



To: Planning and Zoning Board
Date: March 2, 2026
Prepared By: Frank M. Davila, CFM.
Item Title: Appeal of Administrative Decision – 390 Jupiter Lane

BACKGROUND:

On December 13, 2024, the Town of Juno Beach Building Department issued a permit for a new 5,866 sq. ft., two-story single-family residence at 390 Jupiter Lane, located within the Residential Single-Family (RS-2) zoning district. The original approved plans included a tower feature measuring 223.94 sq. ft. (see attachment #1).

On June 4, 2025, the applicant submitted a permit revision to modify the rooftop style and materials, proposing a Duradek vinyl membrane for the observation deck and a relocated railing system (see attachment #2). The Town’s Principal Planner reviewed the revision on June 23, 2025, and issued a comment letter stating that the proposed tower appeared to exceed the 225 sq. ft. limit mandated by Section 34-268 of the Town Code.

On February 18, 2026, the applicant responded with updated calculations showing a total tower area of 611 sq. ft., consisting of 150 sq. ft. of air conditioned space and 461 sq. ft. of open-air space (see attachment #3). Staff subsequently denied the revision, as the 611 sq. ft. total exceeds the maximum allowable area of 225 sq. ft. The applicant has since filed an appeal of this administrative decision (see attachment #4).

Note: The Town is currently involved in litigation with 390 Jupiter LLC regarding this matter in the U.S. District Court, Southern District of Florida (Case No. 9:25-cv-81053-EA). The position adopted by 390 Jupiter LLC is reflected in the attached document filed with the Court on February 9, 2026.

DISCUSSION:

The administrative denial is based on the following sections of the Town Code of Ordinances:

- Section 34-268: Establishes site plan review requirements for the RS-2 district, specifically limiting tower areas to a maximum of 225 sq. ft. (see attachment #5).

- Section 34-4: Defines a "Tower" as an open air or enclosed structural feature which is an integral part of the principal structure, and whose floor area, from outside wall to outside wall, is limited in size. Such structural feature is intended to provide additional scenic view opportunities.

The applicant's proposed tower feature includes stairs, a landing, and an open-air viewing area. This area is delineated and enclosed by walls, a guard railing system on raised concrete curbs, and a parapet wall. Based on the applicant's own calculations of 611 sq. ft., staff determined the tower feature fails to comply with the express size limitations set forth in the Code.

For the Board's review, staff highlighted the tower area transparent green for all plans that were submitted, approved and proposed. In addition, staff is also providing the approved roof plan from the initial building permit submittal that indicates the applicants understanding that the flat roof is not to be used as a roof deck or observation deck (Attachment #6).

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Board uphold the administrative decision and recommend to the Zoning Board of Adjustment and Appeals that the proposed tower feature does not comply with Section 34-268 (Maximum Tower Area) of the Town Code of Ordinances.

Attachment:

- 1) **Approved Plans:** Building Permit 24-11373, Sheet A-4.
- 2) **Proposed Revisions (June 4, 2025):** Sheet A-4 (Denied).
- 3) **Applicant Response (February 18, 2026):** Modified Sheet A-4 (Denied).
- 4) **Administrative Appeal Application:** Submitted by 390 Jupiter LLC.
- 5) **Code Reference:** Section 34-268 – Site Plan Review Requirements.
- 6) **Roof Plan:** Building Permit 24-11373, Sheet A-6.
- 7) **2/9/26 Document** filed by 390 Jupiter LLC with the Court.