



HIGHLAND BEACH BUILDING DEPARTMENT

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

Town Commission STAFF REPORT

MEETING TYPE: Town Commission Meeting

MEETING DATE: February 20, 2024

SUBMITTED BY: Ingrid Allen, Town Planner

SUBJECT: APPLICATION BY FRANK AND LAURA TROIANO FOR A VARIANCE FROM SECTION 30-103(D) AND SECTION 30-64 OF THE TOWN CODE OF ORDINANCES TO CREATE A LOT WITH A MINIMUM LOT WIDTH OF 68.06 FEET IN LIEU OF THE REQUIRED 80 FOOT MINIMUM LOT WIDTH FOR A SINGLE-FAMILY DWELLING IN THE RESIDENTIAL MULTIPLE FAMILY LOW DENSITY (RML) ZONING DISTRICT FOR THE PROPERTY LOCATED AT 4611 SOUTH OCEAN BOULEVARD (WEST SIDE OF STATE ROAD A1A) APP23-2790

I. GENERAL INFORMATION:

Applicant (Property Owner): Frank P. and Laura Troiano
4611 South Ocean Boulevard
Highland Beach, Fl. 33487

Applicant's Agent: Not applicable.

Property Characteristics:

Comprehensive Plan Land Use: Multi Family Low Density (west of State Road (SR) A1A).
Single Family (east of SR A1A).

Zoning District: RML Residential Multiple Family Low Density (west of SR A1A).
RS Residential Single Family (east of SR A1A)

Property Location: 4611 South Ocean Boulevard

Parcel PCN#: 24-43-47-09-00-001-0040

Adjacent Properties: Proposed parcel west of SR A1A

PARCEL	ZONING DISTRICT	FUTURE LAND USE DESIGNATION
North	Residential Multiple Family Low Density (RML)	Multi Family Low Density
South	Residential Multiple Family Low Density (RML)	Multi Family Low Density
East	Residential Single Family (RS)	Single Family
West	Residential Multiple Family Low Density (RML)	Multi Family Low Density

Adjacent Properties: Proposed parcel east of SR A1A

PARCEL	ZONING DISTRICT	FUTURE LAND USE DESIGNATION
North	Residential Multiple Family Low Density (RML)	Multi Family Low Density
South	Residential Single Family (RS)	Single Family
East	NA	NA
West	Residential Multiple Family Low Density (RML)	Multi Family Low Density

Background:

According to the Palm Beach County Property Appraiser, the existing single-family home located on the portion east of SR A1A was built in 1959. The portion of the property west of SR A1A is currently vacant.

At the May 16, 2023 Town Commission meeting, the Commission considered a request by Laura Troiano to approve the division of a parcel of property located at 4611 South Ocean Boulevard into two separate lots. Town Commission direction was to have staff attempt to develop language that would address this type of situation.

At the July 18, 2023 Town Commission meeting, a memo prepared by the Town Attorney was provided to the Commission (see attached). The Commission agreed that this matter should go before the Board of Adjustment and Appeals (BOAA) for a recommendation via the submittal of a variance application by the property owner.

Request and Analysis:

The Applicant is requesting a variance from Sections 30-103(d) and 30-64 of the Town Code of Ordinances to create a lot on the west side of SR A1A with a minimum lot width of 68.06 feet (as provided on the Applicant's survey) in lieu of the required 80 feet minimum lot width for a single-family dwelling in the Residential Multiple Family Low Density (RML) zoning district (see Table 1). Section 30-103(d) of the Town Code of Ordinances states that a division of any parcel shall not be made which creates a lot which does not conform to the requirements of Chapter 30 (Zoning Code). As noted above, at the July 18, 2023 Town Commission meeting, consensus from the Commission was that the matter go before the BOAA (for a recommendation) via a variance application. According to the Applicant's survey of the proposed lot on the west side of SR A1A, it

contains 8,187 square feet. Given the maximum density for the RML zoning district is six (6) dwelling units per acre, the maximum number of dwelling units permitted on this lot would be one (1) dwelling unit ($8,187/43,560 \times 6 = 1.13$ units). Note that the RML zoning district permits single-family dwellings.

TABLE 1

Minimum lot width	RML Zoning District (feet)
Single-family dwelling	80
Two-family dwelling	80
Multifamily dwelling	100

Source: Section 30-64 of the Town Code of Ordinances

As a basis for consideration of an application for variance approval, the BOAA must determine an application is consistent with the criteria below as provided in Section 30-40(e) of the Town Code. The Applicant provided responses to these variance criteria as part of their variance application (see attached).

- (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.

There are currently two (2) other properties within the Town that are bifurcated by SR A1A in the same manner as the Applicant's property (see Table 2). An additional property located at 3833 South Ocean Blvd is also bifurcated by SR A1A (RML on the west side of SR A1A and RS on the east side); however, the portion west of SR A1A is located approximately 150 feet south of the portion east of SR A1A. All of these bifurcated properties are in compliance with the minimum lot width requirement for the corresponding zoning district.

TABLE 2

Property	Zoning District
3901 South Ocean Blvd.	RML (west side of SR A1A) RS (east side of SR A1A)
2425 South Ocean Blvd.	RS (west side of SR A1A) RE (east side of SR A1A)

Pursuant to Section 30-40(g) of the Town Code, the vote of at least four (4) members of the BOAA or a majority of the Town Commission is necessary to grant a variance from the requirements of Chapter 30 (Zoning Code). According to Section 30-40(h) of the Town Code, a variance when implemented in accordance with the approval granted by the BOAA or the Town Commission shall run with the land in perpetuity unless a lesser time is approved by the BOAA or the Town Commission. A variance that is not implemented shall expire eighteen months following approval. Regarding this request, if the variance is approved by the Town Commission and once the property owner completes the parcel split request with the Palm Beach County Property Appraiser, and a new parcel control number is provided, the Town will consider the variance implemented.

BOAA recommendation:

At the January 31, 2024 BOAA meeting, the Board recommended approval of the variance (motion carried 5-0).

Fiscal Impact:

None

Attachments:

- Variance Application
 - Aerials
 - Surveys
 - July 18, 2023 Town Attorney memorandum.
 - Applicant's submitted materials
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Recommendation:

At the discretion of the Town Commission.