



**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 Review

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

SUBJECT: ARC-24-0134 (ZON-24-0076) 369 S LAKE DR PH-A (COMBO)

MEETING: JANUARY 29, 2025 ARCOM  
FEBRUARY 12, 2025 TC

**ARC-24-0134 (ZON-24-0076) 369 LAKE DR PH-A (COMBO)** The applicant, Hunter Trust, has filed an application requesting Architectural Commission review and approval for an approximately +/- 335 SF addition to an existing penthouse unit on an existing 6-story building, requiring a special exception with site plan review and variances for height and setback. Town Council shall review the application as it pertains to zoning relief/approval.

**ZON-24-0076 (ARC-24-0134) 369 LAKE DR PH-A (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES.** The applicant, Hunter Trust, has filed an application requesting Town Council review and approval for Special Exception with Site Plan Review and three (3) Variances for (1) to exceed maximum building height, (2) to expand the nonconforming 6th floor, and (3) to reduce the existing nonconforming front /side street (west) yard setback, in conjunction with the construction of an approximately +/- 335 SF addition to an existing 6th floor penthouse unit in the R-D(2) zoning district. The Architectural Commission shall perform design review of the application.

Applicant: Hunter Trust  
Professional: Bartholemew + Partners,  
Representative: Tim Hanlon, Esq.

**THE PROJECT:**

The applicant has submitted plans, entitled " Renovation for the Kepner Family 369 S LAKE DRIVE PH-A", as prepared by **Bartholemew + Partners**, date uploaded to the Town January 10, 2025.

The following is the scope of work:

- The construction of a new approximately 335 SF addition to the penthouse unit of an existing 6-story multi-family building.

The following Special Exception with Site Plan Review and Variances are required to complete the project:

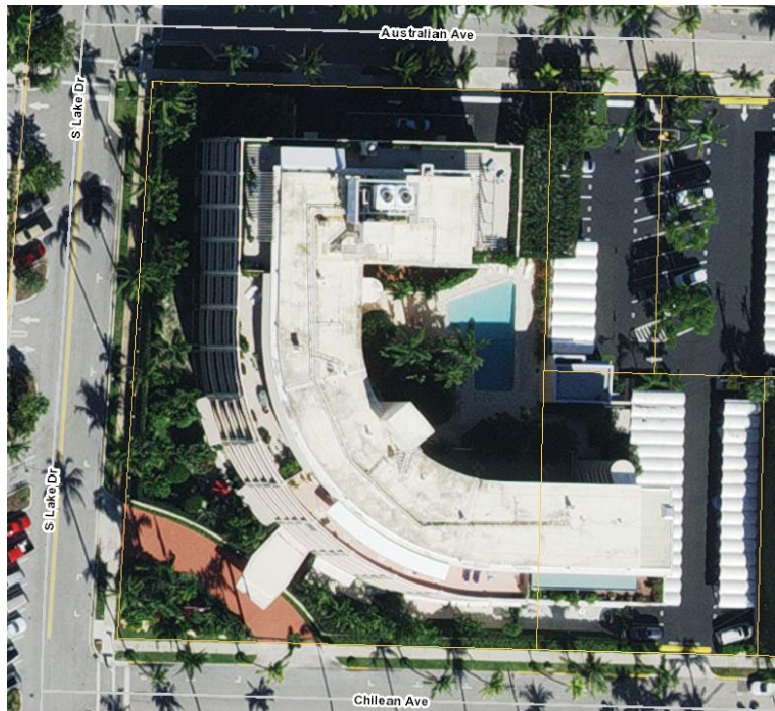
- **SPECIAL EXCEPTION W/ SITE PLAN REVIEW:** Special exception and site plan approval to permit addition of 335 SF addition to the existing sixth floor.
- **VARIANCE 1:** Section 134-1060(8)d. A variance to exceed the maximum building height

- of 35' to permit the construction of an addition at 57'-6" currently existing.
- **VARIANCE 2:** Section 134.1060(8)d. A variance to allow the addition to the existing sixth floor in lieu of the three-story maximum currently permitted.
  - **VARIANCE 3:** Section 134.1060(7)d. A variance to reduce the nonconforming front (west) setback of 38'-10" in lieu of the required 57'-5" for the construction of a 335 SF addition to an existing penthouse unit on the sixth floor.

Site Data			
<b>Zoning District</b>	R-D(2)	<b>Future Land Use</b>	MULTI FAMILY HIGH DENSITY
<b>Existing Structure</b>	6 stories 42 units	<b>Year built</b>	1961
Surrounding Properties / Zoning			
<b>North</b>	Four-story multifamily / R-D(2)		
<b>South</b>	Two-story multifamily / R-D(2)		
<b>East</b>	One-story residence / R-C Two-story residence / R-C		
<b>West</b>	Town of Plam Beach Marina / R-B		

### **HISTORY:**

The nonconforming building has a history of development review approvals associated with the granting of numerous variances dating back to at least 1993, most notably for height variances for associated improvements of canopies, enclosed additions and installations to trellises and pergolas to the penthouse level. A comparable example include Variance #17-97 approved on June 10, 1997 for the enclosure of 520 SF terrace addition on penthouse D including nearly identical variance requests. Most recently, approved a project was reviewed and approved at ARCOM pursuant to file #B-057-2021, approved 06-23-21 and landscape 07-28-21) for the construction of a new generator building in parking area.



