



TOWN OF HILLSBORO BEACH
1210 Hillsboro Mile, Hillsboro Beach, Florida 33062
September 10, 2024 | 9:00 AM

BOARD OF ZONING & APPEALS AGENDA

MAYOR DAWN MILLER
VICE MAYOR BARBARA BALDASARRE
COMMISSIONER JANE REISER
COMMISSIONER DAVID A. RAVANESI
COMMISSIONER VINNIE ANDREANO

TOWN MANAGER MAC SERDA, ICMA-CM
TOWN ATTORNEY DONALD J. DOODY, ESQ
TOWN CLERK SHERRY D. HENDERSON, CMC

Please refer to the end of the Agenda for the RULES OF DECORUM (RES 2023-36) adopted by the Town Commission 9/12/2023

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

I. QUASI-JUDICIAL PUBLIC HEARINGS

A. VARIANCE REQUEST for property located at 1085 Hillsboro Mile, Hillsboro Beach, FL 33062
(Item Tabled 7/9/2024, Applicant Request postponement for 10/1/2024)

Property Owner: Land Banc Trust

Request: The Authorized Agent, Morris Flancbaum is seeking a variance from the Town's Land Development Code (Chapter 12)

Staff: Graham Long, Development Planner, CG&A Solutions

Address: 1085 Hillsboro Mile, Hillsboro Beach, FL 33062

The Authorized Agent for 1085 Hillsboro Mile, Hillsboro Beach, Florida 33062, is seeking a variance to be permitted to construct a subterranean garage. The Variance is to Section 12-124 of the Town's Code of Ordinance as stated below:

“Sec. 12-124. - Yard regulations.

A. Front yard. On the east and west sides of State Highway A1A there shall be an open yard having a depth of not less than 85 feet from the center line of the State Highway A1A.”

All interested parties are sworn in by Town Attorney.

- ☐ Staff Presentation
- ☐ Commission Discussion
- ☐ Public Hearing Opened
- ☐ Public Comments
- ☐ Public Hearing Closed
- ☐ Commission Discussion
- ☐ Commission Motion & Second
- ☐ Commission Vote

B. Variance Request for Property Located at 925 Hillsboro Mile, Hillsboro Beach, FL 33062

Property Owner: 925 LandTrust

Request: The Authorized Agent, Brian Horowitz is seeking a variance from the Town's Land

All interested parties are sworn in by the Town Attorney

- Staff Presentation
- Commission Discussion
- Public Hearing Opened
- Public Comments
- Public Hearing Closed
- Commission Discussion
- Commission Motion & Second
- Commission Vote

II. ADJOURNMENT

RULES OF DECORUM

- The goal of Commission Meetings and Public Hearings is to accomplish the public's business in an environment that encourages fair discussion and exchange of ideas.
- Everyone will have three (3) minutes when recognized for public comment, participants should step forward to the podium and state their name & address for the record.
- All comments shall be directed to the commission or board as a body, through its presiding officer. Comments shall not be addressed to a single member of the commission or board, or to Town staff including the attorney, the manager, or the clerk, unless a majority of the members present on the commission or board shall so agree.
- The public comment period is for receipt of public comments, not debate. It is not intended as a time for problem solving but rather for hearing the citizens for their input.
- Anger, rudeness, ridicule, personal attacks, profane language, and lack of respect for others is unacceptable behavior. Demonstrations to support or oppose a speaker or idea, such as clapping, cheering, booing, hissing, or the use of intimidating body language are not permitted.
- If a person refuses to abide by these rules of civility and decorum, a commissioner may request a motion to temporarily recess.
- Continued disruptions by any person may result in the request of the person to depart the meeting.

[Resolution No. 2023-36, adopted 9-12-2023](#)

PLEASE TAKE NOTICE AND BE ADVISED that if any interested person desires to appeal any decision made by the Town Commission, Special Master or any other Boards or Commissions of the Town with respect to any matter considered at this meeting or hearing, such interested person will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The meeting/hearing may be continued from day to day, time to time, place to place, as may be found necessary during the aforesaid meeting. IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT (ADA) THIS DOCUMENT CAN BE MADE AVAILABLE IN AN ALTERNATE FORMAT (LARGE PRINT) UPON REQUEST AND SPECIAL ACCOMMODATIONS CAN BE PROVIDED UPON REQUEST WITH THREE (3) DAYS ADVANCE NOTICE. Please contact Sherry D. Henderson, IIMC-CMC, Town Clerk (954) 427-4011 Town Hall - 1210 Hillsboro Mile, Hillsboro Beach, Florida 33062.



1210 Hillsboro Mile
Hillsboro Beach, FL 33062

TOWN OF HILLSBORO BEACH

Phone: (954) 427-4011
www.townofhillsborobeach.com

Agenda Item Cover Memo

Agenda Item: 1085 Hillsboro Mile, Hillsboro Beach, FL 33062
Board of Zoning Appeals - Variance Request

Submitting Dept: Town Clerk

Agenda Date: September 10, 2024

1. BACKGROUND / HISTORY

Property Owner, Mr. Morris Flancbaum, is seeking a Variance Request for property located at 1085 Hillsboro Mile, Hillsboro Beach, Florida. This matter was presented to the Town Commission 7/9/2024 and tabled until 9/10/2024.

2. CURRENT ACTIVITY

Mr. Morris Flancbaum has requested a postponement to allow additional time to work with town staff to present the best option(s) concerning his development application. Mr. Flancbaum requests this matter be presented at the October 1, 2024 meeting for consideration of approval.

3. FINANCIAL IMPACT

none

4. RECOMMENDATION

Postpone hearing until October 1, 2024

From: Haidee M <haideemboca@gmail.com>

Sent: Thursday, August 15, 2024 10:05 AM

To: James Hickey <Jhickey@cgasolutions.com>; Graham Long <glong@cgasolutions.com>

Cc: Town of Hillsboro Beach <shenderson@townofhillsborobeach.com>; Morris Flancbaum <natlandbanc@aol.com>

Subject: Land Banc Trust (Morris Flancbaum) - 1085 Hillsboro Mile - October 1 Zoning & Commission Meeting Request

Hello Jim and Graham,

Good morning. Morris asked me to follow up with you to formally request he be included in the **October 1** Zoning & Commission Meeting - Variance Agenda.

We look forward to your confirmation. Thank you both.

Have a wonderful day,
Haidee

Haidee Marangos

Senior Executive Assistant

haideemboca@gmail.com

O: 561-245-8242

C: 508-380-5728



1210 Hillsboro Mile
Hillsboro Beach, FL 33062

TOWN OF HILLSBORO BEACH

Phone: (954) 427-4011
Fax: (954) 427-4834

TO: Mayor Miller and Town Commission
THROUGH: Mac Serda, Town Manager
FROM: Graham Long, Planning Consultant
DATE: July 9, 2024
SUBJECT: Request of a Variance for building setback (garage), 1085 Hillsboro Mile

The Property Owner, Land Banc Trust (Applicant), and authorized agent, Mr. Morris Flancbaum (owner), are requesting approval of a variance from Section 12-124(A) of the Land Development Code (Code) to allow for placement of a partially underground front yard garage, located at 1085 Hillsboro Mile within the RS-2 single-family zoning district.

Background

The Applicant is seeking to construct a partially underground garage in the front yard area of an existing single-family home at 1085 Hillsboro Mile. The proposed garage would extend up to 16.5 feet within the required 85-foot front yard setback and add an additional driveway entrance to the proposed garage within the front yard area.

The applicant was granted site plan approval by the Town Commission on July 11, 2023, to modify the front yard area of the lot, and to construct a second story addition to the rear of the existing house. The approved site plan has not yet been implemented for the front yard area, and this proposed site plan amendment does not include changes to the rear of the house. The approved changes to the front yard area would modify the driveway entrance (moving it to the south), and provide for a parking area, terraced landscaping with retaining walls (to meet topographical conditions) and provide for placement of a generator.

