



TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

MEETING TYPE: Town Commission Meeting

MEETING DATE July 18, 2023

SUBMITTED BY: Leonard G. Rubin, Town Attorney

SUBJECT: Request for Lot Split (Troiano Property – 4611 South Ocean Boulevard)

SUMMARY:

Background:

At its May 16, 2023 meeting, the Town Commission considered a request by Laura Troiano to approve the division of a parcel of property located at 4611 South Ocean Boulevard (“Troiano Parcel” or “Parcel”) into two separate lots. As discussed at the meeting, the Troiano Parcel is bifurcated by A1A. The portion east of A1A is improved with a single-family residence and has a zoning designation of Residential Single-Family, and the portion west of A1A is vacant and has a zoning designation of Residential Multiple-Family Low Density. Splitting the Troiano Parcel into two separate lots would violate Section 30-103(d) of the Town Code, which expressly provides that “a division of any parcel shall not be made which creates a lot which does not conform to the requirements of this chapter.” If the portion west of A1A became a separate lot, it would be only sixty-eight (68) feet wide. Section 30-64 of the Town Code (Table 30-2) requires a minimum lot width of eighty (80) feet.

Discussion and Recommendation:

The Town Commission directed Staff to attempt to develop language that would address this type of situation. While there are two other parcels in the Town bisected by A1A, the Troiano Parcel is the only parcel where the division of the parcel into two separate lots would be prohibited due to the creation of a non-conforming lot. Consequently, after consultation with Town Staff, this office does not recommend amending the Town Code to address a single parcel of the property within the Town.

At the Commission meeting, Laura Troiano represented that her family wished to construct a single-family home on the portion of the parcel located west of A1A. Given the nature of the request, this office recommends that the Troiano family be encouraged to apply for a variance from Sections 30-103(d) and Section 30-64 of the Town Code. The unique conditions applicable to the Troiano Parcel appear to justify the grant of a variance. Because the variance application will need to address both the non-conformity and lot width provisions, the variance

request should go before the Board of Adjustment and Appeals for a recommendation and the Town Commission for final consideration. Utilizing the variance process would allow the Commission to impose reasonable conditions on the grant of the variance. Such conditions could include limiting the new parcel to the construction of a single-family residence, approving the actual footprint of the proposed residence, and imposing a time-frame in which the residence must be constructed.

Should you have any questions relative to the foregoing, please do not hesitate to contact me.

FISCAL IMPACT:

N/A

ATTACHMENTS:

Letter from Mrs. Troiano dated May 10, 2023
Aerial Maps

RECOMMENDATION:

Commission discussion.

Highland Beach Town Commission
Town of Highland Beach
3614 South Ocean Blvd.
Highland Beach, FL. 33487

Attn: Agenda for meeting May 16, 2023 @1:30PM

Dear Honorable Mayor, Vice Mayor and Highland Beach Town Commissioners,

My husband Dr. Frank Troiano and I are requesting that the parcel, addressed 4611 S Ocean Blvd., to the west of A1A be recognized by the Town of Highland Beach as a separate lot, than the lot, addressed 4611 S Ocean Blvd., to the east of A1A. We would like to build a family home on the west side parcel in the future.

Due to the construction of A-1-A and the adoption of the Highland Beach Comprehensive Plan the lots became separate and distinct lots.

Both lots have always been given different land use and zoning classifications in the **Highland Beach Comprehensive Plan**. RMI - multi family land use on the west side and single family land use on the east side.

Palm Beach County recognizes the lots as being separate on our/their county record card, specifically, lot size designation, tax billing and zoning.

The zoning for the lot is complimentary and in keeping with the zoning of all the other lots around it (north, south and west).

There has been some question regarding non-conformity which calls for conforming lots to be 80' wide. Our lots are 68.06' wide which is considered non-conforming; however, this non-conformity is benign and does not have a negative impact on the health and safety of the public. Our lots are less than 12 feet shy of the 80' conformity. Another reason to further our case, was pointed out by Mr. Labadie and that is our lots are the only lots in Highland Beach that are of this particular type and therefore they are unique and the situation is unique. No case law has been discovered that would negatively apply to our circumstance.

