



**TOWN OF PALM BEACH**  
Planning, Zoning & Building Department  
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PLANNING, ZONING, & BUILDING DEPARTMENT  
PZ&B Staff Memorandum: Town Council

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

SUBJECT: ZON-24-0031 (COA-24-0002) 195 VIA DEL MAR (COMBO)

MEETING: SEPTEMBER 11, 2024, TC

**ZON-24-0031 (COA-24-0002) 195 VIA DEL MAR (COMBO)—VARIANCES.** The applicant, Guy Rabideau (Trustee of the 195 Via Del Mar Trust), has filed an application requesting Town Council review and approval of (1) variance to increase the maximum building height associated with a second-story addition. The Landmarks Preservation Commission shall perform design review of the application.

**COA-24-0002 (ZON-24-0031) 195 VIA DEL MAR - COMBO.** The applicant, Guy Rabideau (Trustee of the 195 Via Del Mar Trust), has filed an application requesting a Certificate of Appropriateness for the review and approval for the construction of a second-story addition, window and door replacement, vehicular and pedestrian gates, and hardscape and landscape modifications which requires one (1) variance to reduce the minimum driveway area in front of the vehicular gate fronting South County Road. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval. *[At the June 21, 2024, LPC meeting, the Landmarks Preservation Commission voted 7-0 that the implementation of the proposed variance (ZON-24-0009) will not cause a negative architectural impact on the subject property for the gate fronting South County Road. At the July 10, 2024, TC meeting, ZON-24-0009 was approved by Town Council 5-0]*

Representative: Guy Rabideau / Trustee of the 195 Via Del Mar Trust  
Professionals: Ferguson & Shamamian Architects

**HISTORY:**

The residence was designed by the architects Treanor & Fatio and constructed in 1928. The property was designated in 1990. According to the designation report: *“Casa Della Porta is a noteworthy residence of fine proportion and scale. It is a thoroughly livable adaptation of a Romanesque design with the ground floor plan well-disposed around the central patio.”*

At the September 15, 1989, LPC meeting, the commission approved the addition of two entry gates, widening and resurfacing of the driveway, and paving of additional parking under COA # 30-89. Therefore the current gates proposed for replacement are not the original ones.

Several minor modifications have been made over the years through administrative reviews including the installation of a new bronze and glass decorative gate (L-19-00167), partial window

replacement in the kitchen wing (L-21-00366), replacement of HVAC equipment (L-21-00460), partial fence replacement (L-22-00604), and landscaping modifications (L-23-00872).

At the June 21, 2024, LPC meeting, the landscaping as presented, window and door replacement as discussed with muntins added to the doors on the structure's perimeter, and the South County Road gate as presented were approved per COA-24-0002. Also, the variance for vehicular stacking (ZON-24-0009) was supported by LPC and approved at the July 10, 2024, Town Council meeting. The design of the addition and the Via Del Mar gates were deferred to the July 17, 2024, LPC meeting.

At the July 17, 2023, LPC meeting, the Commissioners deferred the project to re-study the addition and gate design. Based on the original plans, the gate posts were designed to be taller than they exist today, and gates were proposed along the Via Del Mar frontage although never built. The Commissioners expressed interest in a gate post and gate design that replicates the original intent of the plans. A variance would be required to exceed the maximum allowable height for these features.

At the August 21, 2024, LPC meeting, the applicant's preferred addition design was approved as presented (7-0).

**THE PROJECT:**

The applicant has submitted plans, entitled "LANDMARKS DEFERRED SUBMITTAL" and "TOWN COUNCIL FINAL SUBMITTAL", as prepared by **Ferguson & Shamamian Architects** received by the Town on July 29, 2024.

The following is the scope of work for the Project:

- Second-story addition (approximately 510 square feet).

The following variance is required to achieve the scope of work.

- **VARIANCE (ZON-24-0031):** A variance to increase the building height of the second-story addition
  - Preferred Design: 29'-3" in lieu of the maximum of 25'-0".

Site Data			
<b>Zoning District</b>	R-A Estate Residential District	<b>Lot Size (SF)</b>	77,454 SF
<b>Future Land Use</b>	SINGLE-FAMILY	<b>Total Building Size (SF)</b>	21,032.7 SF
<b>FEMA Flood Zone</b>	X		
<b>Year of Construction:</b>	1928	<b>Architect:</b>	Treanor & Fatio
Project			
	<b>Required/Allowed</b>	<b>Existing</b>	<b>Proposed</b>
<b>Lot Coverage</b>	25.00% (19,363.5 SF)	18.80% (14,554 SF)	18.80% (14,554 SF)

<b>Building Height</b>	25'	31'-11" *	<b><i>Preferred Design: 29'-3" Addition Variance Required</i></b>
<b>Overall Building Height</b>	35'	37'-11" *	Preferred Design: 33'-0"
<b>Number of Stories</b>	2	2*	2
<b>Landscape Open Space</b>	50.00% (38,727 SF)	42.98% (33,296 SF)	43.3% (33,531 SF)
<b>Surrounding Properties / Zoning</b>			
<b>North</b>	115 Via La Selva / R-A		
<b>South</b>	196 Via Del Mar & 840 South Ocean Boulevard / R-A		
<b>East</b>	810 South Ocean Boulevard and 830 South Ocean Boulevard / R-A		
<b>West</b>	830 South County Road, 822 South County Road, & 800 South County Road / R-A		

\* Excludes tower

### **STAFF ANALYSIS**

The application is seeking a Certificate of Appropriateness for the construction of a second-story addition.

The proposed second-story addition is located on the northeast side of the residence. The approximately 510-square-foot space will house a new walk-in closet. The addition is proposed with a hipped roof finished with clay barrel tiles that match the roofing in the remainder of the residence. The fenestration includes wood casement windows with divided-light patterns and a bronze-framed pair of French doors. A new coquina façade is proposed with detailing that matches the residence. In addition, blind niches and modillions are proposed on the north elevation of the addition which creates visual interest in a façade void of openings. As indicated in the site data table, the addition's height exceeds the maximum allowance of 25 feet, however, the maximum overall height of 35 feet is not exceeded. Therefore, a variance to increase the maximum height to will be required as outlined in the table below:

<b>Code Section</b>	<b>Required</b>	<b>Preferred Design</b>	<b>Variance</b>
<b>Variance:</b> Sec. 134-843(a)(10)(a)	25'-0" Building Height Max.	29'-3" Building Height	<b>4'-3"</b>

The applicant's preferred addition design was approved as presented (7-0) at the August 21, 2024, LPC meeting.



"Preferred" Design



"Preferred" Design

### **CONCLUSION:**

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 (ZON-24-0031) 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