



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
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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: ARC-23-122 (ZON-23-093) 241 JUNGLE RD (COMBO)

MEETING: OCTOBER 11, 2023 TC
SEPTEMBER 27, 2023 ARCOM

ZON-23-093 (ARC-23-122) 241 JUNGLE RD (COMBO)—VARIANCE. The applicant, 241 Jungle Rd Trust, has filed an application requesting Town Council review and approval for a Variance to exceed the maximum screening wall height for a generator in order to screen the equipment. The Architectural Commission shall perform design review of the application.

Applicant: 241 Jungle Rd Trust
Professional: Smith and Moore Architects Inc

HISTORY:

An application for the review and approval of a new contemporary predominantly one-story residence with roof deck and roof gardens was approved at the July 23, 2014 ARCOM meeting, pursuant to B-078-2014. An application for the installation of two (2) new vehicular gates and for fenestration alterations to the existing one-story residence was recently reviewed and approved by ARCOM at the April 26, 2023 ARCOM meeting, pursuant to ARC-22-145.

This item was reviewed and approved (5-2) by the Architectural Commission at the September 27, 2023 meeting, conditioned with some design modifications to the generator wall along the 15-foot-wide alley / utility easement. Additionally, a motion was made and approved (7-0) supporting the variances would not negatively impact the architecture.

THE PROJECT:

The applicant has submitted plans, entitled "241 JUNGLE ROAD", as prepared by **Smith and Moore Architects Inc**, stamped August 14, 2023.

The following is the scope of work for the Project:

- The installation of a new 60kW generator and associated site walls and gate.

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

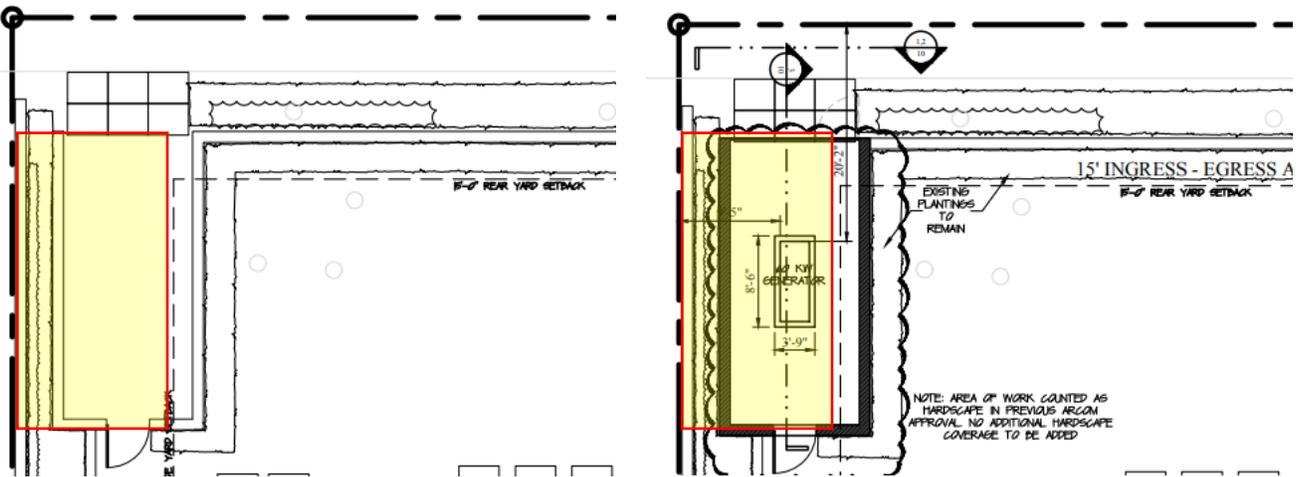
- **VARIANCE 1:** Sec 134-1669 A variance to exceed the maximum wall height by 1' in order to install a wall at 8' where 7' is permitted within a required yard.

Site Data			
Zoning District	R-A	Future Land Use:	SINGLE FAMILY
Lot Size	45,281 SF	Landscape Open Space (LOS)	Existing: 50% (22,640 SF) Proposed: N/C
Crown of Road (COR)	3.41'	FEMA	AE-6
Surrounding Properties / Zoning			
North	1999 Two-story residence / R-A		
South	1926 Two-story residence / R-A		
East	1930 Two-story residence / R-A		
West	2002 Two-story residence / R-A		

