



TOWN OF PALM BEACH
Planning, Zoning & Building Department
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PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Combination Memorandum: Landmarks Preservation Commission and Town Council

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

SUBJECT: HSB-22-012 (ZON-22-121) 428 CHILEAN AVE (COMBO)

MEETING: APRIL 19, 2023 (LPC)
MAY 10, 2023 (TC)

HSB-22-012 (ZON-22-121) 428 CHILEAN AVE—FLOODPLAIN VARIANCE (COMBO).

The applicant, David Mooney, has filed an application requesting a Landmarks Preservation Commission review and approval for modifications and an addition to a Historically Significant Building, requiring variances from the Floodplain requirements from Chapter 50, Floods, for the required floor elevation of the existing structure and addition to remain below FEMA requirements, and a variance to exceed maximum wall height for equipment screening. Town Council shall review the application as it pertains to zoning relief/approval.

ZON-22-121 (HSB-22-012) 428 CHILEAN AVE (COMBO)—VARIANCE. The applicant, David Mooney, has filed an application requesting Town Council review and approval for a variance to exceed maximum equipment screening wall height, to screen equipment in the west side yard. The Landmarks Preservation Commission shall perform design and flood plain variance review of the application.

Applicant: David Mooney
Professional: VC Vitalini Corazzino Architects

HISTORY:

The subject property was designated 'historically significant' in May of 2022. The property is located within the Royal Park Conservation District. The one and a half -story bungalow style dwelling was constructed around 1920.

THE PROJECT:

The applicant has submitted plans, entitled "Addition to 428 Chilean Avenue", as prepared by VC Vitalini Corazzino Architects dated March 14, 2023.

The following is the scope of work for the Project:

- The construction of a new two-story addition connected by a two-story volume open at the ground level totaling 951 SF conditioned and 1,081 SF non-conditioned area to the east side of an existing Historically Significant two story single-family residence
- Variance #1 Chapter 50-114: Historic Buildings – FLOOD PLAIN VARIANCE: Sec. 50-114: A variance is authorized for the improvements to and rehabilitation of this historic building that is determined eligible for the exception of the flood resistant construction

requirements of the Florida Building Code, Existing Buildings, Chapter 12 Historic Buildings, as the proposed improvements will not preclude the building's continued designation as a Historic building to the construction of an addition and remodeling of a residence with a finished floor of 4.5' NAVD in lieu of the required 7' NAVD (To be acted upon by the Landmarks Preservation Commission).

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

- Variance #2: Sec 134-1728 (a)(4): A variance to permit a required concrete A/C equipment screening wall to be 9' in height, in lieu of the 7' maximum allowed, to provide for adequate screening of A/C equipment in the west yard.

Site Data			
Zoning District	R-C	Lot Size (SF)	9,375 SF
Future Land Use	MULTI-FAMILY	Enclosed Sq. Ft.	2,334 Existing 4,336 Proposed
Crown of Road C-O-R	1.98' NAVD	Flood Zone	AE 6
Flood Zone	AE-6	Crown of Road	1.98' NAVD
Year of Construction	ca. 1920	Architect/Builder:	unknown
Project			
	Required/Allowed	Existing	Proposed
Lot Coverage	30% (2,813 SF) Allowed	13.5% (1,263 SF) Existing	26.4% (2,478 SF) Proposed
Finished Floor Elevation	7' NAVD	4.5' NAVD	4.5 NAVD <i>Floodplain Variance</i>
Landscape Open Space	45%	66%	46%
Surrounding Properties / Zoning			
North	2022 Two-story residence / R-C		
South	Surface parking lot for 'Three Eighty Nine Corp Condominium' / R-C		
East	1950 Two-story four-unit Condominium / R-C		
West	1980 Seven-story residence 'Eliot House condominium' / R-C		

STAFF ANALYSIS

As a HSB project, the proposed changes must meet the Secretary of the Interior's Standards for Rehabilitation and Sec. 18-306, Sec. 54-122 and 54-123 of the Landmark Preservation Ordinance. 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: floodplain variance and 1 other requested variance.

The project consists of the construction of a new, two-story addition connected by a two-story volume unenclosed on the ground level. 951 sq ft of conditioned space and 1,081 of unconditioned space is added to the east side of the existing two-story residence. The addition is designed so as to retain and distinguish the original structure from the addition. Details of the existing structure will be restored to match original styles and details on the new addition will match.

As it pertains to variance #1, in order to keep and to expand the rear of the structure and have it closely resembling the appearance of the original, the finished floor of the new structure is proposed to match the existing floor height of the main residence, which is below the current required base flood elevation. A flood plain variance is being requested for the historic structure to allow an addition with a finished floor of 4.5' (lowest slab of interior habitable space) in lieu of the 7 ft required by code. As such, a flood plain variance is necessary for construction at 4.5' NAVD, in lieu of the 7' NAVD current minimum; the floodplain waiver is only afforded to landmarked and historically significant buildings in the Town and is in fact one of the greatest benefits of the program for the older historic building stock. The floodplain variance is now reviewed and approved by the LPC.

As it pertains to variance #2, the applicant seeks to exceed an equipment wall screening height. The subject parcel is very low, with a crown of road just over 1' NAVD. FEMA requirements mandate that new equipment be installed at a minimum flood elevation. In doing so, the equipment must be physically raised off of grade. Equipment located within certain yard areas are required to be screened by walls that are as high as the equipment, but not to exceed maximum permitted wall heights. In this instance, the height of the equipment (and therefore screening wall), driven by FEMA requirements, results in a screening wall which exceeds the maximum wall height of 7' to 9' above the lowest grade. The location of the equipment puts the applicant in a catch-22 situation; if they do not seek a variance to install a wall above maximum height, they will be required to seek a variance to forgo equipment screening requirements.

Approval of the project will require three 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) the approval of variance #1, to construct a ground floor addition with a finished floor of 4.5' NAVD in lieu of the required 7.0' NAVD; (3) that the implementation of the proposed variances **will/will not** cause negative architectural impact to the subject property. The other variances (#2) portion of the application is scheduled for review by Town Council.

WRB:JGM:BMF