



TOWN OF PALM BEACH
Planning, Zoning & Building Department
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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-24-006 (ARC-23-161) 129 CHILEAN AVE (COMBO)

MEETING: JANUARY 24, 2024 ARCOM
FEBRUARY 14, 2024 TC

ARC-23-161 (ZON-24-006) 129 CHILEAN AVE (COMBO). The applicant, Ch1129 LLC (George Mykoniatis), has filed an application requesting Architectural Commission review and approval for construction of a new two-story single-family residence on an existing non-conforming parcel requiring a special exception with site plan review and (3) variances related to proposed setbacks and garage parking. This is a combination project that shall be reviewed by Town Council as it pertains to the zoning relief/approval.

ZON-24-006 (ARC-23-161) 129 CHILEAN AVE (COMBO) – SPECIAL EXCEPTION W/SITE PLAN REVIEW & VARIANCE(S). The applicant, Ch1129 LLC (George Mykoniatis), has filed an application requesting Town Council review and approval of Special Exception with Site Plan review for development of an existing nonconforming parcel composed of portions of platted lots and (3) variances to (1-2) construct a new single-family residence within required east and west side-yard setbacks and (3) to forgo provision of required garage parking. The Architectural Commission shall perform design review of the application.

Applicant: CH1129 LLC (George Mykoniatis)
Architecture: Bartholemew & Partners (Kyle Fant) | Environment Design Group (Dustin Mizell)
Legal: Alley, Mass, Rogers & Lindsey, P.A. (M. Timothy Hanlon)

HISTORY:

At the JANUARY 24, 2024 ARCOM meeting, the item was presented and approved (7-0). Additionally, ARCOM made a motion and passed (7-0) that the proposed variances **will not** cause negative architectural impacts to the subject property.

THE PROJECT:

The applicant has submitted plans, entitled "New Residence for the Mykoniatis Family" as prepared by **Bartholemew & Partners**, dated December 7, 2023.

The following scope of work is proposed:

- Construction of a new two-story single-family residence with detached one-story cabana
- Sitewide landscape and hardscape improvements

The following Special Exception, Site Plan Review, and/or Variances are required to complete the

project:

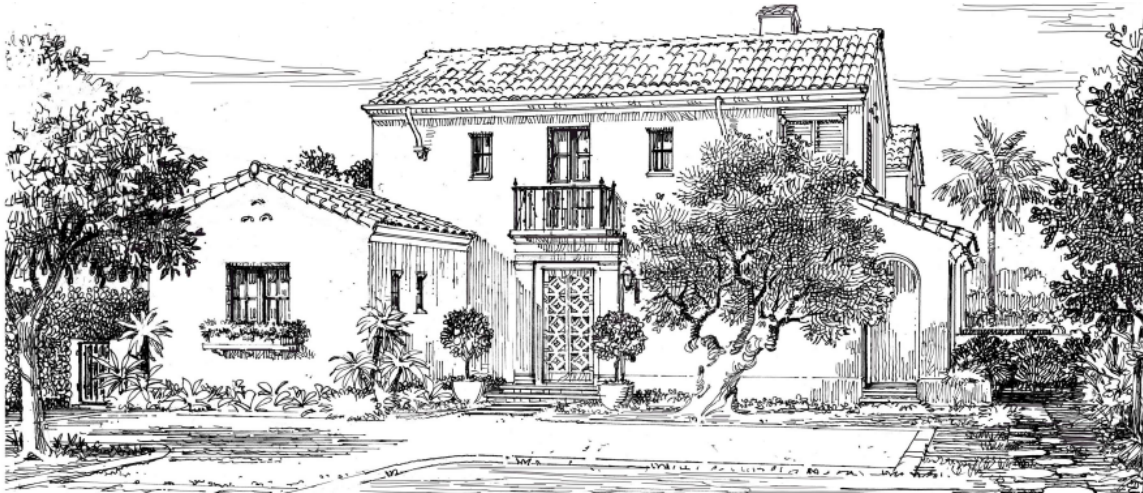
- **SPECIAL EXCEPTION W/ SITE PLAN REVIEW: Sec. 134-893(c):** Special Exception with Site Plan Review to permit the development of an existing nonconforming parcel (composed of portions of platted lots) which is deficient in lot width (65 ft in lieu of 100') and lot area (8,125 sf in lieu of 10,000 sf).
- **VARIANCE 1: Sec. 134-893(b)(7)a.:** A variance for construction in the required west one-story side-yard with a setback of 8.5 ft in lieu of the 12.5 ft minimum setback required.
- **VARIANCE 2: Sec. 134-893(b)(7)a.:** A variance for construction in the required east one-story side-yard setback with a setback of 10.5 ft in lieu of the 12.5 ft minimum setback required.
- **VARIANCE 3: Sec. 134-2179(b)(2):** A variance to forgo the provision of a required one-car garage on a parcel 65' in width.

The applicant has provided a Letter of Intent outlining ARCOM's decision-making criteria and responses for each criterion.

