



**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:** COA-22-040 (ZON-22-115) 801 S COUNTY ROAD (COMBO)

**MEETING:** JUNE 21, 2023 LPC  
JULY 19, 2023 TC

**COA-22-040 (ZON-22-115) 801 S COUNTY ROAD (COMBO).** The applicant, Palmeiral Revocable Trust/Frances I. Kettenbach, has filed an application requesting a Certificate of Appropriateness for proposed exterior alterations and additions to an existing beach cabana requiring a Special Exception with Site Plan Review and variances to vest existing non-conforming setbacks, mechanical equipment setbacks, and a to reduce the ocean bulkhead setback. Town Council will review the zoning components and relief requests of the application.

**ZON-22-115 (COA-22-040) 801 S COUNTY ROAD (COMBO) - VARIANCES.** The applicant, Palmeiral Revocable Trust/Frances I. Kettenbach, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for a beach house structure and three (3) variances (1) to vest an existing non-conforming west setback due to the demolition of more than 50% of the structure, (2) to place an air conditioning condensing unit within the front setback, and (3) to reduce the Ocean Bulkhead setback, in conjunction with proposed exterior alterations and additions to an existing beach cabana. The Landmarks Preservation Commission will perform the design review component of the application.

**Applicant:** Palmeiral Revocable Trust / Frances I. Kettenbach  
**Professional:** LaBerge & Menard Inc. (Chris Kidle)  
**Representative:** Maura Ziska, Esq.

**HISTORY**

The project was heard at the May 17, 2023 LPC Hearing. The project was deferred to the June 21, 2023 hearing. The commission provided feedback regarding architectural elements and felt the design was too contemporary and the structure was too massive. The applicant has made modifications and resubmitted plans in response to the comments of the commission.

801 S County Rd is a Mediterranean style residence constructed in 1929 and designed by Maurice Fatio. The property was designated a Landmark in 1990. Numerous permits have been issued throughout the years for updates, maintenance and renovations to the site.

**THE PROJECT:**

The applicant has submitted plans, entitled "CABANA RENOVATION 801 SOUTH COUNTY RD", as prepared by **LaBerge & Menard Inc.**, dated May 30, 2023.

The following is the scope of work for the Project:

- Renovation and addition to existing beach cabana.



Figure 1: Subject beach parcel location.

Site Data			
<b>Zoning District</b>	BA / R-A	<b>Lot Size (SF)</b>	136,015 SF
<b>Crown of Road (C-O-R)</b>	16.67' NAVD	<b>Flood Zone</b>	ZONE X
<b>Exist Fin. Floor Elevation</b>	13.85' NAVD	<b>Zero Datum for Point of Measurement</b>	14.6' NAVD
Project			
	Required/Allowed	Existing	Proposed
<b>Lot Coverage</b>	2,000 sq. ft.	488 sq. ft.	1,486 sq. ft. (previously proposed) 1,374 sq. ft. (proposed)
<b>North Setback</b>	10'	10'	10'
<b>West Setback</b>	35'	10'-5"	10'-5" (No Change) <i>Variance Requested</i>
<b>South Setback</b>	10'	265'	245'

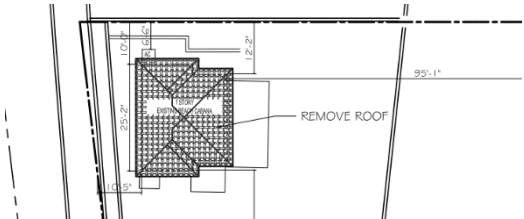
<b>East (Ocean Bulkhead) Setback</b>	50'	40'	17' <i>Variance Requested</i>
<b>Overall Building Height</b>	16'	12'-10"	14'-11" (previously proposed) 14'-10" (proposed)
<b>Surrounding Properties / Zoning</b>			
<b>North</b>	Beach Parcel and Cabana / BA Zoning		
<b>South</b>	Beach Parcel and Cabana / BA Zoning		
<b>East</b>	Atlantic Ocean		
<b>West</b>	1929 Two-Story Residence (Main Parcel) / R-A Zoning		

