



TOWN OF PALM BEACH
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PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Combination Memorandum: Architectural Commission and Town Council

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

SUBJECT: ZON-23-021 (ARC-23-015) 320 CHILEAN AVE (COMBO)

MEETING: JULY 26, 2023 ARCOM
AUGUST 09, 2023 TC

ARC-23-015 (ZON-23-021) 320 CHILEAN AVE (COMBO). The applicants, Valentin and Yaz Hernandez, have filed an application requesting Architectural Commission review and approval for changes to the overall site plan of an existing two-story condominium building, including landscape and hardscape improvements including the addition of artificial turf joints in a motor court and the installation of a pool in the side yard requiring variances from parking, equipment distances, setback requirements and open space. This is a combination project that shall also be reviewed by Town Council as it pertains to the zoning code relief/approval.

ZON-23-021 (ARC-23-015) 320 CHILEAN AVE (COMBO)—VARIANCES. The applicants, Valentin and Yaz Hernandez, have filed an application requesting Town Council review and approval for Site Plan Review and (4) variances, including (1) to reduce side setbacks for the installation of a new pool, (2) to reduce rear setbacks for a new pool heater, (3) to place pool equipment within a yard setback more than 25 linear feet away from the pool water's edge, (4) to reduce overall Landscape Open Space below the required amount, (5) to reduce Front Yard Open Space below the required amount, and (6) to reduce the required parking spaces, in conjunction with overall site plan modifications for an existing two-story condominium building, including landscape and hardscape improvements and the installation of a pool. The Architectural Commission will perform the design review component of the application.

Applicant: Valentin and Yaz Hernandez
Professional: Environment Design Group (Dustin Mizell)

HISTORY:

This item was originally presented at the JUNE 28, 2023 ARCOM meeting. Design discussion commenced but no affirmative action could be taken on the item due to an error in the mailing notice. The application was received favorably and was deferred (7-0) to the JULY 26, 2023 meeting. The application was reviewed and approved (7-0) by ARCOM at the July 26, 2023 meeting. Additionally, the Commission motioned favorably (7-0) that the variances would not negatively impact the architecture.

THE PROJECT:

The applicant has submitted plans, entitled "Private Residence 320 Chilean Ave", as prepared by **Environment Design Group**, dated June 10, 2023.

The following is the scope of work:

- Landscape and hardscape improvements including the installation of a new swimming pool site wall, sculpture feature, and mechanical equipment
- Redesigned parking area with the use of artificial joints
- New paint color for building, window bays, underside of soffits, roof tile.
- New glass railing for front entry steps

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

- **Site Plan Review:** [Sec. 134-942\(4\)](#): Modifications to a multi-family dwelling requiring Site Plan Review.
- **Variance #1:** [Sec. 134-1757](#): A variance to reduce the required east side setback with a 7'-4" side yard setback in lieu of the 10'-0" required in order to install a swimming pool. ***Not supported by staff***
- **Variance #2:** [Sec. 134-1728\(c\)\(2\)](#): A variance to install a pool heater with a 5'-0" rear setback in lieu of the 10'-0" required. ***Not supported by staff***
- **Variance #3:** [Sec. 134-1728\(c\)](#): A variance to install new pool equipment within a yard setback at a distance of 59'-6" from the edge of the pool in lieu of the 25' maximum allowed. ***Not supported by staff***
- **Variance #4:** [Sec. 134-948\(11\)\(d\)](#): A variance to allow a Landscape Open Space amount of 22.5% in lieu of the 35% minimum required for multi-family uses within the R-C zoning district.
- **Variance #5:** [Sec. 134-948\(11\)\(e\)](#): A variance to allow a Front Yard Open Space amount of 31.2% in lieu of the 35% minimum required for multi-family uses within the R-C zoning district.
- **Variance #6:** [Sec. 134-2176](#). A variance to eliminate 2 parking spaces where 8 is required in order to provide 6 spaces in the redesign of the parking area.
- Please be advised that a Unity of Title Agreement will be required for the combination of the units on the ground floor prior to issuance of a Building Permit.