As part of the applicant's request for an amended site plan, the proposed site plan amendment includes the construction of a small, 12-foot tall vestibule addition to the main house, and a garage structure which is proposed to run 45 feet north to south along of the front of the property, partially within the front yard setback which conflicts with Section 12-124 of the Town Code, entitled "Yard regulations." The applicant has proposed terraced planting areas and landscaping to conceal the view of this structure from A1A.

Per Code section 12-124(A):

"(A) On the east and west sides of State Highway A1A there shall be an open yard having a depth of not less than 85 feet from the center line of the State Highway A1A."

The applicant proposes to extend the new garage 16.5 feet west of the 85' setback line (creating an approximately 68.5-foot setback to the garage area). Thus, the Applicant seeks variance relief from the required 85-foot setback as described in Code section 12-124(A). If approved, the structure would be approximately 53 feet from the edge of pavement. The variance is required in order to approved the corresponding site plan amendment to be considered by the Zoning Board of Appeals.

Variance Criteria

Per Section 12-283, the Board of Zoning Appeals (Board) has the powers and should be its duty to grant variances from the Code. The Applicant is requesting relief through the criteria set forth in 12-283(C)(1) Yard requirements, 12-283(C)(2) Instances of Hardship, and 12-283(C)(3) Additional provisions, which are as follows:

- (1) Yard requirements. Permit a variance in the yard requirement of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variations will not seriously affect any adjoining property or the general welfare.*
- (2) Instances of hardship. Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this chapter relating to the use, construction or alterations of buildings or structures, or the use of land will impose upon him or her unusual and practical difficulties or particular hardship, such variances of land will impose upon him or her unusual and practical difficulties or particular hardship, such variances of the strict application of the terms of this chapter as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of the variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the comprehensive plan as established by this chapter, and at the same time, the surrounding property will be properly protected.*
- (3) Additional provisions. In consideration of all appeals and all proposed exceptions or variances to this chapter, the Board shall, before making any exceptions or variations from the chapter in a specific case, first determine that it will not impair an adequate supply of light, air and sunshine to adjacent property or unreasonably increase the congesting in streets or highways or increase the danger of fire or endanger the public safety or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Town of Hillsboro Beach.*

Analysis

Below are excerpts from the Code-required criteria listed above (in *italics*) with consultant planner's analysis of how the proposed development relates to the criteria listed below:

- (1) Yard Requirements. "... variance in the yard requirement of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions..."*

The applicant states that due to the significant slope in the topography of the front yard area, both the current conditions and approved site plan driveway/parking area configuration creates a practical difficulty in access and placement of various vehicles (including landscaping and maintenance trucks) which require access to the lot. Currently such vehicles have been parking either on the street or the northly neighbor's property. The west side of the applicant's property contains an accessory structure and parking is limited on that portion of the parcel.

(2) Instances of Hardship. "...the use of the land will impose upon him or her unusual and practical difficulties or particular hardship..."

The applicant states the current, and proposed conditions of the previous approved site plan, create limited space for the parking of the applicant's own vehicles plus sufficient space to accommodate maintenance and other vehicles that periodically require access to the lot.

(2) "...such variances of the strict application of the terms of this chapter as are in harmony with its general purpose and intent,..."

The applicant contends the proposed garage area requiring variance from the 85-foot front yard setback is in harmony with the purpose of intent of the setback regulations. The intent of the 85-foot front yard setback is to provide for sufficient space for parking and other yard uses, to create a visual and aesthetically cohesive barrier between the street and structures placed on the lot, and to ensure sufficient space to accommodate other vehicles that may need access to the lot. This area can be used for surface parking, however, due to the garage being a structure attached to the main building, this structure would be located partially within this required setback.

(2) "...but only when the Board is satisfied that a granting of the variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the comprehensive plan as established by this chapter, and at the same time, the surrounding property will be properly protected."

The applicant states the variance would alleviate the current condition of insufficient space for the owner's vehicles and accommodation of maintenance and other such vehicles requiring access to the lot. It would provide for sufficient parking in the underground garage for the owner's vehicles, freeing above ground space for other vehicular access. However, the full parcel does contain space for the parking of vehicles both on the east and west sides of State Highway A1A, and both the current conditions and previously approved site plan configurations do provide sufficient area to accommodate parking and visiting vehicles within the yard areas (albeit on the east side with a relatively flat topographical terrain).

The surrounding properties would not be directly affected by the addition of the underground garage other than a structure being located closer to the right-of-way.

(3) Additional provisions. "In consideration of all appeals and all proposed exceptions or variances to this chapter, the Board shall, before making any exceptions or variations from the chapter in a specific case, first determine that it will not impair an adequate supply of light, air and sunshine to adjacent property..."

As the proposed garage would be limited to an underground area, it would not impair adequate supply of light, air or sunshine to adjacent properties.

(3) ...or unreasonably increase the congesting in streets or highways or increase the danger of fire...

The granting of the variance will not increase traffic along A1A or the danger of fire.

(3)... or endanger the public safety or unreasonably diminish or impair established property values within the surrounding area,...

The granting of the variance would not endanger public safety or diminish property values, however, the approval of this variance may lead to additional requests from other property owners to encroach into the front yard setback.

(3)... or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Town of Hillsboro Beach.”

The proposal would not impact the public health, safety, comfort, morals or welfare for the residents of the Town.

Recommendation

Based on the application and review of the Criteria set forth in Town Code section 12-283, the consultant planner requests that the Board consider the variance request based on the applicant's request to construct an underground garage beyond the required building setback line located at 1085 Hillsboro Mile.

1085 HM VARIANCE



TOWN OF HILLSBORO BEACH
1210 HILLSBORO MILE, HILLSBORO BEACH, FL 33062
PHONE (954) 427-4011 • FAX (954) 427-4834
www.townofhillsborobeach.com

SBH
RECEIVED
JUN 07 2024

DEVELOPMENT APPLICATION

Submittal Date: 6/7/24

Zoning Board Meeting Date: _____

Property Control # _____

Town Commission Meeting Date: 7/9/24

PROPERTY OWNER(S)		AUTHORIZED AGENT	
NAME:	<u>Land Banc Trust</u>	NAME:	<u>Morris Flanchbaum</u>
ADDRESS:	<u>1085 Hillsboro Mile</u>	ADDRESS:	<u>1085 Hillsboro Mile</u>
PHONE:	<u>561-245-8242</u>	PHONE:	<u>732-330-5000</u>
CELL:	<u>732-330-5000</u>	CELL:	<u>11</u>
E-MAIL:	<u>haideemboca@gmail.com</u>	E-MAIL:	<u>haideemboca@gmail.com</u>
FAX:		FAX:	

APPLICANT'S CERTIFICATION

(I) Morris Flanchbaum (owner), (architect) or (authorized agent) affirm and certify that I understand and will comply with all provisions and regulations of the Town of Hillsboro Beach Florida. I certify that all drawings and specifications for buildings or structures costing \$5,000 or over for commercial buildings or \$10,000 for residential building must be drawn or verified by a state registered architect or engineer and his seal of office imprinted thereon. Additionally, I certify that the drawings and specifications show full compliance and do fully comply with the Zoning Code. I understand that if any drawings or specifications are not in full compliance, the application will be rejected. If approved by the Town, the aforementioned real property described herein will be considered, in every respect, to be a part of the Town of Hillsboro Beach and will be subjected to all applicable laws, regulations, taxes and police powers of the Town including the Comprehensive Plan and Zoning Code. I further certify that all statements and diagrams submitted herewith are true and accurate to the best of my knowledge and belief. Further, I understand that this Application and attachments become part of the Official Records of the Town of Hillsboro Beach, Florida, and are not returnable.

