



**TOWN OF PALM BEACH**  
Planning, Zoning & Building Department  
360 South County Road  
Palm Beach, FL 33480  
[www.townofpalmbeach.com](http://www.townofpalmbeach.com)

PLANNING, ZONING, & BUILDING DEPARTMENT  
PZ&B Staff Combination Memorandum: Architectural Commission and Town Council

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

SUBJECT: ZON-24-0028 (ARC-24-0032) 272 VIA MARILA

MEETING: DECEMBER 20, 2024, ARCOM  
JANUARY 15, 2025, TC

**ZON-24-0028 (ARC-24-0032) 272 VIA MARILA - COMBO.** The applicant, Melissa Wight, has filed an application requesting Town Council review and approval of (1) variance to reduce the minimum driveway area in front of the proposed vehicular gate for insufficient vehicular stacking. The Architectural Commission (ARCOM) shall perform design review of the application.

**ARC-24-0032 (ZON-24-0028) 272 VIA MARILA - COMBO.** The applicant, Melissa Wight, has filed an application requesting Architectural Commission review and approval for a new vehicular gate which requires one (1) variance to reduce the minimum driveway area in front of the vehicular gate. This is a combination project that shall also be reviewed by the Town Council as it pertains to zoning relief/approval.

Design Professional: Environment Design Group

**HISTORY:**

The existing split-level residence built in 1959 features a large driveway with one vehicular entrance off Via Marila. The lot also has rear frontage on Laurian Lane. The request is to add a vehicular gate.

At the July 24, 2024, ARCOM hearing this item was deferred (7-0) to restudy the driveway location and possible elimination of the gate. At the August 28, 2024, ARCOM hearing this item was once again deferred (5-2) to restudy the gate location and curb cut width. On September 25, 2024, ARCOM denied the request for a gate (4-3). The applicant subsequently appealed this decision to the Town Council. At the November 13, 2024, Town Council hearing, the appeal was granted, and the matter of the vehicular gate was remanded back to ARCOM for further review. Additional details regarding this appeal are provided in the "Staff Analysis" section of this memorandum.

At the December 20, 2024 ARCOM meeting, the Commission approved (6-1) the application for the gate. Additionally, the Commission approved (6-1) that the implementation of the proposed variances would not negatively affect the architecture.

**THE PROJECT:**

The applicant has submitted plans, titled "Private Residence 272 Via Marila Palm Beach" as prepared by Environment Design Group, uploaded on December 4, 2024.

The following scope of work is proposed:

- Installation of a new 13'-0" rolling vehicular gate and associated concrete columns.

### **STAFF ANALYSIS**

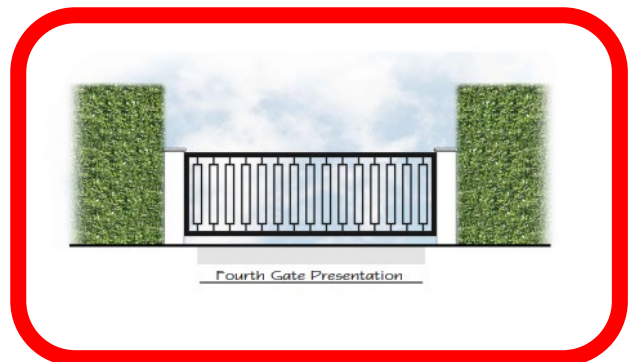
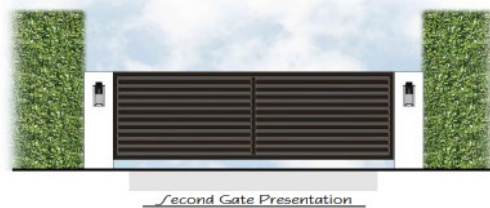
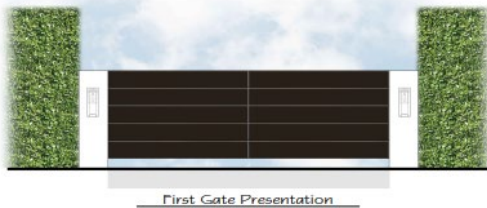
A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and therefore requires a variance as part of this application. The subject site is an interior lot and currently contains one wide vehicular access driveway along its north property line on Via Marila. The subject property is 108' wide. Based on the surrounding area, the introduction of the gate would also be inconsistent with all the residences that face Via Marila as there are no other vehicular gates.

### ***CURRENT CONDITIONS***



The applicant proposes to install one rolling vehicular gate. The remainder of the front property line has a tall, thick clusia hedge installed that will remain.

