



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

SUBJECT: ZON-24-0033 (ARC-24-0052) 130 SEASPRAY AVE (COMBO)

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

ZON-24-0033 (ARC-24-0052) 130 SEASPRAY AVE (COMBO) – SPECIAL EXCEPTION AND VARIANCE. The applicant, Kirchoff and Associates on behalf of Victor and Julia Tolkan, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review to develop an existing nonconforming parcel with a new, single-family residence and (1) variance to reduce the number of required enclosed garage parking spaces. The Architectural Commission shall perform design review of the application.

ARC-24-0052 (ZON-24-0033) 130 SEASPRAY AVE (COMBO). The applicant, Kirchoff and Associates on behalf of Victor and Julia Tolkan, has filed an application requesting Architectural Commission review and approval for construction of a new two-story single-family residence with final hardscape landscape and swimming pool, requiring Special Exception with Site Plan Review approval to develop a nonconforming parcel with a variance required to reduce the number of required enclosed garage parking spaces. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Applicant: Victor and Julia Tolkan
Architecture: Kirchoff & Associates | Nivera Williams
Legal: Muara Ziska

HISTORY:

At the August 28, 2024, ARCOM meeting, the Commission approved (6-1) the construction of a new two-story single-family residence on a nonconforming parcel. Conditions include utilizing cypress for the front entry and adopting the landscape plan submitted at the meeting that contains the plant material and maintenance program agreed to by the neighbor. Additionally, the Commission approved (7-0) that the implementation of the proposed variances would not negatively affect the architecture.

THE PROJECT:

The applicant has submitted plans, entitled "New Residence 130 SEASPRAY AVENUE" as prepared by **Kirchoff & Associates Architects**, uploaded June 15, 2024.

The following scope of work is proposed:

- New two-story single-family residence of approximately 4,086 SF with associated landscape, hardscape and pool.

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

the project:

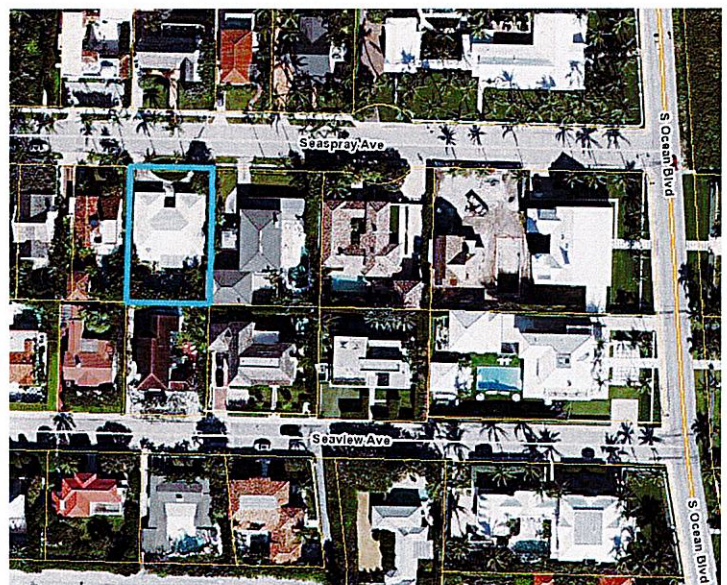
- **SPECIAL EXCEPTION W/ SITE PLAN REVIEW: Sec. 134-893(c) and 134-329:** Special Exception with Site Plan Review for development of an existing nonconforming parcel which is 75 ft in width in lieu of the 100 ft width required.
- **VARIANCE 1: Sec. 134-2179(b)(1):** A variance to provide one (1) garage parking space in lieu of the two (2) garage parking spaces required for new construction of a residence on a lot 75 ft in width or greater.

Site Data			
Zoning District	R-B	Future Land Use	Residential
Lot Size	9,188 SF <i>SPECIAL EXCEPTION</i>	Crown of Road	11.54'
Lot Depth	100'	Lot Width	75'
Lot Coverage	Permitted: 30% Proposed: 25.1%	Enclosed Square Footage	Proposed: 3,484 SF
Cubic Content Ratio (CCR)	Permitted: 4.08 Proposed: 4.07	Angle of Vision	Permitted: 100 Proposed: 100
Building Height	Permitted: 22'-2" Proposed: 19'-6"	Overall Building Height	Permitted: 30' Proposed: 27'-1"
Finished Floor	Proposed: 7.0'	FEMA Flood Zone	X
Maximum Fill	Permitted: 9" Proposed: <9"	Zero Datum	7.0/13.00
Overall Landscape Open Space	Required: 45% Proposed: 46%	Front Yard Open Space	Required: 40% Proposed: 58%
Surrounding Properties / Zoning			
North	133 Seaspray Ave Residence / R-B		
South	135 Seaview Ave Residence / R-B		
East	128 Seaspray Ave Residence / R-B		
West	140 Seaspray Ave Residence / R-B		

