



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
Director PZ&B *WUB*

SUBJECT: ARC-24-0029 (ZON-24-0023) 242 PARK AVE

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

ARC-24-0029 (ZON-24-0023) 242 PARK AVE (COMBO). The applicant, Rhonda Nasser, has filed an application requesting Architectural Commission review and approval for modifications to first floor fenestration and the addition of a swimming pool, requiring variances for pool setback, pool equipment setbacks, and pool equipment screening. The Town Council shall review the application as it pertains to zoning relief/approval.

ZON-24-0023 (ARC-24-0029) 242 PARK AVE (COMBO) – VARIANCES. The applicant, Rhonda Nasser, has filed an application requesting Town Council review and approval of four (4) variances for (1) a reduced swimming pool side-yard setback, (2) a reduced pool pump and filter side yard setback, (3) a reduced pool heater side yard setback, and (4) to forgo the requirement of a pool heater to be screened with a masonry wall. The Architectural Commission (ARCOM) shall perform design review of the application.

Applicant: Rhonda Nasser
Design: Daniel Clavijo

THE PROJECT:

The applicant has submitted plans, entitled "RHONDA NASSER 242 PARK AVE" as prepared by **Daniel Clavijo (not indicated on plans)**, uploaded to the Town July 15, 2024.

The following scope of work is proposed:

- Removal of first floor windows and addition of doors on front elevation.
- Addition of plunge pool, requiring variances.

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

- **VARIANCE 1:** Sec. 134-1757: A variance for a swimming pool with a 3 ft West side-yard setback in lieu of the 10 ft swimming pool side-yard setback required.
- **VARIANCE 2:** Sec. 134-1728(c)(1): A variance to permit swimming pool pump and filter equipment with a 2.58 ft setback, in lieu of the 5 ft setback required.
- **VARIANCE 3:** Sec. 134-1728(c)(2): A variance to permit swimming pool heater equipment with a 2.58 ft setback, in lieu of the 10 ft setback required.

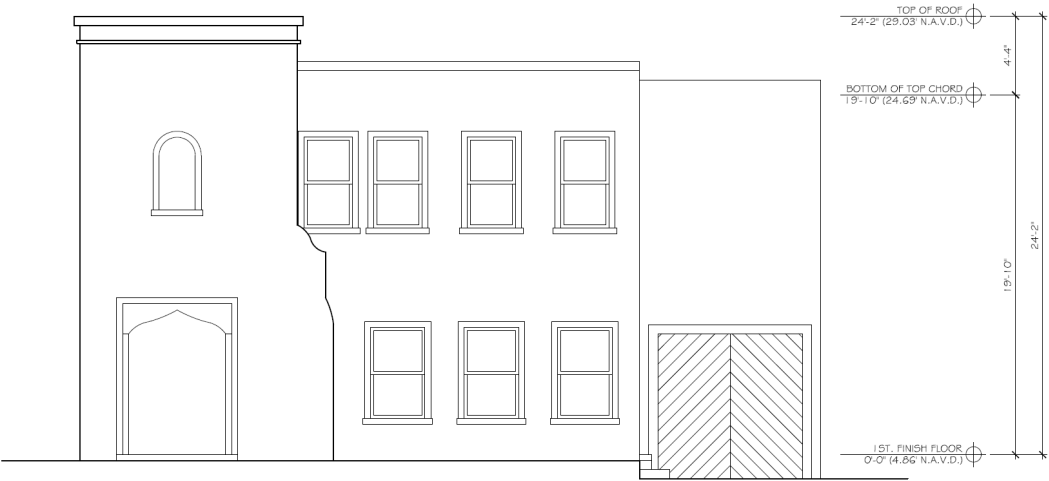
- **VARIANCE 4:** Sec. 134-1728(c)(7): A variance to forgo the requirement of a swimming pool heater to be completely screened by a concrete wall as high as the heater by not providing a concrete wall.

