



TOWN OF PALM BEACH
Planning, Zoning & Building Department
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PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Combination Memorandum: Architectural Commission (ARCOM) and Town Council

TO: ARCOM Chairperson and Members

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

SUBJECT: ARC-23-036 (ZON-23-050) 243 SEASPRAY AVE (COMBO)

MEETING: APRIL 26, 2023

ARC-23-043 (ZON-23-042) 259 OLEANDER AVE (COMBO). The applicant, 259 Oleander LLC (Uriel Rubinov, Manager), has filed an application requesting Architectural Commission review and approval for demolition of an existing multifamily structure and construction of a new single-family residence requiring variances from lot yard and area requirements in the R-C zoning district, including setbacks and lot coverage. This is a combination project that shall be reviewed by the Town Council as it relates to zoning relief/approvals.

ZON-23-042 (ARC-23-043) 259 OLEANDER AVE (COMBO) – VARIANCES. The applicant 259 Oleander LLC (Uriel Rubinov, Manager), has filed an application requesting Town Council review and approval for (8) variances related to the redevelopment of an existing parcel, including relief from (1 – 3) minimum lot width, depth and area requirements in the R-C zoning district, (4 – 7) front, rear, and side yard setbacks requirements, (8) maximum lot coverage requirements. The Architectural Commission shall perform design review of the application.

Applicant: 259 Oleander LLC (Uriel Rubinov)
Professional: Studio SR (Raphael Saladrigas)
Representative: Maura Ziska, Esq.

THE PROJECT:

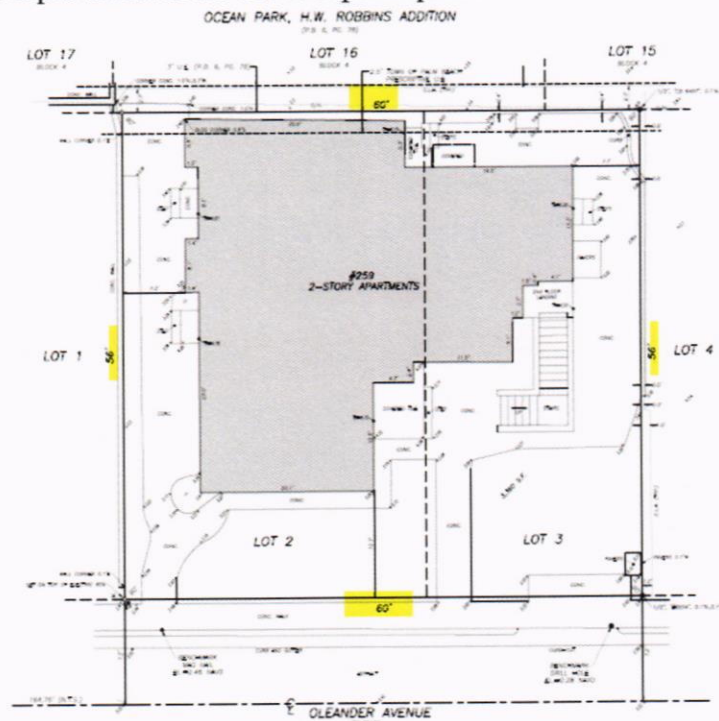
The applicant has submitted plans, entitled "259 OLEANDER LLC", as prepared by **Studio SR Architecture + Design** dated March 15, 2023.

The following is the scope of work:

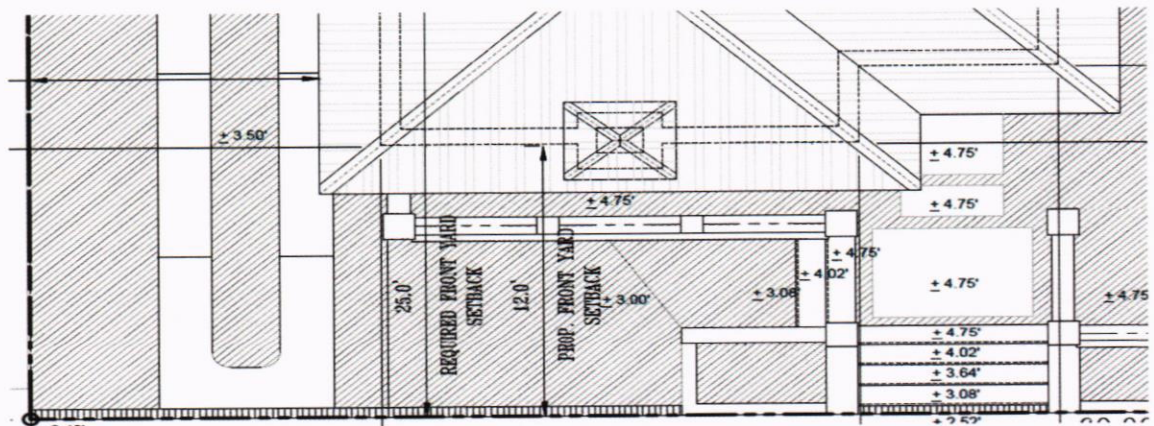
- Demolition of existing multifamily apartment complex.
- Construction of new two-story single-family residence with one car garage and final landscape and hardscape.