Signature

Morris Flanchbaum
Print Name

STATE OF FLORIDA, COUNTY OF BROWARD

The foregoing instrument was acknowledged before me on this 6 day of June, 2024, by Morris Flanchbaum as owner for 1085 Hillsboro Mile.
Personally know ☒ or has produced identification _____. Type of Identification _____

Diana Bless
Notary Signature
Diana Bless
Print Notary Name



DIANA BLESS
Notary Public
State of Florida
Comm# HH426289
Expires 7/26/2027

CHECK BELOW WHERE APPLICABLE

	FINAL PLAT - \$1,000.00		REZONING - \$3,500.00
	LAND USE PLAN AMENDMENT - \$3,500.00		SITE PLAN REVIEW - \$2,000.00
	PRELIMINARY PLAT - \$1,000.00	✓	VARIANCE - \$1,050.00

Hillsboro Beach Town Code Sec. 12.1.3d provides for the collection of service charges or fees, consultant review fees, etc. for the administrative processing and review of applications for development permits submitted to the Town for review and approval. The owner, architect or other authorized agents are urged to attend the Zoning Board of Appeals and Town Commission meetings. Each applicant must familiarize himself with the criteria and procedures. **If all required information is not presented with this application by the submittal date, the project will not be placed on the agenda for review and consideration.** PLEASE NOTE: THE FEES LISTED ABOVE ARE **ADMINISTRATIVE FEES ONLY**. YOU WILL BE BILLED BY THE TOWN OF HILLSBORO BEACH FOR ANY AND ALL ADDITIONAL EXPENSES WHICH WILL BE INCURRED BY THE TOWN THROUGH THE SERVICES OF THE TOWN ENGINEER/PLANNER, LEGAL ADVERTISING, REBUTTALS, CONSULTATION AS WELL AS POSTAGE FOR MAILINGS AND COURIER SERVICES RELATED TO YOUR PROJECT.

Items Required for Submittal: Must be submitted **30 days prior** to the Town Commission Meeting date.

1. This application and all applicable fees
2. Narrative letter describing the request
3. Letters from each adjoining property owners (with approvals, if possible) – Variance Application only
4. Approval letter from the Association and minutes (when applicable)
5. Agent's authorization letter (when applicable)
6. 1 electronic copy and 2 signed and sealed – Plans are to be standard architectural size
7. 1 set of plans for the City of Deerfield Fire Inspector / Plans Examiner (when applicable)

Code References: (All sections are available for viewing and printing on the website)

- Chapter 12 – Division 1. General Provisions
- Chapter 12 – Division 2. Development Review Requirements
- Chapter 12 – Division 3. Platting and Subdivision Regulations
- Chapter 12 – Division 4. Site Plan Procedures & Requirements
- Chapter 12 – Division 5. Zoning

GENERAL DATA

Project Location: 1085 Hillsboro Mile District: _____

Proposed Zoning: RS-2

Existing Comprehensive Plan Designation: Single Family Residence

Proposed Comprehensive Plan Designation: Single Family Residence

Existing Land Use: Single Family Residence

Proposed Land Use: Single Family Residence

Total Site Area: 69,499 Sq. Ft. 1.6 Acres

Flood Zone Category: VE, X

Is site currently serviced by public water? Yes ☒ No ☐

Is site currently serviced by public sewer? Yes ☒ No ☐

Describe briefly the nature of any improvements presently located on the subject property. 5-Bedroom home with pool, garage, generator and LP tanks.

Describe the type of operation or business proposed; or the proposed construction. 1- Removal of existing driveway. 2- Construct walls of subterranean garage

Estimated construction cost: \$ 825,000.00

Describe in detail the phasing of the proposed development. Addition of an underground garage that will be a mere 663 square feet forward of the setback line to accommodate adequate parking needs; and mitigate public safety issues and inconveniences to neighbors. This small area will not be visible since it will be basement level.

State the reasons or basis for the Approval request, and explain why this request is consistent with good planning and zoning practice, will not be contrary to the Town's Comprehensive Plan, and will not be detrimental to the promotion of public appearance, comfort, convenience, general welfare, good order, health, morals, prosperity, and safety of the Town. Additionally, all standards set forth in the Town Code of Ordinances must be addressed. (Attach a separate Justification Statement if insufficient space.)

See attached Justification Statement

Has any previous Application been filed within the last year in connection with the subject property?

Yes ☒ No ☐ If yes, briefly describe the nature of the Application. Addition to the rear of the home (not started or completed) and artificial turf to the rear.

Has a site plan been previously approved by the Town Commission for this property?

Yes ☒ No ☐ If yes, please note date of previous approval. 8/8/23

- (A) Every general contractor or other person being issued a building permit, shall deposit with the Town Clerk a bond in the amount of \$500 per each \$100,000 with a minimum of \$1,000 for any complete new building or an addition to existing building. The bond shall be in the form of a cashier's check.
- (B) By the deposit of the funds the contractor authorizes the Town of Hillsboro Beach, through its proper officials, to expend all or any portion of the bond to effect cleanup, during and after construction, if not satisfactorily performed by the contractor or person. Subsequent to the satisfactory cleanup of the vicinity of the construction, unused funds in whole or in part will be refunded to the contractor or person.
- (C) (1) It shall be the duty of the general contractor or other person receiving the permit to see that the premises and adjoining public areas shall be policed at all times during and after construction to prevent debris from being discarded on adjoining properties.
- (2) The DRO or the DRO's designate shall certify in writing to the Town Commission his or her determination and recommendation. The building plans and specifications shall be approved by the Town Commission prior to the issuance of a building permit. (1976 Code, CH. 12, Div. 5, Art. XV § 9)

DEVELOPMENT APPLICATION
Land Banc Trust
1085 Hillsboro Mile

JUSTIFICATION STATEMENT

The current parking is inadequate for the quantity of vehicles needed for a 5-bedroom home along with the various vendors required to maintain the property. Ocean front homes require constant maintenance and cleaning resulting in several vendors being on site daily including pool maintenance, landscaping, general property maintenance, staff, etc. The additional parking will eliminate congestion in the streets caused by a backup in available parking. It will also increase the safety in which vehicles can enter and leave as there will be ample room for them to maneuver and not have to back out of the drive while exiting.

Currently we must consistently use our neighbor's property to accommodate parking for our vendors or staff as needed and although they've been kind to allow us, it is a big inconvenience and liability.

Unfortunately, we purchased the property with the existing configuration, and it does not allow for sufficient parking. We note there is a subterranean garage being constructed at 987 Hillsboro Mile. That structure is below the street level. Ours is significantly higher and completely out of flooding and harm's way at a 6.5' NAVD. The 987 addressed garage is only 31' from the garage to edge of pavement and ours will exceed that greatly at 50' 7.25" to edge of pavement from garage door. Also, there is a garage constructed at 1075 Hillsboro Mile that is only 29' from the edge of pavement.

JUN 07 2024

987 Hillsboro Mile:

Garage is only 31' from edge of pavement and has a subterranean garage.



1075 Hillsboro Mile:
Garage is only 29' from edge of pavement.

JUN 07 2024



DEVELOPMENT APPLICATION
Land Banc Trust
1085 Hillsboro Mile

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JUN 07 2024

NARRATIVE LETTER DESCRIBING THE REQUEST

The project entails the construction of a subterranean garage to eliminate congestion and safety concerns due to the unsuitable parking space and configuration.

The current parking configuration is inadequate and unsafe for the quantity of vehicles needed for a 5- bedroom home along with the various vendors required to maintain the property: pool maintenance, landscaping, general property maintenance, staff, etc.

Judith Thiel

1087 Hillsboro Mile
Hillsboro Beach, FL 33062

RECEIVED
JUN 07 2024

May 1, 2024

Town of Hillsboro Beach
1210 Hillsboro Mile
Hillsboro Beach, FL 33062

RE: Land Banc Trust, 1085 Hillsboro Mile

Dear Town Staff:

I am aware that my neighbor desires to construct a new driveway designed by Affiniti Architects. This project, requiring variance approval, consists of two driveways, one of which will be under a parking area above to allow for ample parking.

Please allow this letter to serve as approval of my neighbor's requested upgrade.

Thank you.

