



**MINUTES
TOWN OF HILLSBORO BEACH
BOARD OF ZONING & APPEALS MEETING
JULY 9, 2024**

TUESDAY

9:00 A.M.

CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Dawn Miller 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 Dawn Miller
Commissioner Jane Reiser
Commissioner David A. Ravanese

Vice Mayor Barbara Baldassarre
Commissioner Vinnie Andreano

Town Staff:

Town Manager William "Mac" Serda, ICMA-CM
Donald J. Doody, Town Attorney, Esq.
Town Clerk Sherry D. Henderson, CMC

I. QUASI-JUDICIAL PUBLIC HEARINGS

- A. VARIANCE REQUEST** for property located at 1085 Hillsboro Mile, Hillsboro Beach, FL 33062, submitted by Morris Flancbaum, authorized agent for property owner Land Banc Trust, are requesting approval of a variance from section 12-124(A) of the Land Development Code to construct a subterranean garage.

Town Attorney DJ Doody read the item into the record and swore in all those giving testimony at the hearing.

Graham Long, Development Planner, CG&A, presented the item. He provided a brief overview of the application 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 an additional driveway entrance is proposed to the garage. He noted the stated hardship included a lack of parking, slope of the front yard, and safety concerns and explained the request also included a site plan amendment which would be on the Town Commission regular agenda later in the day. He stated staff's recommendation was that the application meets the criteria for a variance set forth in the Town Code.

Mr. Doody asked staff to confirm whether, absent the variance, the site plan amendment on the regular Commission agenda could proceed. Mr. Long advised that it could not.

Mayor Miller asked for clarification on the amended site plan. Mr. Long advised the applicant was granted site plan approval on July 11, 2023, to modify the front yard area of the lot and construct a second story addition to the rear of the existing house, and this amendment does not include changes to the rear of the house.

Mayor Miller inquired as to how many parking spaces are currently available on the site. Mr. Long stated they had done a site visit and there is not an exact number, but it is approximately seven (7) or eight (8) in the current configuration, which exceeds the Code requirement. He noted there are also spaces on the west side of A1A.

Mayor Miller asked how many parking spaces there would be in the approved site plan. Mr. Long stated the approved site plan leaves the parking mostly in current conditions.

Commissioner Ravanese asked for clarification on the 85-foot setback and variance requested. Mr. Long stated the variance issue was solely the fact that the proposed garage would encroach into the setback by 16 feet at its maximum.

Vice Mayor Baldassarre pointed out the encroachment into the setback was a large percentage of what was available. She asked for clarification on the hardship. Mr. Long stated there is not enough space to accommodate the applicant's own vehicles plus other vehicles that have to access the lot such as landscape and maintenance vehicles, partially due to the slope at the front of the lot.

Morris Flancbaum, authorized agent for property owner Land Banc Trust, advised the hardship relates to the topography of the site and stated his application complies with the criteria for a variance. He shared images of the gate and walls. Discussion continued.

Mr. Flancbaum advised the entrance to the garage would be setback 70 feet and disguised from view. He discussed the lot and issues with access for service vehicles due to the topography of the site. He noted police assistance had been needed to direct traffic at times to get vehicles off the site.

Mayor Miller stated she had a lot of questions about the topography and how the garage was an adequate response to the hardship. Mr. Flancbaum explained.

Commissioner Reiser asked how many cars the current garage holds. Mr. Flancbaum stated there are three (3) spaces in the garage and three (3) parking spaces on the west side of A1A and they are a family of seven (7) with staff. He noted the driveway is very narrow, so a driver pulls in and backs out.

Commissioner Reiser referenced garages at 1075 Hillsboro Mile and 987 Hillsboro Mile were originally built to Code, but over the years, the Code has changed to improve quality of life in Town. She stated these pre-existing nonconforming uses should not be used as a guideline. Discussion continued.

Mayor Miller asked if there was some way that an open yard could be maintained, and the slope of the property addressed differently. Mr. Flancbaum stated it would be a large expense that would not alleviate the problem, and he would need to continue parking at the neighbor's house.

Commissioner Andreano commented that it was not just quality of life on the property that should be considered, but for the Town due to the need for police to assist vehicles in backing out of the driveway.

Vice Mayor Baldasarre asked if a circular driveway had been considered. Mr. Flancbaum advised the idea had been reviewed, but it would result in less parking.

Mayor Miller inquired as to whether grading had been considered to create an open yard to meet the character of the Town rather than utilizing a series of retaining walls. Mr. Flancbaum discussed the retaining walls briefly.

Commissioner Reiser asked if the beautiful old tree at the south end of the property would need to be removed. Mr. Flancbaum advised he recently had an arborist look at the tree and stated it was not healthy and should be replaced.

Mayor Miller opened the public hearing.

Deb Tarrant, 1083 Hillsboro Mile, commented that should this variance be granted, there is a section of the Code that requires two (2) vehicles stacking from the call box. She stated the topography on her property is similar, but the lot is wider, which makes a difference, and pointed out there is a two (2) car garage at the applicant property guest house, as well as four (4) parking spaces on the west side of A1A.

Mayor Miller closed the public hearing.

Commissioner Reiser asked staff if there was appropriate stacking from the call box. Mr. Long stated the proposed driveway would have space for two (2) cars to queue.

Mayor Miller stated she would like clarification as to whether there is a parking issue, or if a landscape trailer cannot be accommodated to turn around. Mr. Long advised the approved site plan would reconfigure the front yard and accommodate those vehicles, but it would not create additional parking.

Commissioner Reiser shared her experience parking for a site visit and stated they accommodated at least six (6) cars.

Mayor Miller asked if there were other configurations which could address the parking concern. Mr. Long confirmed there were other scenarios possible. Discussion continued.

Mr. Andreano asserted the previous plan did not solve the problem, and the Board should look at the request for the benefit of the Town.

Motion made by Mayor Miller, seconded by Commissioner Ravanese, to table the application to the September 10, 2024 meeting to allow for more information to be gathered. In a roll call vote, the **motion** passed unanimously. (5-0)

III. PUBLIC COMMENTS

None.

II. ADJOURNMENT

Motion made by Commissioner Ravanese, seconded by Commissioner Reiser, to adjourn the meeting. In a roll call vote, the **motion** passed unanimously. (5-0)

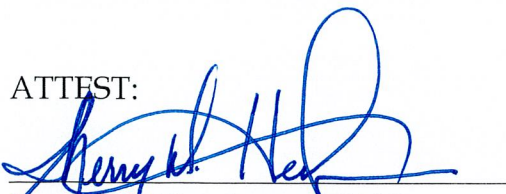
There being no further business before the Board of Zoning and Appeals, the meeting was adjourned at 9:51 a.m.

ADOPTED THIS 10 DAY OF September, 2024

By: 

Dawn Miller, Mayor

ATTEST:



Sherry D. Henderson, CMC
Town Clerk

9/10/2024