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

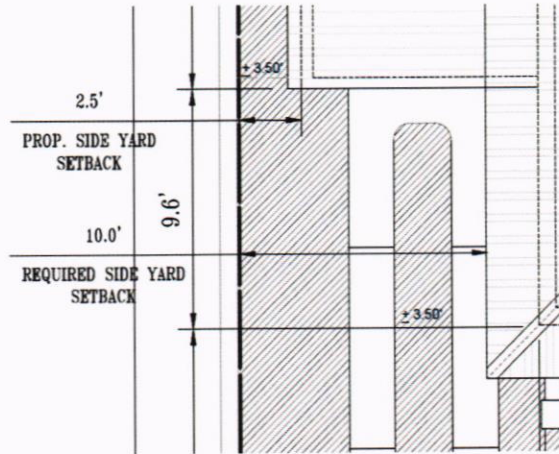
- **VARIANCE 1: Sec. 134-948(1)a.:** A variance request to permit development of a lot which is 3,360 sq. ft. in area in lieu of the 10,000 sq. ft. minimum required in the R-C Zoning District.
- **VARIANCE 2: Sec. 134-948(2)a.:** A variance request to permit development of a lot which is 60 ft in width in lieu of the 75 ft width required in the R-C Zoning District.
- **VARIANCE 3: Sec. 134-948(3)a.:** A variance request to permit development of a lot which is 56 ft in depth in lieu of the 100 ft depth required.



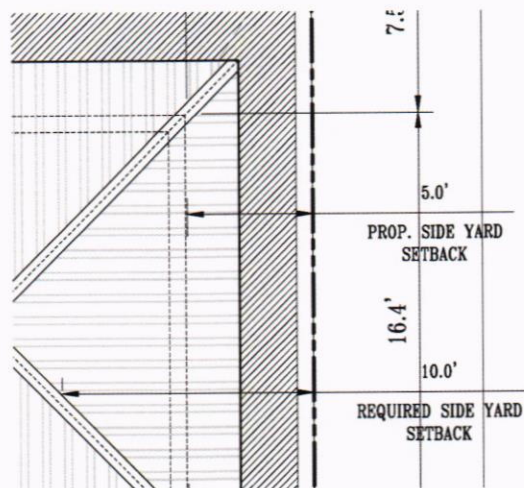
- **VARIANCE 4: Sec. 134-948(5)a.:** A variance request to permit a south front yard setback of 12 ft in lieu of the 25 ft front yard setback required.



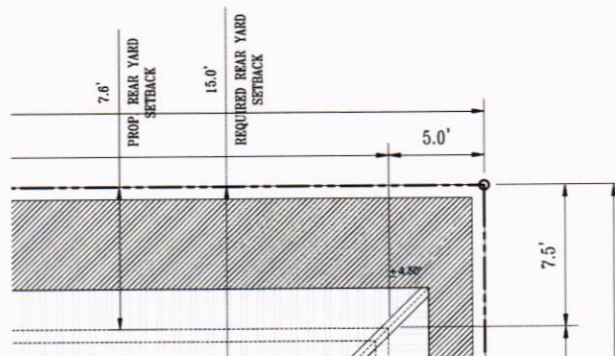
- VARIANCE 5: Sec. 134-948(6)a.: A variance request to permit a west side yard setback of 2.5 ft in lieu of the 10 ft side yard setback required.