Sincerely,

ERNIE / c/o
Ernie

Judith Thiel

May - 22-24

RECEIVED

JUN 07 2024

1223

LAND BANC TRUST
2200 NW CORPORATE BLVD STE 317
BOCA RATON, FL 33431

CHASE
JPMorgan Chase Bank, N.A.
www.Chase.com
55-233/212

5/1/2024

PAY TO THE
ORDER OF Town of Hillsboro Beach

\$ **1,050.00

One Thousand Fifty and 00/100*****

DOLLARS

Town of Hillsboro Beach
1210 Hillsboro Mile
Hillsboro Beach, FL 33062



AUTHORIZED SIGNATURE

MEMO

variance application fee

[REDACTED]

Security features. Details on back.

DEVELOPMENT APPLICATION
Land Banc Trust
1085 HILLSBORO MILE

NARRATIVE LETTER DESCRIBING THE REQUEST

This request for a variance is to correct the demonstrable and unusual hardship caused by the topography of our steep property entrance that creates vehicle congestion and dangerous conditions on both the property and Hillsboro Mile. Due to the steep slope and curve of the driveway, delivery trucks, landscape trucks, pool, and service trucks, etc., in many cases, cannot access the property at all. In the instances that they have managed to get up the driveway, they are unable to safely maneuver and have hit our house, our gate posts, and run over the landscaping when trying to exit the property.

We have managed thus far because my neighbor to the north has been kind enough to allow us to use a portion of her property on a continual basis. Without it, vehicles would be forced to park on the street each time the landscapers, pool cleaners, etc. arrive. Needless to say, our neighbor's parking area is not a solution to our problems.

In many cases, navigating vehicles to exit our driveway requires us to go out onto Hillsboro Mile to stop traffic in order to allow vehicles to back out onto the road. Hillsboro Beach Police have been kind enough to have assisted a few times. Backing out is frequently necessary because, although vehicles may be able to pull up into the steep parking area, there is no room to turn around – hence causing property damage on many occasions from such attempts. Currently, there is insufficient room to turn around because most of the entrance is consumed by the driveway and multiple retaining walls that take up a significant portion of the space due to the severe topography.

Our plan allows for significantly safer conditions exiting onto Hillsboro Mile, decreased vehicle congestion, and a lower risk of further damage being done to our property and other vehicles.

The variance would be to construct an underground area of 663 sf which, for the most part, will be invisible as it will be underground. This small area requiring the variance is forward of the setback line by only 16 feet at the closest point, narrowing to only 12 feet into the setback line.

We have spent a few years designing and redesigning the driveway and parking area with the engineers and have finally created a plan that solves all the issues. Two driveways would be constructed: one "long" driveway (required to accommodate all service vehicles to easily access the parking area) and, a second driveway, to access an underground or "subterranean" level parking area. This underground parking garage is required so that we have an area to park our residential vehicles. This way, all other vehicles will be able to turn around at the main level parking area and safely pull out onto the street. Without the additional lower-level parking, it would not be possible for vehicles to turn around on the main level parking area.

Our family of 7 purchased this 5-bedroom home in March 2021 during Covid. We were not permitted to access the property until we closed as, at the time, it was rented to tenants who would not allow us access. While there were photographs available, the unusual topography and limited space to access the property was not apparent. Upon closing, it was apparent that we would have to redesign and install a new driveway to address the adverse lot conditions and difficulties. Over time, the hazardous ingress/egress conditions, numerous instances of property damage, and difficult logistical issues have only strengthened that notion. The requested variance is a practical remedy that does not affect our neighbors at all, and would only make the community safer and less burdened.

Your kind consideration is greatly appreciated. Thank you.



**Hillsboro
Beach
FLORIDA**

RECEIPT

TO: Morris Flancbaum
1085 Hillsboro Mile
Boynton Beach, FL 33062

Date: 6-7-24
Receipt #No. 2032-220

Payment Method	Check No.	RE:
Check	1223	Variance Request 1085 Hillsboro Mile, Hillsboro Beach, FL

Qty	Description	
	Payment for Variance Request	Property location: 1085 Hillsboro Mile Hillsboro Beach, FL 33062

Variance Request – Development App.	\$1,050.00
Payment received	\$1,050.00
Balance Due	\$0.00 (PAID IN FULL)

LAND BANC TRUST
2200 NW CORPORATE BLVD STE 317
BOCA RATON, FL 33431

CHASE 
JPMorgan Chase Bank, N.A.
www.Chase.com
55-233/212

5/1/2024

PAY TO THE
ORDER OF Town of Hillsboro Beach

\$ **1,050.00

One Thousand Fifty and 00/100*****

DOLLARS

Town of Hillsboro Beach
1210 Hillsboro Mile
Hillsboro Beach, FL 33062





AUTHORIZED SIGNATURE

MEMO

variance application fee

OFFICE OF THE TOWN CLERK

Town of Hillsboro Beach | 1210 Hillsboro Mile | Hillsboro Beach, FL 33062 | 954-427-4011



TOWN OF HILLSBORO BEACH

1210 Hillsboro Mile
Hillsboro Beach, Florida 33062

(P) 954-427-4011
(F) 954-427-4834

CERTIFICATION LETTER

Date: June 14, 2024
Authorized Agent: Morris Flancbaum
Legal Description: 17-48-43 S 125 OF N 2225 OF GOV LOT 1 LESS RD
Property Address: 1085 Hillsboro Mile, Hillsboro Beach, FL 33062
Type of Application: Variance Request and Site Plan Amendment

This letter certifies that the enclosed list of property owners was mailed **PUBLIC NOTICE** of the July 9, 2024, Quasi-Judicial Public Hearing, concerning variance and site plan amendment for property located at 1085 Hillsboro Mile, Hillsboro Beach, FL 33062. The list below includes all properties within 300 feet from the property line of the subject site in compliance with the Town of Hillsboro Beach notification regulations.

This letter also certifies that the notices were mailed to property owners on June 14, 2024.

NOTICE MAILED TO:

- 1075 Hillsboro Mile, Hillsboro Beach, FL 33062
- 1077 Hillsboro Mile, Hillsboro Beach, FL 33062
- 1079 Hillsboro Mile, Hillsboro Beach, FL 33062
- 1083 Hillsboro Mile, Hillsboro Beach, FL 33062
- 1085 Hillsboro Mile, Hillsboro Beach, FL 33062
- 1087 Hillsboro Mile, Hillsboro Beach, FL 33062
- 1091 Hillsboro Mile, Hillsboro Beach, FL 33062
- 1093 Hillsboro Mile, Hillsboro Beach, FL 33062
- 1097 Hillsboro Mile, Hillsboro Beach, FL 33062

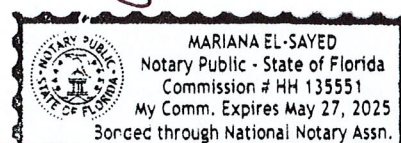
SHERRY D. HENDERSON, CMC, Town Clerk
Town of Hillsboro Beach

NOTARY PUBLIC

State of Florida
Broward County

Sworn to and subscribed before me this 14 day of June, 2023.

Notary Signature





TOWN OF HILLSBORO BEACH

Sherry D. Henderson, CMC Town Clerk

OFFICE OF THE TOWN CLERK

1210 Hillsboro Mile • Hillsboro Beach, FL 33062

Phone 954-427-4011 • SHenderson@TownofHillsboroBeach.com

PUBLIC NOTICE

TOWN OF HILLSBORO BEACH, FLORIDA

Tue, July 9, 2024

VARIANCE REQUEST AND SITE PLAN AMENDMENT FOR 1085 HILLSBORO MILE, HILLSBORO BEACH, FLORIDA 33062

NOTICE IS HEREBY GIVEN the Town of Hillsboro Beach, Florida Board of Zoning & Appeals will meet **Tuesday, July 9, 2024, at 9:00 am for a Quasi-Judicial Public Hearing.** The Authorized Agent for 1085 Hillsboro Mile, Hillsboro Beach, Florida 33062, is seeking a variance to be permitted to construct a subterranean garage. The Variance is to Section 12-124 of the Town's Code of Ordinance as stated below:

"Sec. 12-124. - Yard regulations.

- A. Front yard. On the east and west sides of State Highway A1A there shall be an open yard having a depth of not less than 85 feet from the center line of the State Highway A1A."

