



**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 *WRB*  
Director PZ&B

SUBJECT: ARC-24-0030 (ZON-24-0015) 410 SEABREEZE AVE

MEETING: AUGUST 28, 2024 ARCOM  
SEPTEMBER 11, 2024 TC

**ARC-24-0030 (ZON-24-0015) 410 SEABREEZE AVE (COMBO).** The applicant, Deborah Glass, has filed an application requesting ARCOM review and approval for a second-floor addition to an existing two-story residence, requiring setback and Cubic Content Ratio variances. The Town Council shall review the application as it pertains to zoning relief/approval.

**ZON-24-0015 (ARC-24-0030) 410 SEABREEZE AVE (COMBO) – VARIANCES.** The applicant, Deborah Glass, has filed an application requesting Town Council review and approval of two (2) variances for (1) a second story side-yard setback encroachment and (2) a variance to further expand the existing nonconforming Cubic Content Ratio (CCR). The Architectural Commission (ARCOM) shall perform design review of the application.

Applicant: Deborah Glass  
Architecture: CDN Studio LLC (Claudia De Narvaez)  
Legal: Maura Ziska

### **HISTORY**

Application VAR-11-2008 was approved by town council in 2008, approving the following variances: (1) CCR of 4.77 in lieu of the 4.29 existing and 4.08 maximum permitted by code. (2) One story east side yard setback of 11.3' in lieu of 12.5' minimum required. (3) Two story west side yard setback of 9.6' in lieu of the 15' minimum required.

### **THE PROJECT:**

The applicant has submitted plans, entitled "GLASS RESIDENCE" as prepared by **CDN Studio LLC**, submitted July 12, 2024.

The following scope of work is proposed:

- Second floor addition to existing two-story residence.

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

- **VARIANCE 1: Sec. 134-893(b)(7)b.:** A variance to permit a second story addition with an 11.3' second story east side yard setback, in lieu of the 15' minimum second story side-yard setback required.
- **VARIANCE 2: Sec. 134-893(b)(13):** A variance to permit a cubic content ratio (CCR) of 4.89 in lieu of the 4.75 existing and the 4.08 maximum CCR permitted.

| Site Data                        |   |                                |   |
|----------------------------------|---|--------------------------------|---|
| <b>Zoning District</b>           | R-B   | <b>Future Land Use</b>         | Single-Family                               |
| <b>Lot Size</b>                  | 9,187.5 SF  | <b>Crown of Road</b>           | +3.34' NAVD                                 |
| <b>Lot Depth</b>                 | 122.5'  | <b>Lot Width</b>               | 75'   |
| <b>Lot Coverage</b>              | Permitted: 30%<br>Existing: 28.4%<br>Proposed: 28.54%                           | <b>Enclosed Square Footage</b> | Existing: 4,344 SF<br>Proposed: 4,494.22    |
| <b>Cubic Content Ratio (CCR)</b> | Permitted: 4.08<br>Existing: 4.75<br>Proposed: 4.89<br><i>Variance Required</i> | <b>Angle of Vision</b>         | Permitted: 100°<br>Existing/Proposed: 71°   |
| <b>Building Height</b>           | Permitted: 22'<br>Existing/Proposed: 18'-10"                                    | <b>Overall Building Height</b> | Permitted: 30'<br>Existing/Proposed: 24'-6" |
| <b>Finished Floor Elevation</b>  | Proposed: 7' NAVD   | <b>FEMA Flood Zone</b>         | ZONE AE 6                                   |
| Surrounding Properties / Zoning  |   |                                |   |
| <b>North</b>                     | 417 Seabreeze Ave & 411 Seabreeze Ave   Residence(s) / R-B                      |                                |   |
| <b>South</b>                     | 415 Seaspray Ave   Residence / R-B  |                                |   |
| <b>East</b>                      | 402 Seabreeze Ave   Residence / R-B   |                                |   |
| <b>West</b>                      | 416 Seabreeze Ave   Residence / R-B   |                                |   |

**STAFF ANALYSIS**

The subject property is a midblock parcel located on the south side of Seabreeze Avenue. The residence was constructed in the 1930's and designed by Gustav Maass for Mr. & Mrs. Van Voorhees in a colonial style. Numerous permits have been issued throughout the years for renovations, additions and maintenance to the structure. The existing structure is sited roughly mid parcel with existing nonconforming side yard setbacks. The proposed improvements to the structure are within the existing footprint. The applicant is proposing a second story addition at the existing second floor balcony on the rear east side of the structure. The addition is relatively small at less than 150 SF, however, variances are required to achieve the scope of work (outlined below). The roof of the addition will be flat to match the existing flat roof at the second story rear wood siding will be painted to match existing, and faux windows will be installed to match existing. A bay window is also proposed at the rear first floor of the house. Windows and door on the east second floor elevation will be removed to achieve the addition. There are no modifications proposed to hardscape or landscape on the site.





