



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
Director PZ&B

SUBJECT: ZON-24-0021 (ARC-24-0033) 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

HISTORY:

At the August 28, 2024, ARCOM meeting, the Commission approved a new attached pergola structure on the east side of the property and the installation of two pedestrian gates (7-0). Additionally, the Commission approved (7-0) that the implementation of the proposed variance would not negatively affect the architecture. One of the two proposed variances has been eliminated following the ARCOM hearing as noted below in Staff Analysis.

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:

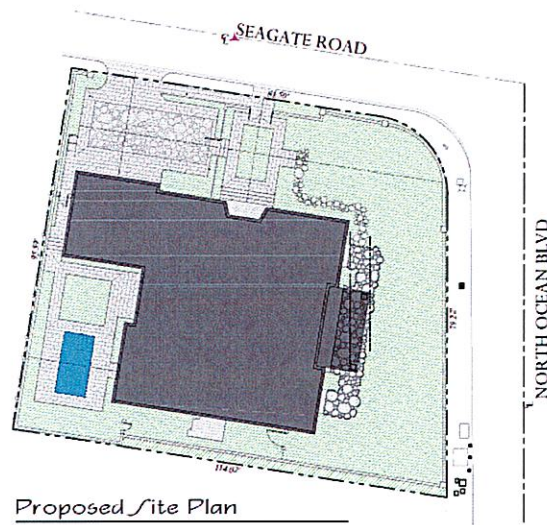
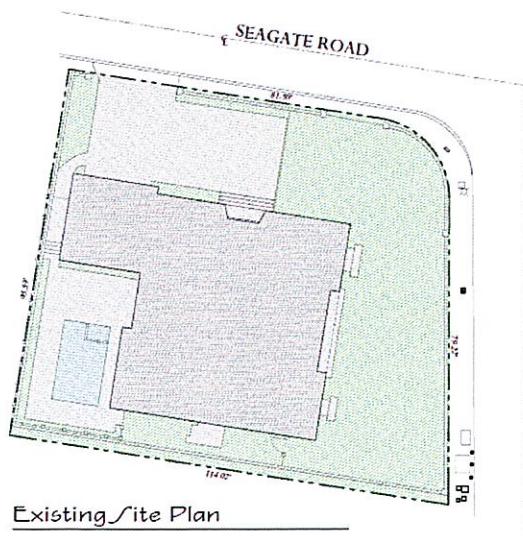
1. **VARIANCE 1: Section 134-895(5):** A variance for a pergola to exceed the 9' height maximum by 2'10".
2. **VARIANCE 2: Section 134-948(12)(a):** A variance to allow open space of 43.2% in lieu of the 45% minimum required.

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

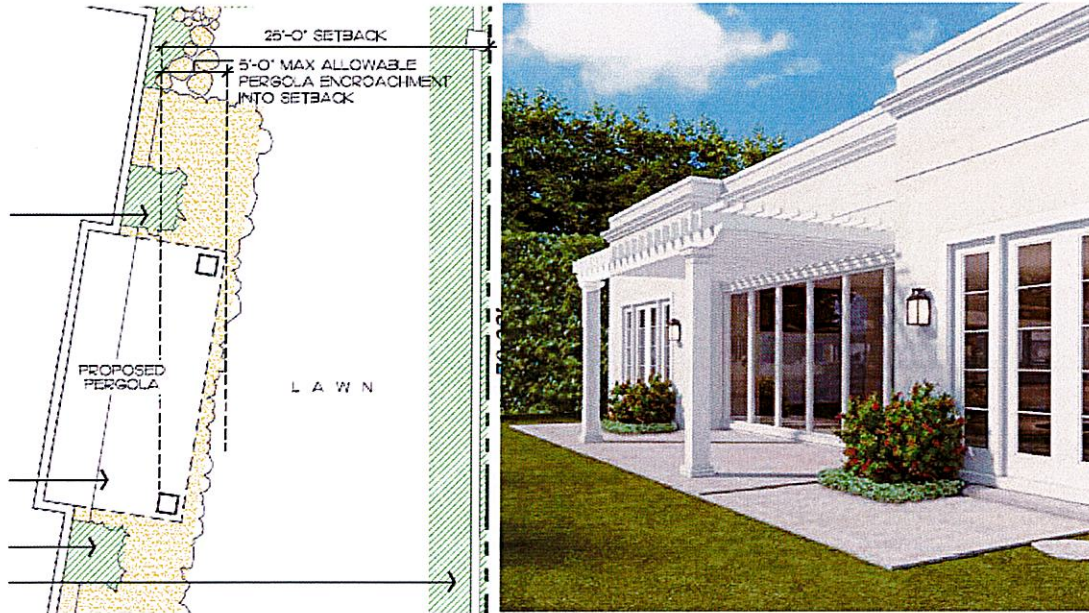
The applicant is seeking approval for exterior landscape and hardscape modifications to their residence, which includes refinishing the pool, installing new driveway and pedestrian gates, and adding a pergola. A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and now requires just one (1) variance.

Code Section	Required	Proposed	Variance
<u>Variance 1:</u> Section 134-895	Maximum Height 9 ft	11 ft 10 inches	2 ft 10 inches
<u>Variance 2:</u> 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.

At the August 28, 2024, ARCOM meeting, the commissioners expressed concerns regarding the open space variance requested by the applicant. After thorough discussion, it was determined that the installation of a pathway between the driveway and the front walkway along South Ocean Boulevard did not justify the need for the variance. Consequently, the applicant and the design professional agreed to omit this portion of the application, thereby eliminating the need for a variance and increasing the open space calculations on the property. The variance for the height of the proposed pergola was approved and will be considered by the Town Council. ARCOM imposed one condition for the approval of the pergola: the addition of a vine.

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 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