### **STAFF ANALYSIS**

The application is presented to the Commission to consider whether all the criteria in section 54-122 have been met. The application, as proposed, appears inconsistent with the following sections of the town code:

- a. **Special Exception with Site Plan Review:** [Sec. 134-1473\(a\)\(1\)](#): To allow a beach house structure in the B-A, Beach Area district.
- b. **Variance 1:** [Sec. 134-1475\(b\)\(3\)](#): A variance to vest an existing west setback of 10'-5" in lieu of the 35'-0" minimum required for a beach house structure due to the demolition of more than 50% of the existing structure.
- c. **Variance 2:** [Sec. 134-1702](#): A variance to allow an Ocean Bulkhead setback of 17' in lieu of the 50' minimum required.
- d. **Variance 3:** [Sec. 134-1728\(a\)](#): A variance to allow an air conditioning condensing unit with a 13'-7 1/2" west front setback in lieu of the 35' minimum front yard setback required.

The application seeks approval for the renovation of and addition to an existing beach cabana. The renovation and addition result in the demolition of more than 50% of the cabana, requiring any existing nonconformities to be retested and requiring review by the Town Council for Special Exception with Site Plan Review.



As it pertains to Variance #1, the existing cabana has a nonconforming west street setback of 10'-5" in lieu of the 35' setback required. Due to demo of greater than 50% as part of the renovation, the nonconforming setback must be retested.

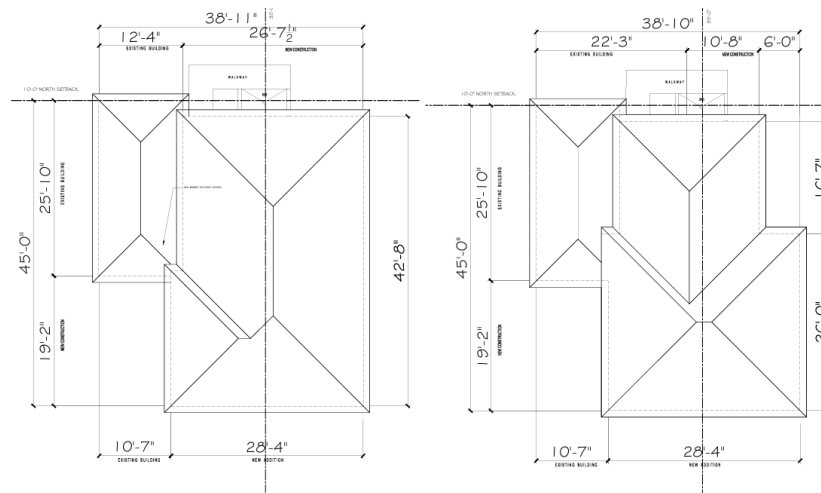
As it pertains to Variance #2, the applicant is proposing an addition which expands the footprint of the cabana closer to the ocean bulkhead. The existing cabana setback is nonconforming at 40', and this nonconformity is being exacerbated by proposing a 17' setback, whereas a 50' setback is the minimum required. Therefore, a variance is being requested to further encroach into the setback.

As it pertains to Variance #3, the applicant is seeking a variance to maintain existing A/C equipment in the required street setback at 13'-7 1/2" in lieu of the 35' setback required. The variance requests to retest the existing nonconformity due to demolition of more than 50% of the existing cabana.