NOTICE IS FURTHER GIVEN the Town of Hillsboro Beach, Florida Town Commission will meet **Tuesday, July 9, 2024, at 9:30 am for a Regular Commission Meeting** (or immediately following adjournment of Quasi-Judicial Hearing) to consider Amendments to the Site Plan originally approved July 11, 2023, for property located at 1085 Hillsboro Mile, Hillsboro Beach, Florida 33062.

Information on the Development Application(s) for Variance Request and Site Plan Amendment can be obtained at Town Hall, 10 days prior to the meeting(s). Public comments on the request will be at the meeting on July 9, 2024. The public can attend in person at Town Hall, located at 1210 Hillsboro Mile, Hillsboro Beach, Florida or virtually via Zoom video conference and provide public comment. Zoom Meeting log-in details are provided on the Town Website.

If any person decides to Appeal any decision made with respect to any matter considered at the Public Hearing, he/she will need a record of the proceedings and for such purposes may need to ensure that a verbatim recording of the proceedings is made, which records include the testimony and evidence upon which the Appeal is to be based.

In accordance with the American with Disabilities Act and Florida Statute 286.26, persons with disabilities needing special accommodations to participate in these proceedings should contact the Town Clerk no later than two days prior to the Public Hearing at 954-427-4011 for assistance.

TOWN OF HILLSBORO BEACH, FLORIDA

Sherry D. Henderson, CMC

Town Clerk 6/14/2024

SUN-SENTINEL

Sold To:

Town Of Hillsboro Beach - CU00114721
1210 Hillsboro Mile
Hillsboro Beach,FL 33062

Bill To:

Town Of Hillsboro Beach - CU00114721
1210 Hillsboro Mile
Hillsboro Beach,FL 33062

Published Daily

Fort Lauderdale, Broward County, Florida
Boca Raton, Palm Beach County, Florida
Miami, Miami-Dade County, Florida

State Of Florida

County Of Orange

Before the undersigned authority personally appeared
Rose Williams, who on oath says that he or she is a duly authorized representative of the SUN- SENTINEL,
a DAILY newspaper published in BROWARD/PALM BEACH/MIAMI-DADE County, Florida; that the
attached copy of advertisement, being a Legal Notice in:

The matter of 11720-Notice of Public Meeting ,
Was published in said newspaper by print in the issues of, and by publication on the
newspaper's website, if authorized on Jun 28, 2024
SSC_Notice of Public Meeting
Affiant further says that the newspaper complies with all legal requirements for
publication in Chapter 50, Florida Statutes.

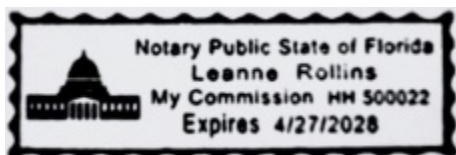


Signature of Affiant

Sworn to and subscribed before me this: June 29, 2024.



Signature of Notary Public



Name of Notary, Typed, Printed, or Stamped
Personally Known (X) or Produced Identification ()

Affidavit Delivery Method: E-Mail

Affidavit Email Address: sking@townofhillsborobeach.com
7655858

**PUBLIC NOTICE
TOWN OF HILLSBORO BEACH, FLORIDA
TUE, JULY 9, 2024
VARIANCE REQUEST AND SITE PLAN
AMENDMENT FOR 1085 HILLSBORO
MILE, HILLSBORO BEACH, FLORIDA
33062**

NOTICE IS HEREBY GIVEN the Town of Hillsboro Beach, Florida Board of Zoning & Appeals will meet Tuesday, July 9, 2024, at 9:00 am for a Quasi-Judicial Public Hearing. The Authorized Agent for 1085 Hillsboro Mile, Hillsboro Beach, Florida 33062, is seeking a variance to be permitted to construct a subterranean garage. The Variance is to Section 12-124 of the Town's Code of Ordinance as stated below:

"Sec. 12-124. - Yard regulations.

A. Front yard. On the east and west sides of State Highway A1A there shall be an open yard having a depth of not less than 85 feet from the center line of the State Highway A1A."

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Sherry D. Henderson
Town Clerk
Town of Hillsboro Beach
06/28/2024 7655858

Order ID: 7675765

* Agency Commission not included

GROSS PRICE * : **\$170.14**

PACKAGE NAME: SSC_Notice of Public Meeting

Order ID: 7675765

* Agency Commission not included

GROSS PRICE * : \$170.14

PACKAGE NAME: SSC_Notice of Public Meeting

Product(s): Sun Sentinel, Affidavit, Floridapublicnotices.com, Classified.ss.com_Legal

AdSize(s): 1 Column

Run Date(s): Friday, August 30, 2024

Zone: Full Run

Color Spec. B/W

Preview

PUBLIC NOTICE

TOWN OF HILLSBORO BEACH, FLORIDA VARIANCE REQUEST AND SITE PLAN AMENDMENT FOR 1085 HILLSBORO MILE, HILLSBORO BEACH, FLORIDA 33062

FRIDAY, SEPTEMBER 10, 2024

NOTICE IS HEREBY GIVEN the Town of Hillsboro Beach, Florida Board of Zoning & Appeals will meet Tuesday, September 10, 2024, at 9:00 am for a Quasi-Judicial Public Hearing. The Authorized Agent for 1085 Hillsboro Mile, Hillsboro Beach, Florida 33062, is seeking a variance to be permitted to construct a subterranean garage. The Variance is to Section 12-124 of the Town's Code of Ordinance as stated below:

"Sec. 12-124. - Yard regulations.

A. Front yard. On the east and west sides of State Highway A1A there shall be an open yard having a depth of not less than 85 feet from the center line of the State Highway A1A." NOTICE IS FURTHER GIVEN the Town of Hillsboro Beach, Florida Town Commission will meet Tuesday, September 10, 2024, at 10:00 am for a Regular Commission Meeting (or immediately following adjournment of Quasi-Judicial Hearing) to consider Amendments to the Site Plan originally approved July 11, 2023, for property located at 1085 Hillsboro Mile, Hillsboro Beach, Florida 33062.

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If any person decides to Appeal any deci-

Order ID: 7675765

* Agency Commission not included

GROSS PRICE * : \$170.14

PACKAGE NAME: SSC_Notice of Public Meeting

If any person decides to appeal any decision made with respect to any matter considered at the Public Hearing, he/she will need a record of the proceedings and for such purposes may need to ensure that a verbatim recording of the proceedings is made, which records include the testimony and evidence upon which the Appeal is to be based.

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Sherry D. Henderson
Town Clerk
Town of Hillsboro Beach
08/30/2024 7675765



TOWN OF HILLSBORO BEACH

1210 Hillsboro Mile
Hillsboro Beach, FL 33062

Phone: (954) 427-4011
www.townofhillsborobeach.com

Agenda Item Cover Memo

Agenda Item: Variance Request for Property Located at 925 Hillsboro Mile, Hillsboro Beach, FL 33062

Property Owner: 925 LandTrust

Request: The Authorized Agent, Brian Horowitz is seeking a variance from the Town's Land Development Code (Chapter 12)

Staff: Graham Long, Development Planner, CG&A

All interested parties are sworn in by the Town Attorney

-Staff Presentation

-Commission Discussion

-Public Hearing Opened

-Public Comments

-Public Hearing Closed

-Commission Discussion

-Commission Motion & Second

-Commission Vote

Submitting Dept: Town Clerk, Sandra King, Admin Assistant

Agenda Date: September 10, 2024

1. BACKGROUND/HISTORY

Property Owner, Mr. Morris Flancbaum, is seeking a Variance Request for property located at 1085 Hillsboro Mile, Hillsboro Beach, Florida. This matter was presented to the Town Commission 7/9/2024 and tabled until 9/10/2024.