Site Data			
Zoning District	R-C	Lot Size (SF)	12,505 SF
Future Land Use	MULTI FAMILY MODERATE DENSITY	Parking	Original: 12 Existing: 7 Proposed: 6 Required: 13 <i>Variance Requested</i>
Year built	1964	Units	Original: 8 Current: 5
Landscape Open Space (LOS)	Required: 35% (4,376SF) Existing: 19.7% (2,461 SF) Proposed: 22.5% (2,825SF) <i>Variance Requested</i>	Front Yard Open Space	Required: 35% (875 SF) Existing: 17.5% (439 SF) Proposed: 31.2% (780 SF) <i>Variance Requested</i>
Surrounding Properties / Zoning			
North	1924 Two-story residence / R-C		
South	1945 Two-story commercial / R-C		
East	2003 Two-story duplex residence/ R-C		

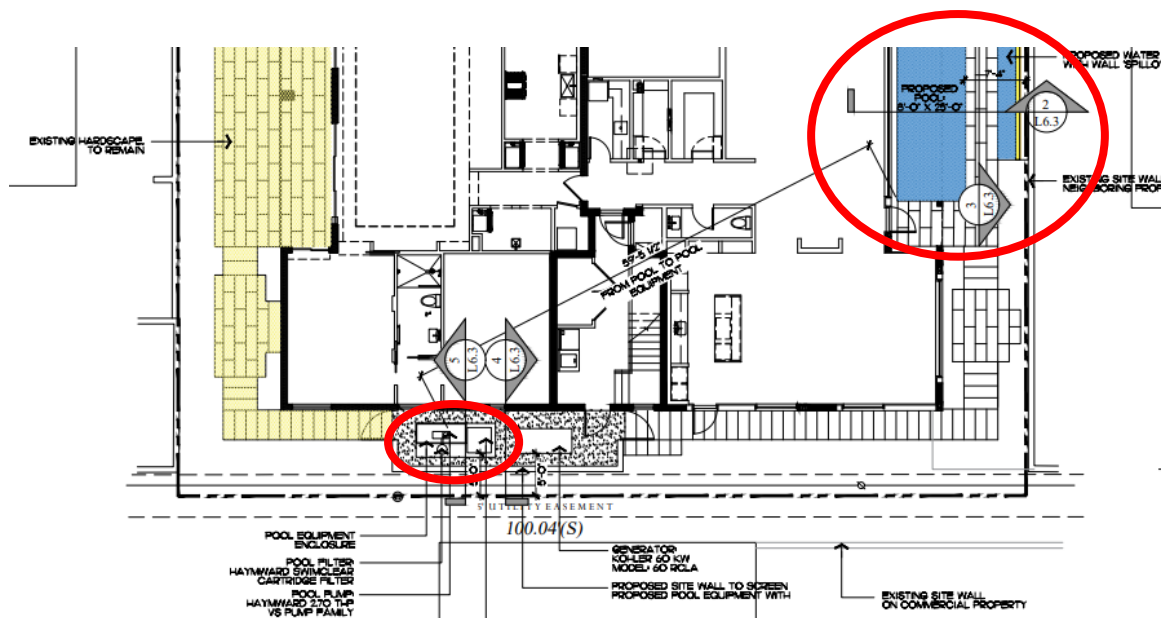
West	1924 Two-story residence/ R-C
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STAFF ANALYSIS

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the abovementioned sections of the Town zoning code. The application requests changes to the overall site plan of an existing two-story condominium building, including landscape and hardscape improvements featuring the addition of artificial turf joints in a motor court and the installation of a pool in the side yard requiring variances from parking, equipment distances, setback requirements and open space.

The structure designed by Richardson and Ginocchio in 1964 as an 8-unit apartment building with 12 surface parking spaces at the front of the lot, pursuant to B-077-1445. The project applicant has acquired all four ground floor units and is in the process of renovating and converting the units into a single-family occupancy.