Site Data			
Zoning District	R-B	Future Land Use	SINGLE-FAMILY
Lot Size	Required: 10,000 SF Existing: 8,125 SF	Crown of Road	11.16' NAVD
Lot Depth	125'	Lot Width	65'
Lot Coverage	Permitted: 30% (1,875 SF) Proposed: 29.93% (2,431 SF)	Enclosed Square Footage	3,637 SF
Building Height	Permitted: 22' Proposed: 18' – 6"	Overall Building Height	Permitted: 30' Proposed: 24'
Finished Floor Elevation	Required: 14.5' NAVD Proposed: 14.5' NAVD	FEMA Flood Zone	X
Maximum Fill	Permitted: 1.02' Proposed: 1.02'	Zero Datum	12.66' NAVD
Overall Landscape Open Space	Req'd: 45% (3,656 SF) Prop: 46% (3,765 SF)	Front Yard Landscape Open Space	Req'd: 40% (650 SF) Prop: 43% (701 SF)
Surrounding Properties / Zoning			
North	124 & 128 Australian Ave Residence / R-B		
South	130 Chilean Avenue Residence / R-B		
East	125 Chilean Avenue Residence / R-B		
West	135 Chilean Avenue Residence / R-B		

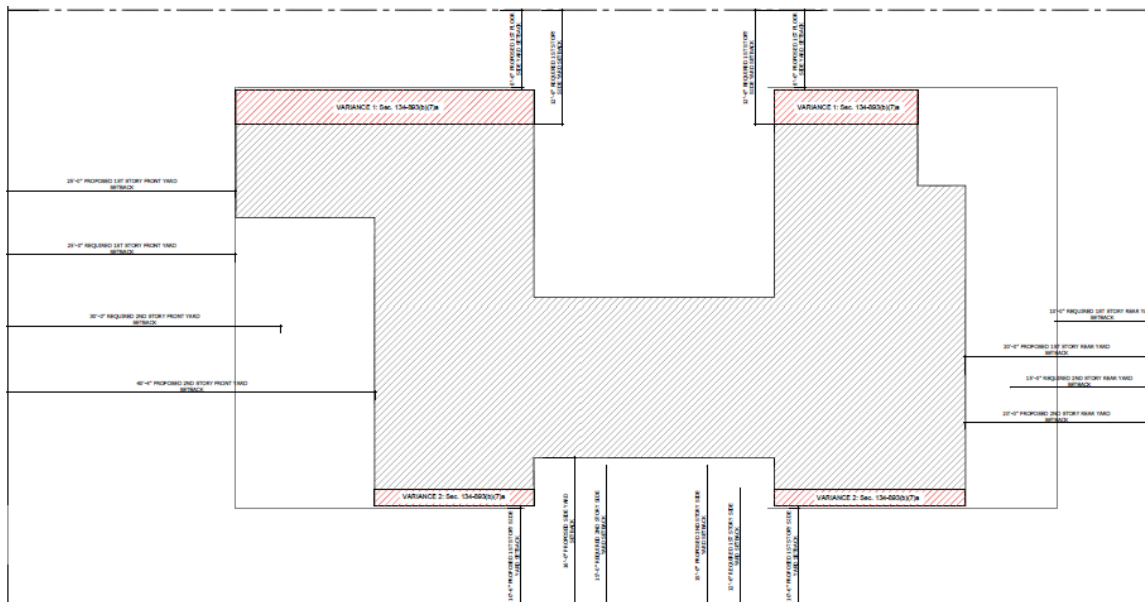
STAFF ANALYSIS

A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and requires three (3) variances for the construction of the new single-family residence and one (1) Special Exception for the development of a substandard sized lot.



The applicant is proposing the construction of a new two-story residence. The structure is a Spanish Colonial style house with Spanish Santa Barbara finish stucco and mission barrel tile roof. Additional details include bronze/black steel 4 lite casement windows and arched doors, stucco vent detailing, copper gutters, wrought iron railing at the balcony above the entry, stucco cornice detailing at the roof line, stucco planter boxes, and painted wood trellises. There is a mix of one- and two-story single-family residences on the north side of this block, however, almost all single-family homes on the other side of the street are two story with very similar massing.

