



Meeting Name: Planning & Zoning Board
Meeting Date: April 7, 2025
Prepared By: Stephen Mayer
Item Title: Appearance Review – 401 Diana Lane

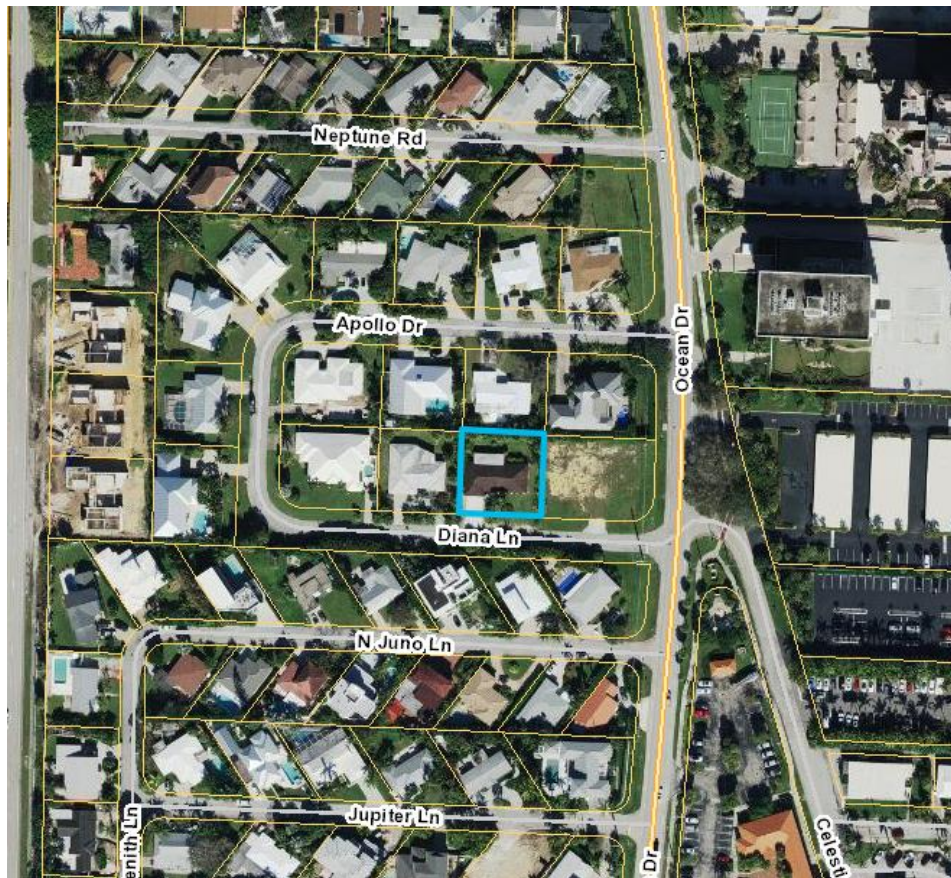
STAFF UPDATE:

At the January 6, 2025, Planning and Zoning meeting, the applicant requested to pull the item to work with staff to reduce the building area, to address the concerns raised by the Planning and Zoning Board regarding the issue of harmony. Staff have met with the applicant several times and expressed that a real reduction in the gross square footage in the amount equal to 10% over the largest existing home (4,485 square feet) in the study area would gain staff recommendation as meeting harmony. That would mean reducing the gross square footage of building to 4,934 square feet. The applicant has decided not to modify the application request or reduce the size of the building.

Because the applicant has not reduced the massing of the building equal to 10% over the largest existing home, staff's recommendation does not change from the January 6, 2025, meeting.

DISCUSSION:

The Town has received an application for Appearance Review from Adam J. Ginsburg ("Applicant") and 401 Diana LLC ("Owner") for the property located at 401 Diana Lane ("Property"). The Property is zoned Residential Single Family (RS-1) with a Future Land Use classification of Low Density Residential (LDR) (up to 5 DU/AC). The existing one-story home was built in 1971 and is approximately +/- 2,613 square feet in size (1,832 square feet under air), with a lot area of .23 acres or +/- 10,000 square feet. The Applicant is seeking to demolish the existing residence and construct a new 5,421 square foot residence (Total Square Footage). The difference between the existing and new structures will be an increase in the total building footprint from 2,613 square feet to 3,063 square feet, thereby increasing lot coverage from 26.1% to 30.6%.