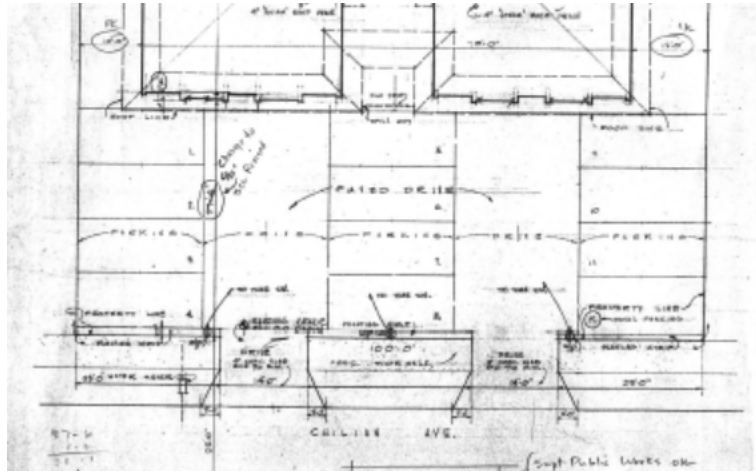
As it pertains to **Variances 1-3**, the applicant is proposing a new 8' x 20' pool in the east side yard of the building that encroaches into the required setback. As designed, the pool is located 2'-8" closer to the side property line than permitted (**Variance 1**). Additionally, the applicant has placed all the mechanical equipment within the south side yard of the building. This location exceeds the 25' maximum distance separation for pool equipment when the equipment is located within a building setback (**Variance 2**)—as proposed, the configuration is nearly 60' from the water's edge. See variance graphic below.



In addition to the pool pump and filtration system, there is also a proposed pool heater, which has a more restrictive side setback of 10'-0", rather than 5'-0" setback required other pool equipments (**Variance 3**). Staff maintains that the applicant should continue to explore ways to eliminate all of the variance requests for the installation of an amenity feature, as the reduced setback may negatively impact the neighboring duplex property.

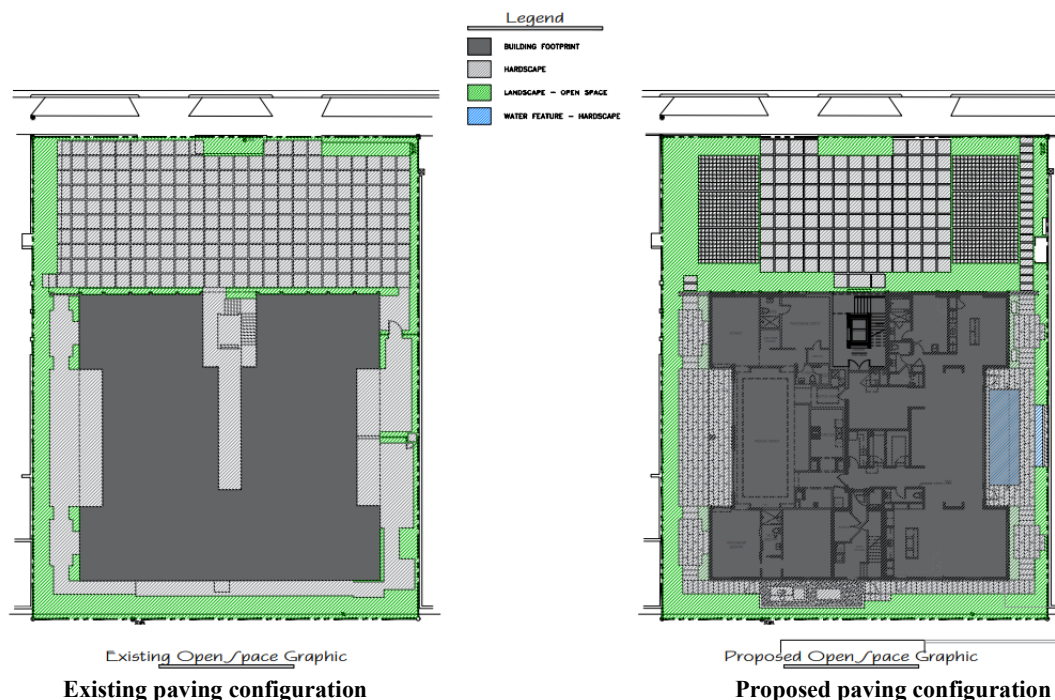
As it pertains to **Variances 4-5**, the applicant is proposing a redesign of the front yard and motor

