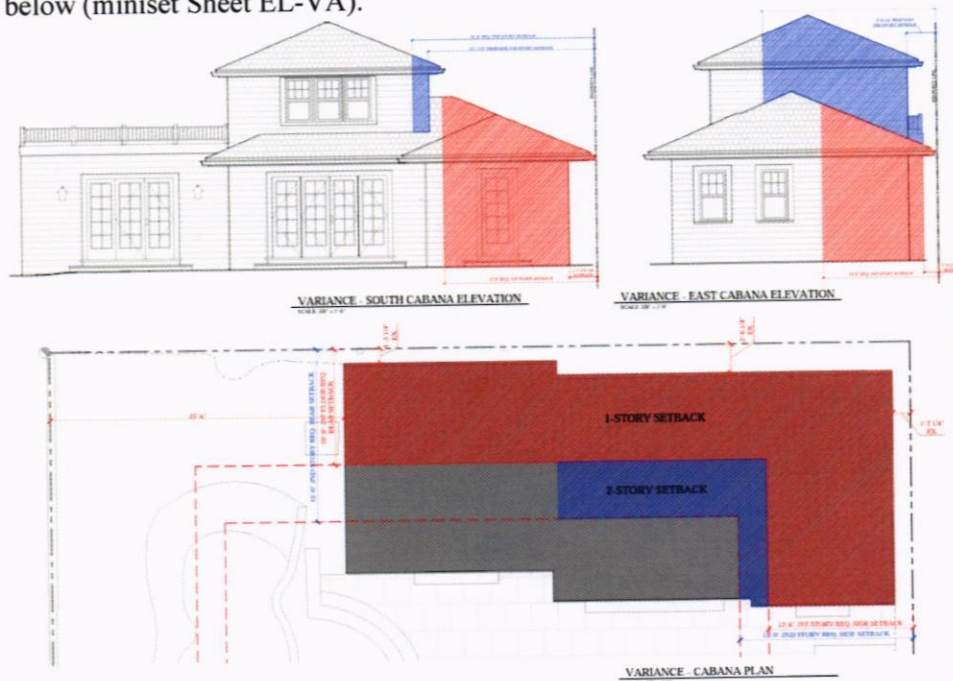
A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and requires five variances for the construction of a second floor on an existing non-conforming rear accessory structure.

The existing single story accessory structure was constructed with rear (north) and side (east) setbacks that do not conform to today's R-B district setback provisions. Although this is a legal non-conforming condition, the current request demolishes more than 50% of the building's roof structure. With the demolition of more than 50% of any façade or roof structure, the Town's zoning code compels the structure to come into full compliance with current zoning regulations. Therefore, the existing non-conforming first floor requires two variances to maintain the existing setbacks. The application does not seek to expand the ground floor of the building and does not further reduce the existing setbacks. The two variance requests are as follows:

Code Section	Required	Proposed	Variance
Sec. 134-893(b)(7)(a)	First Floor Side Yard Setback: 12.5' (East)	First Floor Side Yard Setback: 1.6' (East)	10.9' setback reduction to vest an existing non-conforming 1.6' setback due to the demolition of more than 50% of the structure

Code Section	Required	Proposed	Variance
Sec. 134-893(b)(9)(a)	First Floor Rear Yard Setback: 10' (North)	First Floor Rear Yard Setback: 1.3' (North)	8.7' setback reduction to vest an existing non-conforming 1.3' setback due to the demolition of more than 50% of the structure

The variance requests to vest existing ground floor non-conformities are illustrated in red in the graphic below (miniset Sheet EL-VA).



The application requests to construct a new second floor addition atop the existing single-story structure. The proposed second floor encroaches into the rear (north) and side (east) second-floor setbacks, requiring two variances. These encroachments are illustrated in blue in the above graphic. Additionally, a parcel within the R-B zoning district must be at least 20,000 SF in area to have a two-story accessory structure, therefore a variance is required due to a substandard parcel area of 9,138.5SF. The applicant has submitted a detailed Letter of Intent outlining the variance criteria and providing hardship justifications for the requests. The three variance requests for the construction of a new non-conforming second floor are as follows:

Code Section	Required	Proposed	Variance
<b>Sec. 134-893(b)(7)(b)</b>	Second Floor Side Yard Setback: 15' (East)	Second Floor Side Yard Setback: 13'-7 1/2" (East)	1'-4 1/2" setback reduction

Code Section	Required	Proposed	Variance
<b>Sec. 134-893(b)(9)(b)</b>	Second Floor Rear Yard Setback: 15' (North)	First Floor Rear Yard Setback: 2'-6 1/4" (North)	12'-5 3/4" setback reduction

Code Section	Required	Proposed	Variance
<b>Sec. 134-891(B)</b>	2 Story Accessory Structure for RB Parcels 20,000 SF +	2 Story Accessory Structure for RB Parcel 9,138.5 SF	Variance to permit a 2 Story Accessory Structure on a parcel less than 20,000 SF

Per the submitted plans, the accessory structure has a non-compliant finished floor elevation of 2.87' NAVD, which is proposed to be raised to 3.87' NAVD with the current proposal. The property is located within Flood Zone AE-6, which requires a base flood elevation of 6' (plus 1' freeboard) = 7' NAVD. Should the building permit value exceed 50% of the valuation of the structure, the building's finished floor will need to be raised to comply with current standards. The applicant has sought an independent appraisal of the building and does not anticipate exceeding the 50% threshold.

The design of the addition features exterior materials and finishes that complement the existing accessory structure and primary building, including lap siding, divided lite hung windows and French doors, and an asphalt shingle roof (Sheets EL-R2, EL-SC2) and the accessory structure remains secondary and subordinate to the primary building in height, volume, and detailing. The application does not seek to alter the existing hardscape or landscape program for the parcel.

WRB:JGM