

TOWN OF HIGHLAND BEACH
BOARD OF ADJUSTMENT
PUBLIC HEARING - MINUTES

Tuesday, October 18, 1994

9:37 A.M.

Chairman Harold B. Cohen called the Public Hearing to order in Commission Chambers at 9:37 A.M., immediately following the Quarterly Meeting.

The Chairman, Secretary Jane Rayner and Members Benjamin Cohen, Richard C. Seguso and Neil W. Burd were present, as were Building Official Lee Leffingwell, Town Attorney Thomas E. Sliney and members of the general public. Vice Chairman Robert F. Selby and Member Daniel J. Loventhal were absent.

Chairman Cohen advised the purpose of the Public Hearing was to hear testimony and receive public comments on the following Petition, after which the Board would issue its decision.

→ **No. 09-94-53. Request Submitted by Robert Eisen, Esq.
re 3515 S. Ocean Blvd., Lot 83E. Seeking Relief from
Town Code of Ordinances Chapter 30 [Zoning], Section
4.3(e) 3, 4 & 5 [Residential Multiple Family-Low Density
RML; Lot, Yard and Bulk Regulations.**

He also noted for the record that a Workshop on said Petition had been held October 3, at which time the Members, Building Official and Town Attorney had physically inspected the property.

Before testimony began, the Deputy Town Clerk verified that the required notice of this Hearing had been duly published, and that the Petitioner had submitted proof that all property owners within 300' of the property for which variances were sought had been notified of the Hearing by Certified Mail/Return Receipt Requested.

Having been sworn in, Building Official Leffingwell was asked to recap the Town's position on requiring this proposed project to come before the Board. She explained that current code did not allow what the contract purchaser had planned for the property in terms of front and side setbacks; she also noted that current Code set lot width for a single family residence at 80' and the existing lot was 60'.

Also being sworn in, Robert Eisen, Esq. next addressed the members, advising he represented both the owner of the property (Boss) and the contract purchaser (Lahage). He reiterated that hardship in this case would be that current Code would not allow Mr. Lahage efficient use of the site to build an anticipated two-story residence of approximately 3700 sq.ft.

Mr. Eisen continued his presentation, using a color coded sketch to indicate areas of petition, which were as follows:

WIDTH OF LOT: FROM 80' TO EXISTING 60'

SIDEYARD SETBACK: FROM 20' TO 10'

FRONTYARD SETBACK: FROM 40' TO 25'

During further review of plans, it was noted that, as promised, Mr. Eisen had supplied the members with a site plan and elevation information. It was also noted that at this time, plans for the proposed residence were just conceptual and still evolving; however, any changes in the future would be within the parameters of the variances, if granted.

Chairman Cohen then called for Public Comments; there were none. However, he did read into the record correspondence received regarding the project from property owners within 300', which are attached to and made part of these Minutes.

In conclusion, and after conferring with Mr. Sliney, **MOTION** was made by **MR. BURD/MR. MR. SEGUSO** as follows:

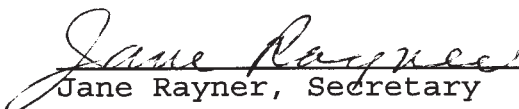
THE BOARD OF ADJUSTMENT FINDS THAT ALL CRITERIA AS SET FORTH IN SECTION 11 (a) OF CHAPTER 30 [ZONING] HAVE BEEN MET AS REGARDS GRANTING OF VARIANCE; THEREFORE, THE THREE (3) VARIANCES REQUESTED IN PETITION NO. 09-94-53 [LOT WIDTH, SIDE AND FRONT SETBACKS] ARE HEREBY GRANTED.

Roll call met with unanimous favorable vote.

There being no further business to come before the Board, the Public Hearing was adjourned upon **MOTION** by **MR. BURD/MR. BENJAMIN COHEN** at 10:00 A.M.

dmt


Harold B. Cohen, Chairman


Jane Rayner, Secretary


Benjamin Cohen