



TOWN OF PALM BEACH
Planning, Zoning & Building Department
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PLANNING, ZONING, & BUILDING DEPARTMENT

PZ&B Staff Combination Memorandum: Architectural Commission (ARCOM) and Town Council

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

SUBJECT: ARC-24-0033 (ZON-24-0021) 1356 N OCEAN BLVD

MEETING: AUGUST 28, 2024
SEPTEMBER 11, 2024

ARC-24-0033 (ZON-24-0021) 1356 N OCEAN BLVD (COMBO) - VARIANCE. The applicants, Gary & Kelly Pohrer, have filed an application requesting Architectural Commission review and approval for hardscape and landscaping improvements including the addition of a pergola requiring a variance. The application shall be reviewed by Town Council as it pertains to zoning relief/approval.

ZON-24-0021 (ARC-24-0033) 1356 N OCEAN BLVD (COMBO) – VARIANCES. The applicants, Gary & Kelly Pohrer, have filed an application requesting Town Council review and approval for two (2) variances; (1) to exceed the maximum height permitted for a pergola structure, and (2) to decrease landscape open space below minimum permitted. The Architectural Commission shall perform design review of the application.

Applicant: Gary & Kelly Pohrer
Professional: Environment Design Group

THE PROJECT:

The applicant has submitted plans, entitled "1356 N Ocean Blvd" as prepared by **Environment Design Group**, uploaded July 1, 2024, and identified as final submittal for ARCOM hearing 8/25/24.

The following scope of work is proposed:

- Addition of an entry gates.
- Addition of a pergola.
- Hardscape and landscape changes.

The following is required to complete the project:

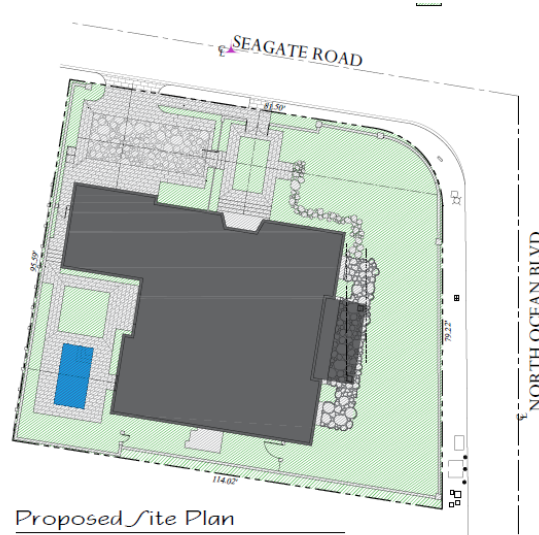
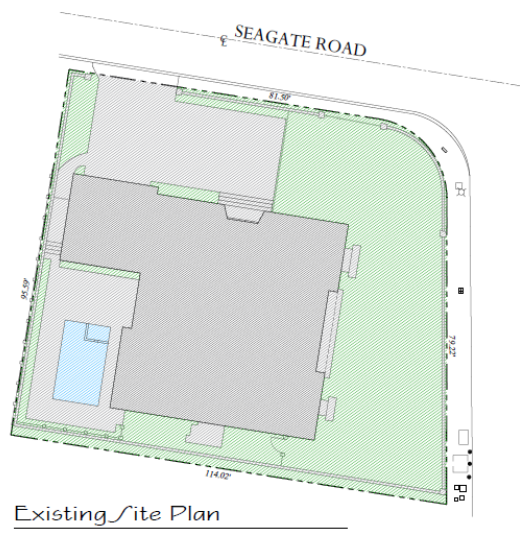
1. **VARIANCE 1: Section 134-895(5):** A variance for a pergola to exceed the 9' height maximum by 2'10".
2. **VARIANCE 2: Section 134-948(12)(a):** A variance to allow open space of 43.2% in lieu of the 45% minimum required.

