



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

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

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

SUBJECT: ARC-23-123 (ZON-23-105) 1186 N OCEAN WAY

MEETING: NOVEMBER 20, 2023

**ARC-23-123 (ZON-23-105) 1186 N OCEAN WAY (COMBO)**. The applicant, Martha Lee Johnson 2012 Exempt Trust (Stan Johnson), has filed an application requesting Architectural Commission review and approval for the design of a new two-story residence with sitewide landscape and hardscape improvements, requiring setback and separation distance variances for the location of the pool equipment and a variance to exceed allowable chimney height. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

**ZON-23-105 (ARC-23-123) 1186 N OCEAN WAY (COMBO) – VARIANCES**. The applicant, Martha Lee Johnson 2012 Exempt Trust (Stan Johnson), has filed an application requesting Town Council review and approval for (3) Variances: (1) for reduced rear setbacks for the installation of a pool heater, (2) for increased separation distances between the pool and the pool equipment, and (3) to exceed allowable chimney height, in conjunction with the construction of a new two-story single-family residence. The Architectural Commission will perform the design review component of the application.

Applicant: Martha Lee Johnson 2012 Exempt Trust | Stan Johnson  
Professional: Jon Gregory Tankersly | McAlpine House  
Mario Nievera | Nievera Williams Design

**HISTORY:**

The subject site is currently improved with a two-story residence constructed c.a. 1958. The parcel is a single platted lot of record (Lot 44) of the Mockingbird Tail Tract subdivision. The lot has dual frontage on North Ocean Way to the east and Nightingale Trail to the north and contains 18,754 SF of area.

**THE PROJECT:**

The applicant has submitted plans, entitled “A Proposed New Home for 1186 N. Ocean Way” as prepared by **McAlpine**, dated October 12, 2023.

The following scope of work is proposed:

- Construction of a new two-story single-family residence
- Sitewide landscape and hardscape improvements

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

- **Variance 1** [Sec. 134-1728\(c\)\(1\)](#) A variance to allow a swimming pool pump and filter within the rear yard setback at a distance of 27'-1/4" from the pool water's edge in lieu of the 25' maximum distance permitted.
- **Variance 2** [Sec. 134-1728\(c\)\(2\)](#) A variance to allow a pool heater with a rear yard setback of 7' in lieu of the 10' required and at a distance of 27'-1/4" from the pool water's edge in lieu of the 25' maximum distance permitted.
- **Variance 3** [Sec. 134-896\(a\)](#) A variance to construct a chimney at a height of 32.79' in lieu of the 30.8' maximum height permitted.

Site Data			
<b>Zoning District</b>	R-B Low Density Res.	<b>Future Land Use</b>	SINGLE-FAMILY
<b>Lot Size</b>	18,754 SF	<b>Crown of Road</b>	5.49' NAVD
<b>Lot Depth</b>	127.92'	<b>Lot Width</b>	139'
<b>Building Height</b>	Permitted: 22' Proposed: 20'-11 1/4"	<b>Overall Building Height</b>	Permitted: 30' Proposed: 28'-4 3/4"
<b>Finished Floor Elevation</b>	7' NAVD	<b>Zero Datum</b>	7' NAVD
<b>FEMA Flood Zone</b>	ZONE AE 6	<b>Angle of Vision</b>	Permitted: 104° Proposed: 100°
<b>Lot Coverage</b>	Permitted: 30% (5,626 SF) Proposed: 29.9% (5,603 SF)	<b>Enclosed SF</b>	Proposed: 7,476 SF
<b>Cubic Content Ratio (CCR)</b>	Permitted: 3.91 (73,508 CF) Proposed: 3.89 (73,194 CF)	<b>Perimeter Land. Open Space</b>	Required: 50% Proposed: 79%
<b>Landscape Open Space</b>	Required: 45% Proposed: 45%	<b>Front Yard Landscape Open Space</b>	Required: 40% Proposed: 61.5%
Surrounding Properties / Zoning			
<b>North</b>	205 Nightingale Trail   Residence / R-B Zoning		
<b>South</b>	201 and 203 La Puerta Way   Residences / R-B Zoning		
<b>East</b>	1191 N. Ocean Way   Residence / R-B Zoning		
<b>West</b>	212 Nightingale Trail   Residence / R-B Zoning		

### **STAFF ANALYSIS**

This application is presented to the Commission to consider whether all criteria in [Sec. 18-205](#) have been met. A review of the project indicates that the application, as proposed, is inconsistent with 3 provisions of the Town zoning code and requires 3 variances: 2 (1-2) for swimming pool equipment locations, and 1 (3) for chimney height. The application requests the construction of a new two-story single-family residence with site-wide landscape and hardscape improvements.