court area. The entire front area is configured as a large, paved car park area. The original 1964 design had an even greater area dedicated to car parking. See graphic below.



1964 Paving Configuration

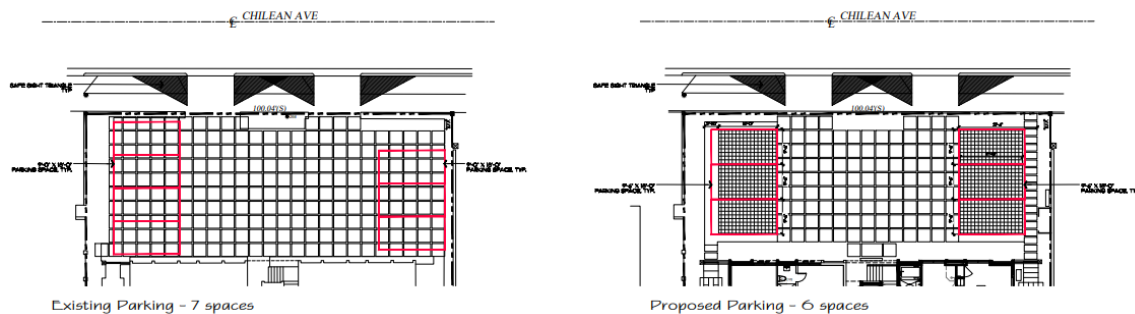
The application proposes to reconfigure the parking area and reduce the overall paving. The redesigned parkway area will be consolidated and reduced in area, resulting in an increase of the overall Landscape Open Space by 2.8%, or 364 SF.



Additionally, the redesign improves the amount of Front Yard Landscape Open Space by 2.5%, or 341 SF. Although the reduction of hardscape is an improvement to existing conditions, due to the extent of the improvements, the non-conforming Landscape Open Space (**Variance 4**) and Front Yard Landscape Open Space (**Variance 5**) must be reestablished. However, it must be noted that

the applicant seeks to install artificial turf within the joints of the paved parking area, likely for the durability of the material as opposed to designing with natural grass strips.

As previously mentioned, the original construction featured eight (8) two-bedroom residential units with 12 striped parking spaces. Over the years, owners have joined separate units into combined, larger apartments. According to the applicant, there are now three (5) units in the building. The 4 units (ground floor) are combined (this application). The same owners own 2 additional units (second floor) that are not combined. And the 2 remaining units are separately owned. Pursuant to Town's parking requirements, the following number of spaces are needed:



(2)	Multifamily dwellings (three units or more), number of units and required parking spaces as follows:	
a.	Three	Eight
b.	Four	11
c.	Five	13
d.	Six or more units	Two per dwelling unit plus one per five units or portion thereof

With three units in the building, current standards require that the multifamily structure provide eight (8) parking stalls. The applicant has requested **Variance 6** to provide six (6) parking stalls, in leu of the seven (7) existing on site, and the eight (13) required as enumerated in the above parking schedule.

CONCLUSION:

This application is presented to the Commission to consider whether all of the criteria in Sec. 18-205 have been met. 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

The project shall be reviewed for final determination of approval or denial of the variances by the Town Council. Approval of the project will require one motion to be made 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.