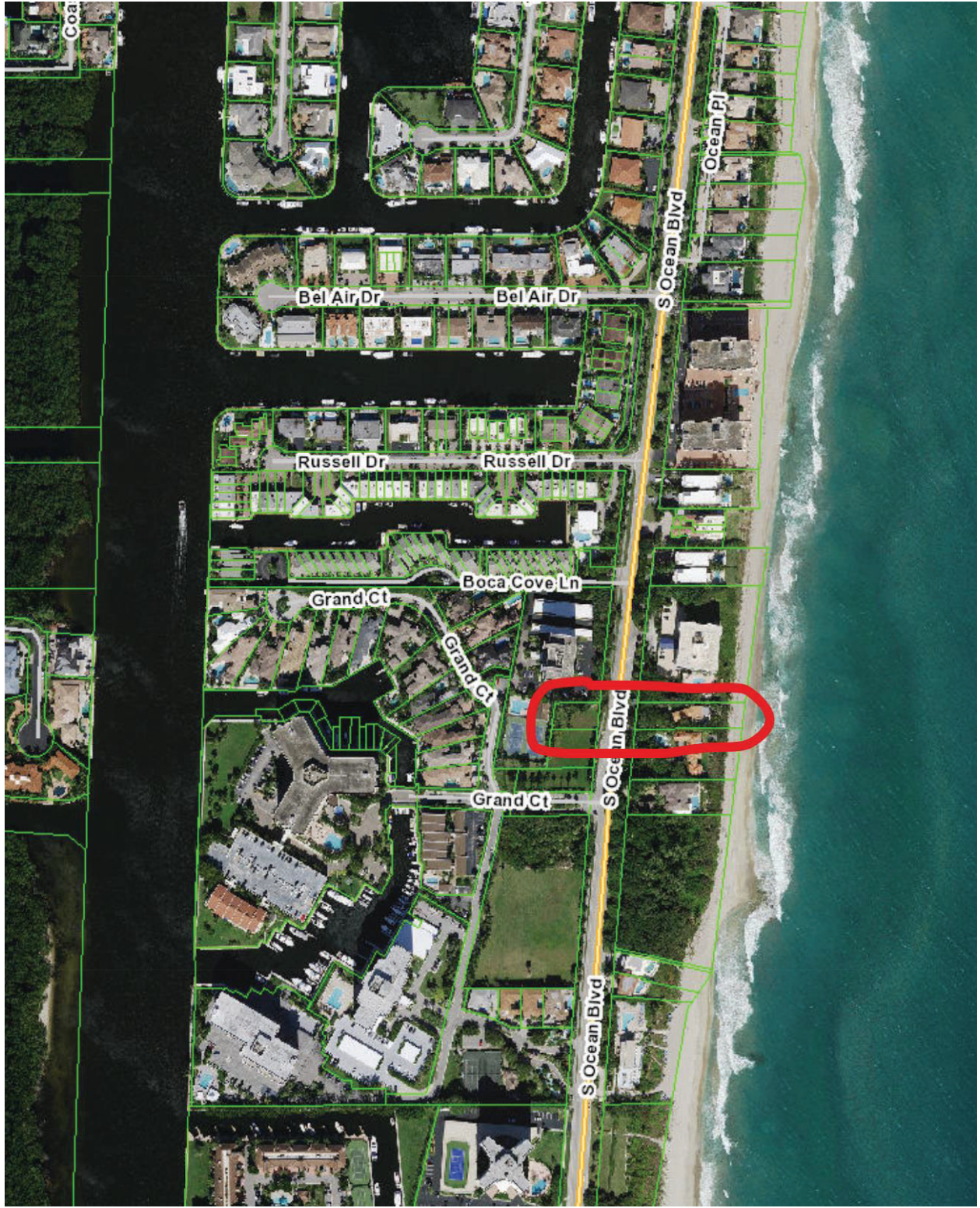
Conclusion: The two separate lots are physically divided by A-1-A. Both lots have separate zoning classifications. The county record card recognizes the lots as

being separate as defined by lot size, tax billing and zoning classification. All of the other lots around our west side lot are zoned the same as ours. There is no negative impact on the health and safety of the public by recognizing the lots as distinct and separate. By recognizing that the lots are separate our family would be able to build a beautiful home on the west side lot.