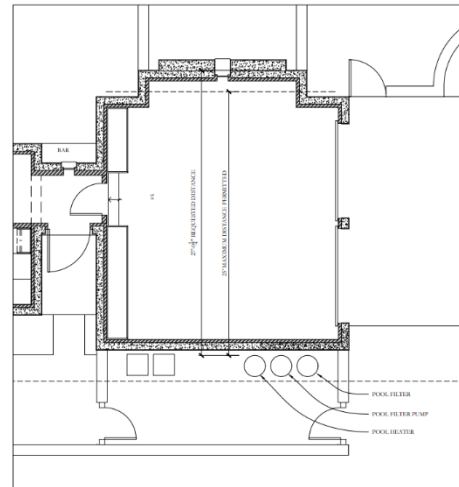
The subject site is a corner lot with dual frontage on Nightingale Trail to the north and N. Ocean Way to the east. The residence is designed to front Nightingale Trail, but utilizes a curb cut on N Ocean Way to provide vehicle access to a two-bay garage. Site features include a “U” shaped motor court in the front yard area that is aligned with the massing of the residence and that is bifurcated with a pedestrian access way on axis with the front door. Masonry site walls and dense landscaping surround the property. A swimming pool is located within the east side yard setback and meets the 15’ minimum street-side yard setback requirement.



Site Plan with Landscape, Sheet L0

Equipment yards are located within the west side and south rear yards. The west side yard enclosure includes a 60kW generator and (2) AC condensing units, which are outside the 5’ mechanical equipment setback, screened by a masonry site wall, and zoning compliant. The south rear yard equipment enclosure, located directly south of the garage, contains the pool equipment. The Town code provides regulations for the installation of pool equipment, and per review of the application, (2) variances have been identified within the south equipment yard.

[Sec. 134-1728\(c\)\(1\)](#) requires that all swimming pool pump and filter equipment have a minimum 5’ rear yard setback and be located no more than 25 linear feet away from the pool water’s edge when the equipment is located within a required yard setback. The pool equipment is within the 10’ rear yard setback, thus requiring the equipment to be located within 25’ of the pool water’s edge. The applicants have included a variance diagram on Sheet A0.12 of the architectural plan set, which illustrates the pool location and the placement of the pool equipment. Per the diagram, the pool pump and filter equipment will be located 27’-1/4” from the pool water’s edge, on the opposite side of the garage, within the rear yard setback. As the pool equipment exceeds the maximum separation distance, **Variance 1** is required:

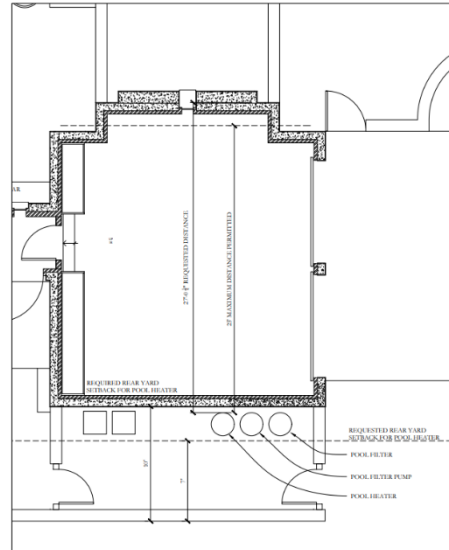


Variance 1 Diagram, Sheet A0.12

Code Section	Required	Proposed	Variance
<b>Variance 1:</b> <a href="#">Sec. 134-1728(c)(1)</a>	25’ Max. Separation Distance	27’-1/4” Separation Distance	2’-1/4”

In addition to regulations for pool pump and filter equipment, [Sec. 134-1728\(c\)\(2\)](#) provides specific regulations for pool heaters. Pool heaters must also be located no more than 25 linear feet away from the pool water's edge when placed within a required yard setback, but they also must meet a 10' property line setback in lieu of the 5' required for pumps and filters.