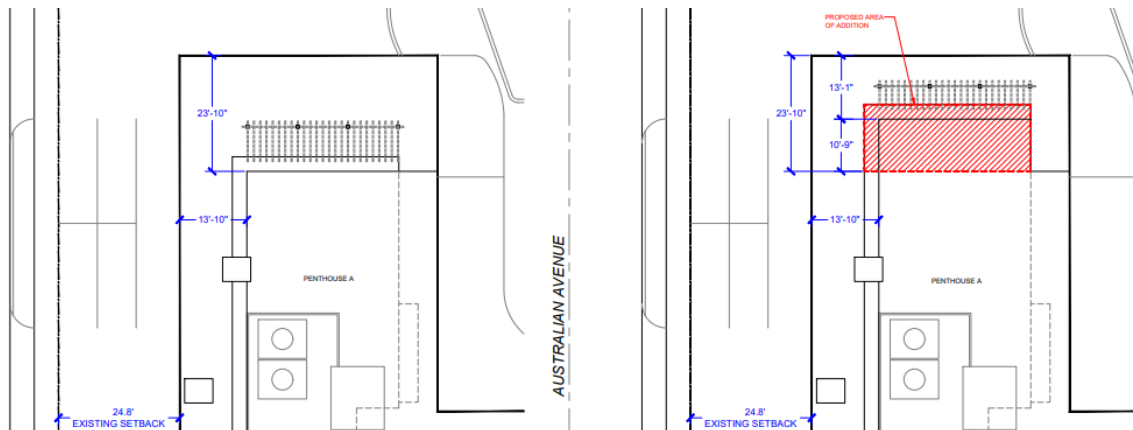
### **STAFF ANALYSIS**

The applicant is proposing to construct an addition containing 335 SF on the penthouse level of an existing six-story building in the R-D(2) zoning district. The sixth floor is existing, and itself

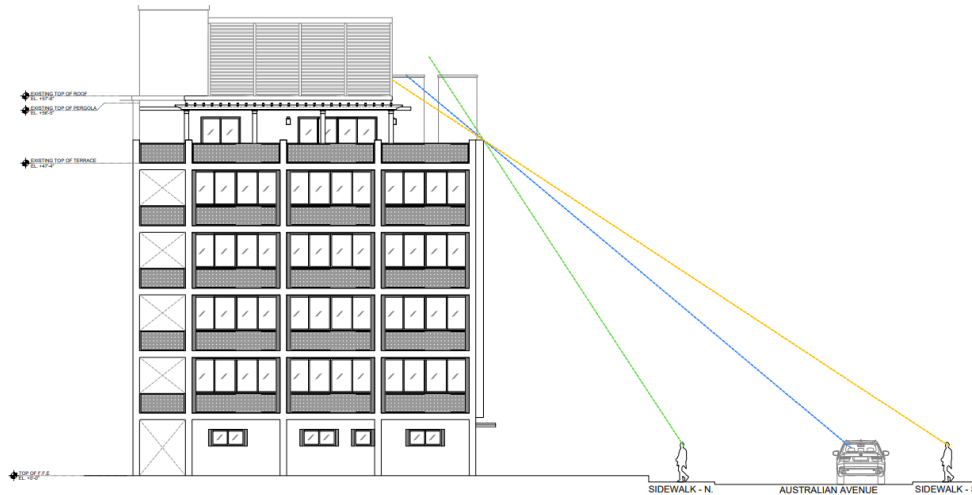
nonconforming, and the addition of the laundry room would not acerbate the use or the intensity on the site. This particular penthouse unit is at the northern end of the building, without any abutting residential units, and seeks to decrease the amount of open terrace space to occupy the new footprint of the addition.



The existing trellis and pergola were approved via the granting of a variance (Variance #31-95) on September 10, 1996 for pergolas and trellises on penthouse A with associated height variances.



The proposed addition will occupy the a private outdoor space that has already been granted for height variances. There is no other adjoining penthouse unit that will be negatively impacted by the addition, as this penthouse unit is the end unit of the rooftop penthouses.



Further as evidenced in the line-of-site diagram, the proposed addition will not visually overwhelm the adjacent right-of-way as the actual existing building is already nonconforming in the stories and height and setbacks.

**CONCLUSION:**

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

- (1) for the overall design of the project in accordance with [Sec. 18-205](#) criteria, subject to any imposed conditions, and
- (2) that the implementation of the proposed variance **will** or **will not** cause negative architectural impacts to the subject property.

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 (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