Site Data			
Zoning District	R-B	Future Land Use	SINGLE-FAMILY
Lot Size	10, 112 SF	Lot Coverage	No Change
Overall Landscape Open Space	Required: 45% Existing: 42.9% Proposed: 43.2%	Native Landscape	Trees: N/A Groundcover: 44.7% Shrubs & Vines: 93.8%
Perimeter Landscape Open Space	Required: 50% Existing: 70.8% Proposed: 73.6%	Front Yard Landscape Open Space	Required: 40% Existing: 99.3% Proposed: 78.2%
Surrounding Properties / Zoning			
North	1360 N Ocean Blvd Single-family Residence / R-B		
South	1350 N Ocean Blvd Single-family Residence / R-B		
East	Beachfront Atlantic Ocean / BA		
West	111 Seagate Rd Single-family Residence / R-B		

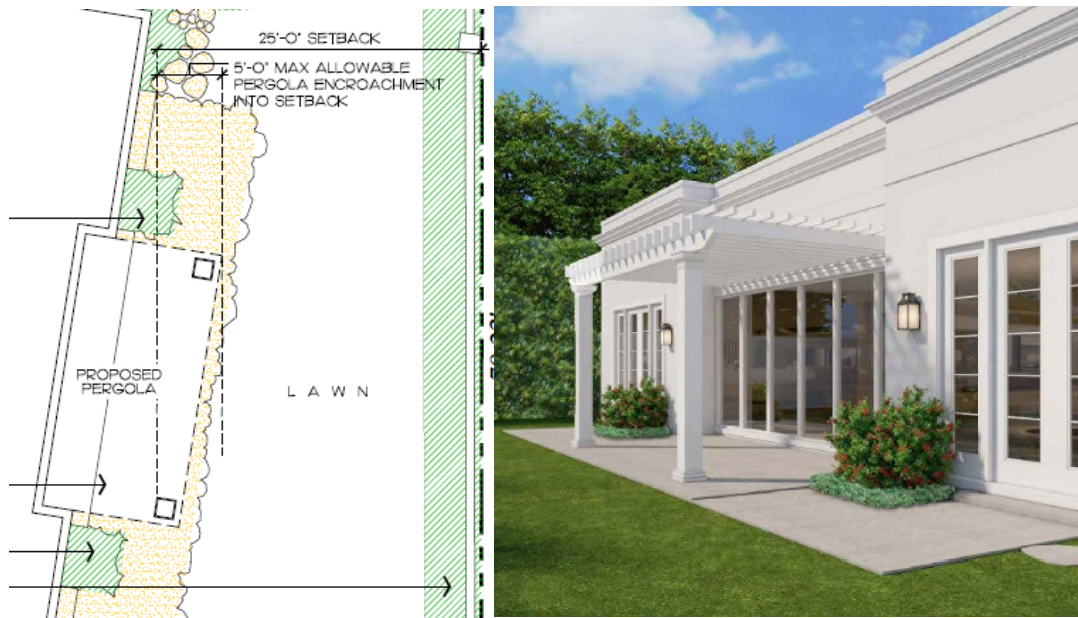
STAFF ANALYSIS

The applicant is seeking approval for exterior landscape and hardscape modifications to their residence, which include refinishing the pool, installing new driveway and pedestrian gates, and adding a pergola. A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and requires two (2) variances.

Code Section	Required	Proposed	Variance
Variance 1: Section 134-895	Maximum Height 9 ft	11 ft 10 inches	2 ft 10 inches
Variance 1: Section 134-948	45% overall open space	43.2% LOS	1.8%



The proposed pergola necessitates a variance due to its height exceeding the maximum allowed. The structure is to be installed on the east side of the house, positioned above existing windows that are over 9'-0" in height, within the required side street setback. Installing the pergola at a height of 9'-0" or lower would obstruct both the windows and the view.



Furthermore, the applicant intends to modify more than 50% of the existing landscape open space. Per zoning code, any alteration of 50% or more of the existing landscape area requires that the landscape open space calculations comply with current requirements. Although the applicant proposes an improvement from existing conditions, with 43.2% open space (an increase from the existing 42.9%), a variance is still required as it does not meet the minimum 45% requirement.

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) motion to be made by the Town Council:

1. for final determination of approval or denial of the variance by the Town Council, and that the variance **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:SCP