



TOWN OF HILLSBORO BEACH
1210 Hillsboro Mile, Hillsboro Beach, Florida 33062
January 7, 2025 | 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 1035 Hillsboro Mile, Hillsboro Beach, FL 33062

Property Owner: Hillsboro Mile Tower, Inc.

Authorized Agent: Irene Kirdahy

Request: Request for a Variance to Comply with Screening of a Dumpster

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

- Section 6-42(A): "All refuse or recycling containers in use within the Town limits shall be screened from view from State Road A1A on or before November 1, 2021."
- Applicant is requesting an extension of time to comply with Section 6-42(A) requiring dumpsters to be enclosed from view.

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.



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 1035 Hillsboro Mile, Hillsboro Beach, FL 33062

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Authorized Agent: Irene Kirdahy

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- Commission Motion & Second
- Commission Vote

Submitting Dept: Town Clerk, Sherry Henderson, Town Clerk

Agenda Date: January 7, 2025

1. BACKGROUND/HISTORY

2. CURRENT ACTIVITY

2. FINANCIAL IMPACT



TOWN OF HILLSBORO BEACH

1210 Hillsboro Mile
Hillsboro Beach, FL 33062

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

3. RECOMMENDATION

- ATTACHMENTS:**
1. Staff Report
 2. Development Application - 1035 HM
 3. sun sentinel advertisement



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: January 7, 2025
SUBJECT: Request for a Variance to Comply with Screening of a Dumpster at
1035 Hillsboro Mile

The Property Owner, Hillsboro Mile Tower, Inc. (Applicant), and authorized agent, Irene Kirdahy, President, are requesting approval of a variance from Section 6-42(A) of the Town Code (Code) to allow for an extension of time to comply with the required screening of a dumpster and trash bins on the west side A1A, located at 1035 Hillsboro Mile within the RM-30 multi-family zoning district.

Background

The Applicant is seeking an extension of time to comply with the screening requirements of dumpsters and trash bins located on the west side of A1A at 1035 Hillsboro Mile. The parking area on the west side of A1A contains a dumpster and trash bins on the north end, adjacent to the seawall. There is sufficient space for the dumpster and trash bins and for a proposed fence enclosure on this section of the parking area, however due to the need to level and repave the area prior to the installation of the fence enclosure, the applicant seeks additional time to comply with the screening requirements.

Per Code Section 6-42(A):

“(A) All refuse and recycling containers visible to the naked eye from State Road A-1-A shall be enclosed as set forth in this section. (B) All refuse or recycling containers in use within the Town limits shall be screened from view from State Road A-1-A on or before November 1, 2021.”

The applicant is proposing to screen and enclose the trash section of the parking area with a fence. The applicant states that they have engaged a contractor to complete this task, but prior to commencement the entire parking area needs to be leveled and repaved. At that point, according to the applicant, the fence can be installed. Due to legal and logistical issues related to the rebuilding of a section of the seawall adjacent to the parking area, the repaving of the parking area has been significantly delayed. The applicant seeks to complete the enclosure of the dumpster area once the parking area has been repaved.

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 extension of time 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 extension of time to install the fence screening enclosure is necessary to level and repave the section of the parking area in the front yard of the west side of A1A prior to installation of the fence. There exists sufficient space to install the screening fence, and the applicant intends to do so once the repaving of the area is complete.

- (2) Instances of Hardship. "...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..."*

The code states that the dumpster and trash bins must be screened from view, and prior to November 1, 2021. The applicant states that due to the delay in leveling and repaving the area related to the ongoing reconstruction of the seawall, the applicant has missed this deadline and seeks additional time to complete the repaving and then install the screening fence.

(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 dumpster enclosure requirement is to screen from view the trash collection areas visible from A1A. As the applicant seeks to comply with this requirement once the repaving of the area is complete, the applicant will eventually be in compliance with this section of the code.

(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 the hardship of having to complete the seawall reconstruction, prior to the parking area repaving, prior to the enclosure of the dumpster area, is the cause of the delay in compliance with the code, necessitating the additional time.

(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."

As the applicant proposes to comply with the dumpster enclosure requirements, and in the interim the exposed dumpster and trash bins at the current location present only an aesthetic concern, the extension of time would not present an obstacle to these considerations.

Recommendation

Based on the application and review of the Criteria set forth in Town Code section 12-283, the consultant planner suggests that the Board consider an extension of time of six (6) months for the applicant to comply with the dumpster enclosure requirements of Section 6-42, or an appropriate amount of time as the Board sees fit based on the applicant's circumstances.



RECEIVED

DEC 02 2024

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

DEVELOPMENT APPLICATION

Submittal Date: 12/2/2024

Zoning Board Meeting Date: _____

Property Control #

Town Commission Meeting Date: 1/7/2025

PROPERTY OWNER(S)		AUTHORIZED AGENT	
NAME: <u>Hillsboro Mile Turn, Inc.</u>		NAME: <u>Irene Kirdahy, President</u>	
ADDRESS: <u>1035 Hillsboro mile</u> <u>Hillsboro Beach, FL 33062</u>		ADDRESS: <u>1035 Hillsboro mile, #2</u> <u>Hillsboro Beach, FL 33062-2167</u>	
PHONE: <u>954-943-8054</u>	CELL: _____	PHONE: _____	CELL: <u>845-987-4418</u>
E-MAIL _____	FAX: _____	E-MAIL <u>irkirda8@aol.com</u>	FAX: <u>954-943-8054</u>

APPLICANT'S CERTIFICATION

(I) Irene Kirdahy (owner), (architect) or (authorized agent) affirm and certify that I understand and will comply will 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.