### ***SUMMARY OF PREVIOUSLY/CURRENTLY PROPOSED GATE***



***ARCOM SELECTED DESIGN***

### ***CURRENTLY PROPOSED VEHICULAR GATE***

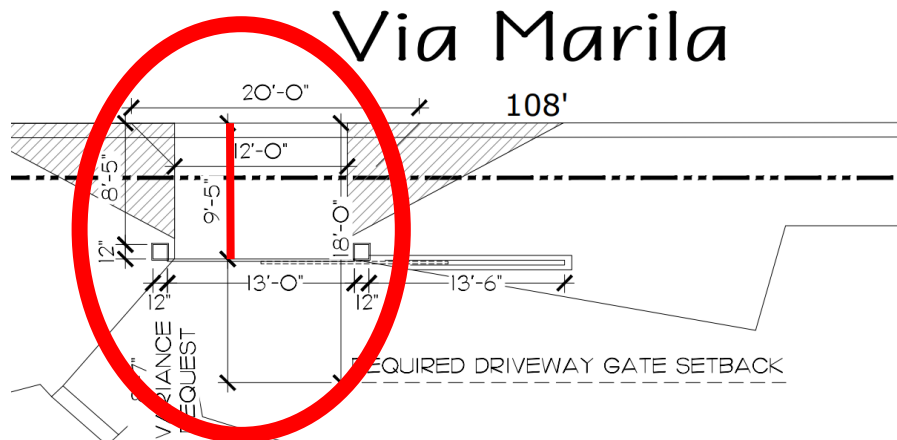
***Gate Width: 13'-0"***  
***Gate Height: 5'-0"***



View to Proposed Gate (Fourth Presentation)

The current proposal still has the decreased the driveway width by 2'-0" (from 14'-0" to 12'-0") and the gate width by 1'-6" (from 14'-6" to 13'-0"). The gate design was revised again after the appeal to a black metal gate with modern picket motif. This design offers greater transparency than the previous proposals and is more in keeping with the style of the house.

The proposed gate requires a variance as the required backup space is not being met, potentially creating an unsafe condition or blockage within the roadway. The applicant has provided 9'-5" of clearance where 18'-0" is needed. It is important to note that Via Marila is a very narrow roadway of only approximately 30'-0" wide.



Code Section	Required	Proposed	Variance
<b>Variance 1:</b> Section 134-1668	18'-0"	9'-5"	8'-7"

Via Marila, located in the north end of the Town, consists of 23 single-family residences, none of which have a vehicular gate and only one has a pedestrian gate.





On October 3, 2024, Alley, Maass, Rogers & Lindsay, R.A. filed an appeal of this decision with the Town of Palm Beach. The notice of appeal asserted that ARCOM's decision was predisposed or biased against gates not based on criteria outlined in Section 18-205 of the Town of Palm Beach Code. The appeal was heard at the November 13, 2024, Town Council meeting, where the appeal was granted (3-2), allowing for the installation of the vehicular gate on the property.

Appeal of the Architectural Review Commission's Decision to Deny  
**ARC-24-0032 (ZON-24-0028), 272 Via Marila**, at their September 25, 2024,  
Meeting.

**ACTION: THE PROJECT SHALL BE REMANDED BACK TO THE ARCHITECTURAL COMMISSION WITH THE TOWN COUNCIL'S REQUEST TO CONSIDER A DEED RESTRICTION FOR A GATE, WHICH WOULD BE REMOVED WHEN THE OWNER SELLS THE HOME. (3-2, JA, BM)**

On December 4, 2024, the applicant resubmitted plans to staff with a revised gate design to be reviewed for architectural design. The variance has not been granted and will also need to be voted upon.

**ZON-24-0028 (ARC-24-0032) 272 VIA MARILA (COMBO) -**

**VARIANCE** The applicant, Melissa Wight, has filed an application requesting Town Council review and approval of (1) variance to reduce the minimum driveway area in front of the proposed vehicular gate for insufficient vehicular stacking. The Architectural Commission (ARCOM) shall perform design review of the application. *[Architectural Review Commission denied this project. Carried 4-3.] [This project is part of the Appeal that will be heard earlier in the agenda.]*

**ACTION: THIS VARIANCE APPLICATION WAS NOT HEARD AS THE TOWN COUNCIL REMANDED THE PROJECT BACK TO THE ARCHITECTURAL COMMISSION UNDER THE HEARING OF THE APPEAL OF THE SAME PROJECT. (NO VOTE)**

**CONCLUSION:**

Approval of the project will require one (1) separate motion(s) to be made by the Town Council:

- (1) for final determination of approval or denial of the (1) variance by the Town Council, and that the variances **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.