



## HIGHLAND BEACH BUILDING DEPARTMENT

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

## PLANNING BOARD STAFF REPORT

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**MEETING OF:** May 9, 2024

**TO:** PLANNING BOARD

**FROM:** INGRID ALLEN, TOWN PLANNER

**SUBJECT:** APPLICATION BY RICHARD BRUMMER, OPUS HOMES D&E LLC, FOR A MAJOR MODIFICATION REQUEST TO ALLOW FOR THE CONSTRUCTION OF A NEW TWO-STORY PAVILION FOR THE PROPERTY LOCATED AT 1096 BEL LIDO DRIVE. (DO# PZ-24-1).

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### GENERAL INFORMATION:

**Applicant (Property Owner):** Anders J. and Christine A. Nessen  
1096 Bel Lido Drive  
Highland Beach, FL 33487

**Applicant's Agent:** Richard Brummer  
Opus Homes D&E LLC  
455 NE 5<sup>th</sup> Avenue, D-332  
Delray Beach, FL 33483

### **Property Characteristics:**

**Comprehensive Plan Land Use:** Single Family  
**Zoning District:** Residential Single Family (RS)  
**Parcel PCN#:** 24-43-47-04-02-003-0040  
**Site Location:** 1096 Bel Lido Drive

### **Property Background:**

According to the Palm Beach County Property Appraiser, the existing home was built in 1971. (Note there is no Building Department record of the original site plan approval for the existing residence).

## **Request and Analysis:**

The Applicant's request is for a major modification to allow for the construction of a new two-story pavilion for the property located at 1096 Bel Lido Drive (DO# PZ-24-1). Section 30-67(b) of the Town Code permits accessory uses in the RS zoning district. Section 30-131 of the Town Code defines an accessory use as follows:

*Use, accessory means a permitted use that is customarily associated with the principal use or structure, is located on the same lot as the principal use or structure, is clearly incidental to the principal use, and is subordinate in area, extent, or purpose to and serves only the principal use.*

While Section 30-39 of the Town Code references major modifications as alterations to "existing" principal or accessory structures (as described below), the proposed two-story pavilion is detached from the existing single-family residence and is therefore not a modification to an existing structure. Given the scope of the project, staff has determined that the proposed pavilion also be processed as a major modification.

*Section 30-39. – Modifications to existing buildings.*

*(1) Major modifications 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 two-story pavilion consists of the following:

- First Floor: open pavilion (288 square feet), storage area (69 square feet), and bath (81 square feet under AC).
- Second Floor: office/game room and bath. A total of 390 square feet under AC.

The Applicant has indicated that no landscaping will be modified to construct the pavilion. 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 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 Planning Board.

Staff has reviewed the Applicant's proposed request including plans date stamped received by the Building Department on April 26, 2024 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)

**Attachments: Application**  
**Aerials**  
**Applicant proposed Plans (11X17)**