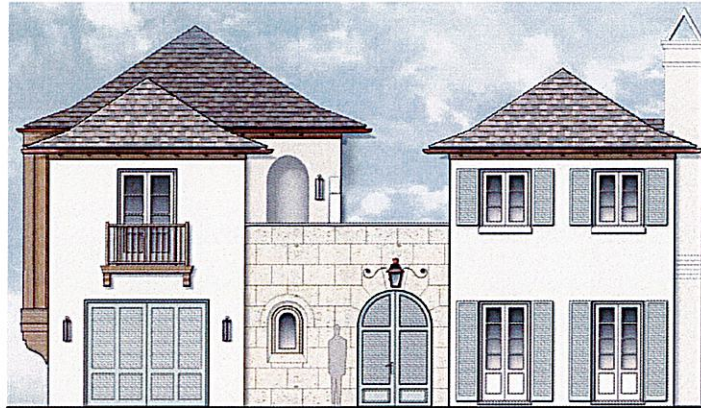
STAFF ANALYSIS

The applicant is proposing the construction of a new two-story residence with hardscape, landscape, and swimming pool on a currently developed parcel that contains a one-story single-family home on the south side of Seaspray Avenue. A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and requires one (1) variance and one (1) special exception to achieve the application as proposed.

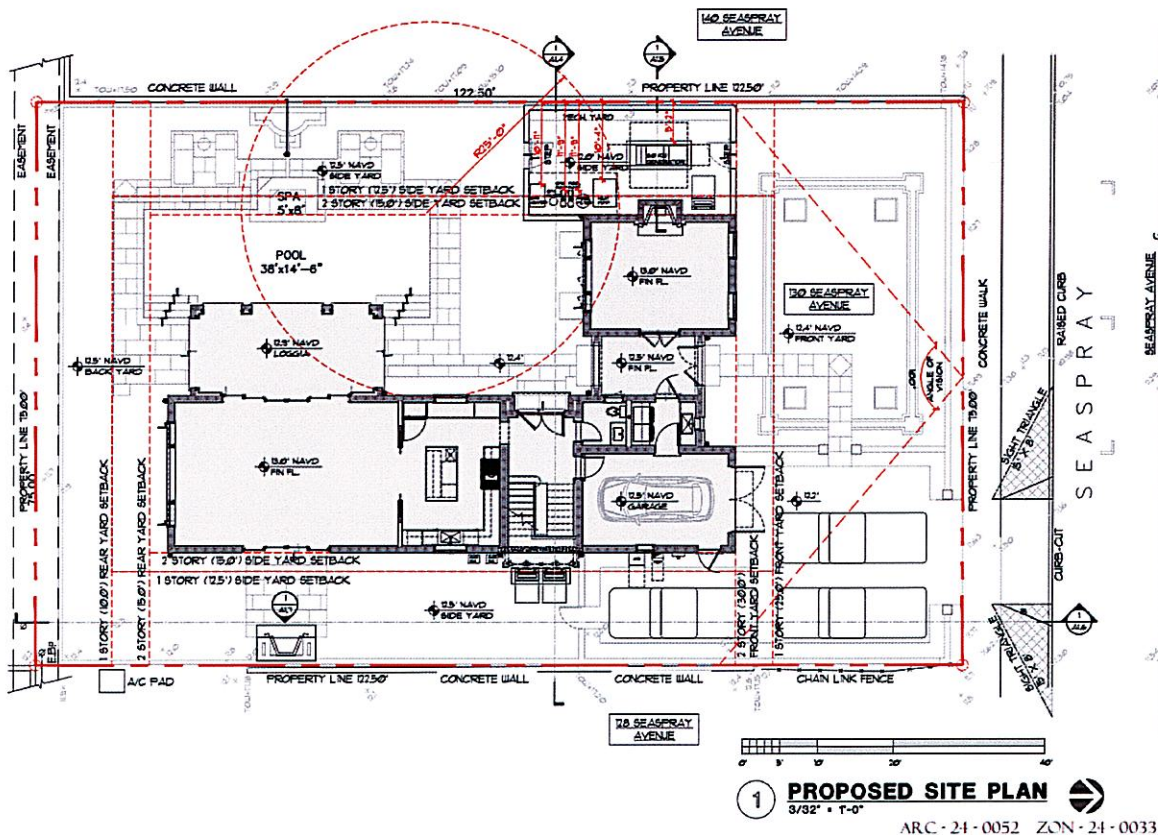
The subject property is located midblock of the Ocean block of Seaspray Avenue. The proposed house is described by the applicant as Anglo Caribbean in style with a cedar shingle roof, exposed rafter eaves, stucco