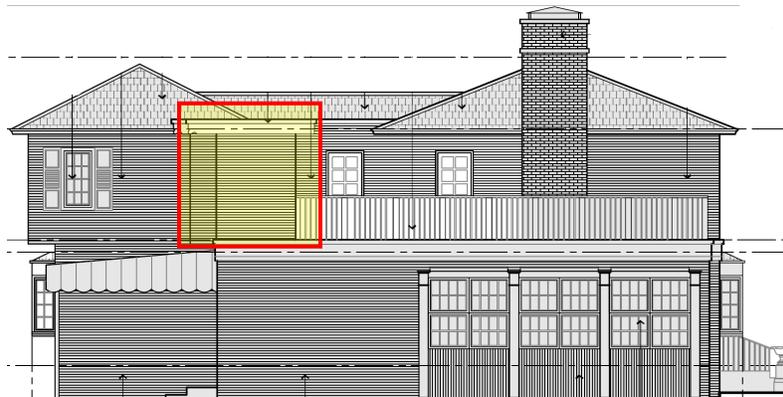
*Existing Front (North) Elevation.*



*Proposed Front (North) elevation*



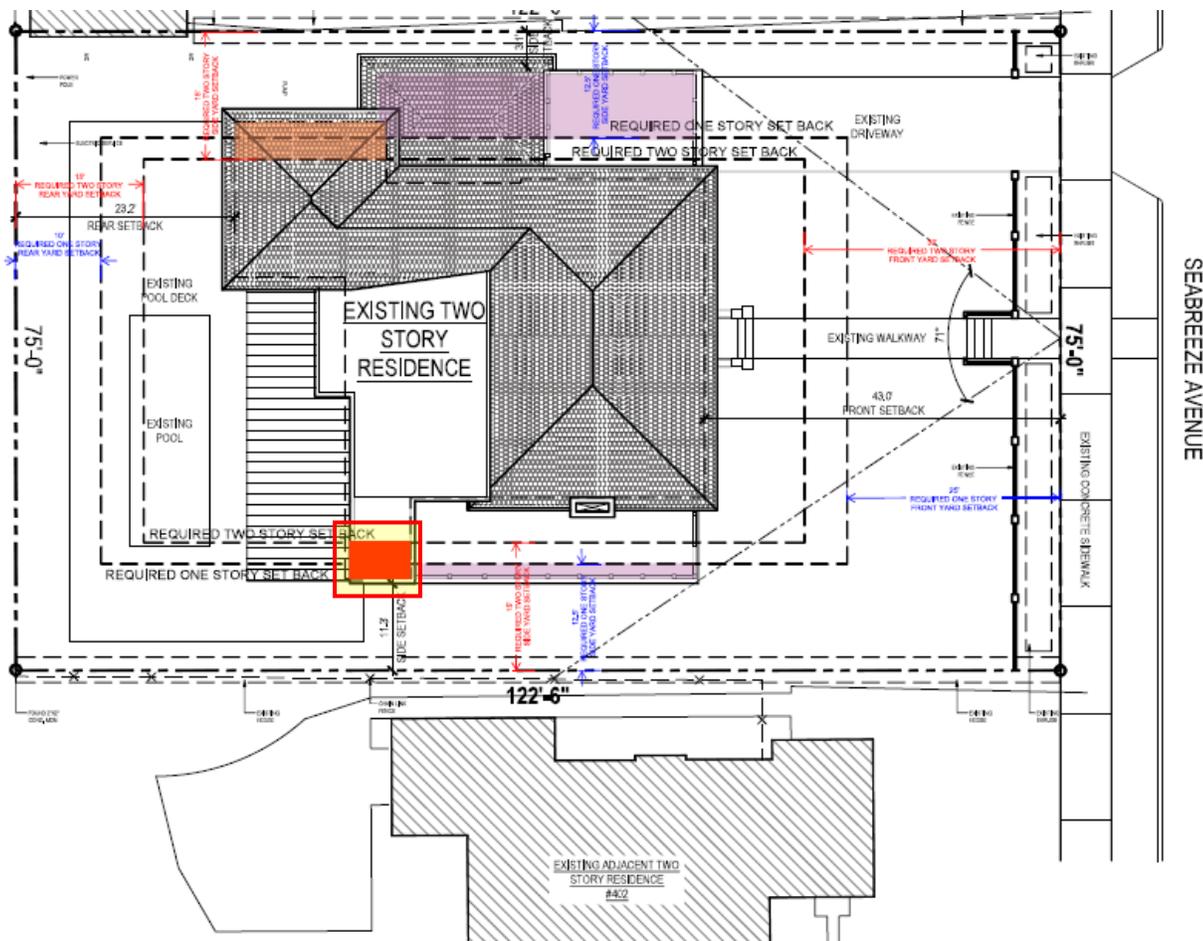
*Existing Side (East) Elevation*



*Proposed East (Side) Elevation*

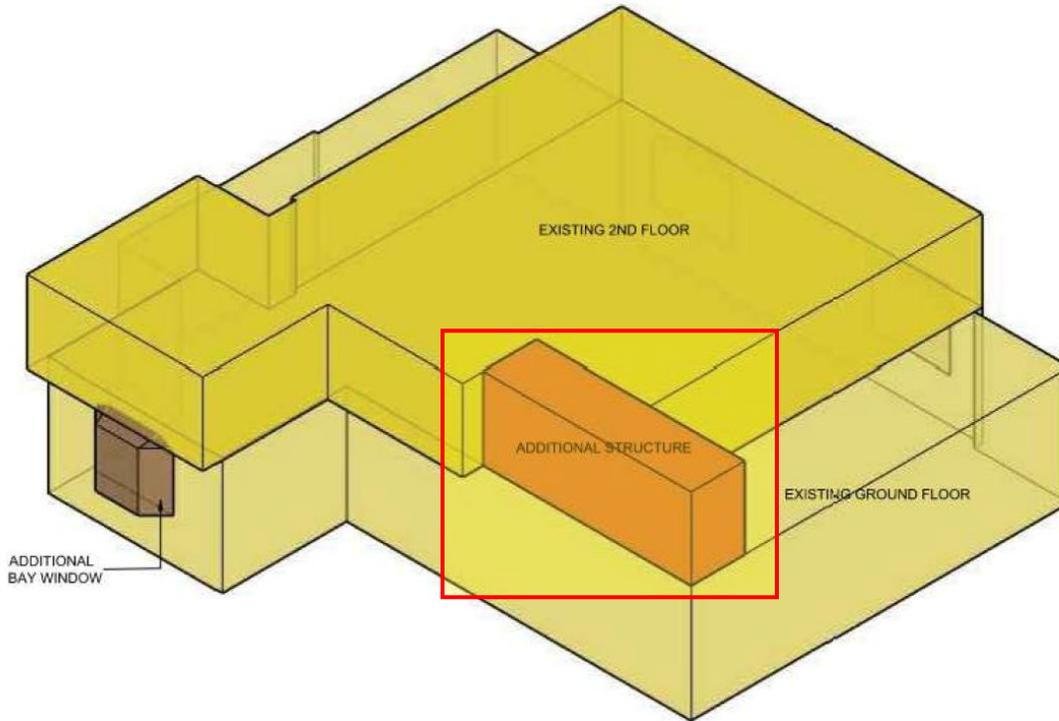
The design requires two variances as proposed.

As it pertains to VARIANCE 1, the second story addition is proposed at 11.3' east side yard setback in lieu of the 15' second story side yard setback required. At 11.3', this would match the existing nonconforming first story setback. Staff will note that the existing second story east side yard setback is conforming, and granting of this variance would create another new nonconformity on the parcel. Staff will also note that the west side yard setback is nonconforming for both the first and second story, however, no changes are proposed on this elevation. As mentioned above, the Town Council granted variances in 2008 for the nonconforming first floor setback at the east side, as well as a setback variance for a similar second-floor addition on the west side.



| Code Section                               | Required                           | Proposed                             | Variance    |
|--|------------------------------------|--------------------------------------|-------------|
| <b>VARIANCE 1:</b><br>Sec. 134-893(b)(7)b. | 15' Second Story Side Yard Setback | 11.3' Second Story Side Yard Setback | <b>3.7'</b> |

