



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
www.townofpalmbeach.com

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: ARC-23-154 (ZON-23-120) 1356 N OCEAN BLVD (COMBO)

MEETING: DECEMBER 15, 2023 ARCOM
JANUARY 10, 2024 TC

ARC-23-154 (ZON-23-120) 1356 N OCEAN BLVD (COMBO). The applicant, Gary & Kelly Pohrer, has filed an application requesting Architectural Commission review and approval for expansion of a previously approved swimming pool on the beachside parcel, requiring a setback variance. This is a combination project that shall be reviewed by Town Council as it pertains to the zoning relief/approval.

ZON-23-120 (ARC-23-154) 1356 N OCEAN BLVD (COMBO). The applicant, Gary & Kelly Pohrer, has filed an application requesting Town Council review and approval of (1) variance for the expansion of a previously approved swimming pool with a nonconforming side setback. The Architectural Commission shall perform design review of the application.

APPLICANT: Gary & Kelly Pohrer
REPRESENTATIVE: Gary Pohrer (Owner Applicant)

HISTORY:

At the September 28, 2022 ARCOM hearing, an application (ARC-22-143) was approved (5-1) for the construction of a new beach cabana with related landscape and hardscape improvements.

At the October 12, 2022 Town Council hearing, and application (ZON-22-093) for Special Exception With Site Plan Review was approved (5-0) for construction of beach cabana on a beach parcel and two variances approved (5-0) for a west side-yard setback of 3.5' and a 4.92' bulkhead setback for construction on the beach parcel.

THE PROJECT:

The applicant has submitted plans, entitled "1356 N OCEAN BLVD, PALM BEACH, FL 33480" as prepared by **Gary Pohrer (Owner/Applicant)**, dated November 07, 2023.

The following scope of work is proposed:

- Expansion of a previously approved swimming pool with a nonconforming setback on a beach parcel.

The following Special Exception, Site Plan Review, and/or Variance(s) are required to complete the project:

1. **VARIANCE 1: [Sec. 134-1757](#):** A variance for a swimming pool with a 3.5' west side-yard setback in lieu of the 10' setback required, to expand a previously approved non-conforming swimming pool on a beach cabana parcel.

Site Data			
Zoning District	R-B / B-A	Future Land Use	SINGLE-FAMILY
Lot Size	1,643 SF	Crown of Road	13.46' NAVD
Lot Depth	14.93'	Lot Width	111.2'
Swimming Pool Setback West	Required: 10' Prev. Approved: 3.5' Proposed: 3.5' <i>Variance to expand.</i>	Swimming Pool Setback South	Required: 10' Prev. Approved: 30' Proposed: 20'
Surrounding Properties / Zoning			
North	1360 N Ocean Blvd Beach Cabana / R-B		
South	1350 N Ocean Blvd Beach Cabana / R-B		
East	Atlantic Ocean		
West	1356 N Ocean Blvd Primary Residence for Subject Parcel / R-B		



EXISTING

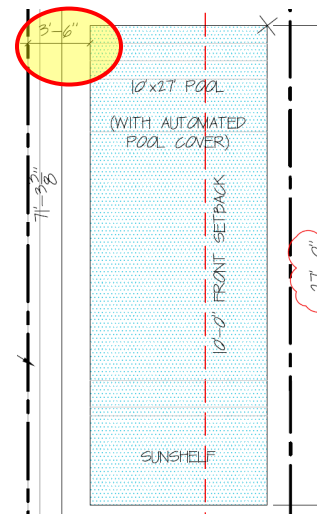


PROPOSED

STAFF ANALYSIS

A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and requires one (1) variance for the expansion of a previously approved nonconforming swimming pool.

The applicant has submitted an application for the expansion of a previously approved nonconforming swimming pool along a previously approved nonconforming setback line. The previously approved pool and cabana were approved with a west side yard setback of 3.5' in lieu of the 10' minimum required. The applicant is proposing to expand the swimming pool 10' to the south to allow for the installation of sun-shelf in the swimming pool. A variance is required to further extend the swimming pool along this nonconforming setback.



Code Section	Required	Proposed	Variance
VARIANCE 1: Sec. 134-1757:	A Minimum 10' West Setback	Further Expansion of the nonconforming 3.5' setback.	6.5'

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 (2) separate motions to 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 impacts to the subject property.

Approval of the project will require one (1) motion to be made by the Town Council:

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

WRB:JGM:BMF