



**TOWN OF PALM BEACH**  
Planning, Zoning & Building Department  
360 South County Road  
Palm Beach, FL 33480  
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PLANNING, ZONING, & BUILDING DEPARTMENT  
PZ&B Staff Combination Memorandum: Architectural Commission and Town Council

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

SUBJECT: ZON-24-0068 (ARC-24-0110) 233 OLEANDER AVE (COMBO)

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

**ZON-24-0068 (ARC-24-0110) 233 OLEANDER AVE (COMBO) - VARIANCES.** The applicants, Kimmi & David Smick of CWI233 LLC, have filed an application requesting Town Council review and approval for two (2) variances to (1) revest existing nonconforming landscape open space and (2) to revest existing nonconforming perimeter landscape open space; resulting from the substantial improvement of more than 50% of the site. The Architectural Commission shall perform design review of the application.

**ARC-24-0110 (ZON-24-0068) 233 OLEANDER AVE (COMBO).** The applicants, Kimmi & David Smick of CWI233 LLC, have filed an application requesting Architectural Commission review and approval for a new driveway, terrace, perimeter fence, garden gates and landscape plantings which will require variances for reduction in landscape open space and perimeter landscape open space requirements. Town Council shall review the application as it pertains to zoning relief/approval.

Applicant: Kimmi and David Smick  
Landscape: Bell Design, Inc.

**HISTORY:**

Built in 1955 as a duplex the structure had renovations in the 1970's and 1990's and was converted to a single-family unit in 2011. At the December 20, 2024 ARCOM meeting, the Commission approved (7-0) the application. 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 "SMICK RESIDENCE 233 OLEANDER AVENUE" as prepared by **Bell Design, Inc.**, dated November 4, 2024.

The following scope of work is proposed:

- New driveway, terrace and gates.
- New landscaping.

The following variances are required to complete the project:

- **Variance 1: Sec. 134-948(11)a:** A variance for a landscape open space of 33% in lieu of the 27% existing and 45% minimum required.
- **Variance 2: Sec. 134-948(11)a:** A variance for a perimeter landscaping space of 44% in lieu of the 31% existing and 50% in 10' perimeter of 45% overall minimum required.

Site Data			
<b>Zoning District</b>	R-C	<b>Future Land Use</b>	SINGLE FAMILY
<b>Lot Depth</b>	56'	<b>Lot Width</b>	50'
<b>Finished Floor Elevation</b>	Existing/Proposed: 3.75'	<b>FEMA Flood Zone</b>	AE-6
<b>Lot Coverage</b>	Permitted: 30% Existing/Proposed: 32%	<b>Front Yard Landscape Open Space</b>	Required: 40% 935 SF Proposed: 56% 524 SF
<b>Overall Landscape Open Space</b>	Required: 45% 1,260 SF Existing: 27% 752 SF Proposed: 33% 970 SF <b>Variance requested</b>	<b>Perimeter Landscape Open Space</b>	Required: 50% of 45% 1720 SF Existing: 31% 537 SF Proposed: 44% 751 SF <b>Variance requested</b>
Surrounding Properties / Zoning			
<b>North</b>	226 Seminole Ave   Park / R-C		
<b>South</b>	234 Oleander Ave   Residence / R-C		
<b>East</b>	229 Oleander Ave   Residence / R-C		
<b>West</b>	235 Oleander Ave   Residence / R-C		

### STAFF ANALYSIS

The applicant is proposing to revise the hardscape and landscape on this small interior lot. The site is located on the north side of Oleander Ave that currently consists of a two-story single-family residence that was converted many years ago from a duplex.

The applicant is proposing to improve the landscaping situation on site. However, due to disturbing more than 50% of the landscaped area they must come into compliance with the front yard landscape open space, the perimeter landscape open space and the overall yard landscape open space. They are improving the greenspace in all these categories yet are not meeting the minimums for overall and perimeter landscape open space hence the request for two (2) variances.

