



**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-*ARB*  
Director PZ&B

**SUBJECT:** ZON-22-121 (HSB-22-012) 428 CHILEAN AVE (COMBO)

**MEETING:** JULY 19, 2023 LPC  
AUGUST 09, 2023 TC

**HSB-22-012 (ZON-22-121) 428 CHILEAN AVE—FLOODPLAIN VARIANCE (COMBO).**

The applicant, David Mooney, has filed an application requesting a Landmarks Preservation Commission review and approval for modifications and an addition to a Historically Significant Building, requiring variances from the Floodplain requirements from Chapter 50, Floods, for the required floor elevation of the existing structure and addition to remain below FEMA requirements, and a variance to exceed maximum wall height for equipment screening. Town Council shall review the application as it pertains to zoning relief/approval.

**ZON-22-121 (HSB-22-012) 428 CHILEAN AVE (COMBO)—VARIANCE.** The applicant, David Mooney, has filed an application requesting Town Council review and approval for a variance to exceed maximum equipment screening wall height, to screen equipment in the west side yard. The Landmarks Preservation Commission shall perform design and flood plain variance review of the application.

**Applicant:** David Mooney  
**Professional:** Luigi Vitalini | Vitalini Corazzini Architects

**HISTORY:**

The subject property was designated as Historically Significant in May of 2022. The property is located within the Royal Park Conservation District. The one-and-a-half story bungalow style dwelling was constructed around 1920.

The application was initially presented at the April 2023, Landmarks Preservation Commission meeting. The project was deferred, with Commissioners requesting refinements to the addition's height, roofline, connecting hyphen, and window muntin configurations, amongst other detailing.

At the July 19, 2023 Landmarks Preservation Commission meeting, the design component of the application was reviewed and approved (7-0) with portions of the project to return to the LPC at the August 16, 2023 meeting. The floodplain variance was approved (7-0), and the variance for the mechanical screening was supported by the LPC as it would not cause negative impact to the architecture.

**THE PROJECT:**

The applicant has submitted plans, entitled "Addition to 428 Chilean Avenue", as prepared by **Vitalini Corazzini Architects**, dated June 29, 2023.

The following is the scope of work for the Project:

- The construction of a new two-story addition to the east side of an existing Historically Significant two-story single-family residence.
- Sitewide landscape and hardscape improvements
- **Variance #1** [Chapter 50-114: Historic Buildings](#) – FLOOD PLAIN VARIANCE: A variance is authorized for the improvements to and rehabilitation of this historic building that is determined eligible for the exception of the flood resistant construction requirements of the Florida Building Code, Existing Buildings, Chapter 12 Historic Buildings, as the proposed improvements will not preclude the building's continued designation as a Historic building to the construction of an addition and remodeling of a residence with a finished floor of 4.5' NAVD in lieu of the required 7' NAVD (To be acted upon by the Landmarks Preservation Commission).

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

- **Variance #2:** [Sec 134-1728\(a\)\(4\)](#): A variance to not provide the required masonry screening wall for proposed air conditioning equipment within side yards.

