



HIGHLAND BEACH BUILDING DEPARTMENT

3614 S. Ocean Boulevard
Highland Beach, FL 33487
Ph: (561) 278-4540

PLANNING BOARD STAFF REPORT

MEETING OF: **MARCH 13, 2025**

TO: **PLANNING BOARD**

FROM: **INGRID ALLEN, TOWN PLANNER**

SUBJECT: **APPLICATION BY LAWRENCE FRANKEL, FRANKEL HOMES, REQUESTING AN AMENDMENT TO A PREVIOUSLY APPROVED MAJOR MODIFICATION TO AN EXISTING BUILDING (DO# 24-0002) IN ORDER TO ADD A 21 SQUARE FOOT BALCONY TO THE WEST SIDE OF THE RESIDENCE, AND A LANDSCAPING PLAN FOR THE PROPERTY LOCATED AT 3515 SOUTH OCEAN BOULEVARD. (DO#PZ-24-14).**

GENERAL INFORMATION:

Applicant (Property Owner): Alan B. & Patti M. Masarek
3515 South Ocean Boulevard
Highland Beach, FL 33487

Applicant's Agent: Lawrence Frankel
Frankel Homes
1030 Wallace Drive, Suite A
Delray Beach, FL 33444

Property Characteristics:

Comprehensive Plan Land Use: Multi Family Low Family
Zoning District: Residential Multiple Family Low Density (RML)
Parcel PCN#: 24-43-46-33-00-004-0140
Site Location: 3515 South Ocean Boulevard

Property Background

According to the Palm Beach County Property Appraiser, the existing home was built in 1996.

On April 11, 2024, the Planning Board approved a major modification to an existing building (DO#24-0002) to include an additional 347 square feet under AC, changes to the exterior façade and roof line (motion carried 4-0).

On November 9, 1994, the Planning Board granted final approval for the construction of a new single family residence (motion carried 7-0).

On October 18, 1994, the Board of Adjustment granted three (3) variances (No. 09-94-53) specific to lot width, side and front setbacks (motion carried 5-0).

Request and Analysis:

The Applicant is proposing an amendment to a previously approved major modification to an existing single family residence (DO# 24-0002) in order to add a 21 square foot balcony to the west side of the residence, and a landscaping plan for the property located at 3515 South Ocean Boulevard. Pursuant to Section 30-39 of the Town Code, major modifications to existing buildings are described as follows:

“...that alter existing principal or accessory structures, including but not limited to the building footprint, number of square feet, building height, number of dwelling units, parking requirements, change in exterior facade, change of use, change of roof line, change of elevation, all exterior walls, balconies, foundations, accessory structures, and similar substantial improvements as determined by the building official.

The previously approved major modification (DO# 24-0002) consisted of the following:

- Additional square footage under AC totaling 347 square feet.
- A new covered entry.
- Exterior façade changes including but not limited to alterations to windows, doors, balconies, railings, and columns.
- Alteration of the roof line.

Prior to submitting the initial major modification application (DO#24-0002), the Applicant discussed with staff the addition of a 21 square foot balcony to the west side of the residence; however, Section 30-64 of the Town Code requires a 40 foot minimum front setback (along State Road A1A) in the RML zoning district. According to the Applicant’s site plan, the current front setback of the existing home is 36 feet 2 inches and was therefore considered a nonconforming structure (*It is worth noting that nonconforming structures are not uncommon in the Town*). Pursuant to Section 30-105(a)(1) of the Town Code, a “...nonconforming structure shall not be enlarged or altered in a way which increases or extends its nonconformity...” Given the proposed balcony would extend the nonconformity, it was not included in the initial major modification request. The Applicant was advised of the variance process which would allow, if granted, a reduction in the front setback to accommodate the balcony. In anticipation of the Applicant’s

variance request and upon review of Town records, staff unexpectedly came across the following three (3) variances that were approved for the property by the Board of Adjustment on October 18, 1994.

Width of lot: from 80 feet to 60 feet.

Side yard setback: from 20 feet to 10 feet

Front yard setback: from 40 feet to 25 feet

Given the front yard setback was approved to 25 feet, the proposed balcony would now be in compliance with the front yard setback and the extension of a nonconforming structure is no longer applicable. Pursuant to Section 30-40(h) of the Town Code, a variance, when implemented in accordance with the approval granted by the Board of Adjustment and Appeals or the Town Commission, shall run with the land in perpetuity.

As part of the initial major modification request (DO# 24-0002), the Applicant indicated that all existing landscaping on the property and in Florida Department of Transportation's (FDOT) right-of-way located adjacent to the property would remain. The Applicant is now proposing new landscaping on the property and on FDOT's right-of-way. The Applicant advised staff that they have submitted their proposed landscape plan to FDOT for approval. As of the writing of this report, FDOT's approval is pending. The Town Manager, Marshall Labadie, has authorized staff to bring forward to the Planning Board the proposed request with the condition that the Applicant receive approval from FDOT for the proposed landscaping in the right-of-way and that upon such approval, the Applicant will be required to go before the Town Commission for approval of an amendment to FDOT's Landscape Inclusive Memorandum of Agreement.

The proposed request will occur west of the Coastal Construction Control Line, and therefore a Florida Department of Environmental Protection (FDEP) permit for such request is not required

According to Section 30-39(b) of the Town Code, major building modifications are to be reviewed in the same manner as an original structure or use as required by Chapter 30 (Zoning Code). Section 30-31 of the Town Code requires site plan approval from the Planning Board for new single-family residences. Pursuant to Section 30-22 of the Town Code, when acting in a decision-making capacity, the Planning Board shall approve, approve with conditions, or deny applications for development approval which includes major modifications.

If the request is approved by the Planning Board then prior to initiation of construction, the Applicant will be required to obtain a building permit from the Town of Highland Beach Building Department. Pursuant to Section 30-21(g) of the Town Code, commencement of construction of the approved major modification shall be initiated within two (2) years following the date of approval by the Planning Board.

Staff reviewed the Applicant's proposed request including plans date stamped received by the Building Department on February 19, 2025 and finds that the project is consistent with the Code of Ordinances. If the Planning Board should grant approval of the request, staff recommends the following conditions of approval:

1. FDOT approval of proposed landscaping in right-of-way.
2. Town Commission approval of an amendment to FDOT's Landscape Inclusive Memorandum of Agreement.

Should you have any questions, please feel free to contact me at (561) 637-2012 or iallen@highlandbeach.us

**Ingrid Allen
Town Planner**

**Attachments: Application
Aerials
Board of Adjustment meeting minutes – October 18, 1994
Applicant proposed Plans (11X17)**