



TOWN OF PALM BEACH
Planning, Zoning & Building Department
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PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Town Council Development Review

TO: Mayor and Town Council

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

SUBJECT: ZON-23-034 (ARC-23-026) 171 EL PUEBLO WAY (COMBO)

MEETING: APRIL 04, 2023

ZON-23-034 (ARC-23-026) 171 EL PUEBLO WAY (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES. The applicants, Kevin Ryan and Carolyn Pressly-Ryan, has filed an application requesting Town Council review and approval for special exception with site plan review for development of a single-family dwelling on a lot in R-B zoning district which is deficient in lot width and area, and (4) variances for (1) a reduced swimming pool setback, (2) a variance to exceed maximum allowed equipment screening wall height, (3) a variance to permit a dormer window above maximum allowed building height, and (4) a variance to allow a supported second floor balcony to encroach into the required front yard. The Architectural Commission shall perform design review of the application.

ARCOM NOTICE:

ARC-23-026 (ZON-23-034) 171 EL PUEBLO WAY (COMBO). The applicants, Kevin Ryan and Carolyn Pressly-Ryan, has filed an application requesting Architectural Commission review and approval for construction of a new two-story single-family dwelling with final hardscape, landscape and pool; requiring special exception with site plan review to develop a nonconforming lot in the R-B district, a variance for swimming pool setback, a variance for equipment wall height, a setback variance and a building height variance. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Applicant: Kevin Ryan & Carolyn Pressly-Ryan
Professional: Jacqueline Albarran
Representative: Maura Ziska, Esq.

HISTORY

The existing one-story CBS structure was designed by architect Agnes Ballard for Mrs. Peggy Howell Taylor in 1951. A garage addition was permitted in 1964 and various permits for maintenance related work have been issued throughout the years.

THE PROJECT:

The applicant has submitted plans, entitled "PRESSLY-RYAN RESIDENCE" as prepared by **SKA Architect + Planner (Jacqueline Albarran)** dated February 9, 2023.

The following is the scope of work:

- Replacement of existing one-story residence with a new one and two-story home with final hardscape, landscape and pool.

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

- **SPECIAL EXCEPTION WITH SITE PLAN REVIEW: Sec. 134-893(c):** Special Exception with Site Plan Review to construct a new residence on a non-conforming parcel comprised of portions of platted lots which is 85 ft wide in lieu of the 100 ft width required and 9,960 sq. ft. in area in lieu of the 10,000 sq. ft. required.
- **VARIANCE 1: Sec. 134-1757:** A variance for a swimming pool with a north rear-yard setback of 5 ft in lieu of the 10 ft setback required.
- **VARIANCE 2: Sec. 134-11667:** A variance to allow a generator screening wall to exceed the maximum wall height in a street-side yard by 11 inches, to allow for complete screening of the generator.
- **VARIANCE 3: Sec. 134-1093(b)(5)b:** A variance to allow a 2nd story supported entry feature balcony with a 23 ft setback in lieu of the 25 foot setback minimum required.

Site Data			
Zoning District	R-B	Future Land Use	SINGLE-FAMILY
Lot Size	Existing: 9,960 SF Required: 10,000 SF <i>Special Exception w/ Site Plan Review</i>	Crown of Road	4.87' NAVD
Lot Depth	Existing: 85' Required: 100' <i>Special Exception w/ Site Plan Review</i>	Lot Width	Existing: 117.75' Required: 100'
Rear Yard Setback	Req.: 15' 1 st FL / 20' 2 nd FL Proposed: 18' / 20.5'	Front Yard Setback	Req.: 20' 1 st FL / 25' 2 nd FL Proposed: 22.5' / 25'
Building Height	Permitted: 22' Proposed: 19.6'	Overall Building Height	Permitted: 30' Proposed: 29.66'
Side Yard Setback	Req. 12.5' 1 st FL / 15' 2 nd FL Proposed: 12.5 / 15' (EAST)	Street Side Yard Setback	Req.: 25' 1 st FL / 30' 2 nd FL / 18' Garage Proposed: 31.25' / 41.25' / 18' Garage (WEST)
Finished Floor Elevation	Required: 7' NAVD Proposed: 7' NAVD	Zero Datum for Point of Measurement	7' NAVD
FEMA Flood Zone	AE / X	Base Flood Elevation	6' NAVD & None

