

AGENDA

BOARD OF ADJUSTMENT & APPEALS REGULAR MEETING



Tuesday, July 09, 2024 AT 9:30 AM

TOWN OF HIGHLAND BEACH, FLORIDA
3614 S. OCEAN BOULEVARD
HIGHLAND BEACH, FL 33487
Telephone: (561) 278-4548

Website: www.highlandbeach.us

Town Hall Commission Chambers

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL OF THE AGENDA**
5. **SWEARING IN OF THE PUBLIC**
6. **APPROVAL OF MINUTES**

A. January 21, 2024

7. **UNFINISHED BUSINESS**

None.

8. **NEW BUSINESS**

A. Application No. PZ-24-2 / Maria and Stephen Garchick

Consideration of Application No. PZ-24-2 by Michael Marshall, Esq., for an Appeal of a Town interpretation regarding customary yard accessories for the property located at 2474 South Ocean Boulevard.

9. **ANNOUNCEMENTS**

July 9, 2024 1:00 P.M. Code Enforcement Board Regular Meeting

July 23, 2024 1:30 P.M. Town Commission Meeting

August 06, 2024 1:30 P.M. Town Commission Meeting

August 08, 2024 9:30 A.M. Planning Board Regular Meeting

10. ADJOURNMENT

Any person that decides to appeal any decision made by the Board of Adjustment & Appeals with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record including testimony and evidence upon which the appeal is based. (State Law requires the above Notice. Any person desiring a verbatim transcript shall have the responsibility, at his/her own cost, to arrange for the transcript.) The Town neither provides nor prepares such record. There may be one or more Town Commissioners attending the meeting.

In accordance with the Americans with Disabilities Act (ADA), persons who need accommodation in order to attend or participate in this meeting should contact Town Hall at (561) 278-4548 within a reasonable time prior to this meeting in order to request such assistance.

File Attachments for Item:

A. January 21, 2024



TOWN OF HIGHLAND BEACH TOWN BOARD OF ADJUSTMENT & APPEALS REGULAR MEETING MINUTES

Library Community Room
3614 South Ocean Boulevard
Highland Beach, Florida 33487

Date: January 31, 2024
Time: 9:30 AM

1. CALL TO ORDER

Vice Chairperson Fred Rosen called the meeting to order at 9:30 A.M.

2. ROLL CALL

Board Member Harris Rosen
Board Member Michael Thorson
Board Member Todd Weiss
Board Member Joel Leinson
Vice Chairperson Fred Rosen
Attorney Leonard Rubin
Town Planner Ingrid Allen
Town Clerk Lanelda Gaskins

ABSENT

Chairperson Bonnie Pikkell

ADDITIONAL STAFF:

Ingrid Allen, Town Planner

3. PLEDGE OF ALLEGIANCE

The Board led the Pledge of Allegiance to the United States of America.

4. APPROVAL OF THE AGENDA

MOTION: Leinson/H. Rosen – Moved to approve the agenda, which passed unanimously 5 to 0.

5. SWEARING IN OF THE PUBLIC

Town Clerk Gaskins swore in those witnesses giving testimony.

6. APPROVAL OF MINUTES

A. October 07, 2021

7. UNFINISHED BUSINESS

None.

8. NEW BUSINESS

A. Welcome New Members

Joel Leinson
Todd Weiss
Michael R. Thorson
Harris Rosen

Vice Chairperson Rosen welcomed the new members to the board.

B. Nomination of Chairperson, Vice Chairperson and Secretary

The Board Members discussed the nominations of a Chairperson, Vice Chairperson, and Secretary followed by several motions.

MOTION: H. Rosen/Weiss - Moved to nominate Fred Rosen as the Chairperson for a one-year term ending January 31, 2025. The motion passed unanimously 5 to 0.

C. Nomination of Vice Chairperson

MOTION: F. Rosen/Weiss - Moved to nominate Michael Thorson as the Vice Chairperson for a one-year term ending January 31, 2025. The motion passed unanimously 5 to 0.