In response to the comments of the Landmarks Preservation Commission, the applicant has resubmitted plans with modifications. Changes include a reduced square footage of the cabana,

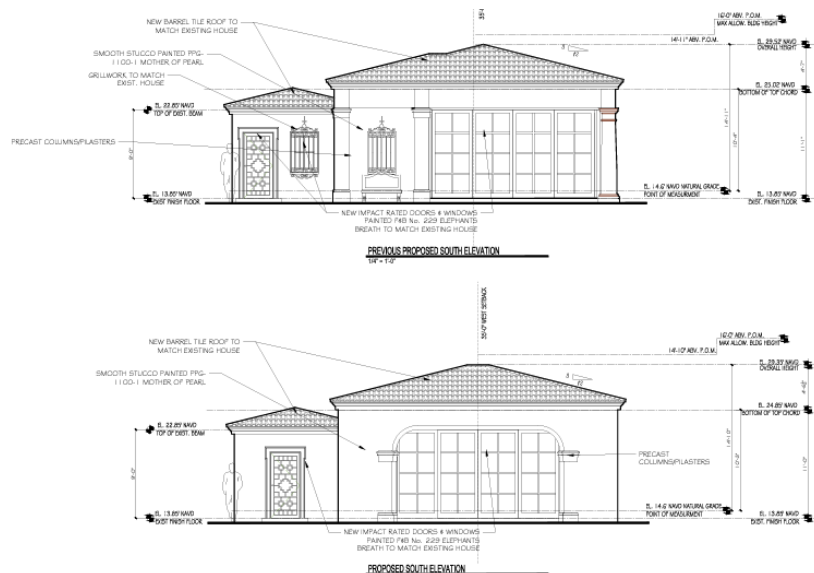
changes to proposed fenestration, and incorporation of arch details to reflect the primary structure.

Building mass was removed from north east corner of the building, reducing the proposed floor area by approximately 115 sq. ft.



*Previously proposed roof/floor plan on left, proposed on right.*

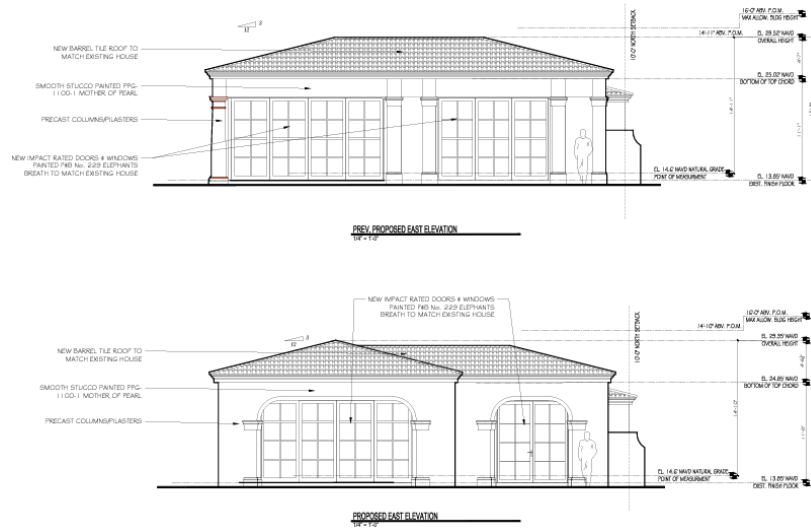
On the south elevation, several changes were made to simplify the elevation and match the primary landmark structure. Precast columns are now modified to be incorporated into an arch surrounding the glass doors centered on the new addition, the windows with grillwork are now omitted, and the entry door is now centered on the northwest portion of the building.