Lot Coverage	Permitted: 30% Proposed: 27.8%	Angle of Vision	Maximum: 102° Proposed: 100.5°
Cubic Content Ratio (CCR)	Maximum: 4.0 Proposed: 3.99	Enclosed Square Footage	4,087.2 Sq. Ft.
Landscape Open Space	Required: 45% Proposed: 45.29%	Front Yard Landscape Open Space	Required: 40% Proposed: 49%
Surrounding Properties / Zoning			
North	1950 1-Story Residence / R-B Zoning		
South	1981 2-Story Residence / R-B Zoning		
East	1991 1-Story Residence / R-B Zoning		
West	1950 1-Story Residence / R-B Zoning		

STAFF ANALYSIS

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, is inconsistent with the Town zoning code and requires three variances. The application proposes the construction of a single-family residence on a substandard size lot within the R-B Zoning District. Due to the lot's deficiencies in width and area, the application will require a Special Exception with Site Plan Review to be reviewed by Town Council.

The parcel has public frontage along El Pueblo Way and N Ocean Way. Proposed site design features include a two-story mass on El Pueblo Way with a single story wing and side loaded garage off the side of the structure on N Ocean Way. A walkway and garden connect El Pueblo Way with the South facing front door. The side-loaded garage and driveway are separated from the primary façade on the west side of the structure and parcel. The parcel is enclosed on two sides with a masonry wall and a black chain link fence. The site plan also features a rear covered loggia, pool with spa, a water feature, and raised terrace.

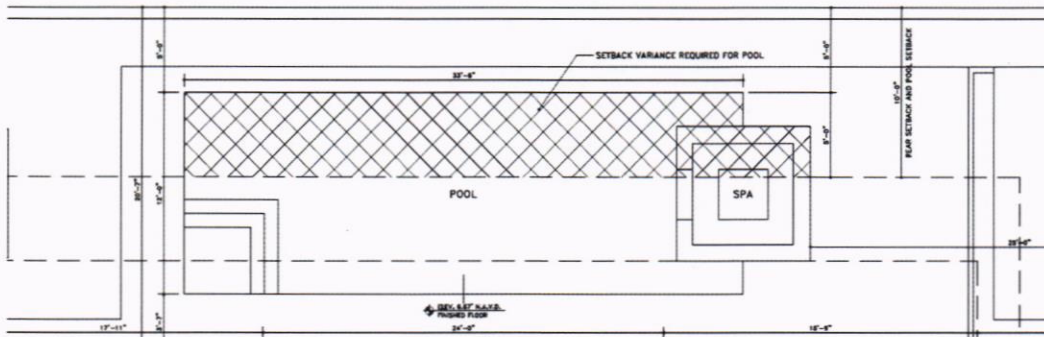
The zoning code for the R-B Zoning District permits for the reduction of a front yard setback up to five feet for the first and second story, provided that the rear yard setback increases by the same dimension. The applicant proposes a rear yard setback of 18' in lieu of 10' for the first story (+3') and 20' 7" in lieu of 15' for the second story (+5.58'). With the increase of the rear yard setbacks, the applicant proposes to reduce the front yard setback by proposing a first story front yard setback of 22' 6" in lieu of the 25' front yard setback required (-2.5') and a second story front yard setback of 25' in lieu of the 30' required (-5').