D. Nomination of Secretary

MOTION: F. Rosen/Weiss - Moved to nominate Harris Rosen as Secretary for a one-year term ending January 31, 2025. The motion passed unanimously 5 to 0.

E. Application No. 23-2790 / Frank and Laura Troiano

Consideration of Application No. 23-2790 by Frank and Laura Troiano for a variance from Section 30-103(D) and Section 30-64 of the Town Code of Ordinances to create a lot with a minimum lot width of 68.06 feet in lieu of the required 80-foot minimum lot width for a single-family dwelling in the Residential Multiple Family Low Density (RML) Zoning District for the property located at 4611 South Ocean Boulevard (west side of State Road A1A).

Chairperson Rosen read the title of Application No. 23-2790 / Frank and Laura Troiano. He asked the Members to disclose any ex parte communications, and there were none. Chairperson Rosen opened the item for the public hearing.

Town Planner Allen provided an overview of Application No. 23-2790.

Following the presentation, discussion ensued by the Board Members and Town Staff regarding the Variance application.

Laura Troiano, the property owner, provided comments about her property and the variance request.

There being no further comments or questions, Chairperson Rosen closed the public hearing. He called for a motion.

MOTION: H. Rosen/F. Rosen - Moved to grant the variance (Variance Application No. 23-2790). Upon roll call: Member H. Rosen (Yes), Chairperson F. Rosen (Yes); Members Weiss (Yes), Leinson (Yes), and Thorson (Yes). The motion passed on a 5 to 0 vote.

F. Government in the Sunshine Law Orientation

Town Attorney Rubin provided an overview of the Government in the Sunshine Law

9. ANNOUNCEMENTS

February 01, 2024 6:00 P.M. Palm Beach County Community Meeting
hosted by County Commissioner Marci Woodward, District 4

February 06, 2024 1:30 P.M. Town Commission Meeting

February 07, 2024 9:30 P.M. Natural Resources Preservation Advisory
Board Regular Meeting

February 13, 2024 1:00 P.M. Code Enforcement Board Regular Meeting

February 20, 2024 1:30 P.M. Town Commission Meeting

10. ADJOURNMENT

The meeting adjourned at 10:04 A.M.

APPROVED: July 09, 2024, Board of Adjustment & Appeals Regular Meeting

ATTEST:

Fred Rosen, Chairperson

Transcribed by: Lanelda Gaskins

Lanelda Gaskins, MMC
Town Clerk

Date

Disclaimer: Effective May 19, 2020, per Resolution No. 20-008, all meeting minutes are transcribed as a brief summary reflecting the events of the meeting. Verbatim audio/video of this meeting can be found on the town's Media Archives & Minutes webpage: <https://highlandbeach-fl.municodemeetings.com/>.

File Attachments for Item:

A. Application No. PZ-24-2 / Maria and Stephen Garchick

Consideration of Application No. PZ-24-2 by Michael Marshall, Esq., for an Appeal of a Town interpretation regarding customary yard accessories for the property located at 2474 South Ocean Boulevard.



HIGHLAND BEACH BUILDING DEPARTMENT

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

Board of Adjustment and Appeals STAFF REPORT

MEETING OF: July 9, 2024

TO: BOARD OF ADJUSTMENT AND APPEALS (BOAA)

FROM: INGRID ALLEN, TOWN PLANNER

SUBJECT: APPLICATION BY MICHAEL MARSHALL, ESQ., FOR AN APPEAL OF A TOWN INTERPRETATION REGARDING CUSTOMARY YARD ACCESSORIES FOR THE PROPERTY LOCATED 2474 SOUTH OCEAN BOULEVARD (PZ-24-2)

I. GENERAL INFORMATION:

Applicant (Property Owner): Marla and Stephen Garchik
2474 South Ocean Boulevard
Highland Beach, FL 33487

Applicant's Agent: Michael Marshall, Esquire
100 S. E. 3rd Avenue, Suite 2700
Fort Lauderdale, FL 33394

Property Characteristics:

Comprehensive Plan Land Use: Single Family

Zoning District: Residential Single Family (RS)