The applicants have included a variance diagram on Sheet A0.12 of the architectural plan set, which illustrates the pool location and the placement of the pool heater. Per the diagram, the pool heater will be located 27'- $\frac{1}{4}$ " from the pool water's edge, on the opposite side of the garage, adjacent to the pump and filter. Additionally, the pool heater is placed at 7' off the rear property line, in lieu of the 10' required. As the pool heater exceeds the maximum separation distance and encroaches into the pool heater setback, **Variance 2** is required:



**Variance 2 Diagram, Sheet A0.12**

Code Section	Required	Proposed	Variance
<b>Variance 2:</b> <a href="#">Sec. 134-1728(c)(2)</a>	25' Max. Separation Distance	27'- $\frac{1}{4}$ " Separation Distance	2'- $\frac{1}{4}$ "
	10' Min. Setback	7' Setback	3'

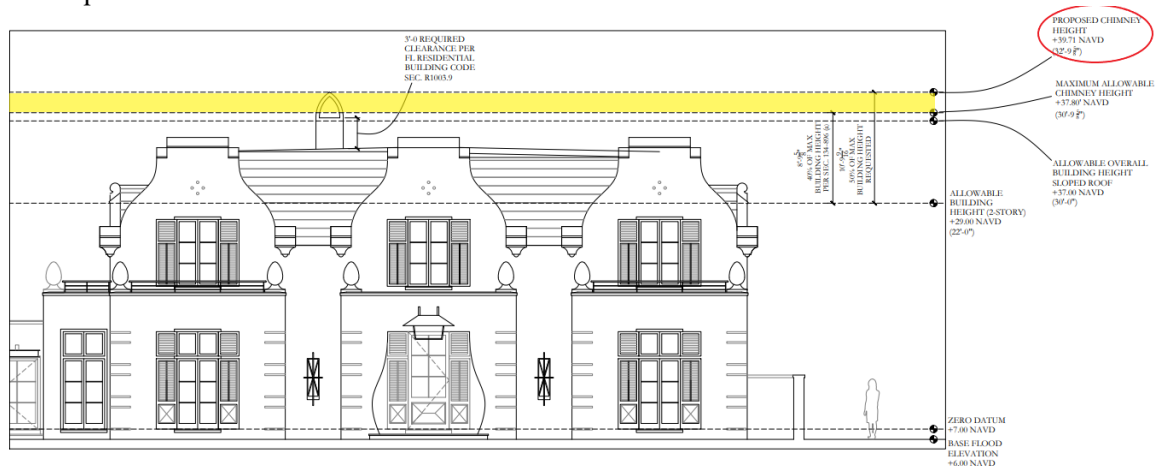
The design of the residence is eclectic and borrows elements from various architectural styles. These features include Cape Dutch clock gables Italian eave moldings, quoins, and parapet finials, as well as coastal Floridian elements and material usages. The primary two-story massing element is largely symmetrical and divided into three two-story bays. The ground floor bays project forward, allowing for setback relief of the second floor and providing gracious second floor balcony areas. The second story bays project out of the primary roofline, creating a series of dormers around the building. East of the primary massing element is a single-story garage, connected to the residence by a hyphen containing a passage, powder room, and laundry room. A free-standing cabana structure is proposed northwest of the pool and features four corner columns designed to replicate draped fabric with tiebacks. This motif is also utilized on the two garage bays.



**Color North (Front) Elevation, Sheet A2.3**

Material usages include white stucco walls, grey concrete roof tiles (flat), white shutters and handrails, bronze window bars and trellises, and copper lanterns. A striped Sunbrella awning is proposed at the rear of the home.

Within the R-B zoning district, building height is limited to 22' and overall building height is limited to 30', but allowable exceptions to these height limitations for features such as rooftop mechanical equipment, television antennas, architectural towers, and chimneys are provided in [Sec. 134-896](#). The proposed residence is designed with a fireplace in the primary living area. Per the exceptions to height limitations, chimneys may not be erected to exceed 40% above the allowable building height. Within the R-B district, 40% of the allowable building height (22') is 8.8'. Thus, the maximum height of a chimney cannot exceed 30.8' from the code prescribed zero datum (7' NAVD). Per the variance diagram on Sheet A0.13 of the architectural plan set; the proposed chimney is at a height of 32.79'. As the chimney exceeds the allowable height exception, **Variance 3** is required:



Variance 3 Diagram, Sheet A0.13

Code Section	Required	Proposed	Variance
<b>Variance 3:</b> <a href="#">Sec. 134-896(a)</a>	Max. Chimney Height 30.8'	Prop. Chimney Height 32.79'	<b>1.99'</b>

**CONCLUSION:**

Approval of the project will require two separate motions be made by the Architectural Commission:

- (1) for the overall design of the project in accordance with [Sec. 18-205](#) criteria, subject to any imposed conditions, and
- (2) that the implementation of the proposed variances **will** or **will not** cause negative architectural impact to the subject property. The variance portion of the application is scheduled for review by the Town Council on December 13, 2023.

Approval of the project will require one motion to be made by the Town Council:

- (1) for final determination of approval or denial of the (3) variances by the Town Council, and that the variances **shall** or **shall not** be granted that all of the criteria applicable to this application as set forth in [Sec. 134-201\(a\)](#), items 1 through 7 have been met.