Variance 2 is to exceed the maximum cubic content ratio (CCR) permitted on site. As mentioned previously, the structure was built in the 1930s and therefore prior to today's zoning code. In 2008, the town council considered and granted a variance for a similar scope of work as it pertained to first and second floor additions to the nonconforming building, which permitted the expansion of the already nonconforming cubic content ratio.



*Axonometric diagram of cubic content from rear.*

The size of the addition is approximately 140 SF at 8.8' in height, adding an additional 0.14CF of mass to the already nonconforming structure. The addition is 21.9' wide (east to west sides) and 6.33' deep (north-front to south-back). The addition will match the existing flat roof, without new overall building height. While the relatively small second floor addition seamlessly blends in with the architecture of the 1930's residence, it still remains as a variance and its approval needs to provide hardship in order for the Town Council to grant. Perhaps, as the Code reform continues to examine all aspect of the zoning code, the Town Council could provide specific direction on a lesser standard of approval for CCR on older residential buildings in the Town as a means of further incentivizing their retention.

| Code Section                                     | Permitted           | Proposed  | Variance   |
|--|---------------------|---|--|
| <b><u>VARIANCE 2:</u></b><br>Sec. 134-893(b)(13) | <b>4.08 Max CCR</b> | <b>4.89 CCR</b> in lieu of<br>4.75 CCR existing | <b>+0.14 CCR from exist.</b><br><b>+0.81 CCR from max.</b> |

**CONCLUSION:**

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

- (1) for final determination of approval or denial of the (1) variance 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.

WRB:JGM:BMF