



**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-22-055 (ZON-23-025) 210 VIA DEL MAR (COMBO)

MEETING: MARCH 22, 2023

**COA-22-055 (ZON-23-025) 210 VIA DEL MAR (COMBO).** The applicant, BEACHBOYZ DEVELOPMENT LLC., has filed an application requesting a Certificate of Appropriateness for roof replacement, window and door replacement, exterior paint, and site alterations including new landscape, hardscape, a free-standing trellis, and vehicular gates with reduced setbacks, requiring Special Exception with Site Plan Review, for the Landmarked property. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Applicant: BEACHBOYZ DEVELOPMENT LLC (Robert Fishel)  
Professional: Nielson Landscape Architects

**THE PROJECT:**

The applicant has submitted plans, entitled "210 Via Del Mar Garden", as prepared by **Nielson Landscape Architects**, dated March 1, 2023.

The following is the scope of work for the project:

- Painting of exterior timber trim.
- Revisions to existing landscape.
- Addition of vehicular gates.

Site Data			
Zoning District	R-A	Future Land Use:	Single-Family
Style	Tudor Revival	Designated:	4/13/93
Year of Construction:	1928	Architect:	Treanor & Fatio
Surrounding Properties			
North	2019 two-story residence		
South	1936 two-story residence		
East	2019 two-story residence		
West	Lake Worth Lagoon		

**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:

- **SPECIAL EXCEPTION with SITE PLAN REVIEW: Sec.134-1688:** to construct new driveway vehicular gates with a 5 ft 10.5 in. setback from the edge of pavement, in lieu of the 18 ft setback required, on a dead end / cul-de-sac street.

The scope of work includes the painting of the exterior timber in the color Fresco Cream. The applicant also proposes new landscape and hardscape. The application proposes a reduction in the number of driveway curb cuts along with the installation of new vehicular driveway gates with insufficient vehicle loading space between the edge of pavement and the gate. The zoning code provides an avenue for an applicant to seek a Special Exception with Site Plan Review, rather than a variance, for insufficient vehicle loading space when the property in question is located on a cul-de-sac or dead-end street. This property is the western-most property on Via Del Mar, with no driveways on the opposite side of the street in front of the parcel, and therefore staff does not anticipate an issue with traffic flow if a vehicle is partially in the roadway while waiting for the vehicular gate to open.

The project was last heard at the December LPC meeting and was deferred. The project now has a reduced scope of work with no architectural changes except for paint color.

Approval of the project will require one motion 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. The site plan and special exception portion of the application is scheduled for review by Town Council.

WRB: BMF: JGM