



HIGHLAND BEACH BUILDING DEPARTMENT

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

Board of Adjustment and Appeals STAFF REPORT

MEETING OF: **October 23, 2025**

TO: **BOARD OF ADJUSTMENT AND APPEALS (BOAA)**

FROM: **INGRID ALLEN, TOWN PLANNER**

SUBJECT: **APPLICATION BY JASON R. BORDEN, P.E., O&S ENGINEERS & ARCHITECTS, FOR A VARIANCE TO ALLOW A REDUCTION IN THE FRONT YARD SETBACK FROM 40 FEET TO EIGHT (8) FEET SEVEN (7) INCHES, AND TO REDUCE THE SIDE YARD (SOUTH) SETBACK FROM 12 FEET TO SEVEN (7) FEET IN ORDER TO CONSTRUCT A FIRE PUMP STRUCTURE FOR THE PROPERTY LOCATED AT 3224 SOUTH OCEAN BOULEVARD. (PZ-25-31)**

I. GENERAL INFORMATION:

Applicant (Property Owner): Seagate of Highland Beach Condominiums, Inc.
3224 South Ocean Boulevard
Highland Beach, FL 33487

Applicant's Agent: Jason R. Borden, P.E.
6030 Hollywood Boulevard, Suite 230
Hollywood, FL 33024

Property Characteristics:

Comprehensive Plan Land Use: Multi Family High Density

Zoning District: Residential Multiple Family High Density (RMH)

Property Location: 3224 South Ocean Boulevard

Adjacent Properties:

PARCEL	ZONING DISTRICT	FUTURE LAND USE DESIGNATION
North	Residential Multiple Family High Density (RMH)	Multi Family High Density
South	Residential Multiple Family Medium Density (RMM)	Multi Family Medium Density
East	Residential Multiple Family High Density (RMH)	Multi Family High Density
West	NA (Intracoastal Waterway)	NA (Intracoastal Waterway)

Property History:

According to the Palm Beach County Property Appraiser, the Seagate Condominium was built in 1970.

Request and Analysis:

The Applicant's request is for variance to allow a reduction in the front yard setback from 40 feet to eight (8) feet seven (7) inches, and to reduce the side yard (south) setback from 12 feet to seven (7) feet in order to construct a fire pump structure for the property located at 3224 South Ocean Boulevard. The proposed fire pump structure measures 472 square feet with a height of 10 feet. According to the Applicant, the structure will house two (2) new fire pumps which will service the four (4) residential buildings of the community as well as the fire hose connections at the seawall and dock area. According to the property survey, there is currently a bulk storage area in the vicinity of where the fire pump station is proposed. The Applicant has indicated that the bulk storage area will not be relocated, and that the community will do without a bulk storage area.

Section 30-131 of the Town Code defines accessory structure as follows:

Structure, accessory means a detached building or other improvement which is clearly incidental to the principal structure, and is subordinate in area, extent, size, or purpose and serves only the principal structure.

Pursuant to Section 30-40(a) of the Town Code, the purpose of a variance is to grant a reduction in the dimensional requirements of the Zoning Code (Chapter 30), including, but not limited to, lot width, lot depth, lot size, size or percentage of open space, building coverage, building height, **building setbacks**, or required number of parking spaces. Section 30-40(b)(1) of the Town Code, states that the Board of Adjustment and Appeals (BOAA) shall consider all variance requests for existing multi-family units. As a basis for consideration of an application for variance approval, the BOAA must determine that an application is consistent with the criteria listed below:

(1) Special conditions. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

- (2) Hardship. The special conditions and circumstances truly represent a hardship and are not created by any actions of the applicant.
- (3) Literal interpretation. Literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.
- (4) Special privileges. The grant of a variance will not confer upon the applicant any special privilege denied to any other owner of land, buildings, or structures located in the same zoning district.
- (5) Minimum variance. The variance granted is the minimum variance that will make possible the use of the land, building, or structure.
- (6) Purpose and intent. The grant of the variance will be in harmony with the general intent and purpose of this chapter.
- (7) Financial hardship. Financial hardship is not to be considered as sufficient evidence of a hardship in granting a variance.
- (8) Public welfare. The grant of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The Applicant has provided responses to each criteria listed above in their Variance Application (see attached). According to the Applicant, the current fire pump rooms located in each of the four (4) residential buildings are insufficient to meet the current National Fire Protection Agency code requirements. These requirements include an increased flow rate which requires larger fire pumps and clearances for repair and maintenance. The Town's Assistant Fire Chief/Fire Marshal, Matt Welhaf, has provided a letter of support (see attached).

Pursuant to Section 30-40(g) of the Town Code, the vote of at least four (4) members of the BOAA is necessary to grant a variance.

If the BOAA approves the variance request including Conceptual Plans date stamped received by the Building Department on October 1, 2025, the Applicant will be required to go before the Planning Board and the Town Commission for consideration of a Major Modification request. According to Section 30-31 of the Town Code, the Planning Board provides an advisory review/recommendation on the Major Modification request to the Town Commission. The Town Commission is the decision-making authority for Major Modifications that apply to a multifamily residence.

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

Attachments: Application

Aerials

Photos of existing bulk storage area

Letter from Matt Welhaf, Town Assistant Fire Chief

Conceptual plans (11X17)