




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-ARB 
Director PZ&B

SUBJECT: ZON-24-0039 (COA-24-0002) 195 VIA DEL MAR (COMBO)

MEETING: SEPTEMBER 11, 2024, TC

ZON-24-0039 195 VIA DEL MAR - VARIANCE. 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 exceed the maximum permitted height of gate posts and gates within the Via Del Mar front yard setback.

COA-24-0002 (ZON-24-0039) 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, thus the application at hand.

At the August 21, 2024, LPC meeting, the applicant's preferred design for the gate posts and gates was approved (7-0) with the condition that the gate height be lowered by six (6) inches.

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:

- Installation of vehicular gate posts and gates on the Via Del Mar frontage.

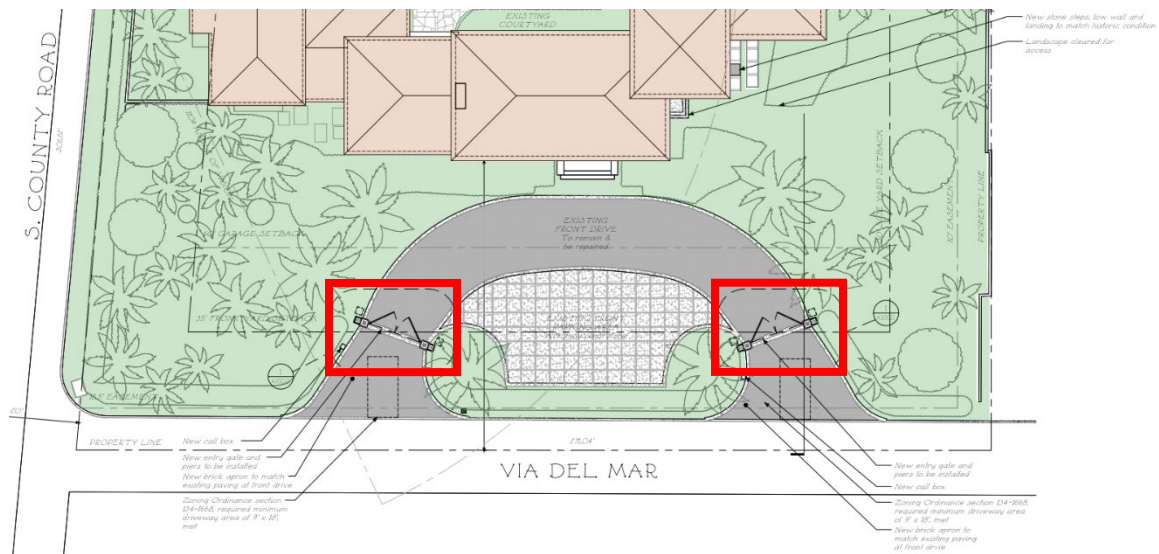
The following variance is required to achieve the scope of work.

- **VARIANCE (ZON-24-0039):** A variance to exceed the maximum permitted height of gate posts and gates within the Via Del Mar front yard setback
 - Preferred Design: 9'-6" in lieu of the maximum of 8'-0".

Site Data			
Zoning District	R-A Estate Residential District	Lot Size (SF)	77,454 SF
Future Land Use	SINGLE-FAMILY	Total Building Size (SF)	21,032.7 SF
FEMA Flood Zone	X		
Year of Construction:	1928	Architect:	Treanor & Fatio
Surrounding Properties / Zoning			
North	115 Via La Selva / R-A		
South	196 Via Del Mar & 840 South Ocean Boulevard / R-A		
East	810 South Ocean Boulevard and 830 South Ocean Boulevard / R-A		
West	830 South County Road, 822 South County Road, & 800 South County Road / R-A		

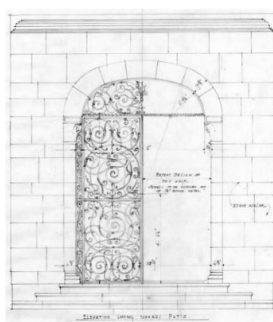
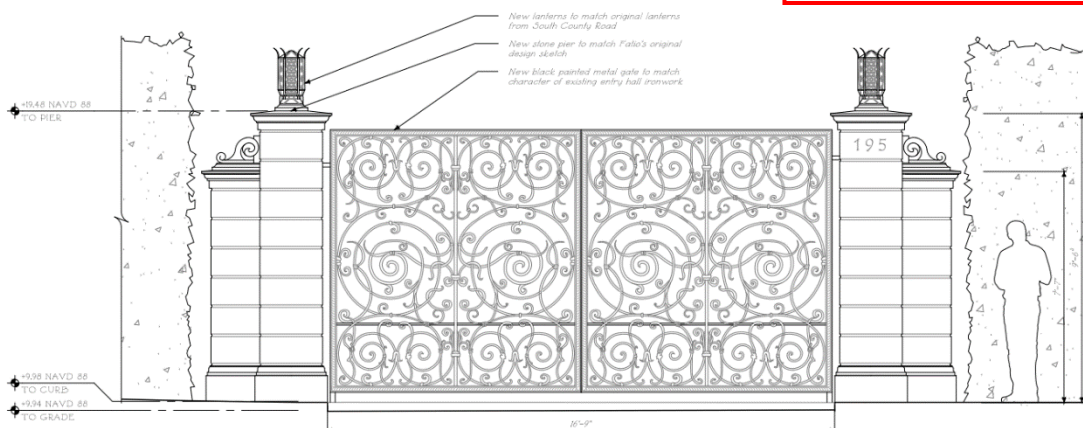
The application is seeking a Certificate of Appropriateness for the installation of vehicular gates fronting Via Del Mar.

The request includes the replacement of two (2) pairs of vehicular swinging gates and gate posts fronting Via Del Mar.

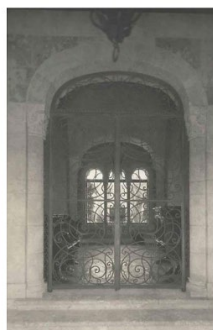


The applicant's preferred design for the gate posts and gates was approved (7-0) with the condition that the gate height be lowered by six (6) inches at the August 21, 2024, LPC meeting.

“Preferred” Design



ORIGINAL FATIO ENTRANCE
GATE IRONWORK DRAWING



HISTORIC IMAGE OF
FRONT ENTRANCE GATE IRONWORK



CURRENT FRONT
ENTRANCE GATE

Based on the Commissioner's comments, the applicant pursued gate post and gate proportions inspired by the original plans. As a result, a variance is required to achieve a height of 9'-6" in lieu of the 8'-0" maximum permitted for gate posts and gates in a front yard.

Code Section	Required	Preferred Design	Variance
Variance: Sec. 134-1668	8'-0" Gate Post and Gate Height Max.	9'-6"* Gate Post and Gate Height	1'-6"*

** The gates shall be lowered by six (6) inches as required by LPC.*

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-24-0039) 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