Zoning Requirements

The area of the lot is +/- 10,000 sq. ft., or 0.23 acres, and the proposed lot coverage ratio of the 3,063 sq. ft. footprint would be 30.6%, which complies with the Town's Zoning Code requirement for lot coverage per Section 34-268 (Maximum 35%). The proposed home is a two-story structure and is +/- 28' 6" in height (maximum 30 feet) with a tower element that reaches 33', (a maximum ratio of 1.5 times the height of the eave of the principle structure, or 42' is permitted) These height element dimensions comply with the Town's Zoning Code requirement for height per Section 34-268. The setbacks of the new residence are 25' front, 14' side and 21' rear, which complies with Section 34-268 (25'front/10'side/10' rear). The applicant provides 3 parking spaces (2 parking spaces are required) and 4,400 square feet of landscaping (25% or 2,500 square feet is required), complying with Section 34-268 of the Town's Zoning Code. As it pertains to the preceding elements of the code, the applicant meets those requirements of the Zoning Code.

Tower Element Size

Per Section 34-4, the maximum tower element area is defined as 225 square feet in area and is measured relative to the "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".

The tower element was measured as only 53 square feet on the plans (please see the area calculations on A-1 and the detail of the tower and accessible terrace on A-2.1). However, the tower element is 9.33' by 17.33' in dimension from outside wall to outside wall and would therefore be 162 square feet. The accessible terrace may only be 63 square feet large (225 SF – 162 SF tower element = 63 SF). Therefore, the proposed accessible terrace area (measured at 167 square feet) is 104 square feet too large and must be reduced on the final plans prior to building permit application.

Section 34-116(3) (b) (items 2 through 7) of the Town's Zoning Code requires the Planning and Zoning Board (acting as the Architectural Review Board) to determine whether the proposed addition meets the criteria below. For the Board's review and consideration, staff has provided their professional opinion to the Appearance Review Criteria (staff response is in **bold**).

Appearance Review Criteria

2. Is of a design and proportion which enhances and is in harmony with the area. The concept of harmony shall not imply that buildings must look alike or be of the same style. Harmony can be achieved through the proper consideration of setbacks, scale, mass, bulk, proportion, overall height, orientation, site planning, landscaping, materials, and architectural components including but not limited to porches, roof types, fenestration, entrances, and stylistic expression. For the purpose of this section, the comparison of harmony between buildings shall consider the preponderance of buildings or structures within 300 feet from the proposed site of the same zoning district.

In the backup materials provided, staff notes photos of existing homes in the vicinity (Attachment 1 and the Applicant's narrative (Attachment 2), which demonstrates how applicant has provided a review of the residential structures in the context of the property and the applicant's justification for meeting Section 34-116(3).

Furthermore, using data from the Property Appraiser's Office, staff has created the following table summary for the Board's review (Subject property is shaded orange and on the top of the chart):

Table 1: Comparison of house sizes within 300 feet within the same zoning district

<i>Address</i>	<i>Year Built</i>	<i>Lot Size (Acres/Square Feet)</i>	<i>Tower Element</i>	<i>Lot Size to Total Square Feet ratio</i>	<i>Total Square Feet</i>	<i>Square Feet Under Air</i>	<i>Story</i>
401 Diana Lane	*	0.23 acres/ 10,000 SF	Yes	.54	5,421	5,311	2
411 Diana Lane	1974	0.23 acres/ 10,000 SF	No	.29	2,932	2,022	1
451 Ocean Drive	Vacant						
400 Apollo Drive	1959	0.23 acres/ 10,000 SF	No	.25	2,527	1,823	1
370 Apollo Drive	2003	0.31 acres/ 13,503 SF	Yes	.31	4,180	3,211	2
410 Apollo Drive	1960	0.23 acres/ 10,000 SF	No	.27	2,736	1,829	1

<i>440 Apollo Drive</i>	1973	<i>0.28 acres/ 12,196 SF</i>	No	.25	3,107	2,266	1
<i>470 Apollo Drive</i>	2004	<i>0.28 acres/ 12,196 SF</i>	No	.35	4,143	3,147	1
<i>471 Apollo Drive</i>	2013	<i>0.29 acres/ 12,632 SF</i>	No	.35	4,485	3,765	2
<i>461 Apollo Drive</i>	1961	<i>0.24 acres/ 10,454 SF</i>	No	.25	2,566	1,330	1
<i>451 Apollo Drive</i>	1966	<i>0.33 acres/ 14,375 SF</i>	No	.31	4,515	3,333	2
<i>441 Apollo Drive</i>	1968	<i>0.33 acres/ 14,375 SF</i>	No	.17	2,427	1,464	1
<i>431 Apollo Drive</i>	1965	<i>0.23 acres/ 10,000 SF</i>	No	.27	2,734	1,316	1
<i>411 Apollo Drive</i>	1959	<i>0.23 acres/ 10,000 SF</i>	No	.27	2,735	1,987	1
<i>401 Apollo Drive</i>	1962	<i>0.23 acres/ 10,000 SF</i>	No	.23	2,342	1,546	1
<i>371 Apollo Drive</i>	1963	<i>0.25 acres/ 10,890 SF</i>	No	.22	2,442	1,384	1

