



# TOWN OF HIGHLAND BEACH

## VARIANCE APPLICATION

Petition # \_\_\_\_\_

Fees Paid/Receipt No. # \_\_\_\_\_

Variance and/or Appeal to Board of Adjustment & Appeals and/or Town Commission are \$2,500.00.

PROPERTY OWNER INFORMATION		
Name: <u>Frank &amp; Laura Troiano</u>	Phone: <u>317.590.0865</u>	Fax: _____
Mailing Address: <u>4611 S. Ocean Blvd., Highland Beach, FL 33487</u>		
Email Address: <u>lauratroiano@mac.com</u>		

AUTHORIZED AGENT		
Name: _____	Phone: _____	Fax: _____
Mailing Address: _____		
Email Address: _____		

PROPERTY INFORMATION ASSOCIATED WITH THIS PETITION	
Address: <u>4611 S. Ocean Blvd.</u>	Subdivision: <u>N/A</u>
PCN: <u>24-43-47-09-00-001-0040</u>	Lot Size: <u>14,569 sqft / 4,826 sqft / 8245 sqft.</u>
Zoning District: <u>RS and RML</u>	Present Use: <u>Single family and vacant lot</u>

1. Present Structures (type):

The west side lot is vacant. The east side lot has a single family home on it.

2. The proposed use will be:

Split parcel and eventually build a residence.

3. If this petition is granted, the effect will be to (brief description – i.e. to reduce side yard from 7' to 2'):

Split the parcel to create 2 single parcels.  
Currently the lot is divided by A1A. Attachment E

4. As a basis for consideration of an application for variance approval, the Board of Adjustment and Appeals and/or Town Commission must determine an application is consistent with the criteria listed below. After each criteria, state fully your reasons justifying the granting of this variance.

- (a) 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.

Yes. See Addendum and attachment C.

- (b) The special conditions and circumstances truly represent a hardship, and are not created by any actions of the applicant. Note that Section 30-40(e)(7) of the Town Code states that financial hardship is not to be considered as sufficient evidence of a hardship in granting a variance

Yes. See Addendum and attachment C.

- (c) Literal interpretation of the provisions of chapter 30 would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of chapter 30 and would work unnecessary and undue hardship on the applicant.

Yes. See Addendum and attachment C.

- (d) 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.

This lot is unique. There are no other lots of this type in the Highland Beach Zoning District.

- (e) The variance granted is the minimum variance that will make possible the use of the land, building, or structure.

Yes, without splitting the lot the parcel on the west side of A1A will remain vacant.

- (f) The grant of the variance will be in harmony with the general intent and purpose of this chapter.

Yes, all of the lots/parcels surrounding this parcel are zoned the same RML and by splitting the lot and allowing this variance the lot will be harmonious with the general intent and purpose of the chapter.

## Addendum

4.

(a) The special condition and circumstance that is peculiar to the land is that it does not meet the width requirement of 80 feet and therefore creates a non-conformity. And that both lots are zoned differently from each other, as evidenced by the Palm Beach County - Property Record Card and the Town of Highland Beach Official Zoning Map see attachments, A & B.

(b) The hardship for this lot is that there are two unique conditions associated with the parcel. The lot width is less than the 80° minimum lot width provisions and because the lot width is approximately 68', that creates a non-conformity. Nothing about this hardship was created by any actions of this applicant. Further, the lot size on the west side of A1A, after splitting the parcel, meets the standards present in the code for development based on the zoning codes published in the Town of Highland Beach Official Zoning Map and the Palm Beach County Property Record Card, (included in the attachments). The variance request is consistent with the spirit, purpose and intent of the ordinance. The public safety is secured and the non-conformity is benign. As written in the memorandum dated, 6/12/2023 from the Town Attorney, Leonard G. Rubin, "The unique conditions applicable to the Troiano Parcel appear to justify the grant of a variance." See attachment C.

(c) The literal interpretation of the provisions of chapter 30 deprives this applicant of rights enjoyed by the property adjacent to my property which is in the same zoning district under the terms of chapter 30. The literal interpretation of non-conformity doesn't always mean "not good", in our case, the non-conformity is benign and therefore does not negatively impact the "greater good" of Highland Beach. The property directly adjacent to 4611, 4612 has the same zoning designation and is not deprived of any rights. See article provided by applicant, attachment D.

- (g) The grant of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The variance will not be injurious to the area or otherwise detrimental to the public welfare. Attachment D.

5. Has any previous application or appeal been filed within the last year in connection with these premises? (YES) \_\_\_ (NO)  \_\_\_ If so, briefly state the nature of the application or appeal.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SS (Initial) The names and addresses of each property owner located within five hundred (500) feet of the affected property, excluding property owned by the applicant has been provided. (Notification distances shall be measured on an arc from the corners of the property.) (YES)  (NO) \_\_\_

SS (Initial) I, the petitioner, acknowledge that there will be additional expenses incurred for the first class mailing of the public notices and the cost to publish the legal advertisement, which is separate from the Board of Adjustment & Appeals application fee. (YES)  (NO) \_\_\_

SS (Initial) I, the petitioner, has read the Town of Highland Beach Code of Ordinances, Section 30-40: Variances & Interpretations for code requirements. (YES)  (NO) \_\_\_

I give permission to the members of the Town Commission and the Board of Adjustment & Appeals and staff to inspect the property for the purpose of this application. I declare that all statements made herein are true, based upon the best available information, and I understand that willful false statements and the like are misdemeanors of the second degree under Section 837.06, Florida Statutes. Such willful false statements may jeopardize the validity of my application or any decision issued thereon. I have fully read the information outlining the Board procedures and application requirements. With this application, I am submitting the necessary supporting materials listed.

\*\*\*Owner must supply authorized agent notarized letter attesting to same\*\*\*

Property Owner's Signature: Laura Troiano Date: 11.27.2023

Authorized Agent Signature: \_\_\_\_\_ Date: \_\_\_\_\_

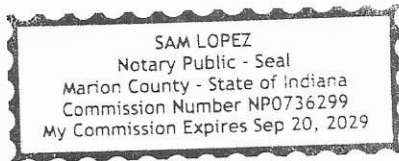
Condo Assoc. Rep. Signature: \_\_\_\_\_ Date: \_\_\_\_\_

STATE OF Indiana

COUNTY OF Marion

On this 27<sup>th</sup> day of November 2023 before me personally appeared Laura Troiano to me known to be the person who executed the foregoing instruments, and acknowledged that he executed the same as his free act and deed.

(SEAL)



[Signature]  
Notary Public Signature

*Received by the Town Clerk's Office:*

Received By: \_\_\_\_\_

Date: \_\_\_\_\_

Date Public Notices Mailed: \_\_\_\_\_

Date Legal Advertisement Published: \_\_\_\_\_