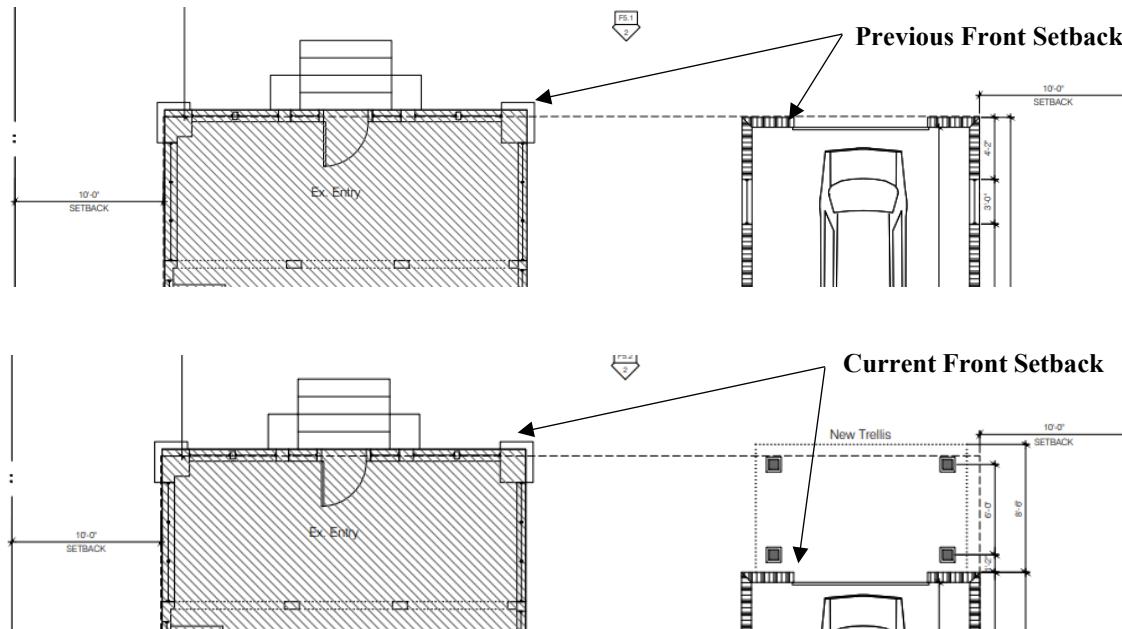
Site Data			
<b>Zoning District</b>	R-C	<b>Lot Size (SF)</b>	9,375 SF
<b>Future Land Use</b>	MULTI-FAMILY	<b>Enclosed Sq. Ft.</b>	2,334 Existing 4,180 Proposed
<b>Crown of Road C-O-R</b>	1.98' NAVD	<b>Flood Zone</b>	AE 6
<b>Flood Zone</b>	AE-6	<b>Crown of Road</b>	1.98' NAVD
<b>Year of Construction</b>	ca. 1920	<b>Architect/Builder:</b>	unknown
Project			
	Required/Allowed	Existing	Proposed
<b>Lot Coverage</b>	30% (2,813 SF)	13.5% (1,263 SF)	26.1% (2,450 SF)
<b>Finished Floor Elevation</b>	7' NAVD	4.5' NAVD	4.5 NAVD <i>Floodplain Variance</i>
<b>Landscape Open Space</b>	45%	66%	46%
Surrounding Properties / Zoning			
<b>North</b>	2022 Two-story residence / R-C		
<b>South</b>	Surface parking lot for 'Three Eighty Nine Corp Condominium' / R-C		
<b>East</b>	1950 Two-story four-unit Condominium / R-C		
<b>West</b>	1980 Seven-story residence 'Eliot House condominium' / R-C		

### STAFF ANALYSIS

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the above-mentioned sections of the Town zoning code, requiring two variances.

The project consists of the construction of a new, two-story garage addition, which is connected to the existing Historically Significant building by a two-story hyphen, which is unenclosed on the ground level and contains habitable living space on the second floor. The addition is designed to retain and distinguish the original structure from the addition.

Since the April meeting, the applicant has made substantial changes to the proposed addition, including modifications to the front setback, roofline, fenestration, and detailing of the garage addition. In the previous proposal, the garage addition's front setback was aligned with the front setback of the existing residence. In the current proposal, the masonry façade of the garage addition is set back behind the front façade of the residence, although a new wood trellis is now placed forward of the garage, which maintains alignment with the residence's front setback.

