



**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 Staff Combination Memorandum: Landmarks Preservation Commission and Town Council**

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

**SUBJECT:** COA-24-0012 (ZON-24-0016) 238 PHIPPS PLAZA (COMBO)

**MEETING:** AUGUST 21, 2024, LPC  
SEPTEMBER 11, 2024, TC

**COA-24-0012 (ZON-24-0016) 238 PHIPPS PLAZA (COMBO).** The applicant, Joshua Levy with Phipps Plaza Properties, LLC, has filed an application requesting a Certificate of Appropriateness for the review and approval of a new awning which requires two (2) variances to reduce the minimum side yard and rear yard setbacks. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval.

**ZON-24-0016 (COA-24-0012) 238 PHIPPS PLAZA (COMBO) - VARIANCES.** Joshua Levy with Phipps Plaza Properties, LLC, has filed an application requesting Town Council review and approval of two (2) variances to 1) reduce the minimum side yard setback and 2) reduce the minimum rear yard setback associated with a new awning. The Landmarks Preservation Commission shall perform design review of the application.

**Applicant:** Phipps Plaza Properties, LLC (Joshua Levy, Manager)  
**Professionals:** Keith Spina | Spina O'Rourke + Partners  
**Representative:** Maura Ziska, Esq.

**HISTORY:**

The subject property was landmarked as part of the Phipps Plaza Historic District, established in 1982. According to the designation report, 236 Phipps Plaza (now 236 and 238 Phipps Plaza) was designed by the architects Wyeth, King, and Johnson and constructed in the 1920's. The structure, originally attached townhomes, exemplifies the Mediterranean Revival architectural style.

At the August 21, 2019, LPC meeting, the properties at 236 and 238 Phipps Plaza received approval with conditions (COA #021-2019) for rehabilitation and a tax abatement. The scope of work included window and door replacement; roof replacement, new exterior railings, gutters, downspouts; and lighting.

At the December 16, 2020, LPC meeting, the property at 236 Phipps Plaza received approval with conditions (COA #40-2020) to modify the previously approved plans with removal of exterior stairs and construction of interior stairs and an elevator; construction of new balconies, columns, and corbels; and a new spa in the courtyard. The request included site plan review with variances that were approved with conditions (Z-20-00309) at the January 13, 2021, Town Council meeting.

At the December 16, 2020, LPC meeting, the property at 238 Phipps Plaza received approval with conditions (COA #53-2020) to modify the previously approved plans with interior floor plan revisions and enlarged a window opening to accommodate a door.

At the May 18, 2022, LPC meeting, both properties received approvals (COA-22-024 and COA-22-025) to modify previously approved plans with the relocation of mechanical equipment, hardscape alterations, and landscape alterations. The changes associated with the property at 238 Phipps Plaza necessitated variances that were approved with conditions (Z-22-068) at the June 15, 2022, Town Council meeting.

Several administrative approvals were issued for 236 Phipps Plaza (L-23-00711, L23-00850, and LPCS-24-0070) for further exterior revisions to the previously approved plans.

**THE PROJECT:**

The applicant has submitted plans, entitled "238 PHIPPS PLAZA", as prepared by **Spina O'Rourke + Partners**, received by the Town on July 15, 2024.

The following is the scope of work for the Project:

- A new 84-square-foot awning.
- Revision to the frame color of French doors.

The following variances are required to achieve the scope of work.

- **VARIANCE #1:** A variance to reduce the side yard (west) setback to 3'-6" in lieu of the 10'-0" minimum required.
- **VARIANCE #2:** A variance to reduce the rear yard (south) setback to 6'-4" in lieu of the 15'-0" minimum required.

Site Data			
<b>Zoning District</b>	R-C	<b>Lot Size (SF)</b>	1,710 SF
<b>Future Land Use</b>	MULTI-FAMILY MODERATE DENSITY	<b>Total Building Size (SF)</b>	1,757 SF
<b>Designation</b>	1982	<b>FEMA Flood Zone</b>	AE
<b>Year of Construction:</b>	1920s	<b>Architect:</b>	Wyeth, King, and Johnson
Project			
	Required/Allowed	Existing	Proposed
<b>Lot Coverage</b>	30.00% (513 SF)	62.2% (1,064 SF)	62.2% (1,064 SF)
<b>Building Height</b>	23'-6"	23'-4"	20'-1" Bottom of Awning
<b>Overall Building Height</b>	31'-6"	29'-0"	23'-4" Top of Awning
<b>Number of Stories</b>	2	2	2

Surrounding Properties / Zoning	
North	Phipps Plaza Park / R-C
South	205 Royal Palm Way / C-OPI
East	264 South County Road / C-TS
West	236 Phipps Plaza / R-C