Property Location: 2474 South Ocean Boulevard

Parcel PCN#: 24-43-46-28-09-000-0131

Adjacent Properties:

PARCEL	ZONING DISTRICT	FUTURE LAND USE DESIGNATION
North	Residential Single Family (RS)	Single Family
South	Residential Single Family (RS)	Single Family
East	Residential Single Family Estates Lots (RE)	Single Family
West	NA (Intracoastal Waterway)	NA (Intracoastal Waterway)

Property History:

On September 13, 2023, a building permit request was submitted to the Building Department for an “exterior pergola structure” (Permit No. APP23-2129).

On December 27, 2023, a Town Code violation (No. CC2023-12-017) was issued for the construction of a pergola without a permit.

On January 19, 2024, the permit was cancelled by the Town’s Building Official, Jeff Remas, citing that the pergola was built without a permit.

On March 12, 2024, the Code Enforcement Board assessed a daily fine of \$250.00 per day commencing on May 12, 2024 and continuing to accrue until the property is brought into compliance. *Note that the Applicant is scheduled to go back before the Code Enforcement Board on July 9, 2024.*

Request and Analysis:

Pursuant to Section 30-40(p) of the Town Code of Ordinances (“Town Code”), appeals of a decision, order, requirement, determination, or interpretation of the building official or other Town official regarding the provisions of Chapter 30 (Zoning Code) shall be filed with the BOAA. The Applicant’s appeal is specific to a code violation issued on December 27, 2023 for the construction of a pergola without a permit (No. CC2023-12-017).

The above-referenced code violation as well as the Applicant’s permit application (APP23-2129) references the structure in question as a “pergola;” however, in the appeal narrative submitted by the Applicant’s authorized agent, Michael Marshall, Esq., the structure is referred to as a “free-standing accessory structure.” For the purposes of this analysis the applicant’s free-standing accessory structure will be referred to as ‘structure’. Section 30-131 of the Town Code defines accessory structure as follows:

Structure, accessory means a detached building or other improvement which is clearly incidental to the principal structure, and is subordinate in area, extent, size, or purpose and serves only the principal structure.

Section 30-68(c)(2) of the Town Code provides for the following permitted encroachments under the subheading of ‘accessory uses’:

Encroachments. Fences, walls, vegetation, poles, and other customary yard accessories, pool decks, ornaments, and furniture may be permitted in any yard subject to height limitations and visibility requirements.

The Applicant states that the structure, which measures 231.575 square feet with a height of 10 feet, is a customary yard accessory as provided in Section 30-68(c)(2). Staff finds that the Applicant’s structure is not comparable, in terms of size and scale, to the customary yard accessory examples provided in Section 30-68(c)(2) to include fences, walls, vegetation, and poles. Other permitted encroachments including pool decks, ornaments and furniture are also not comparable to the Applicant’s structure (*Note that Section 30-68(f)(1)b. of the Town Code requires swimming pool decks to be set back at least four (4) feet from rear or side lot lines*). In addition, the structure is located within the required 20-foot rear setback for the RS zoning district. According to the Applicant’s survey, the structure is located four (4) feet from the rear property line. The Town Code does not permit the Applicant’s structure to encroach the required setback.

For reference purposes, Section 30-66(c) of the Town Code allows for the following additional encroachments into setbacks for all residential zoning districts:

(1) Unless otherwise provided in the Code, the following structures are allowed in the side or rear required setbacks as set forth herein.

- a. Walkways, patios, and other hard surfaces for walking, gathering and sitting.*
- b. Overhangs.*
- c. Air conditioner condensers, pool heaters, pool equipment or heat pumps.*
- d. Steps/stairways for the principal building.*
- e. Electric meters, fuse boxes, generator control boxes, tankless hot water heaters, and hose bibs.*
- f. Screen enclosures (only if the rear of the property line borders a body of water, then may extend to not less than five (5) feet from the right-of-way line or bulkhead line, whichever is further landward).*

(2) Unless otherwise provided in the Code, the following structures are allowed in front, side or rear required setbacks as set forth herein.