Site Data			
Zoning District	R-C	Future Land Use	Multi-Family Moderate Density
Lot Size	Required: 10,000 sf Existing: 3,500 sf	Crown of Road	2.4' NAVD
Lot Depth	75'	Lot Width	50'
Lot Coverage	Permitted: 30% (1,050 SF) Existing: 41.77% (1462 SF)	Side Yard Setback	Required: 10' Existing: 4.8'(W) & 4.7' (E)
Front Yard Setback:	Required: 25' Existing: 14.6'	Rear Yard Setback	Required: 15' Existing: 2.8'
Swimming Pool Setback	Required: 10' side Proposed: 3' side <i>VARIANCE REQUESTED</i>	Pool Equipment Setback	Required: 5' side (pump & filter) 10' side (heater) Existing/Proposed: 2.5' side <i>VARIANCE REQUESTED</i>
Overall Landscape Open Space	Required: 45% Existing/Proposed: 18%	Front Yard Landscape Open Space	Required: Proposed:
Surrounding Properties / Zoning			
North	253 Park Ave Residence / R-C		
South	235 Sunrise Ave Condo-Hotel (The Palm Beach Hotel Condominium) / C-TS		
East	240 Park Ave Public Park (Park Ave Mini-Park) / R-C		
West	248 Park Ave Residence / R-C		

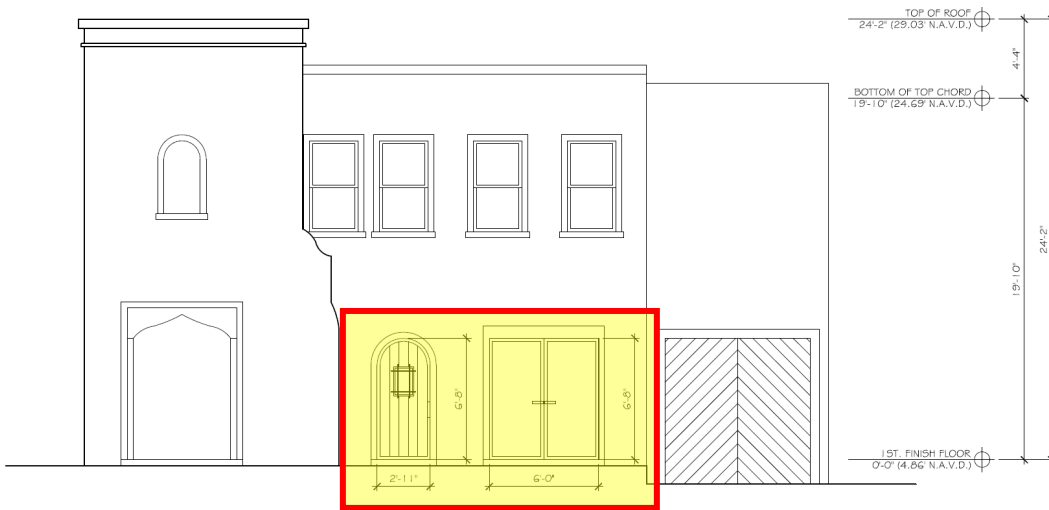
STAFF ANALYSIS

The applicant is proposing first floor fenestration modifications to the existing residence, as well as a new plunge pool. A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and requires four (4) variances to achieve the application as proposed.

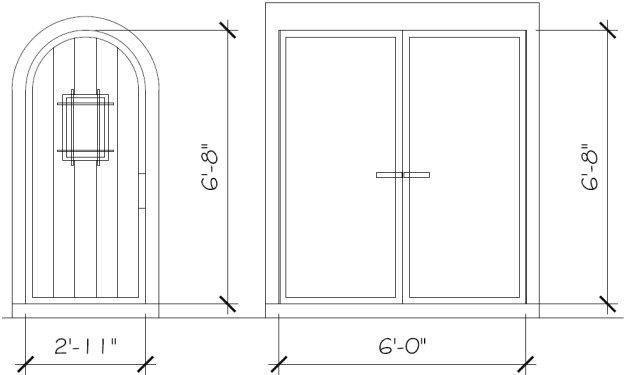
The subject property is located on the south side of Park Avenue abutting The Palm Beach Hotel and a town owned park. The site is composed of the entirety of Bungalow Addition Lot 42, however, the parcel is nonconforming in width, depth and area and subsequently the existing improvements are nonconforming to lot coverage and landscape open space requirements under the current zoning code. The applicant is proposing to remove three single hung windows on the first floor of the front (north) elevation of the structure and replace with one new arched pecky cypress doors with window and iron grille on the left (east) and new impact rated aluminum full-lite glass French doors to match existing windows and doors. The changes are not readily visible from the Park Avenue right-of-way due to an opaque fence fronting Park Avenue with tall, dense plantings behind.



