



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5431 • www.townofpalmbeach.com

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-23-028 (ARC-23-013) 177 CLARKE AVE. (COMBO)

MEETING: MAY 10, 2023

ARC-23-013 (ZON-23-028) 177 CLARKE AVE. (COMBO). The applicants, James Coleman Baker and Veronica Chen Baker, have filed an application requesting Architectural Commission review and approval for the construction of a new two-story residence, alterations to an existing garage structure, and landscape and hardscape improvements, including (1) Cubic Content Ratio, (2-4) to vest existing rear and side setback encroachments due to the demolition of more than 50% of the building, and (5) to allow a two-story accessory structure. This is a combination project that shall also be reviewed by Town Council as it relates to the zoning relief/approval.

Applicant: James Coleman Baker and Veronica Chen Baker
Professional: Smith Kellogg Architecture, Inc. (Kristin Kellogg)
Representative: Maura Ziska, Esq.

HISTORY:

The project was initially reviewed at the January 25, 2023, meeting, and was deferred with Commissioners requesting restudy of the residence due primarily to its austerity, including specific requests to revise the parapet design and entry portico entablature and column configuration. The application was deferred by ARCOM to the February 2023 meeting, with the applicant requesting subsequent deferrals for February and March.

This item was approved with minor modifications (7-0) at the 04/26/23 Architectural Commission. Additionally, ARCOM motioned that the approval of the variances would not negatively impact the architecture (7-0).

THE PROJECT:

The applicant has submitted plans, entitled "New Residence At: 177 Clarke Avenue", as prepared by **Smith Kellogg Architecture, Inc.**, dated April 10, 2023.

The following is the scope of work:

- Construction of a new two-story single-family residence
- Retention and redesign of a 1910's two-story nonconforming accessory structure
- Site wide landscape and hardscape improvements

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. 134-893(b)(13): A variance to allow a CCR of 4.18 in lieu of the 3.91 maximum CCR permitted. *Variance amount reduced since January ARCOM review.*
- **Variance #2.** Sec. 134-893(7). A variance for a west side yard setback of 5'-1" in lieu of the 15' required for a two-story building.
- **Variance #3.** Sec. 134-893(7). A variance for an east side yard setback of 11'-7" in lieu of the 15' required for a two-story building.
- **Variance #4.** Sec. 134-893(9). A variance for a rear yard setback of 11'-11" in lieu of the 15' required for a two-story building.
- **Variance #5.** Sec. 134-891(B). A variance to permit a two-story accessory structure on a parcel less than 20,000 square feet in the R-B zoning district.

Site Data			
Zoning District	R-B	Lot Size	18,710 SF
Future Land Use	SINGLE FAMILY	Lot Width	104.17 ft.
Building Height	Permitted: 22 ft Proposed: 21.5 ft	Lot Depth	186.46 ft.
Overall Height	Permitted: 30 ft. Proposed: 28.42 ft	Lot Coverage	Permitted: 30% Proposed: 21%
Zero Datum Point of Measurement	7.70' NAVD	Finished Floor Elevation	9.325' NAVD
Cubic Content Ratio (CCR)	Permitted: 3.91 Previously Proposed: 4.26 Currently Proposed: 4.18 <i>Variance requested</i>	FEMA Zone	AE 6
Landscape Open Space	Required: 45% Proposed: 57%	Required Native Planting	COMPLIES
Surrounding Properties			
North	1925 Two-story residence		
South	1928 Two-story residence		
East	1923 Two-story residence		
West	1927 Two-story residence / 2002 Two-story residence		

