

DRAFT



TOWN OF HIGHLAND BEACH TOWN BOARD OF ADJUSTMENT & APPEALS REGULAR MEETING MINUTES

Town Hall Commission Chambers
3614 South Ocean Boulevard
Highland Beach, Florida 33487

Date: November 12, 2024
Time: 10:00 AM

1. CALL TO ORDER

Chairperson Rosen called the meeting to order at 10:00 A.M.

2. ROLL CALL

Board Member Joel Leinson
Board Member Todd Weiss
Board Member Jeffrey Gordon
Chairperson Fred Rosen
Town Attorney Leonard Rubin
Secretary Harris Rosen (arrived late 10:01 A.M.)
Deputy Town Clerk Jaclyn DeHart

ABSENT

Board Member Michael Thorson

ADDITIONAL STAFF

Town Planner Ingrid Allen

3. PLEDGE OF ALLEGIANCE

The Board led the Pledge of Allegiance to the United States of America.

4. APPROVAL OF THE AGENDA

MOTION: Chairperson Rosen/Member Weiss - Moved to approve the agenda as presented, which passed unanimously 4 - 0.

5. SWEARING IN OF THE PUBLIC

Deputy Town Clerk DeHart swore in those giving testimony.

6. APPROVAL OF MINUTES

A. July 29, 2024

MOTION: Chairperson Rosen/Member Leinson - Moved to approve the July 29, 2024 Minute as presented which passed unanimously 5 - 0.

7. UNFINISHED BUSINESS

None.

8. NEW BUSINESS

A. Variance Application No. PZ-24-11/Stephen and Maria Garchik

Consideration of Application No. PZ-24-11 by Michael Marshall, Esq., for a variance to allow reduction of the rear setback, as provided in Section 30-64 of the Town code of ordinances, from the required 20 feet to 4 feet in order to accommodate an open-walled roofed accessory structure for the property located at 2474 South Ocean Boulevard.

Chairperson Rosen introduced Application No. PZ-24-11 / Maria and Stephen Garchick. He asked the Board Members if they had any ex parte communications to disclose. The Members had no ex parte communications.

Chairperson Rosen opened the public hearing.

Town Planner Ingrid Allen presented the application. She provided property history from 2023-2024, noting that the board had previously considered an appeal by the applicant on July 29, 2024. She also included background information from 1997-1998.

Ms. Allen displayed aerial images of the subject property at 2474 South Ocean Boulevard, highlighting the accessory structure in question, which is located 4 feet from the property line according to the survey. She explained that this was an after-the-fact variance request, as the structure had been built without a permit. The structure was initially called a pergola in the permit application and code case.

Ms. Allen reviewed the definition of an accessory structure according to town code and explained that the purpose of a variance is to grant a reduction in dimensional requirements of the zoning code, including building setbacks. She outlined the variance criteria from section 30-40(a) of the code and noted that the applicant had provided responses to these criteria on page 14 of the packet.

Ms. Allen clarified that contrary to the applicant's statement, gazebos are allowed in rear yards under the zoning code, but they must comply with the rear building setback. She also noted that per code section 30-40(k), evidence of nonconforming use of neighboring properties is not grounds for authorization of a variance. She explained that if the board approved the variance, the applicant would have to obtain an after-the-fact permit with the building department.

Deputy Town Clerk DeHart swore in Code Compliance Adam Osowsky, and he gave comments on the property.

Also, Frank Bashoda, the Garchiks' property manager was sworn in and provided comments about the application.

Attorney Michael Marshall from Nelson Mullins, applicants legal counsel provided comments about the application.

There being no further comments or questions, Chairperson Rosen closed the public hearing. He called for a motion.

MOTION: Chairperson Rosen/Secretary Rosen – Moved to approve Application PZ-24-11, which passed unanimously 5 to 0.

9. ANNOUNCEMENTS

Chairperson Rosen announced the following upcoming meetings:

November 12, 2024	6:00 PM	Beachfront Property Evaluation Presentation at the Town Library
November 19, 2024	1:30 PM	Town Commission Meeting
December 03, 2024	1:30 PM	Town Commission Meeting
December 12, 2024	9:30 AM	Planning Board Regular Meeting

10. ADJOURNMENT

The meeting was adjourned at 10: 18 A.M.

APPROVED on October 23, 2025, Board of Adjustment & Appeals Regular Meeting.

Signed Minutes on file in the
Town Clerk's Office

Michael Thorson, Vice Chairperson

ATTEST:

Transcribed by:
Town Clerk's Office

Jaclyn DeHart
Deputy Town Clerk

10/09/2025
Date

Disclaimer: Effective May 19, 2020, per Resolution No. 20-008, all meeting minutes are transcribed as a brief summary reflecting the event of this meeting. Verbatim audio/video recordings are permanent records and are available on the Town's Media Archives & Minutes webpage: <https://highlandbeach-fl.municodemeetings.com/>.