2. CURRENT ACTIVITY

2. FINANCIAL IMPACT

None

3. RECOMMENDATION



TOWN OF HILLSBORO BEACH

1210 Hillsboro Mile
Hillsboro Beach, FL 33062

Phone: (954) 427-4011
www.townofhillsborobeach.com

Postpone hearing until October 1, 2024

- ATTACHMENTS:**
1. Staff Report - 925 Hillsboro BZA variance staff report (9-10-2024 BZA)
 2. Development Application & Site plans (guest house)
 3. GUEST HOUSE_19-4865_Site plan 925 Hillsboro
 4. Certified - 925 HM



1210 Hillsboro Mile
Hillsboro Beach, FL 33062

TOWN OF HILLSBORO BEACH

Phone: (954) 427-4011
Fax: (954) 427-4834

TO: Mayor Miller and Town Commission
THROUGH: Mac Serda, Town Manager
FROM: Graham Long, Planning Consultant
DATE: September 10, 2024
SUBJECT: Request for a Variance to Install an Entry Gate Located At 925 Hillsboro Mile

The Property Owner, 925 Land Trust (Applicant), and authorized agent, Brian Horowitz, are requesting approval of a variance from Section 12-263(1)(b) of the Land Development Code (Code) to allow for the placement of a gate at the entrance to the property within the minimum setback of the west side A1A, located at 925 Hillsboro Mile within the RS-2 single-family zoning district.

Background

The Applicant is seeking to install an electronic controlled gate to the entrance of an existing guest house on the west side of A1A at 925 Hillsboro Mile. The proposed gate would be setback from the edge of pavement approximately Twenty (20) feet. There is not sufficient lot depth to accommodate the minimum of forty (40) feet from the gate to the edge of pavement of A1A, as required by the Land Development Code section 12-263(A)(1)(b).

Per Code section 12-263(A)(1)(b):

“(b) Gates and gate posts shall be no closer than 40 feet to the edge of the pavement of State Highway A1A. Gates and gate posts within a the RS-2 zoning district are permitted to be a minimum of twenty-five (25) feet to the edge of the pavement of the state highway provided the total distance of a driveway leading to such gates is a minimum of forty (40) feet in length (including any curvilinear distance). All call boxes and or gate-opening devices on the street entrance side of such gates shall be located with sufficient distance to permit two vehicles to queue within the driveway.”

The variance is required in order to construct the gate within the 40-foot setback and include the gate on the corresponding amendment to the final site plan, to be considered by the Town Commission. The applicant has stated multiple issues prompting the proposal to construct a gate, including disturbances, trespassing, and general safety issues related to unauthorized persons approaching the guest house.

Variance Criteria

Per Section 12-283, the Board of Zoning Appeals (Board) has the powers and should be its duty to grant variances from the Code. The Applicant is requesting relief through the criteria set forth in 12-283(C)(1) Yard requirements, 12-283(C)(2) Instances of Hardship, and 12-283(C)(3) Additional provisions, which are as follows:

- (1) *Yard requirements. Permit a variance in the yard requirement of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variations will not seriously affect any adjoining property or the general welfare.*
- (2) *Instances of hardship. Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this chapter relating to the use, construction or alterations of buildings or structures, or the use of land will impose upon him or her unusual and practical difficulties or particular hardship, such variances of land will impose upon him or her unusual and practical difficulties or particular hardship, such variances of the strict application of the terms of this chapter as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of the variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the comprehensive plan as established by this chapter, and at the same time, the surrounding property will be properly protected.*
- (3) *Additional provisions. In consideration of all appeals and all proposed exceptions or variances to this chapter, the Board shall, before making any exceptions or variations from the chapter in a specific case, first determine that it will not impair an adequate supply of light, air and sunshine to adjacent property or unreasonably increase the congesting in streets or highways or increase the danger of fire or endanger the public safety or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Town of Hillsboro Beach.*

Analysis

Below are excerpts from the Code-required criteria listed above (in *italics*) with consultant planner's analysis of how the proposed development relates to the criteria listed below:

- (1) *Yard Requirements. "... variance in the yard requirement of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions..."*

The yard and open space requirements are not affected by the proposed gate, as fences and walls are permitted in front yard areas. However, due to the relatively narrow nature of the front yard area on the west side of A1A, a 40-foot setback from the edge of pavement to the gate would significantly reduce the parking area and open yard space, and require moving/extending the existing walls.

- (2) *Instances of Hardship. "...the use of the land will impose upon him or her unusual and practical difficulties or particular hardship..."*

Sufficient space for the addition of a gate setback 40 feet from the edge of pavement would place the gate in the middle of the front yard and parking area. Due to the narrow configuration of the lot west of A1A, the gate and attached expanded walls would not allow for sufficient on-site parking & circulation.

(2) “...such variances of the strict application of the terms of this chapter as are in harmony with its general purpose and intent,...”

The intent of the 40-foot setback from edge of pavement for the placement of a gate is to allow for vehicles entering the property to have sufficient space to queue and not disrupt the traffic on A1A. The proposed gate with a 20-foot setback could accommodate only one car or other smaller vehicle (as opposed to a delivery, maintenance, or landscaping truck).

The applicant states there shall be sufficient room for larger or multiple vehicles to queue on the east side of A1A. The approved site plan reflects this space for queuing, and gates on the east side meet the 40-foot setback requirement.

(2) “...but only when the Board is satisfied that a granting of the variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the comprehensive plan as established by this chapter, and at the same time, the surrounding property will be properly protected.”

The applicant states that there have been numerous unauthorized visitors, solicitors, and other trespassers approaching the guest house, often having walked across the nearby inlet bridge. Cars and trucks coming off of A1A are entering the property and often use the driveway as a turnaround. Applicant has stated that these unwelcome occurrences threaten their safety and that of their invited guests, and that police have been called on multiple occasions to help mitigate this problem. Without a gate to physically secure the property, the Applicant argues this safety and trespassing hardship will persist. The applicant is proposing a 20-foot setback of the gate to allow a car or small truck to be able to pull off the road, and not block traffic along A1A.

The surrounding properties would not be directly affected by the addition of the gate, provided sufficient queuing space for larger vehicles is provided on the east side of A1A.

(3) Additional provisions. “In consideration of all appeals and all proposed exceptions or variances to this chapter, the Board shall, before making any exceptions or variations from the chapter in a specific case, first determine that it will not impair an adequate supply of light, air and sunshine to adjacent property...”

The proposed gate would not impair adequate supply of light, air or sunshine to adjacent properties.

(3) ...or unreasonably increase the congesting in streets or highways or increase the danger of fire...

The applicant has stated that the main house east of A1A will be the main entry point which will provide sufficient parking and queuing space. The guest house, on the west side of A1A, has limited traffic associated with its use or maintenance, and therefore it would be unlikely that multiple queuing vehicles would ever block traffic on A1A.

(3)... or endanger the public safety or unreasonably diminish or impair established property values within the surrounding area,...

The granting of the variance would not endanger public safety or diminish property values.

(3)... or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Town of Hillsboro Beach.”

The proposal would not impact the public health, safety, comfort, morals or welfare for the residents of the Town and will provide additional safety for the Applicant’s property.

Recommendation

Based on the application and review of the Criteria set forth in Town Code section 12-283, the consultant planner requests that the Board consider the variance based on the applicant’s request to install an electronic controlled gate at the entrance of the guest house located at 925 Hillsboro Mile.

