

**MINUTES
TOWN OF HILLSBORO BEACH
BOARD OF ZONING & APPEALS MEETING
APRIL 6, 2021**

9:00 A.M.

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Deborah L. Tarrant called the meeting to order at 9:00 a.m. Roll was called with the Commission members and staff present as listed below.

Town Commission:

Mayor Deborah L. Tarrant
Vice Mayor Irene Kirdahy

Commissioner Barbara Baldassarre
Commissioner Andrew Brown

Town Staff:

Town Manager Mac Serda
DJ Doody, Town Attorney
Town Clerk Sherry D. Henderson, CMC

Absent:

Commissioner Vicky Feaman

Town Clerk Sherry D. Henderson explained the Town Commission Meeting was being held with a quorum physically present at Town Hall, following the expiration of the Governor's Executive Order 20-246 allowing for meetings of a municipality's governing boards without having a quorum of its members present physically or at any specific location. She outlined the procedure to be followed for online participation by the public. She explained the notice given and provided instruction on the Zoom system being utilized to host the meeting online. She further noted public comment was being accepted by email, as well as on the Zoom system.

I. APPROVAL OF AGENDA

Not addressed.

II. QUASI-JUDICIAL PUBLIC HEARINGS

- A.** Variance, Site Plan Approval Request, and Artificial/Synthetic Turf Conditional Use Request Submitted by Mark Rothenberg, Authorized Agent for Property Located at 925 Hillsboro Mile, Hillsboro Beach, FL 33062.

Town Attorney DJ Doody swore in all those giving testimony at the hearing.

Mayor Tarrant asked that the synthetic turf request be addressed separately.

Town Planner Joe Arenal presented the request, for variance and site plan approval, which was submitted in March 2020. He explained the variance was to construct a guest house prior to the construction of the main house as required by Code. He noted the documents submitted and those still required.

Mr. Arenal explained the guest house complied with regulations and stated if the Commission was amenable to the timeline provided by the applicant, staff recommended approval of the application.

Mark Rothenberg, General Contractor, spoke on behalf of the applicant. He noted the architect was also on the Zoom call available for questions as well. He stated it was clearly the intent of the owner to build both homes, but delays had been an issue due to COVID-19.

Mayor Tarrant referenced a letter written on May 28, 2020 to provide an overview of the project and asked for clarification on a typo and the height of the roof line.

Mr. Arenal noted the approved plans had a 35-foot roof line on the guest house.

Mayor Tarrant asserted that she had a difficult time envisioning a 4,500 square foot guest home on the west side of A1A.

Mr. Arenal stated the required setbacks were all met.

Mr. Rothenberg clarified that the home was 3,064 square feet under air. He noted the footprint had evolved through rounds of staff comment.

Mayor Tarrant asked how it would be enforced that the guest house garage was not to be used for car parking.

Mr. Rothenberg responded that it was intended as storage for toys, and a 12-car garage was planned for the main home.

Mayor Tarrant stated she did not understand the purpose of requiring that the main house be built first. She outlined reasons that building the small house first might make sense, including adding tax base and having the owner onsite to oversee construction.

Mr. Doody ^{noted} he believed there was previous discussion regarding keeping the guest house from becoming the primary residence, and the requirement to complete the main house first.

Mayor Tarrant opened a public hearing on the application, however, there being none to speak, closed the public hearing.

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Baldasarre, to approve the variance request for 925 Hillsboro Mile, subject to the seven (7) conditions as laid out by Mr. Arenal. In a roll call vote, the **motion** passed unanimously. (4-0)

Clerk's Note: conditions –

1. Provide Florida Department of Environmental Protection, formerly Department of Natural Resources approval for construction beyond Coastal Construction Line. Approval will be required as part of the Zoning approval for Building Permit Application.
2. Broward County Tree removal permit (if necessary).
3. Broward County Environmental approval for work in dune.
4. Construction Site Management Plan per 12-50
5. Provide FDOT approval for driveway connection and right of way dedication compliance with Trafficways.
6. Compliance with FEMA flood elevation requirements.
7. Commission approval for Conditional Use of synthetic turf

Motion made by Commissioner Baldasarre, seconded by Commissioner Brown, to approve the partial site plan approval for the guest house only at 925 Hillsboro Mile. In a roll call vote, the **motion** passed unanimously. (4-0)

Mr. Doody swore in all those giving testimony at the hearing.

Mayor Tarrant stated the same property had requested conditional use approval to utilize artificial turf. She shared a sample of the material.

Mr. Arenal outlined the request, which was for 1,132 square feet of artificial turf on the front and side of the residence. He explained the turf had an eight (8) year warranty and would not interrupt drainage. He stated that staff recommended approval.

Mr. Rothenberg stated he had brought additional experts to answer any questions and addressed concerns regarding percolation.

Mayor Tarrant showed holes in the sample and asked for clarification on how the material did not cause backup in drainage.

