



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

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

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

**MEETING:** DECEMBER 15, 2023 (ARCOM)

**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  
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 application was originally heard at the November 20, 2023 ARCOM meeting. Overall the program was well received by the commission with direction to return for restudy of some architectural details and landscape/hardscape areas. The project was deferred to the December 15, 2023 ARCOM meeting.

**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

Revised plans were submitted on December 5 which eliminate the need for variances being previously sought. Variance language was retained and struck-through below for reference.

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' ¼" 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' ¼" 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 ¼"	<b>Overall Building Height</b>	Permitted: 30' Proposed: 28'-4 ¾"
<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: 46.3%	<b>Front Yard Landscape Open Space</b>	Required: 40% Proposed: 63.8%
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 applicant has resubmitted plans in response to comments from the Architectural Commission. All of the previously requested variances have been eliminated from the design. Adjustments were made to the roof and gable designs. The second-floor finals were eliminated, and the guardrails redesigned with a raising of the parapet height. The stucco “curtain” design detail at the entry, pool loggia and garage have been eliminated. The previously proposed parapet dormers on the east and west have been redesigned to now feature hip dormers. The chimney height was reduced (variance eliminated). Hardscape was reduced and landscape added at the entry motor court. Pool equipment was also relocated, eliminating 2 variances. With the redesign eliminating the need for variances, the project does not need to be reviewed by Town Council, and only one motion needs to be made by ARCOM.



### **CONCLUSION:**

Approval of the project will require one motion 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