EXISTING NORTH ELEVATION



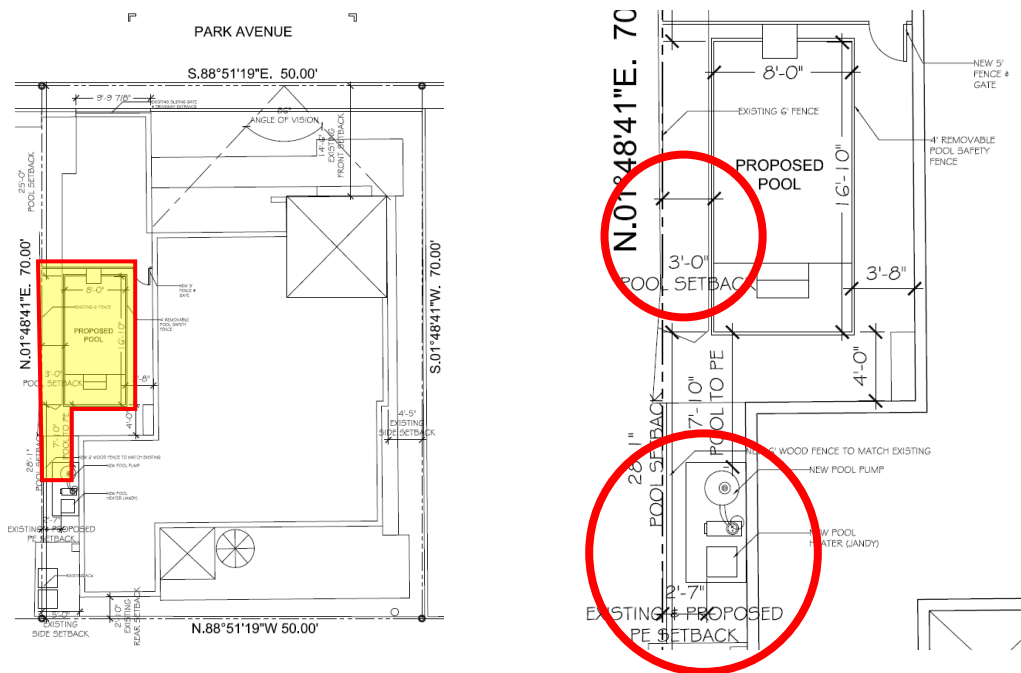
PROPOSED NORTH ELEVATION



NEW PECKY CYPRESS
DOOR PROPOSED

IMPACT RATED
ALUMINUM AND GLASS
FRENCH DOORS TO MATCH
EXISTING WINDOWS
AND DOORS

Code Section	Permitted/Required	Proposed	Variance
<u>VARIANCE 1:</u> Sec. 134-1757	Min 10' side-yard for swimming pools.	3' swimming pool side yard setback	7'
<u>VARIANCE 2:</u> Sec. 134-1728(c)(1)	Min 5' side-yard setback for swimming pool pumps and filters.	2.58' side yard setback for swimming pool pump and filter	2.42'
<u>VARIANCE 3:</u> Sec. 134-1728(c)(2):	Min 10' side-yard for swimming pool heaters.	2.58' side yard for swimming pool heaters	7.42'
<u>VARIANCE 4:</u> Sec. 134-1728(c)(7)	Screening swimming pool heaters with a concrete masonry wall as high as the equipment.	Completely forgo concrete screening wall requirement.	6' wood fence in lieu of concrete masonry wall required.



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 four (4) 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.

WRB:JGM:BMF