925 Hillsboro Mile
- Variance -



TOWN OF HILLSBORO BEACH
1210 HILLSBORO MILE, HILLSBORO BEACH, FL 33062
PHONE (954) 427-4011 • FAX (954) 427-4834
www.townofhillsborobeach.com

RECEIVED

JUN 27 2024

SDH

DEVELOPMENT APPLICATION

Submittal Date: _____

Zoning Board Meeting Date: _____

Property Control # _____

Town Commission Meeting Date: _____

PROPERTY OWNER(S)		AUTHORIZED AGENT	
NAME:	925 Land Trust	NAME:	Brian Horowitz
ADDRESS:	925 Hillsboro Mile, Hillsboro Beach	ADDRESS:	22532 Caravelle Circle Boca Raton, FL 33433
PHONE:	954-647-0005	PHONE:	
CELL:	954-647-0004	CELL:	954-650-5085
E-MAIL:	gwen@pinchollaoflorida.com	E-MAIL:	Bhorowitz@hsdholdings.com
FAX:		FAX:	

APPLICANT'S CERTIFICATION

I, Howard Dvorkin (owner), (architect) or (authorized agent) affirm and certify that I understand and will comply with all provisions and regulations of the Town of Hillsboro Beach Florida. I certify that all drawings and specifications for buildings or structures costing \$5,000 or over for commercial buildings or \$10,000 for residential building must be drawn or verified by a state registered architect or engineer and his seal of office imprinted thereon. Additionally, I certify that the drawings that the drawings and specifications show full compliance and do fully comply with the Zoning Code. I understand that if any drawings or specifications are not in full compliance, the application will be rejected. If approved by the Town, the aforementioned real property described herein will be considered, in every respect, to be a part of the Town of Hillsboro Beach and will be subjected to all applicable laws, regulations, taxes and police powers of the Town including the Comprehensive Plan and Zoning Code. I further certify that all statements and diagrams submitted herewith are true and accurate to the best of my knowledge and belief. Further, I understand that this Application and attachments become part of the Official Records of the Town of Hillsboro Beach, Florida, and are not returnable.

[Signature]
Signature

Howard Dvorkin
Print Name

STATE OF FLORIDA, COUNTY OF BROWARD

The foregoing instrument was acknowledged before me on this 15 day of April, 2024, by Howard Dvorkin as Trustee for 925 Land Trust

Personally know [Signature] or has produced identification [Signature]. Type of Identification _____

[Signature]
Notary Signature
[Signature]
Print Notary Name



ANDREW LEAVY
Commission # HH 297255
Expires August 30, 2026

CHECK BELOW WHERE APPLICABLE

	FINAL PLAT - \$1,000.00		REZONING - \$3,500.00
	LAND USE PLAN AMENDMENT - \$3,500.00		SITE PLAN REVIEW - \$2,000.00
	PRELIMINARY PLAT - \$1,000.00		VARIANCE - \$1,050.00

Hillsboro Beach Town Code Sec. 12.1.3d provides for the collection of service charges or fees, consultant review fees, etc. for the administrative processing and review of applications for development permits submitted to the Town for review and approval. The owner, architect or other authorized agents are urged to attend the Zoning Board of Appeals and Town Commission meetings. Each applicant must familiarize himself with the criteria and procedures. **If all required information is not presented with this application by the submittal date, the project will not be placed on the agenda for review and consideration.** PLEASE NOTE: THE FEES LISTED ABOVE ARE **ADMINISTRATIVE FEES ONLY**. YOU WILL BE BILLED BY THE TOWN OF HILLSBORO BEACH FOR ANY AND ALL ADDITIONAL EXPENSES WHICH WILL BE INCURRED BY THE TOWN THROUGH THE SERVICES OF THE TOWN ENGINEER/PLANNER, LEGAL ADVERTISING, REBUTTALS, CONSULTATION AS WELL AS POSTAGE FOR MAILINGS AND COURIER SERVICES RELATED TO YOUR PROJECT.

Items Required for Submittal: Must be submitted **30 days prior** to the Town Commission Meeting date.

1. This application and all applicable fees
2. Narrative letter describing the request
3. Letters from each adjoining property owners (with approvals, if possible) – Variance Application only
4. Approval letter from the Association and minutes (when applicable)
5. Agent's authorization letter (when applicable)
6. 1 electronic copy and 2 signed and sealed – Plans are to be standard architectural size
7. 1 set of plans for the City of Deerfield Fire Inspector / Plans Examiner (when applicable)

Code References: (All sections are available for viewing and printing on the website)

- Chapter 12 – Division 1. General Provisions
- Chapter 12 – Division 2. Development Review Requirements
- Chapter 12 – Division 3. Platting and Subdivision Regulations
- Chapter 12 – Division 4. Site Plan Procedures & Requirements
- Chapter 12 – Division 5. Zoning

GENERAL DATA

Project Location: _____ District: _____

Proposed Zoning: _____

Existing Comprehensive Plan Designation: _____

Proposed Comprehensive Plan Designation: _____

Existing Land Use: _____

Proposed Land Use: _____

Total Site Area: _____ Sq. Ft. _____ Acres

Flood Zone Category: _____

Is site currently serviced by public water? Yes ☐ No ☐

Is site currently serviced by public sewer? Yes ☐ No ☐

Describe briefly the nature of any improvements presently located on the subject property. _____

Describe the type of operation or business proposed; or the proposed construction. _____

Estimated construction cost: _____

Describe in detail the phasing of the proposed development. We would like to add a front gate to the property.

State the reasons or basis for the Approval request, and explain why this request is consistent with good planning and zoning practice, will not be contrary to the Town's Comprehensive Plan, and will not be detrimental to the promotion of public appearance, comfort, convenience, general welfare, good order, health, morals, prosperity, and safety of the Town. Additionally, all standards set forth in the Town Code of Ordinances must be addressed. (Attach a separate Justification Statement if insufficient space.)

This gate is for safety and security for our family as we have people camping out in our driveway and ringing our doorbell. Police
Has any previous Application been filed within the last year in connection with the subject property? have been called many times.
Yes ☐ No ☒ If yes, briefly describe the nature of the Application. _____

Has a site plan been previously approved by the Town Commission for this property?

Yes ☐ No ☐ If yes, please note date of previous approval. _____

- (A) Every general contractor or other person being issued a building permit, shall deposit with the Town Clerk a bond in the amount of \$500 per each \$100,000 with a minimum of \$1,000 for any complete new building or an addition to existing building. The bond shall be in the form of a cashier's check.
- (B) By the deposit of the funds the contractor authorizes the Town of Hillsboro Beach, through its proper officials, to expend all or any portion of the bond to effect cleanup, during and after construction, if not satisfactorily performed by the contractor or person. Subsequent to the satisfactory cleanup of the vicinity of the construction, unused funds in whole or in part will be refunded to the contractor or person.
- (C) (1) It shall be the duty of the general contractor or other person receiving the permit to see that the premises and adjoining public areas shall be policed at all times during and after construction to prevent debris from being discarded on adjoining properties.
- (2) The DRO or the DRO's designate shall certify in writing to the Town Commission his or her determination and recommendation. The building plans and specifications shall be approved by the Town Commission prior to the issuance of a building permit. (1976 Code, CH. 12, Div. 5, Art. XV § 9)

RECEIVED

JUN 27 2024

June 11, 2024

Town of Hillsboro Beach
Planning & Zoning
1210 Hillsboro Mile
Hillsboro Beach, FL 33062

Graham Long, AICP
Calvin, Giordano & Associates, Inc.
1800 Eller Drive, Suite 600
Fort Lauderdale, FL 33316

RE: Variance Request for Gate Installation at Guest House @ 925 Hillsboro Mile,
Hillsboro Beach, FL 33062 – Parcel number 484320000400

Dear Madam/Sir,

We would like to request a variance to install an electronic controlled gate on our property. There have been numerous uninvited visitors and solicitors coming onto our property even though we have posted no trespassing signs. Also, there are cars and trucks entering from AIA onto the property to use as a turnaround. Furthermore, groups of bikers have been utilizing our property to rest or wait for other bikers to catch up to the group. This has become a concern for our privacy and safety as well as that of our guests.

The Main House construction is about to commence and it would be the main entry point for the property. It has plenty of parking on site along with an oversized parking garage. Consequently, the guest house will have limited traffic.

We look forward to your review of our request and subsequent approval for the gate to resolve our hardship.