***The existing house was built in 1971**

According to the table above, the total square footage of the proposed residence (at 5,421 total square feet and 0.54 FAR) would result in the applicant's residence being incompatible in total square footage (ranging between 2,527 sf and 4,485 sf) and FAR (between 0.17 and 0.35) within the other single-family homes within 300 feet of the property and within the same zoning district (RS-1).

3. Elevator and stairwell shafts and other modern operations and features of a building shall be either completely concealed or shall incorporate the elements of the architectural style of the structure; rooftop equipment and elevator and mechanical penthouse protrusions shall be concealed; and parking garages and other accessory structures shall be designed with architectural features and treatments so that they are well proportioned and balanced and in keeping with the architectural style of the principal structure;

Because there are no proposed elevators or external stairs, this provision is not applicable.

4. Shall have all on-site structures and accessory features (such as, but not limited to, light fixtures, benches, litter containers, including recycling bins, traffic and other signs, letter boxes, and bike racks) compatible in design, materials, and color;

There are no additional accessory structures on this site. Any accessory structures would need to be compatible in design to the principle structure.

5. Shall have a design in which buildings over 40 feet in height shall appear more horizontal or nondirectional in proportion rather than vertical, accomplished by the use of architectural treatments as described in these criteria;

The height of the applicant's addition will comply with these criteria. The height of the proposed two-story single-family home will be 28.5 feet in height to the ridge of the proposed second story roof.

6. Shall locate and design mechanical equipment with architectural treatments so that any noise or other negative impact is minimized.

Air conditioning, a future generator and pool equipment will be adequately screened on the side yard.

Harmony

In consideration of the term "harmony" staff believes that the proposed single-family home is NOT harmonious in all aspects of the definition (please see below). Harmony means a quality which produces an aesthetically pleasing whole as in an arrangement of varied architectural and landscape elements. Harmony can be achieved through the proper consideration of scale, mass, bulk, proportion, height, orientation, site planning landscaping, materials and architectural components including but not limited to porches, roof types, fenestration, entrances, and stylistic expression.

Bulk means the overall size and volume of a building or structure.

Staff's response: The proposed structure on 401 Diana is a total of 5,421 gross sq. ft., which is larger than all of the homes within a 300-foot radius of the property by 936 square feet. The ratio of the total gross area of the building to the lot size is 54%. The proposed footprint is 3,063 sq. ft, and the overall lot coverage ratio is 30.6. The size and volume of the proposed single-family home is not compatible with adjacent structures. Please see table 1 for comparison of bulk with other properties.

Mass means the relationship and sizes between different volumes of a building or structure.

Staff's response: The total gross square footage for the other structures within 300 feet of the property range between 2,342 sq. ft. and 4,485 sq. ft. with the average size being 3,007 sf. ft. The proposed structure is 5,421 total gross sq. Therefore, the mass of the proposed single-family home is not compatible and well above (by 2,414 sq. ft.) the average in the context of the other structures located within the radius of 300 feet of the property and within the same zoning district. The proposed addition is 936 sq. ft larger than the largest house adjacent to the property.

Proportion means the visual effect of relationship of one portion to another or of a portion to the whole. or of one thing to another.

Staff's response: The proportion (ratio) of the elements such as windows, doors, and garages are compatible with the façade (size) of the building.

Scale means the proportions of a building in relation to its surroundings, particularly other buildings in the surrounding context.

Staff's response: The scale of the proposed single-family home (proportion) is not compatible as the visual effect the applicant's proposed structure, specifically the vertical scale, constitutes a change far outside the surroundings in context. Staff notes that only 3 of the 15 (20%) of the homes within 300 feet and in the same district are currently two-story homes. The preponderance of the buildings within 300 feet and within the same zoning district do not have the vertical scale of the proposed home.

In summary, the proposed two-story home will NOT be compatible with the preponderance of buildings or structures within 300 feet from the proposed site of the same zoning district (RS-1).

RECOMMENDATION:

Staff recommends that the Planning and Zoning Board (acting as the Architectural Review Board) review the information that has been provided, and consider approval or denial, or approval with modifications, considering a 5,421 square foot two-story residence.

ATTACHMENTS:

401 Diana Lane Appearance Review Application and Backup Material