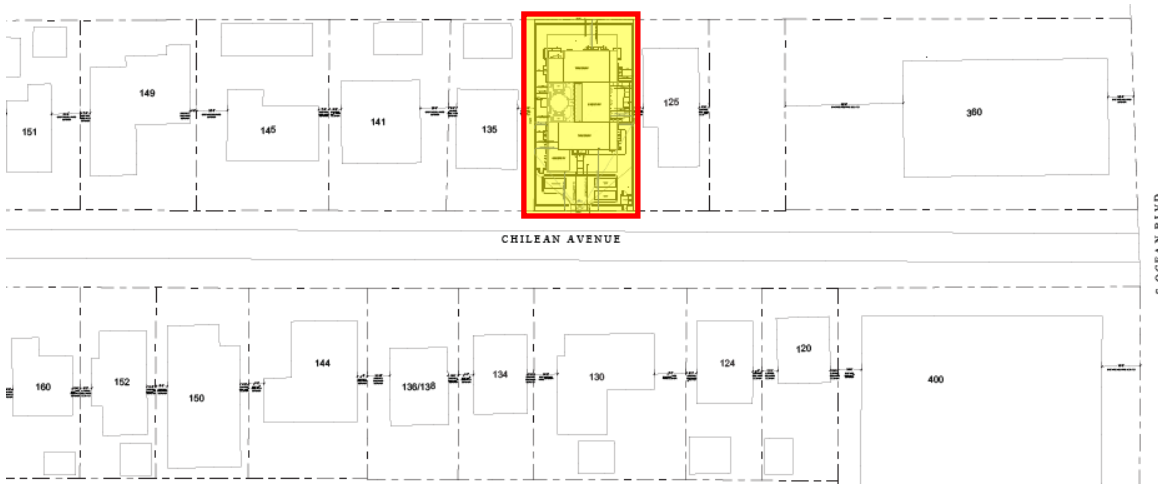
The application as presented requires 3 variances for construction, one for the west side yard setback, one for the east side yard setback, and one to forgo the required provision of a one car garage. The lot is a substandard size for the district (special exception required) at only 65 ft in width. The applicant is proposing a 10.5' one-story east side-yard setback, and a 8.5' one-story west side yard setback. The diagram below highlights the portion of the proposed main structure which violates the setback requirements.



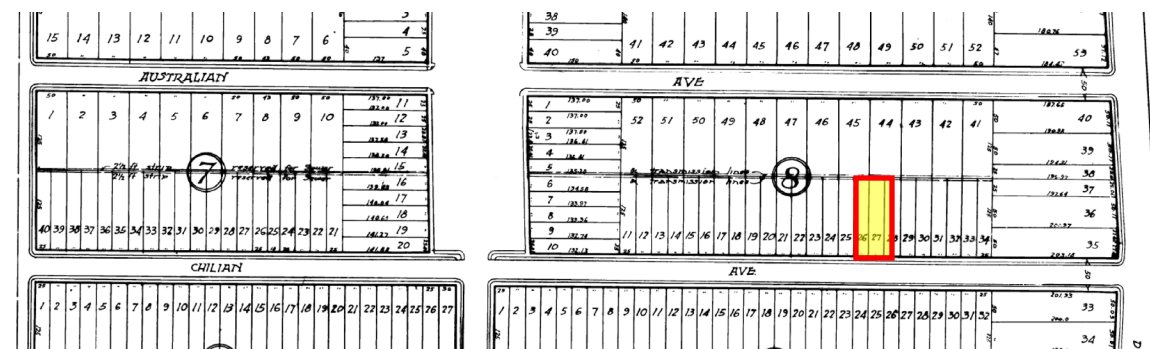
It must be noted that the subject property contains 65' of width frontage (see SE analysis below); as such, this may have led to the applicant's request to encroach on both of the side yards.

Code Section	Required	Proposed	Variance
Variance 1 <u>Sec. 134-893(b)(7)a:</u>	One-Story West Side-Yard Setback of 12.5’	One-Story West Side-Yard Setback of 8.5’	4’
Variance 2 <u>Sec.134-893(b)(7)a.</u>	One-Story West Side Yard Setback of 12.5’	One-Story West Side-Yard Setback of 10.5’	2’

A **Special Exception** is also requested from the Town Council to permit the development of this lot due to its substandard size, yet it is contextually appropriate for the mix of development pattern on this street. A 100' lot width is required, with only 65' existing. And a lot area of 10,000 sq ft is required, with only 8,125 sq ft available. A lot depth of 100' is required, and this property does exceed this requirement with a 125' lot depth. Additionally, the site was previously improved with a single-family residence. A special exception is required to develop a parcel comprised of portions of platted lots. The property is assembled with the lots 27, 28 & W 15 FT of Lot 29, BLK 8 Plat of Royal Park Addition.



Project Location on Chilean Avenue



Neighborhood Capture of Plat of Royal Park Addition

The Special Exception code section, provision, and amount is provided in the table below:

Code Section	Required	Existing	Exception
Special Exception Sec. 134-893(c) :	Lot Width: 100 Ft. Lot Area: 10,000 Sq. Ft.	Lot Width: 65 Ft Lot Area: 8125 Sq Ft	Lot Width: 35' Deficient Lot Area: 1875 Sq. Ft. Deficient

CONCLUSION:

Approval of the project will require two (2) separate motions to be made by the Town Council:

- (1) for final determination of approval or denial of the (2) variances by the Town Council, and that the variances **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, and
- (2) for final determination of approval or denial of the (1) Special Exception for development of an undersized parcel in that the approval of said application meets the criteria set forth in [Sec.134-229](#) and finding that approval of the site plan will not adversely affect the public interest, that all zoning requirements governing the use have been met and that satisfactory provision and arrangement has been made.

WRB:JGM:BMF