Sincerely,
925 Land Trust



Howard Dvorkin, Trustee
7809 Galleon Court
Parkland, FL 33067

**ELLEMAR ENTERPRISES, LLC
CONSTRUCTION ACCOUNT**

6810 N STATE ROAD 7
COCONUT CREEK, FL 33073

SOUTH STATE BANK
63-1403/631

06/25/2024

PAY TO THE
ORDER OF Town of Hillsboro Beach

\$*1,050.00

EXACTLY ONE THOUSAND FIFTY DOLLARS

DOLLARS

Town of Hillsboro Beach
1210 Hillsboro Mile
Hillsboro Beach FL 33062



MEMO

AUTHORIZED SIGNATURE

ELLEMAR ENTERPRISES, LLC - CONSTRUCTION ACCOUNT

Vendor: 1314 Town of Hillsboro Beach

36698

Check#	Date	Amount	Balance	Retain	Discount	This Check
36698	06/25/2024	1,050.00				
061024	06/10/2024	104 925 Landtrust -	1,050.00			1,050.00

RECEIVED

JUN 27 2024

<u>AREA CALCULATIONS SCHEDULE</u>		
<u>1ST FLOOR</u>		
AIR CONDITIONED AREA	1055	SQF
PARKING GARAGE	443	SQF
COVERED VERANDA	902	SQF
COVERED ENTRY	53	SQF
OPEN VERANDA	988	SQF

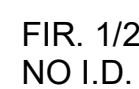
<u>2ND FLOOR</u>		
AIR CONDITIONED AREA	2009	SQF
COVERED BALCONY	368	SQF

TOTAL AIR CONDITIONED AREA	3064	SQF
TOTAL NON AIR CONDITIONED AREA	443	SQF

TOTAL UNDER ROOF	4462	SQF

TOTAL LOT AREA	11775	SQF
TOTAL LOT COVERAGE (30%)	3591	SQF
PROPOSED PAVED AREA	3343	SQF
PERVIOUS AREA	4841	SQF

7. SITE PLAN AS DRAWN REFLECTS ARCHITECTS CONCEPTION OF OVERALL SITE LAYOUT AND FEATURES, AND MAY NOT NECESSARILY BE AN ACCURATE REPRESENTATION OF THE BUILDERS STANDARD INCLUDED FEATURES OR LAYOUT AND DESIGN.



OF # SHEETS



TOWN OF HILLSBORO BEACH

OFFICE OF THE TOWN CLERK

1210 Hillsboro Mile • Hillsboro Beach, FL 33062

Phone 954-427-4011 • SHenderson@TownofHillsboroBeach.com

CERTIFICATION LETTER

Date: August 13, 2024

Property Owner: 925 Land Trust
Authorized Agent: Mark Rothenberg

Legal Description: 20-48-43 GOV LOT 5 N 100 OF S 625 LESS E 10 FT OF N 100 OF S 625 MEAS AT RT ANGLES OF GOV LOT 5 LYING W OF W R/W/L OF ST RD A-1-A 40' R/W; LESS W 10 OF N 100 OF S 625 MEAS AT RT ANGLES OF GOV LOT 5 LYING E OF E R/W/L OF ST RD A-1-A 40' R/W

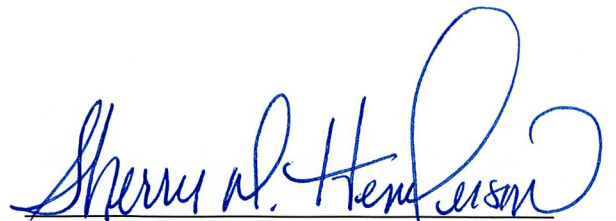
Property Address: 925 Hillsboro Mile, Hillsboro Beach, FL 33062
Type of Application: Variance and Site Plan Amendment

This letter certifies that the enclosed list of property owners was mailed **PUBLIC NOTICE** of the September 10, 2024, Quasi-Judicial Board of Zoning Appeals Hearing and Town Commission Meeting, concerning variance request and site plan amendment for property located at 925 Hillsboro Mile, Hillsboro Beach, FL 33062. The list below includes all properties within 300 feet from the property line of the subject site in compliance with the Town of Hillsboro Beach notification regulations.

This letter also certifies that the notices were mailed to property owners on August 13, 2024.

NOTICE MAILED TO:

- 900 Hillsboro Mile, CRE Properties Hillsboro Beach, FL 33062
- 900 Hillsboro Mile, #1 Hillsboro Beach, FL 33062
- 900 Hillsboro Mile, #2 Hillsboro Beach, FL 33062
- 900 Hillsboro Mile, #3 Hillsboro Beach, FL 33062
- 900 Hillsboro Mile, #4 Hillsboro Beach, FL 33062
- 901 Hillsboro Mile, Hillsboro Beach, FL 33062
- 921 Hillsboro Mile, Hillsboro Beach, FL 33062
- 923 Hillsboro Mile, Hillsboro Beach, FL 33062
- 927 Hillsboro Mile, Hillsboro Beach, FL 33062
- 935 Hillsboro Mile, Hillsboro Beach, FL 33062
- 925 Hillsboro Mile, Hillsboro Beach, FL 33062

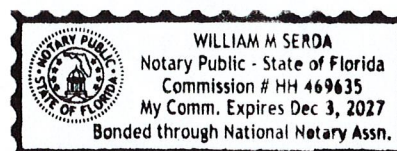

SHERRY D. HENDERSON, CMC, Town Clerk
TOWN OF HILLSBORO BEACH

NOTARY PUBLIC

State of Florida
Broward County

Sworn to and subscribed before me this 13 day of August, 2024.


Notary Signature





TOWN OF HILLSBORO BEACH

Sherry D. Henderson, CMC Town Clerk

OFFICE OF THE TOWN CLERK

1210 Hillsboro Mile • Hillsboro Beach, FL 33062

Phone 954-427-4011 • SHenderson@TownofHillsboroBeach.com

PUBLIC NOTICE

TOWN OF HILLSBORO BEACH, FLORIDA

VARIANCE AND SITE PLAN REQUEST AMENDMENT FOR 925 HILLSBORO MILE, HILLSBORO BEACH, FLORIDA 33062

Public Hearing September 10, 2024

NOTICE IS HEREBY GIVEN the Town of Hillsboro Beach, Florida Board of Zoning & Appeals will meet **Tuesday, September 10, 2024, at 9:00 am for a Quasi-Judicial Board of Zoning Appeals Public Hearing.** The Authorized Agent for 925 Hillsboro Mile, Hillsboro Beach, Florida 33062, is seeking a variance to Section 12-263 of the Town's Code of Ordinance as stated below:

Section 12-263(A)(1)(b)

"...Gates and gate posts shall be no closer than 40 feet to the edge of the pavement of State Highway A1A. Gates and gate posts within the RS-2 zoning district are permitted to be a minimum of twenty-five (25) feet to the edge of pavement of the state highway provided the total distance of a driveway leading to such gates is a minimum of forty (40) feet in length (including any curvilinear distance). All call boxes and/or gate-opening devices on the street entrance side of such gates shall be located with sufficient distance to permit two vehicles to queue within the driveway."

NOTICE IS FURTHER GIVEN the Town of Hillsboro Beach, Florida Town Commission will meet **Tuesday, September 10, 2024, at 10:00 am for a Regular Commission Meeting** (or immediately following adjournment of Quasi-Judicial Board of Zoning Appeals Hearing) to consider Amendments to the Site Plan originally approved April 5, 2022, for property located at 925 Hillsboro Mile, Hillsboro Beach, Florida 33062.

Information on the Development Application(s) for Variance Request and Site Plan Amendment can be obtained at Town Hall, 10 days prior to the meeting. Public comments on the request will be at the meeting on September 10, 2024. The public can attend in person at Town Hall, located at 925 Hillsboro Mile, Hillsboro Beach, Florida or virtually via Zoom video conference and provide public comment. Zoom Meeting log-in details are provided on the Town Website.

If any person decides to Appeal any decision made with respect to any matter considered at the Public Hearing, he/she will need a record of the proceedings and for such purposes may need to ensure that a verbatim recording of the proceedings is made, which records include the testimony and evidence upon which the Appeal is to be based.

In accordance with the American with Disabilities Act and Florida Statute 286.26, persons with disabilities needing special accommodations to participate in these proceedings should contact the Town Clerk no later than two days prior to the Public Hearing at 954-427-4011 for assistance.

Sherry D. Henderson, Town Clerk
Town of Hillsboro Beach, Florida

PUBLIC NOTICE: 8/9/2024

SUN SENTINEL AD: 8/30/2024