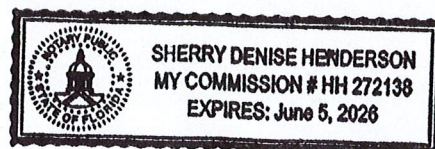
Irene Kirdahy
Signature

Irene Kirdahy
Print Name

STATE OF FLORIDA, COUNTY OF BROWARD

The foregoing instrument was acknowledged before me on this 2nd day of December 20 24, by Irene Kirdahy as President for Hillsboro Mile Town, Inc.
Personally know ☒ or has produced identification . Type of Identification N/A

Sherry D. Henderson
Notary Signature
Sherry D Henderson
Print Notary Name



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: 1035 Hillsboro Mile, Hillsboro Bch, FL District: AM30
Proposed Zoning: N/A
Existing Comprehensive Plan Designation: N/A
Proposed Comprehensive Plan Designation: N/A
Existing Land Use: N/A
Proposed Land Use: N/A
Total Site Area: N/A Sq. Ft. _____ Acres
Flood Zone Category: N/A

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. N/A

Describe the type of operation or business proposed; or the proposed construction. N/A

Estimated construction cost: \$6,900 (in Est. of 2022)

Describe in detail the phasing of the proposed development. see attached statement
This is due to necessary re-building of West side wall,
paving & then Trash Surround.

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

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. _____

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)

INFORMATION SHEET BACKUP FOR VARIANCE REQUEST

During my tenure on the Commission of Hillsboro Beach, we passed an Ordinance requiring exposed Trash Bins be obscured from view. As President of our Co-Op, I immediately contracted Power Fence of Pompano Beach to do the job.

Power Fence drew up the enclosure, gave us the price and we gave them the deposit.

However, it was brought to my attention that we needed to have parking lot redone BEFORE surround could be constructed as **THEY WILL NOT INSTALL, REMOVE FOR PAVING & REINSTALL.**

During this time period, we also contracted with B & M Marine to rebuild the Southern half of our Seawall. The Northern half had been done the previous year. In order complete that task, the private boat lift, owned by Unit #1, had to be removed & returned. That owner, Tony Wine, contracted with B&M to do the move & reinstall.

When they went for permits, the ACOE refused to allow the lift in the same spot. Mr. Wine originally had a permit (believe in late 70's) but if you remove anything (i.e. Balcony railings, etc.) and redo it, it must come up to today's regulations. Mr. Wine sued HMT over this. The case went on for 4 years and he finally lost. However, he has not moved the lift and we now have a suit against him (attny: Jermei Zubkoff of (Esler & Lindie, PA). To date he has only offered to put lift in middle of wall, which Board will not allow.

The steps have to be: Seawall repair, paving of lot, trash surround. I assure you, we want this done!

We cannot apply for permits now as we don't know when the court will get the lift off and the permits could expire again.

Sincerely

Irene Kirdahy, President

Hillsboro Mile Tower

1035 Hillsboro Mile

THIS CHECK IS VOID WITHOUT A MULTI-COLORED BACKGROUND AND AN ARTIFICIAL WATERMARK ON THE BACK - HOLD AT AN ANGLE TO VIEW

Popular Bank Miami Lakes, FL

Hillsboro Mile Tower Inc. (HMTI)
c/o Exclusive Property Management
2945 W. Cypress Creek Road, Suite 201
Fort Lauderdale, FL 33309

Check Number: 10259

PAY One Thousand, Fifty And 00/100 Dollars

DATE
11/25/2024

AMOUNT
****\$1,050.00

TO THE TOWN OF HILLSBORO BEACH
ORDER OF 1210 HILLSBORO MILE
HILLSBORO BEACH, FL 33061

Memo: VARIANCE FEE FOR TRASH SURROUND

Oswald
[Signature]
Authorized Signatures

SIGNATURE HAS A COLORED BACKGROUND • BORDER CONTAINS MICROPRINTING

Order ID: 7742083

* Agency Commission not included

GROSS PRICE * : **\$141.94**

PACKAGE NAME: SSC_Notice of Public Meeting

Order ID: 7742083

* Agency Commission not included

GROSS PRICE * : **\$141.94**

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, December 27, 2024

Zone: Full Run

Color Spec. B/W

Preview

Order ID: 7742083

* Agency Commission not included

GROSS PRICE * : **\$141.94**

PACKAGE NAME: SSC_Notice of Public Meeting

**TOWN OF HILLSBORO BEACH, FLORIDA
JANUARY 7, 2025 AT 9:00 AM**

**VARIANCE REQUEST
1035 HILLSBORO MILE, HILLSBORO
BEACH, FLORIDA 33062**

NOTICE IS HEREBY GIVEN the Town of Hillsboro Beach, Florida Town Commission will meet Tuesday, January 7, 2025, at 9:00 am. The Authorized Agent for 1035 Hillsboro Mile, Hillsboro Beach, Florida 33062, is seeking a variance to Section 6-42(A) of the Town's Code of Ordinance as stated below:

"Sec. 6-42(A): All refuse or recycling containers in use within the Town limits shall be screened from view from State Road A1A on or before November 1, 2021." Applicant is requesting an extension of time to comply with section 6-42(A) requiring dumpsters to be enclosed from view.

Information on the Development Application and supporting documents can be obtained at Town Hall, 10 days prior to the meeting. Public comments on the request will be at the meeting on January 7, 2025.

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 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, CMC Town Clerk
TOWN OF HILLSBORO BEACH, FLORIDA
12/27/2024 7742083