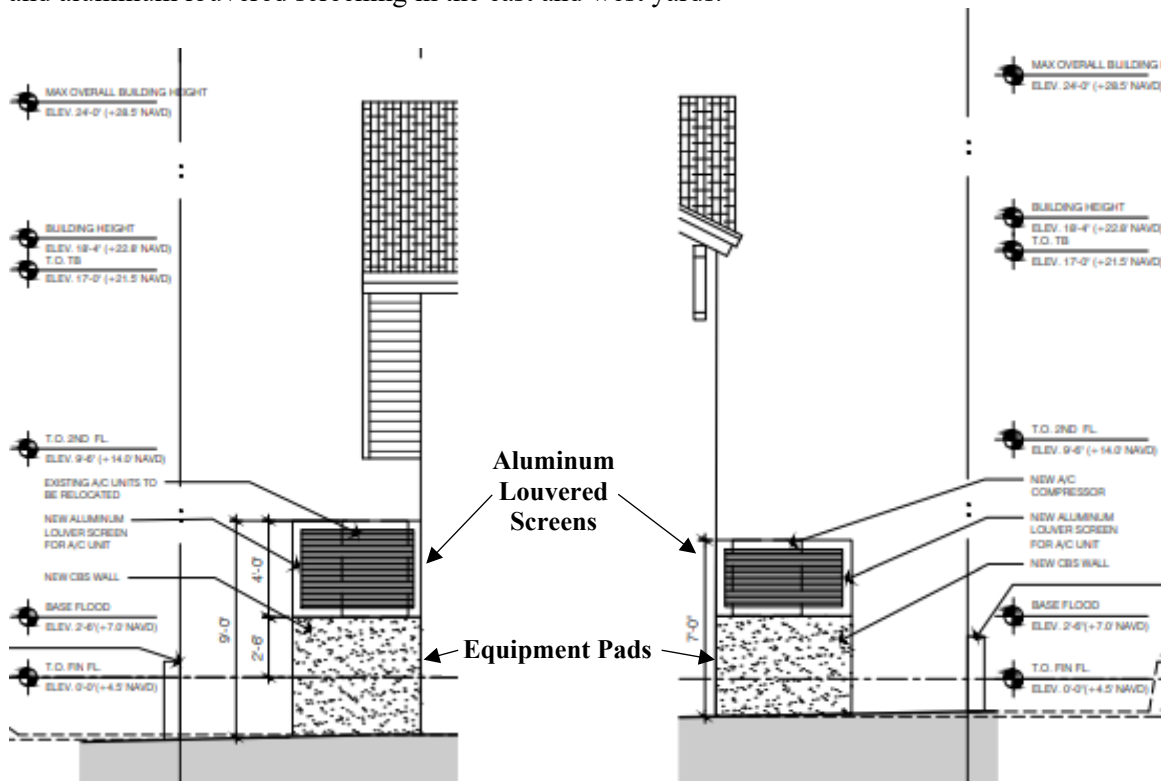


Additionally, the roofline and configuration of the addition's main mass has been reconfigured. In the previous proposal, the garage addition's roofline mimicked the roofline of the existing residence by utilizing a steep sloped roof with a projecting shed dormer. In the current proposal, the roofline is changed to a cross gable roof with a clipped gable detail on the front façade, which differentiates the new massing from the old. The connecting hyphen has also been modified. In the previous proposal, the ground floor open portion of the structure featured regularly spaced columns and the second habitable floor was faced with smooth stucco. In the current iteration, the ground floor columns have been paired and placed to the east and west sides, while the second floor has been clad in lap siding.

As it pertains to **Variance #1**, the application seeks to substantially improve and expand the existing residence, which has a non-compliant finished floor of 4.5' NAVD, whereas the current requirement within the AE6 flood zone is 7' NAVD. A flood plain variance is being requested for

the historic structure to allow an addition with a finished floor of 4.5' (lowest slab of interior habitable space) in lieu of the 7 ft required by code. As such, a flood plain variance is necessary for construction at 4.5' NAVD. The floodplain waiver is only afforded to Landmarked and Historically Significant Buildings and is one of the greatest benefits of the program for older, currently non-compliant historic building stock. Final authority of the flood plain variance is with the Landmarks Preservation Commission.

As it pertains to **Variance #2**, the applicant seeks to screen the proposed air conditioning condensing units in the east and west yards with new aluminum louvered screen panels in lieu of the masonry walls required by code. The subject parcel is very low, with a crown-of-road just under 2' NAVD. FEMA requirements mandate that new equipment be installed at minimum flood elevation, which is 7' NAVD. In doing so, the equipment must be physically raised off grade to the minimum requirement. Equipment located within yard areas are required to be screened by masonry walls as high as the equipment but are not permitted to exceed maximum wall heights. If the applicants chose to install a masonry screening wall to the top of the equipment, they would also need a variance to exceed wall heights within a side yard to 9' in height in lieu of the 7' permitted. The yard section diagrams below illustrate the proposed air conditioning equipment pads and aluminum louvered screening in the east and west yards.



### **CONCLUSION:**

Approval of the project will require one motion to be made by the Town Council for final determination of approval or denial of the variances by the Town Council: (1) that the variances **should or should not** be granted that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met.