*Previously proposed south elevation at top, currently proposed at bottom.*

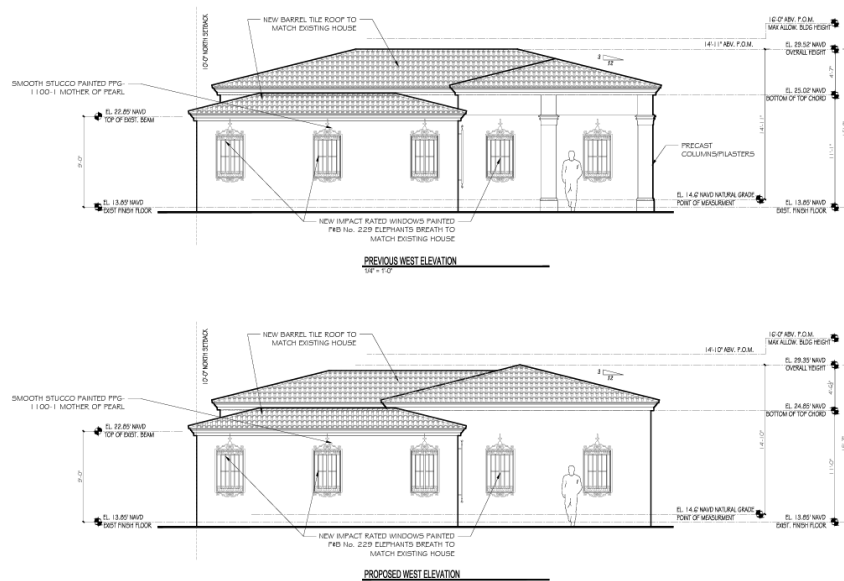
On the east elevation, the large glass doors have been reduced, and the arch detail from the south

elevation is continued and incorporated onto each entry. The northern portion of the addition is stepped back, modifying the expansive single-dimension elevation previously presented.



*Previously proposed east elevation at top, proposed at bottom.*

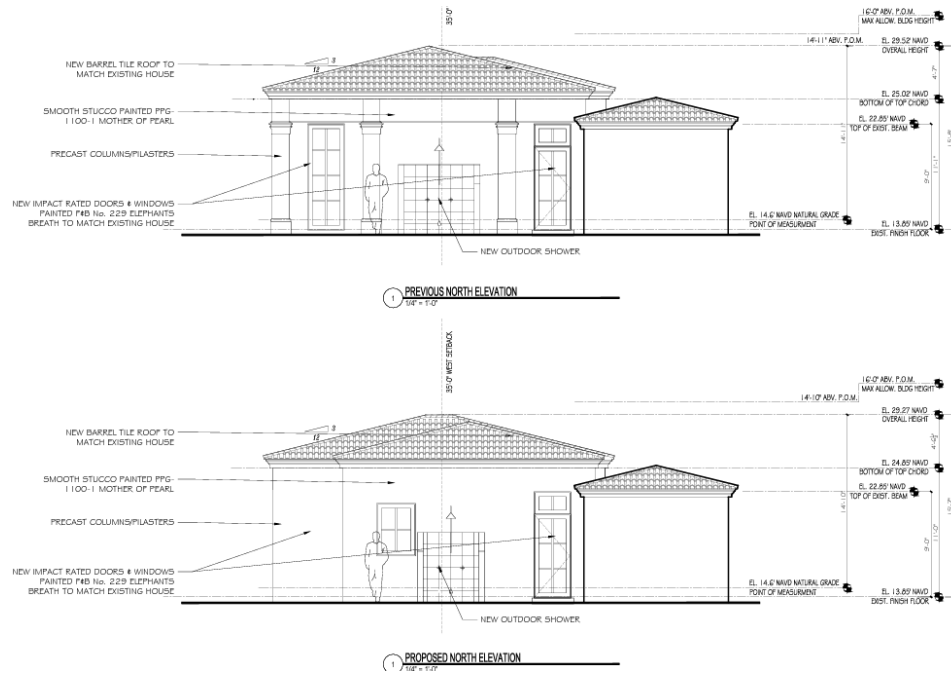
The west elevation remains largely unchanged, aside from the elimination of previously proposed precast column details.



*Previously proposed west elevation at top, proposed at bottom.*

And on the north elevation, A previously proposed full length glass window is replaced with a smaller window, and relocated to accommodate the change in building footprint.





*Previously proposed north elevation at top, proposed at bottom.*

Approval of the project will require two motions to be made by the Commission: (1) for the overall design of the project in accordance with the criteria, subject to any imposed conditions and (2) that the proposed variances will/will not have negative architectural impact.

WRB:JGM:BMF