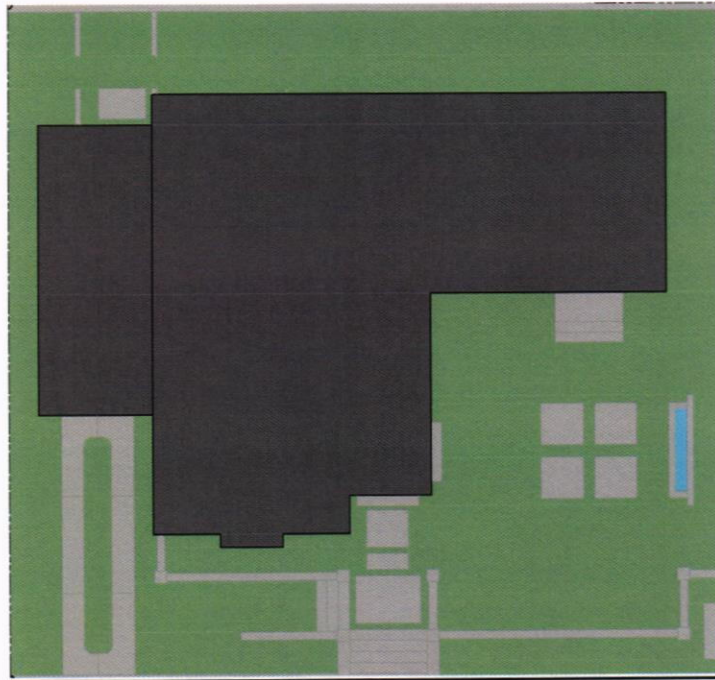
- VARIANCE 6: Sec. 134-948(6)a.: A variance request to permit an east side yard setback of 5 ft in lieu of the 10 ft side yard setback required.



- VARIANCE 7: Sec. 134-948(7)a.: A variance request to permit a north rear yard setback of 7.5' in lieu of the 15' rear yard setback required.



- **VARIANCE 8: Sec. 134-948(9)a.:** A variance request to permit a lot coverage of 41% in lieu of the 30% maximum lot coverage permitted.



Site Data			
Zoning District	R-C	Lot Size (SF)	Required: 7,500 SF Existing: 3,360 SF Variance Request
Lot Width	Required: 100 ft Existing: 60 ft Variance Request	Lot Depth:	Required: 100 ft Existing: 56 ft Variance Request
Lot Coverage	Permitted: 30% Proposed: 41% (1,379 SF) Variance Request	Perimeter Open Space	Required: 50% Proposed: 79.62%
Landscape Open Space (LOS)	Required: 45% Proposed: 45.31%	Front Yard Open Space	Required: 40% Proposed: 52.15%
Building Height	Permitted: 23'-6" Proposed: 19'-2"	Overall Building Height	Permitted: 31'-6" Proposed: 23'-9"
Front Yard Setback	Required: 25' Proposed: 12' Variance Request	Rear Yard Setback	Required: 15' Proposed: 7'-6" Variance Request
East Side Yard Setback	Required: 10' Proposed 5' 1 st FL / 5' 2 nd FL Variance Request	West Side Yard Setback	Required: 10' Proposed: 2'-8" 1 st FL Variance Request / 12"-1" 2 nd FL

Crown of Road	2.42' NAVD	FEMA Flood Zone	AE 6
Finish Floor Elevation	7' NAVD	Zero Datum for Point of Measurement	7' NAVD
Max Fill	Permitted: 2.29' Proposed: 2'	Enclosed Sq. Ft.	2,578 SF

Surrounding Properties	
North	1925 Two-Story Multifamily / R-C
South	1985 Two-story Condominium (Casa Fontana) / R-C
East	1955 Two-story Multifamily / R-C
West	1925 Two-story Multifamily / R-C

STAFF ANALYSIS

This application is presented to the Commission to consider whether all of the criteria in Sec. 18-205 have been met. A review of the project indicates that the application, as proposed, appears to be inconsistent with the abovementioned sections of the Town zoning code.

The applicant seeks ARCOM approval for the demolition of an existing nonconforming multiunit residential structure which was constructed in 1926. The structure appears to have been modified and altered overtime without any documentation of such existing in town records. The property is not landmarked nor under consideration for landmarking.

The parcel proposed for redevelopment is located midblock on the north side of Oleander Ave in the R-C zoning district. Like many of the parcels on the 200 blocks of Oleander Ave, Park Ave, Seminole Ave, and Everglade Ave, this parcel is deficient in lot width, depth, and overall area. Because the parcel is located in R-C zoning district, redevelopment of a nonconforming parcel is subject to variances, rather than special exception or site plan review. The nature of the existing nonconforming parcel results in the request for (3) variances.

The proposed residence as designed requires (5) variances, for each setback, and lot coverage. The small lot size (3,360 sq ft) may be triggering the need for so many variances. The existing structure on site is nonconforming and the proposed development will be more conforming. As mentioned previously, the majority of the parcels on the 200 Blocks of this neighbor are undersized, and it is likely that the majority of development is existing-nonconforming to the code as it exists today.

Approval of the project will require three separate motions to be made by the Commission: (1) for the demolition of the existing multifamily structure, (2) for the overall design of the project in accordance with the aforementioned criteria, subject to any imposed conditions, and (3) that the implementation of the proposed variances will/will not cause negative architectural impact to the subject property.

WRB:JGM:BMF