



## HIGHLAND BEACH BUILDING DEPARTMENT

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

## PLANNING BOARD STAFF REPORT

**MEETING OF:** August 10, 2023

**TO:** PLANNING BOARD

**FROM:** INGRID ALLEN, TOWN PLANNER

**SUBJECT:** APPLICATION BY MARK ROTHENBERG, ELLEMAR ENTERPRISES LLC, FOR A MAJOR MODIFICATION TO AN EXISTING BUILDING, AS PROVIDED IN SECTION 30-39 OF THE TOWN CODE OF ORDINANCES, INCLUDING BUT NOT LIMITED TO CHANGES TO THE EXTERIOR FAÇADE AND BALCONIES FOR THE PROPERTY LOCATED AT 3425 SOUTH OCEAN BOULEVARD (DO#23-0003).

### I. GENERAL INFORMATION:

**Applicant (Property Owner):** Le Sanctuaire Condominium Association, Inc.  
3425 South Ocean Boulevard  
Highland Beach, FL 33487

**Applicant's Agent:** Mark Rothenberg  
Ellemar Enterprises LLC  
6810 North State Road 7  
Coconut Creek, FL 33073

**Property Characteristics:**

**Comprehensive Plan Land Use:** Multi Family Medium Density

**Zoning District:** Residential Multiple Family Medium Density (RMM)

**Parcel PCN#:** 24-43-46-33-41-000-0010, 24-43-46-33-41-000-0020,  
24-43-46-33-41-000-0030, 24-43-46-33-41-000-0040.

**Site Location:** 3425 South Ocean Boulevard

### **Property Background:**

On April 7, 1992, the Board of Adjustment held a Workshop Meeting whereby the Board considered a request for relief from side setbacks from 20 feet to 16 feet 6 inches, and height requirements from 40 feet to 50 feet 10 inches for a proposed four (4) unit condominium at 3425 South Ocean Boulevard. The Chairman of the Board announced the Public Meeting for the item to be held on April 21, 1992.

On April 21, 1992, the Board of Adjustment approved a variance allowing side setbacks for the parking garage to be reduced from 20 feet to 16 feet 6 inches and denying a variance request to increase the building height from 40 feet to 50 feet 10 inches (motion carried 7-0).

On June 10, 1992, the Planning Board considered a preliminary review for a four (4)-unit condominium at 3425 South Ocean Boulevard. The Planning Board gave final approval (motion carried 5-0).

On June 30, 1992, the Town Commission held a Workshop Meeting whereby the Commission reviewed “the proposal” for the property located at 3425 South Ocean Boulevard. The Town Commission moved the matter to the July 7, 1992 Town Commission Regular Meeting consent agenda for consideration.

On July 7, 1992, the Town Commission approved a proposal for 3425 South Ocean Boulevard (motion carried 5-0).

### **Request and Analysis:**

The Applicant is proposing a major modification to an existing four (4) unit condominium (Le Sanctuaire) located at 3425 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 proposed major modification consists of the following:

- Replacement of existing balcony railings with glass.
- Exterior façade changes that include modification to architectural style consisting of the addition of pilasters to the front of the building, decorative fins to the front and side of the building, as well as the addition of wall/eyebrow architectural features.
- Replace existing Spanish roof tiles with a metal roof.

The Applicant is also proposing new landscaping on the property (there are no proposed changes to the landscaping in FDOT’s right-of-way along State Road A1A), changes to the configuration of the existing pool, changes to windows and doors, the addition of a waterfall feature at the front

of the building as well as additional hardscape changes including the replacement of pavers along the driveway, pool and north terrace all of which are attained via the building permit process. It is worth noting that while part of the existing structure as well as some of the proposed major modifications are located east of the Coastal Construction Control Line (CCCL), the Florida Department of Environmental Protection (FDEP) has determined that such proposed changes are exempt activities and therefore do not require a FDEP permit.

According to Section 30-39(b) and Section 30-31 of the Town Code, major modifications are to be approved in the same manner as the original structure/application. As noted above, the Town Commission approved a proposal for the property on July 7, 1992, and therefore the proposed major modification requires the approval of the Town Commission. Pursuant to Section 30-22 of the Town Code, when acting in an advisory capacity, the Planning Board shall recommend approval, approval with conditions, or denial of an application for development approval (Note that the Town Commission is scheduled to consider the request on September 5, 2023).

Following an approval by the Town Commission and 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 Town Commission.

Staff has reviewed the Applicant's proposed request including plans date stamped received by the Building Department on July 25, 2023 and finds that the project is consistent with the Code of Ordinances.

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

**Ingrid Allen  
Town Planner**

**Attachments: Application**

**Aerials**

**FDEP correspondence (dated February 1, 2023)**

**Town Commission Workshop Meeting minutes (June 30, 1992).**

**Town Commission Regular Meeting minutes (July 7, 1992).**

**Applicant proposed Plans (11X17)**