### **STAFF ANALYSIS**

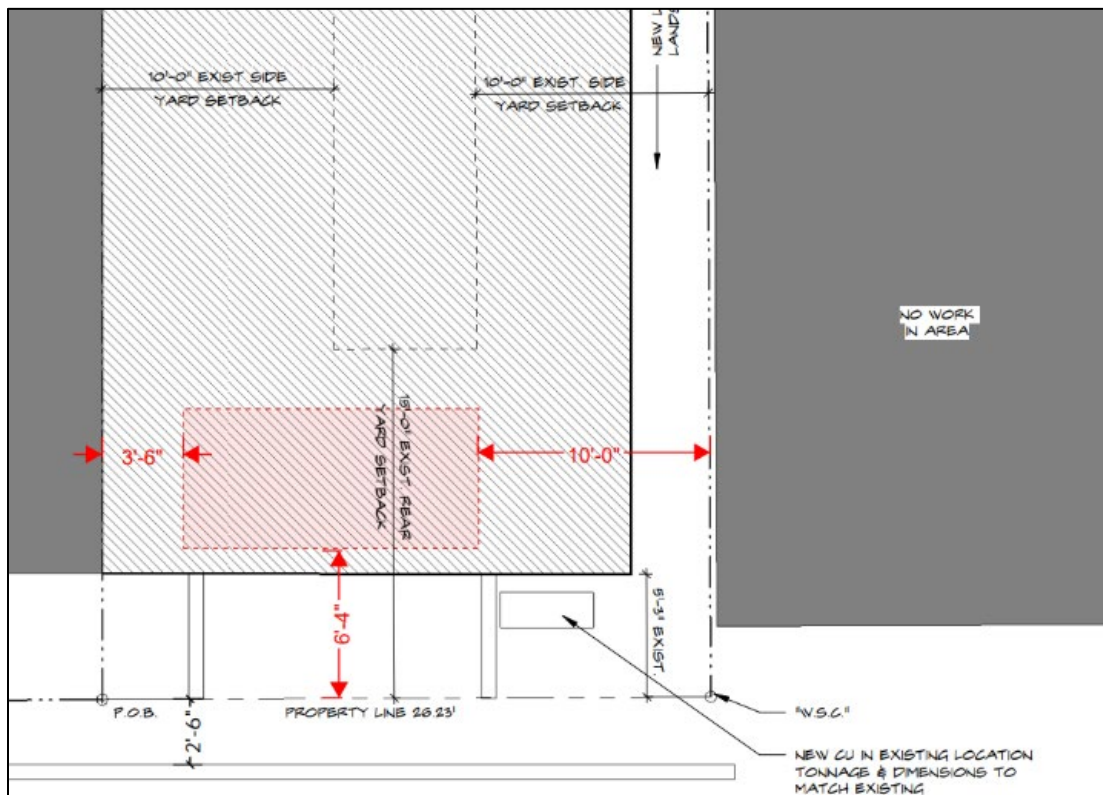
The application is seeking a Certificate of Appropriateness for the installation of a new awning on the second floor. In addition, the scope of work includes a revision to the color of French doors. Both improvements are proposed on the rear (south) façade.

### **New Awning**

The new awning is proposed on the second floor of the south elevation. It will feature black and white strips which take inspiration from other awning designs in the Town of Palm Beach. Sunbrella fabric will be utilized.

Since the existing structure does not meet minimum setbacks, the installation will require variances that apply to the side (west) and rear (setbacks), as outlined in the table below:

Code Section	Required	Proposed	Variance
<b>Variance #1:</b> Sec. 134-948(6)(a)	10'-0" Side Yard Setback	3'-6" Side Yard Setback	6'-5"
<b>Variance #2:</b> Sec. 134-948(7)(a)	15'-0" Rear Yard Setback	6'-4" Rear Yard Setback	8'-8"



### **Frame Color Change**

French doors on the first and second floors of the south elevation are proposed to change the previously approved frame color to “Sapphire Blue”.

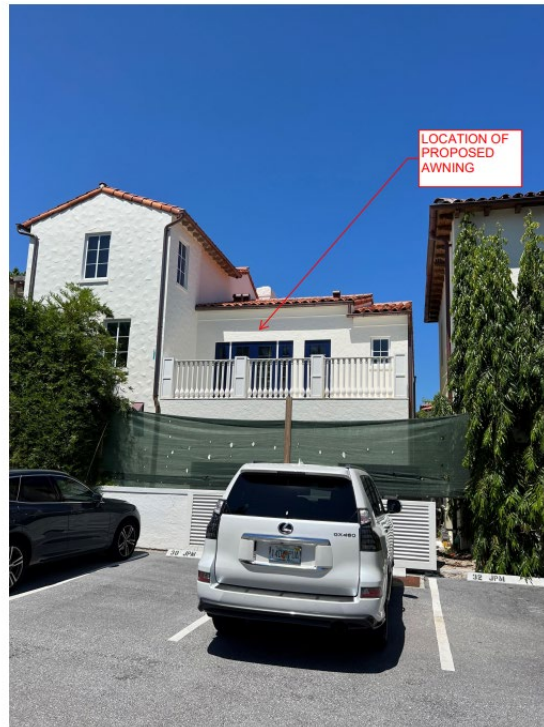


EXISTING SOUTH (REAR) ELEVATION



PROPOSED SOUTH (REAR) ELEVATION

The applicant is requesting the color change retroactively since the work has already been completed, as evidenced by the photo below:



VIEW FROM SOUTH (REAR)

From a historic preservation perspective, the awning can be removed in the future and paint color can be easily changed. However, the Commissioners must determine whether the awning design and frame colors selected are appropriate and compatible for the landmarked property.

**CONCLUSION:**

The application is presented to the Commission to consider whether all the criteria in Sections 54-122 and 54-123 have been met. Approval of the project will require two (2) separate motions to be made by the Landmarks Preservation Commission:

- (1) for the overall design of the project in accordance with aforementioned 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 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 Sec. 134-201(a), items 1 through 7 have been met, subject to any proposed conditions.

WRB: JGM: FHM: ALF