



TOWN OF HIGHLAND BEACH

AGENDA MEMORANDUM

MEETING TYPE: Town Commission Meeting

MEETING DATE July 18, 2023

SUBMITTED BY: Leonard G. Rubin, Town Attorney

SUBJECT: Request for Lot Split (Troiano Property – 4611 South Ocean Boulevard)

SUMMARY:

Background:

At its May 16, 2023 meeting, the Town Commission considered a request by Laura Troiano to approve the division of a parcel of property located at 4611 South Ocean Boulevard ("Troiano Parcel" or "Parcel") into two separate lots. As discussed at the meeting, the Troiano Parcel is bifurcated by A1A. The portion east of A1A is improved with a single-family residence and has a zoning designation of Residential Single-Family, and the portion west of A1A is vacant and has a zoning designation of Residential Multiple-Family Low Density. Splitting the Troiano Parcel into two separate lots would violate Section 30-103(d) of the Town Code, which expressly provides that "a division of any parcel shall not be made which creates a lot which does not conform to the requirements of this chapter." If the portion west of A1A became a separate lot, it would be only sixty-eight (68) feet wide. Section 30-64 of the Town Code (Table 30-2) requires a minimum lot width of eighty (80) feet.

Discussion and Recommendation:

The Town Commission directed Staff to attempt to develop language that would address this type of situation. While there are two other parcels in the Town bisected by A1A, the Troiano Parcel is the only parcel where the division of the parcel into two separate lots would be prohibited due to the creation of a non-conforming lot. Consequently, after consultation with Town Staff, this office does not recommend amending the Town Code to address a single parcel of the property within the Town.

At the Commission meeting, Laura Troiano represented that her family wished to construct a single-family home on the portion of the parcel located west of A1A. Given the nature of the request, this office recommends that the Troiano family be encouraged to apply for a variance from Sections 30-103(d) and Section 30-64 of the Town Code. The unique conditions applicable to the Troiano Parcel appear to justify the grant of a variance. Because the variance application will need to address both the non-conformity and lot width provisions, the variance

request should go before the Board of Adjustment and Appeals for a recommendation and the Town Commission for final consideration. Utilizing the variance process would allow the Commission to impose reasonable conditions on the grant of the variance. Such conditions could include limiting the new parcel to the construction of a single-family residence, approving the actual footprint of the proposed residence, and imposing a time-frame in which the residence must be constructed.

Should you have any questions relative to the foregoing, please do not hesitate to contact me.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Letter from Mrs. Troiano dated May 10, 2023
Aerial Maps

RECOMMENDATION:

Commission discussion.