The application requires ARCOM to make findings as to whether the following three (3) variances will/will not cause negative architectural impacts to the subject property:

Code Section	Required	Proposed	Variance
Sec.134-1757	10' Swimming Pool Setback	5' Swimming Pool Setback	5' Setback Variance

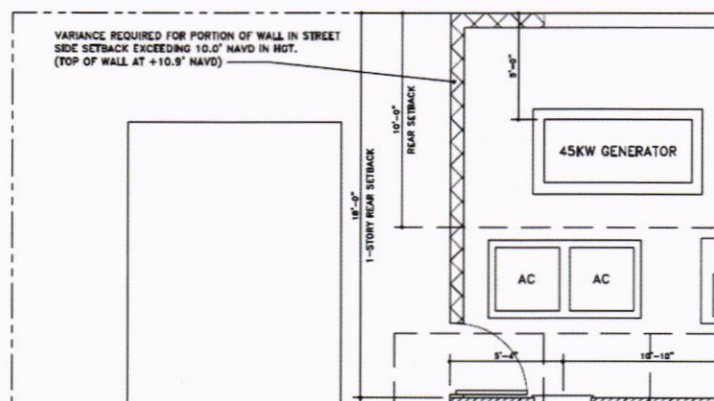
The lot is substandard size in the R-B Zoning District. The applicant is proposing a swimming pool

with a 5' north rear yard setback in lieu of the 10' swimming pool setback required, to achieve a 12' wide swimming pool. The neighboring property is separated from the pool and deck by a concrete masonry wall.



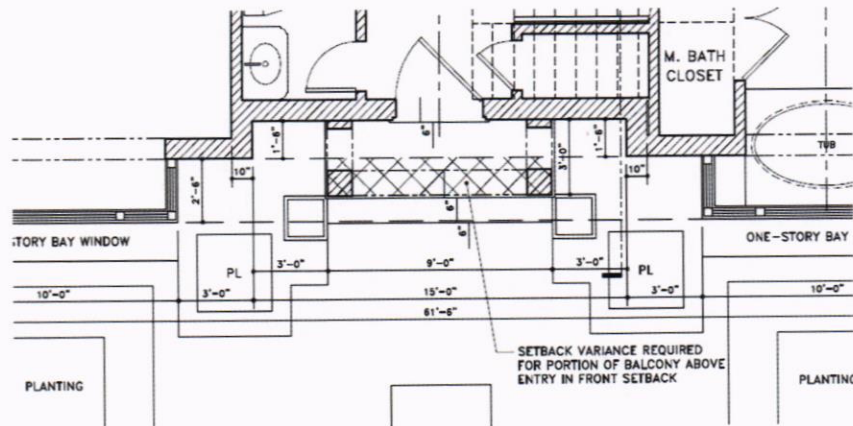
Code Section	Required	Proposed	Variance
Sec. 134-1667	A generator to be completely screened by a masonry wall not exceeding max wall height.	A generator screening wall which exceeds max wall height by 11" to completely screen the generator.	A wall height of 6' 11" in lieu of the 6' maximum permitted in a street side yard setback.

The existing site grade is lower than the required FEMA elevation, resulting in equipment required to be installed on stands or raised equipment pads. The zoning code requires that equipment be screened by a wall as high as the equipment, but not higher than allowed by code. In this instance, the applicant must install a screening wall which is less than 1' higher than allowed by code, so that the generator equipment will be completely screened from the street.



Code Section	Required	Proposed	Variance
Sec. 134-1093(b)(5)b	2 nd story balcony features must be located outside of the required 2 nd story setback.	A balcony feature which is located at a 23' setback in lieu of the 25' setback required.	2' second story front yard setback encroachment.

The applicant has reduced the front yard setback by increasing the rear yard setback, which is permitted by code. The applicant proposed an one story entry feature with a balcony. Because the balcony is considered a second story feature, it must meet the second story setback requirement. The applicant proposes for the entry to encroach 2' into the required 2nd story setback (but still outside of the one story setback).



Conclusion

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.

Approval of the project will require two separate motions to be made by Town Council: (1) for the Special Exception with Site Plan Review to construct a new residence on a non-conforming parcel comprised of portions of platted lots which is 85 ft wide in lieu of the 100 ft width required and 9,960 sq. ft. in area in lieu of the 10,000 sq. ft. required, and (2) for the granting of the variances.

WRB:JGM:BMF