Mr. Doody confirmed that Jim Walton was sworn in to testify.

Mr. Walton explained the synthetic material was highly permeable, more so than regular sod, and provided background on the testing, including by independent labs. He commented on the infiltration rate of the material and added he could submit reports.

Discussion continued regarding the materials in the artificial turf and resulting drainage.

Mayor Tarrant noted that the area of the house was the epicenter of the flooding issues in Town, so she wanted to be clear.

Vice Mayor Kirdahy asked that the permeability study be submitted to be added to the file for future reference.

Mayor Tarrant opened a public hearing on the application, however, there being none to speak, closed the public hearing.

Motion made by Vice Mayor Kirdahy, seconded by Commissioner Brown, to approve the conditional use to utilize artificial turf at 925 Hillsboro Mile with the stipulation that the documentation be submitted following approval. In a roll call vote, the **motion** passed unanimously. (4-0)

- B. Artificial/Synthetic Turf Conditional Use Request Submitted by Mr. James Wentzel, Authorized Agent for Property Owner of 923 Hillsboro Mile, Hillsboro Beach, FL 33062.**

Mr. Doody swore in all those giving testimony at the hearing.

Town Planner Joe Arenal presented the request, which was for conditional use of synthetic turf at the rear of the single-family residence at 923 Hillsboro Mile, an area approximately 1,955 square feet. He noted the water permeability of the material and the limited lifetime warranty. He stated staff recommended approval of the application.

James Wentzel, on behalf of the owner, thanked Mr. Walton for providing the background on the material. He stated he had submitted the product literature and a letter from the Civil Engineer which noted that the material exceeded his original calculations. Mr. Wentzel explained the parameters of the warranty.

Mayor Tarrant opened a public hearing on the application.

Town Clerk Sherry D. Henderson read a public comment from Robin McCarty, 921 Hillsboro Mile, noting that as the neighboring property, they did not have an issue with the use of the turf, but did have an issue with the fact that the turf was installed many months ago. She asked that contractors be expected to follow the Code from the

beginning rather than ask forgiveness later.

Mayor Tarrant stated she agreed that it would be wonderful if contractors did what they were supposed to do from the beginning.

Mr. Wentzel asserted that the original plans did not call for artificial turf, and this was a change added by the homeowners later. He stated now that he was aware of the requirement, it would not happen again.

Town Manager Mac Serda stated that the allowance of artificial turf was recent, and use was not widespread in the community. He outlined the requirements and noted this issue was caught at final inspection, which is what led to the Commission hearing.

Vice Mayor Kirdahy commented on improvements to the quality of materials used in artificial turf over time.

Mayor Tarrant closed the public hearing.

Commissioner Baldasarre asked if it was possible to set a minimum permeability so that approval did not have to go before the Commission each time for approval.

Mr. Serda stated that staff was looking into the issue. He noted industry standards and the look of the material was also being reviewed.

Motion made by Commissioner Baldasarre, seconded by Vice Mayor Kirdahy, to approve the conditional use to utilize artificial turf at 923 Hillsboro Mile. In a roll call vote, the **motion** passed unanimously. (4-0)

III. ADJOURNMENT

Motion made by Commissioner Baldasarre, seconded by Commissioner Brown, to adjourn the meeting. In a roll call vote, the **motion** passed unanimously. (4-0)

There being no further business to come before the Board of Zoning and Appeals, the meeting was adjourned at 9:43 a.m.

ADOPTED THIS 4TH DAY OF MAY, 2021

By: Deborah L. Tarrant
Deborah L. Tarrant, Mayor

ATTEST: Sherry D. Henderson
Sherry D. Henderson, Town Clerk



Emails sent to the Town Clerk – Entered into the Record

APRIL 6, 2021

**Board of Zoning & Appeals Meeting
Quasi Judicial Public Hearing**

Town of Hillsboro Beach
1210 Hillsboro Mile
Hillsboro Beach, FL 33062
TownofHillsboroBeach.com
954-427-4011

Town Clerk

From: Robyn McCarty <robyn.mccarty@outlook.com>
Sent: Monday, April 5, 2021 3:41 PM
To: TownClerk@TownofHillsboroBeach.com; Town of Hillsboro Beach
Subject: 923 Variance Request - public comments

Hello Ms. Henderson;

I am writing regarding the 923 variance request scheduled for April 6, 2021.

As a resident of the neighboring property at 921, we do not object to the use of artificial turf at 923 as is currently installed.

We do however object to the fact that the variance request is just now being requested. The turf was installed many months ago. The builder, Bomar Builders, has built many homes in town, and they currently have several active projects in the town. The fact that they installed the turf without applying for a variance before installation tells me that they either are ignorant to the Town of Hillsboro Beach building code, or they simply have a complete disregard for the code.

I ask the commission to make sure codes are being adhered to and we get the town out of the "build it and ask for forgiveness later if found out" attitude.

Best regards,
Robyn McCarty
921 Hillsboro Mile