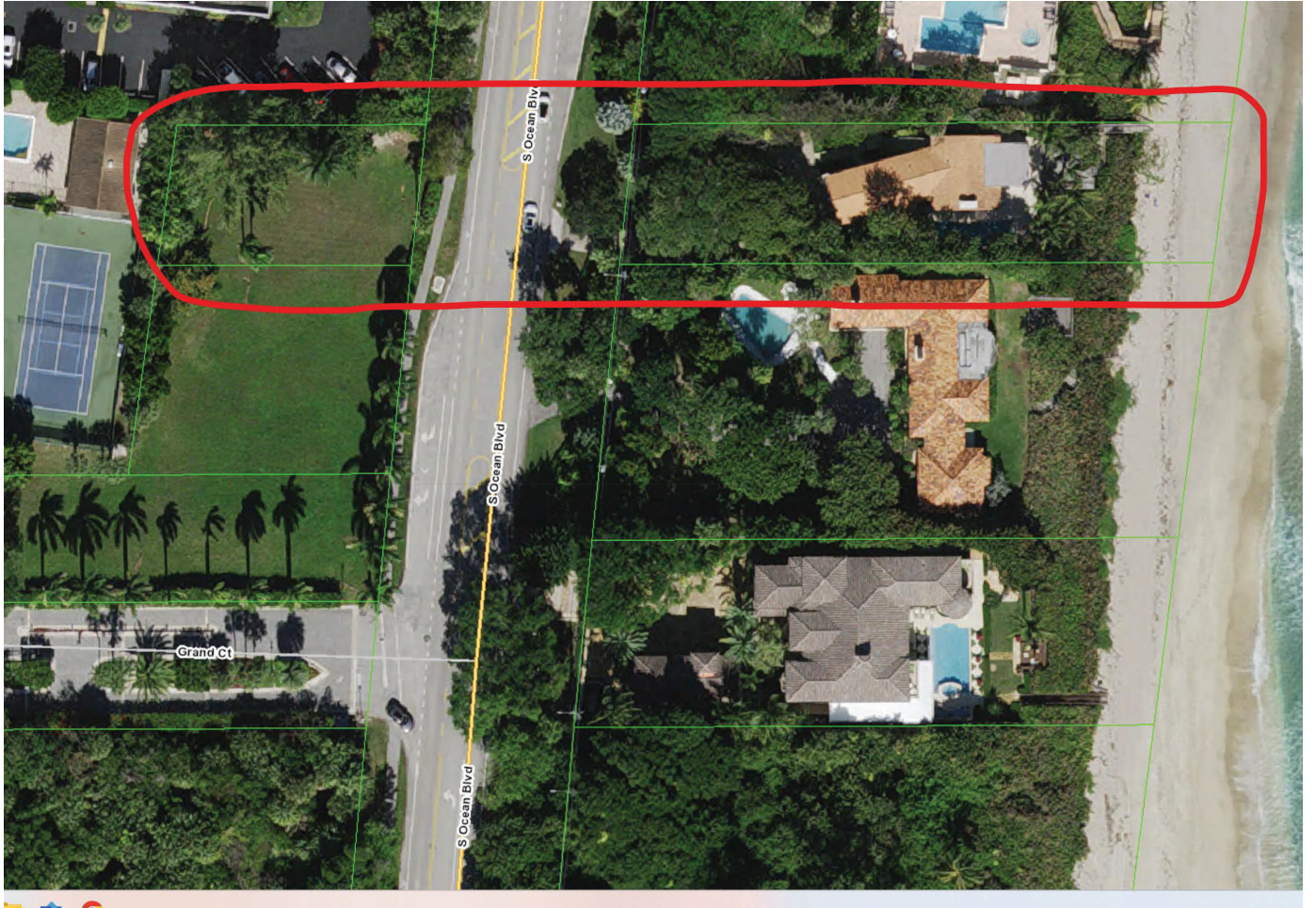
Thank you for this opportunity to meet with you.

Respectfully,

Laura Troiano



Troiano Property



Troiano Property