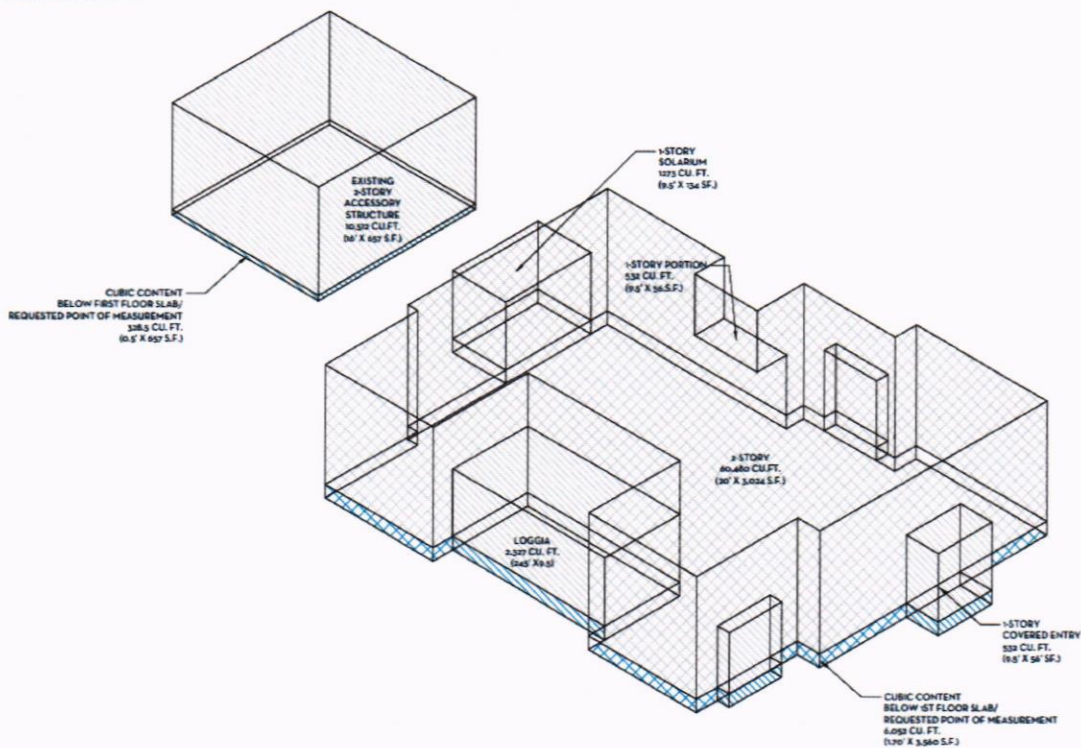
STAFF ANALYSIS

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 subject property is a corner lot property zoned R-B. The proposal includes the construction of a new single-family residence with site wide landscape and hardscape improvements, and the retention of an existing nonconforming two-story accessory structure. The applicant is proposing to construct the finished floor of the new building at 9.325' NAVD, lieu of the 7' NAVD required by code. As a note, the finished floor elevation of the existing residence to be demolished is at 10.19' NAVD. All of the zoning calculations relating to the building mass (Height, Overall Height, and CCR) must be taken from the code prescribed point of measurement of 7' NAVD. While the

height and overall height conform, even with a finished floor at 9.325' NAVD, a CCR Variance (1) is required, since the lower mass of 2.325' is calculated towards the CCR.

As it pertains to the CCR variance, the house "starts" at a resilient finished floor elevation of 9.325' NAVD (2'+ of freeboard), but the definition of CCR requires that the calculation of cubic content begin underneath the floor elevation—at the point of measurement, which in this instance is the base flood elevation + one foot of freeboard, or 7' NAVD. Section 134-2 of the Code defines Cubic content ratio (CCR) "*as means a measure of land use intensity, expressing the mathematical relationship between the cubic content of a building and the unit of land*". So in this instance, the base or foundation of the structure, or in other similar cases, actual earth or mound formations on site, count towards the 'land use intensity' of the site. The definition continues to dictate "*that is arrived at by dividing the gross cubic content, as calculated by multiplying building height as stated in the definition of the term "building, height of (applicable only in the R-B district)"*". This nonsensical standard is most clearly illustrated below as portions of non-house are counted towards the calculation.



PROPOSED CUBIC CONTENT DIAGRAM

SCALE: 3/32"=1'-0"

Because the main house is being demolished (i.e., demolition of more than 50%), variances are required to reestablish the existing non-conforming rear two-story accessory structure. Variances are required (2) to retain a west side yard setback of 5'-1" in lieu of 15' required, (3) to retain an east side yard setback of 11'-7" in lieu of the 15 ft required by code, and (4) to retain a rear yard setback of 11'-11" in lieu of the 15 ft required. Additionally, the lot area is 18,710 SF, whereas the minimum lot size necessary to allow a two-story accessory structure in the R-B zoning district is 20,000 sq ft. Thus, variance (5) is required to allow the two-story accessory structure on the lot deficient in the required 20,000 area.

The development patterning of the immediate area consists of larger single-family homes with accessory structures, mostly 2-stories, some older and some newer. Further, several homes on the 100 block of Clarke Ave and Barton Ave to the north have nonconforming accessory structures which encroach into the alley setback area. In this regard, the continuance of the existing nonconforming accessory structure would not be an anomaly in the neighborhood.



May 2022 Google Street View. Subject property middle.

The applicant has made substantial revisions to the architecture and site plan since the January meeting. Revisions to the April submittal include numerous changes to the exterior elevations, floor plan modifications, site plan modifications, and an overall reduction in cubic content. Additionally, historic precedents by John Volk and Marion Sims Wyeth are being utilized to enhance the Georgian style of the residence.

April Resubmittal Zoning Issues:

In the revised April submittal, the applicant is electing to leave an air conditioning condensing unit in the upper northwest corner of the parcel, immediately adjacent to the rear alley. Due to the improvement of more than 50% of the site, the location of the condensing unit, which does not meet minimum mechanical system setback requirements, will need to be relocated to a zoning compliant location. A request to retain the condensing unit in this location would need to be accompanied by variance requests, which have not been submitted or advertised for this application.

Additionally, there is a freestanding pergola north of the pool provided in the landscape plans that is not apparent in the architectural plans. The pergola extends into the required setbacks. Per Sec. 134-895(5), a pergola not exceeding 9' in height may extend up to 5' into a required setback. The plans provided do not demonstrate compliance as exact setbacks are not indicated. Additionally, the pergola roof cross members appear to exceed the 9' allowable overall height. The applicant shall relocate the non-complaint condensing unit to a zoning compliant location and shall confirm that the pergola structure complies with the provisions of Sec. 134-895(5), subject to staff review at permitting.