STAFF ANALYSIS

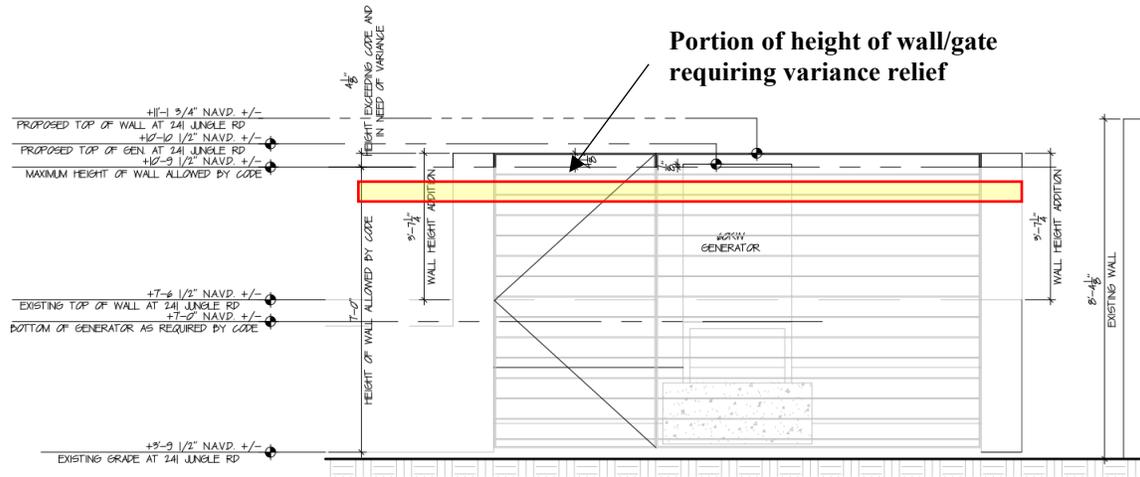
A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the above-mentioned sections of the Town zoning code, requiring one variance. The applicant is seeking to install a new 60kW generator and associated site walls and gate in the northwest portion of the site, currently designed as a one-car parking space on gravel.

As it pertains to **Variance #1**, a variance to exceed the maximum wall height by 1' in order to install a wall at 8' where 7' is permitted within a required yard. The applicant seeks to screen the proposed generator (as required by Code) in the north and west yard with a new aluminum louvered gate and masonry walls higher than permitted. To the north of the property, exists a 15-foot-wide alley / utility easement behind the El Vedado Rd and Jungle Rd lots from Pelican Ln to S County Rd, 10-foot wide, which is paved.



The subject parcel is very low, with a crown-of-road just under 3.41' NAVD. FEMA requirements mandate that new equipment be installed at minimum flood elevation, which is 7' NAVD. In doing so, the equipment must be physically raised off grade to the minimum requirement. Equipment located within yard areas are required to be screened by masonry walls as high as the equipment but are not permitted to exceed maximum wall heights. If the applicants chose to install a masonry

screening wall to the top of the equipment, they would also need a variance to exceed wall heights within a side and front yard to 8' in height in lieu of the 7' permitted. The yard section diagrams below illustrate the portion of the walls/gate that exceed the height allowance in the side street yard.



The Code requires mechanical equipment (generators and air conditioning equipment) to be located above base design flood elevation. In addition, Section 134-1729 stipulates that the generator must also be screened and cannot be located above 7'-0" from adjacent grade. With these two stipulations, the selected generator would need a screening wall a few inches above the allowed height by code. The applicant has requested 6" variance request, which staff has increased to 1' to anticipate varying field conditions and provide for deviations or imperfections. There is no decrease in landscape open space, as the area already was originally identified as hardscape. Staff has no objections to the request.

CONCLUSION:

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

- (1) for final determination of approval or denial of the variances by the Town Council, and that the variance **shall or shall 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.

WRB:JGM

SMITH AND MOORE ARCHITECTS, INC.

Harold Smith • Jonathan Moore • Peter Papadopoulos • Daniel Kahan



Re: 241 Jungle Road,
Palm Beach, FL 33480

July 31, 2023

LETTER OF INTENT (LOI) **ARC-23-122 (ZON-23-093)**

PROPOSED RENOVATION TO ONE-STORY HOUSE IN R-B DISTRICT

Please find for review the attached drawings for our project at 241 Jungle Road in the R-B Zoning District of Palm Beach. The proposal is for a new 60kW generator and associated site walls and gate. We believe the proposal is in accordance with the following guidelines:

ARCHITECTURAL REVIEW IN ACCORDANCE WITH SECTION 18-205 AND 18-206:

Sec. 18-205. - Criteria for building permit.