### *Existing conditions:*



A) south property line looking north



B) southeast corner looking northwest



C) northeast corner looking south



D) northeast corner looking southwest



E) north property line looking south



F) northwest corner looking southeast



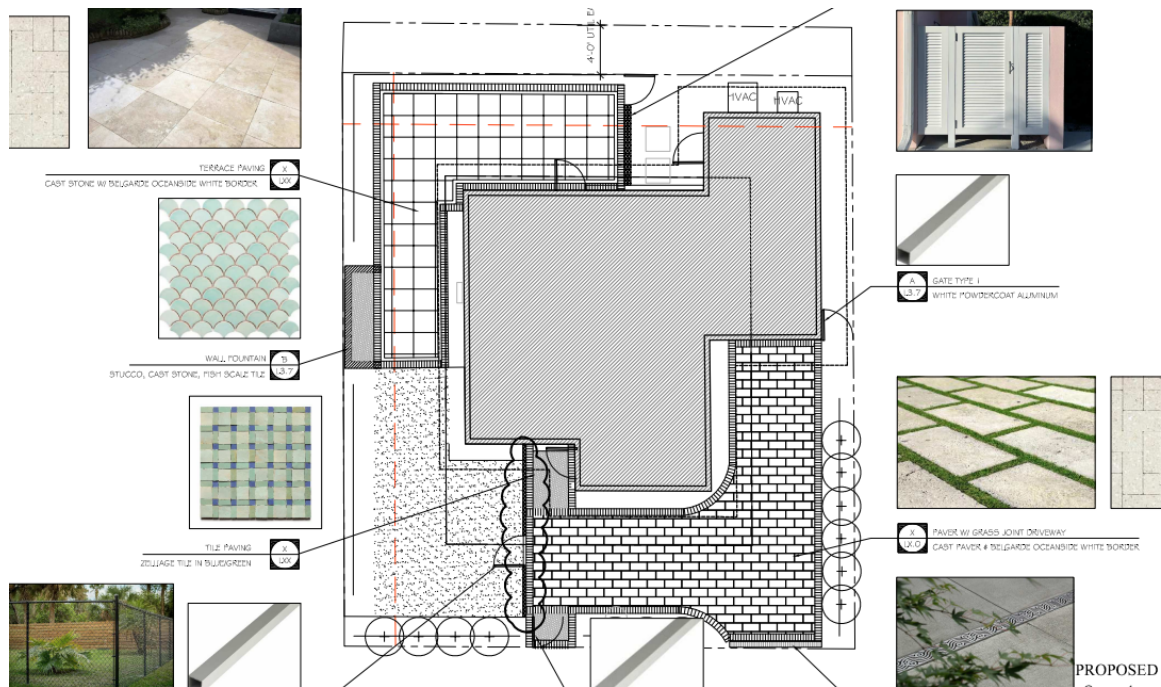
G) west property line looking east



H) southwest corner looking northeast

The proposal includes the removal the existing west driveway and the sodding of that general area that will be enclosed by a black chain link fence screened with pigeon plum. The east driveway

will be repaved with real grass joints and feature a larger, rectangular cast stone pattern. Other proposed plant materials include five (5) pygmy date palms, one (1) oleander, six (6) clusea, six (6) Florida thatch palms in addition to pigeon plum, podocarpus, groundcovers, vines and sod. Hardscape materials presented are cast stone, pavers with grass joints, stucco, zellige tiles, and white powder coated gates.

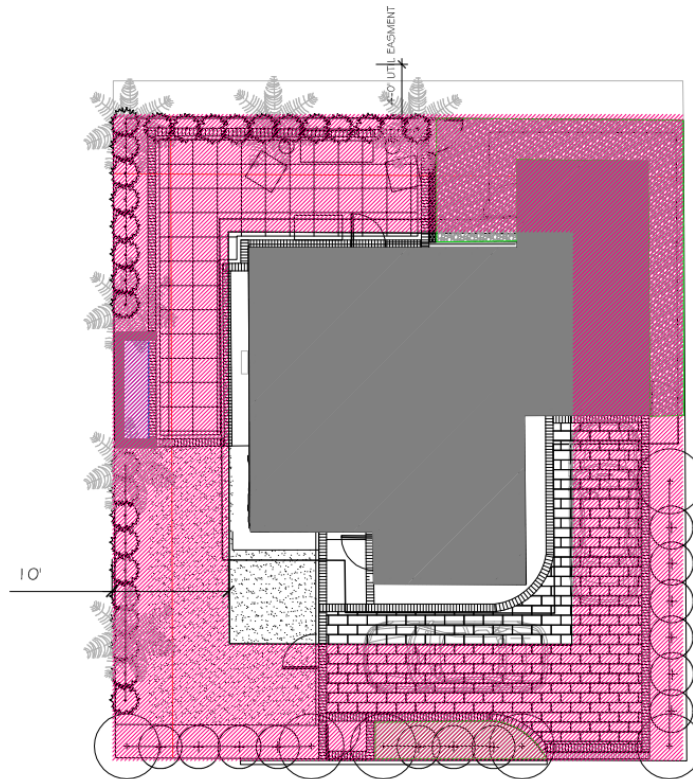


**Variance 1** is to allow a reduction from the overall landscape open space requirement on site. This is a constrained lot with an existing building that is not being modified. The landscape open space is increasing from 752 Sf to 920 SF yet still does not meet the minimum requirement of 1,260 SF, but is a overall increase of 22.3%.

Code Section	Min. Required	Proposed	Variance
Variance 1: Sec. 134-948(11)a	45%	33%	-12%

**Variance 2** is to allow a reduction from the minimum perimeter landscape open space requirement on site. Like variance 1, the lot conditions appear to be driving the variance request.

Code Section	Min. Required	Proposed	Variance
Variance 2: Sec. 134-948(11)a	45% (50% in 10' perimeter) 1,720 SF	751 SF	-969 SF



*Area in pink indicates 10' perimeter*

**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.

WRB: JGM: FHM