



TOWN OF PALM BEACH
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PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Combination Memorandum: Architectural Commission and Town Council

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

SUBJECT: ARC-22-241 (ZON-23-002) 624 ISLAND DR (COMBO)

MEETING: APRIL 26, 2023 (ARCOM)
MAY 10, 2023 (TC)

ARC-22-241 (ZON-23-002) 624 ISLAND DR (COMBO). The applicant, Holly Ann Bartlett, as Trustee of the 1220 South Ocean Boulevard Trust dated May 23, 2013, has filed an application requesting Architectural Commission review and approval for the construction of a new rooftop clerestory projection enclosing an existing open-air interior courtyard to an existing two-story residence including variances from building height, lot coverage and Cubic Content Ratio (CCR). This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

ZON-23-002 (ARC-22-241) 624 ISLAND DR (COMBO)—VARIANCES. The applicant, Holly Ann Bartlett, as Trustee of the 1220 South Ocean Boulevard Trust dated May 23, 2013, has filed an application requesting Town Council review and approval Variances (1) to exceed the maximum amount of lot coverage, (2) to exceed the maximum amount of Cubic Content Ratio (CCR), (3) to exceed the maximum allowable building height, and (4) to exceed the maximum allowable overall building height, in the R-B zoning district in conjunction with the enclosure of an existing open-air courtyard of a two-story residence with a new clerestory. The Architectural Commission will perform design review of the application.

Applicant: Holly Ann Bartlett
Professional: Smith and Moore Architects Inc.

HISTORY:

A new two-story residence designed by Smith and Moore was reviewed and approved by ARCOM at the July 2018 meeting, pursuant to ARC File # B-071-2018.

This item, in a different form, was originally presented at the December 16, 2022 ARCOM meeting where it was denied (5-2) by the Commission. An appeal of the ARCOM decision was filed with the Clerk. The appeal was placed on the January 11, 2023 TC Development Review meeting, where it was deferred for one month. At the February 15, 2023 TC meeting, the appeal was presented by the applicant who requested that the matter be remanded back to the Architectural Review Commission for further study with a modified solution. TC remanded the item with the clear message that neither the actual matter was considered, nor were they questioning ARCOM's decision. Town Council wanted the applicant to have another chance at presenting their project after some refinement had been made.

The application has since been modified in design and in variance requests. The item was properly re-noticed due to the additional variances requested.

THE PROJECT:

The applicant has submitted plans, entitled "624 Island Drive", as prepared by **Smith and Moore Architects Inc.**, dated March 14, 2023.

The following is the scope of work:

- Construction of a rooftop atrium skylight to an existing two-story residence with an existing open-air courtyard, including variances for lot coverage, height (overall and building) and cubic content ratio (CCR).

| Site Data | | | |
|---------------------------------|---|---------------------------|--|
| Zoning District | R-B | Lot Size (SF) | 20,929 SF |
| Future Land Use | SINGLE FAMILY | Year Built | 2021 |
| Lot Coverage | Permitted: 25% (5,232 SF) Existing: 24.99% (5,228 SF) Proposed: 26.3% (5,508 SF) <i>Variance Requested</i> | Cubic Content Ratio (CCR) | Permitted: 3.89 Existing: 3.85 CCR Previously Proposed: 4.14 CCR Proposed: 4.214 CCR <i>Variance Requested</i> |
| Height | Permitted: 22'-0" Proposed: 27'-2" <i>Variance Requested</i> | Overall Height | Permitted: 30'-0" Proposed: 30'-9" <i>Variance Requested</i> |
| Surrounding Properties / Zoning | | | |
| North | 1954 One-story residence / R-B | | |
| South | 2016 Two-story residence / R-B | | |
| East | Intracoastal Waterway | | |
| West | 1966 Two-story residence / R-B | | |

STAFF ANALYSIS

This item was remanded back to ARCOM for review. This application is presented to the Commission to consider whether all of the criteria in Sec. 18-205 have been met. 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:

- **Variance 1:** Section 134-893(a)(i)(e) and 134-843(a) (ii). Variance to exceed lot coverage for a two-story building of 26.3% in lieu of 24.99% existing and 25% maximum permitted.
- **Variance 2:** Section 134-893(13). Variance to exceed cubic content ratio (CCR) of 4.214 vs 3.85 existing and 3.89 maximum permitted.
- **Variance 3:** Section 134-893 (10). Variance to exceed the maximum height by 5'-2" in order to construct a clerestory feature at 27'-2" where 22'-0" is permitted.

- **Variance 4:** Section 134-893 (10). Variance to exceed the overall height by 9" in order to construct a clerestory feature at 30'-9" where 30'-0" is permitted.

The application is for the installation of a new construction of a new 280 SF addition of a clerestory and roof structure measuring 20' x 14' that will enclose an existing open-air courtyard. The prior version of this application consisted of a triangular glass skylight.

Due to the size of the lot, greater than 20,000SF in the R-B zoning district, the lot coverage is limited to 25%. The original design was proposed and built at 24.9%, or 5,228 SF of air-conditioned space. Reviewed in 2018, the two-story residence was designed at the maximum lot coverage and the existing open air courtyard was exempt from the lot coverage calculations. Approval of the new clerestory element would also increase the CCR by a considerable amount as the "room" that would be added to the CCR would have a 27'-2" ceiling. Now, Sec. 134-896.(b) of the Town Code, provides for allowances, special exceptions to height limitations.

In the R-B zoning district, one architectural tower feature may be constructed as an integral part of a single-family dwelling provided that it does not exceed the allowable overall building height by five feet and is setback an additional five feet on the front, rear, side, and street side and street rear yards; and, such tower has no usable floor area. The area of such tower shall not exceed two percent of the gross floor area of the dwelling. It is the intention of this section to allow only one tower as an architectural feature on a house and not to allow habitable space in upper areas of a tower on a house in the R-B zoning district. It is also the intent that this subsection not apply to entry facades or parapets.

The size of the proposed intervention exceeds the 2% allowance (or 104 SF), and therefore none of the allowances apply; hence the variance requests. The design modification—from glass skylight to clerestory tower—has increased the height of the element and would be more perceivable from the previous iteration. Additionally, this increased height conveys CCR consequence, so this variance has increased in intensity as well.

Overall, the variance requests would grant this property other zoning permissions than other properties to exceed thresholds of both regulations. And while it certainly may be argued that the proposal has zero visual negative impact to neighboring properties, it may create a precedent for construction over the codified limitations in the immediate area. No demonstrated hardship has been provided by the applicant, as such, staff cannot support the variance requests.

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, and (2) that the implementation of the proposed variances will/will not cause negative architectural impact to the subject property.