1. The plan for this proposed residence is in conformity with good taste and design and in general contributes to the image of the town and neighborhood as a place of beauty, spaciousness, balance, charm and high quality.
2. The plan for the proposed building or structure is reasonably protected against external and internal noise and other factors that would tend to make the environment less desirable.
 - a. The plans show that major entertaining spaces are centrally located on the site placing these spaces far as possible from neighboring properties.
 - b. The pool area is located at the rear of the residence.
 - c. The proposed generator and pool equipment are located in a walled enclosure on the North side of the house.
3. The proposed building exterior design and appearance is not of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance value.
4. The proposed residence is in harmony with the proposed developments on land in the general area and with the compressive plan for the town.
5. The proposed residence is not excessively similar to any other structure existing or within 200 feet of the proposed site in respect to one or more of the following features of the exterior design and appearance:
 - a. This proposal does not have apparently visible identical front or side elevations.
 - b. This proposal does not have substantially identical size and arrangement of either doors, windows, porticos or other opening or breaks in the elevation facing the street, including reverse arrangement.
 - c. We do not have other significant identical features of design such as, but not limited to, material roof line and height of other design elements.

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6. The proposed residence is not excessively dissimilar in relation to any other structures existing or within 200 feet of the proposed site in respect to one or more of the following features:
 - a. Height of building or height of roof.
 - b. Other significant design features including, but not limited to, materials or quality of architectural design.
 - c. Architectural compatibility.
 - d. Arrangements of components of the structure.
 - e. Appearance of mass from the street or from any perspective visible to the public or adjoining property owners.
 - f. Diversity of design that is complimentary with the size and massing of adjacent properties.
 - g. Design features that will avoid the appearance of mass through improper proportions.
 - h. Design elements that protect the privacy of a neighboring property.
7. The proposed addition or accessory structure is subservient in style and massing to the principal or main structure. This is not applicable; however, the design keeps the garage wing subservient to the principal mass.
8. The proposed residence is appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality or architectural design as viewed from any public or private way (except alleys).
9. The proposed development is in conformity with the standards of this code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved. The proposed design meets the zoning code without requiring variances.
10. The projects' location and design adequately protect unique site characteristics such as those related to scenic views, rock outcroppings, natural vistas, waterways and similar features. The proposed residence does not negatively impact any existing natural features.

Sec. 134-201. - Findings prior to authorization.

(a) The town council may authorize upon appeal such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this chapter will result in unnecessary and undue hardship. In order to authorize any variance from the terms of this chapter, the town council must and shall find the following:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
- (2) The special conditions and circumstances do not result from the actions of the applicant.
- (3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in this same zoning district.
- (4) Literal interpretation of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.

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(5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

(6) For granting of a variance to sections 134-387 or 134-390 through 134-392, pertaining to the regulation of nonconforming uses, the following additional findings shall be made pertaining to the nonconforming use for which the variance is requested:

a. It is the continuance of a unique hotel or residential use that has, for at least 15 years proven compatible with the surrounding uses; and

b. Neither rezoning to a district which would allow the use, nor inclusion of the subject use as a permitted or special exception use in the district would act to achieve the preservation of the subject use without opening the possibility of the incursion of uses incompatible with the immediately surrounding area and, further, such variance shall:

1. Be granted only for the continuation of the same hotel or residential use; and

2. Require the applicant to submit a declaration of use limiting the utilization of the property for which the variance was granted to the same use as that existing at the time the variance was granted.

(7) The grant of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. In granting any variance, the town council may prescribe appropriate conditions and safeguards in conformity with this chapter. Upon granting a variance the town council may require the landowner to provide a declaration of use agreement which shall be recorded in the public records to ensure continuing compliance with town council imposed conditions of such grants. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

(b) The town council may prescribe a reasonable time limit within which the action for which the variance is required shall begin or be completed or both. Under no circumstances, except as permitted in subsection (a) of this section, shall the town council grant a variance to permit a use not generally or by special exception permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of this chapter in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance. (Ord. No. 2-74, § 10.13, 3-26-74; Ord. No. 1-84, § 8(a), 3-1-84; Ord. No. 1-91, § 6(a), 4-23-91; Ord. No. 1-98, § 15, 2-9-98)

Variance Narrative

We are requesting a variance for the project at 241 Jungle Rd in order to satisfy all requirements stipulated by the Town of Palm Beach Zoning Code to install a 60KW emergency generator on the property. Chapter 50 Section 200 stipulates that electrical equipment be located in a way that minimized flood damage and specifically be above base design flood elevation. In addition, Section 134-1729 stipulates that the generator must also be screened and cannot be located above 7'-0" from adjacent grade. With these two stipulations, the selected generator would need a screening wall a few inches above the allowed height by code. We are requesting a variance be awarded that allows the project to exceed the

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overall screen wall height by up to 6". The provided diagrams illustrate a most likely scenario however we would like to allow for some degree of imprecision based on field conditions.

Sincerely,

A handwritten signature in black ink, appearing to be 'DK', with a long horizontal line extending to the right.

Daniel Kahan
Principal Architect

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