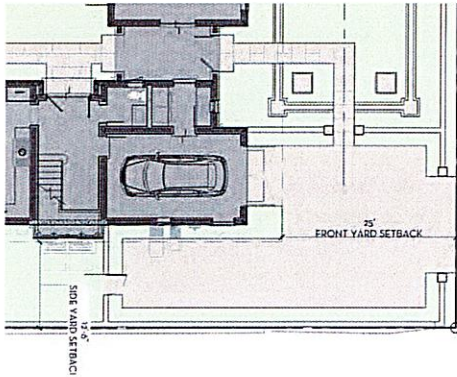
walls, wood casement windows and coral cladding on the entry element. The house features multiple hip roofs and is broken into an east and west double height massing connected with a tall coral clad façade with a flat roof. The house has whimsical elements such as the projecting wooden bay on the west. Seaspray has an eclectic assortment of architectural styles yet none just like this. The wooden multi lite casement windows are flanked by shutters and the front facade is dominated with a louvered single car garage door and a louvered double arched entry door.



NORTH ELEVATION



The design requires one (1) variance as proposed.



Garage and off street parking



Garage door and and shielded off street parking

Code Section	Required	Proposed	Variance
Variance 1: Sec.134-2179(b) (1)	Two (2) enclosed parking spaces	One (1) enclosed parking space	One (1) enclosed parking space

For a parcel of this area and frontage within the R-B Zoning District, a new single-family residence is required to maintain two off-street garage parking spaces. The applicant has elected to utilize a single-car front loaded garage. Staff generally supports variances to eliminate required garage parking when the scale and size of the home may not warrant a two-car garage and ample on site parking is being provided that is shielded from view through landscaping and site walls. Additionally, the applicant is not requesting to building out the lot to maximum capacity.

A cursory review of the immediate area (the 100 block of Seaspray Avenue) indicates that 13 of the 19 surrounding parcels have a one-car garage or less, so this proposed project would be consistent with approximately 68% of the residences.



- ★ = subject property 130 Seaspray Ave
- ✗ = One (1) bay garage or less

As observed from February 2024 Google Streetview

It is worth noting that the zoning code permits a design with a single-car enclosure when the **Lot(s) is under 75 feet** and zero enclosed garage space for **lot(s) 50 feet or less in width**. The subject property is 75'-0" in width and is nonconforming in that aspect of the geometry of the parcel.

SPECIAL EXCEPTION W/ SITE PLAN REVIEW

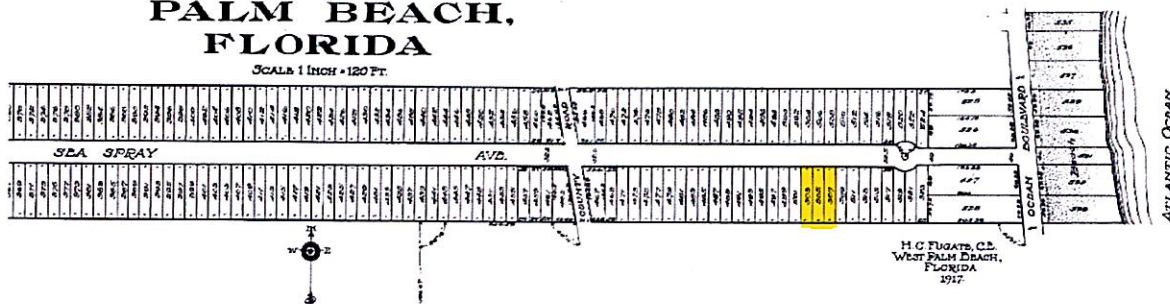
Site Plan Review is required due to the nonconforming lot width. The parcel is deficient in minimum width (75') for the R-B Zoning district (9,187.5 SF), thus requires Site Plan Review and approval by Town Council. The subject property contains its original geometric configuration and dimensions as it was originally platted in 1917 for lots 503, 505 and 507.

POINCIANA PARK

2nd. ADDITION

PALM BEACH, FLORIDA

SCALE 1 INCH = 120 FT.



Staff has no objections to the granting of the Site Plan Review, as the approval would allow the development of site with a new residence on a parcel consistent in size with those others on the street and in the immediate vicinity.

CONCLUSION:

Approval of the project will require two (2) separate motion(s) to be made by the Town Council:

- (1) for final determination of approval or denial of the one (1) special exception by the Town Council, and that the special exception, subject to the all the criteria of 134-229(1-14) have been met and;
- (2) for final determination of approval or denial of the one (1) variance by the Town Council, and that the variance **shall** or **shall not** be granted whereby all the criteria applicable to this application as set forth in [Sec. 134-201\(a\)](#), items 1 through 7 have been met.

WRB: JGM: FHM