- a. Fences, walls, and hedges.*
- b. Generators.*
- c. Buried propane tanks.*

It’s worth noting that Section 30-68(i) of the Town Code requires a dune walkover structure to comply with the setbacks of the zoning district in which it is located. However, this requirement may be waived by the building official if one of the following applies:

- a. A beach access easement or similar easement exists which would allow for construction of such structure; or*
- b. An alternative location, as determined by DEP, results in less damage to affected coastal dune and vegetation.*

Pursuant to Section 30-40(p) of the Town Code, the vote of at least four (4) members of the BOAA is necessary to grant an appeal or to reverse the decision, order, requirement, determination, or interpretation of the building official or other Town official. An aggrieved person may appeal a final decision of the BOAA regarding a decision, order, requirement, determination, or interpretation within thirty (30) days of a decision or order, by seeking judicial review of the final decision with the Fifteenth Circuit Court in and for Palm Beach County. Aggrieved persons may include the applicant, an affected party, or the Town manager.

Should you have any questions, please feel free to contact me at (561) 637-2012 or iallen@highlandbeach.us

Attachments: Application

Application backup materials

Aerials

Photo of accessory structure

Survey

Building permit application (APP23-2129)

Public Comment



TOWN OF HIGHLAND BEACH

BOARD OF ADJUSTMENT AND APPEALS

(INTERPRETATIONS, DECISIONS, AND APPEALS)

Petition # _____

Fees Paid/Receipt No. # _____

Pursuant to Section 30-40(p) of the Town Code of Ordinances, appeals of a decision, order, requirement, determination, or interpretation regarding the provisions of Chapter 30 shall be filed with the Board of Adjustment & Appeals.

PROPERTY OWNER INFORMATION

Name: Marla & Stephen Garchick	Phone: (954) 745-5248	Fax:
Mailing Address: 2474 S. Ocean Blvd, Highland Beach, FL		
Email Address: sgarchik@simpartners.com		

AUTHORIZED AGENT

Name: Michael Marshall, Esq.	Phone: (954) 745-5248	Fax:
Mailing Address: 100 S.E. 3RD AVENUE SUITE 2700, FORT LAUDERDALE, FL 33394		
Email Address: michael.marshall@nelsonmullins.com		

PROPERTY INFORMATION ASSOCIATED WITH THIS PETITION

Address: 2474 S OCEAN BLVD, HIGHLAND BEACH FL		Subdivision: Byrd Beach Sub In
PCN: 24-43-46-28-09-000-0131	Lot Size: 18,502 Sq. Ft.	
Zoning District: Municipal	Present Use: Residential	


1. Present Structures (type):
Residential House and Yard Accessory Structure
2. The proposed use will be:
Cover for Outdoor Dining Area
3. Describe proposed appeal in separate Applicant narrative: Attached
4. If this petition is granted, the effect will be?

Property Owner will not be required to tear down existing accessory structure
5. Has any previous application or appeal been filed within the last year in connection with these premises?
(YES) _____ (NO) x _____ If so, briefly state the nature of the application or appeal.

LM

Owner must supply authorized agent notarized letter attesting to same

Property Owner's Signature: Mr. J. Gamm.

Authorized Agent Signature: 

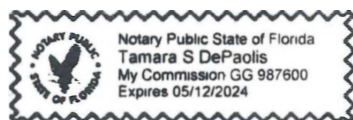
Condo Assoc. Rep. Signature: _____

STATE OF Florida

COUNTY OF Palm Beach

On this 18th day of March 2024 before me personally appeared Stephen. J. Garchik to me known to be the person who executed the foregoing instruments, and acknowledged that he/she executed the same as his/her free act and deed.

(SEAL)



Issue

MEMORANDUM

TO: TOWN OF HIGHLAND BEACH ("TOWN")

FROM: NELSON MULLINS RILEY & SCARBOROUGH LLP
MICHAEL MARSHALL, ESQ.

DATE: MARCH 18, 2024

On behalf of Stephen and Marla Garchik, the owners ("Owners") of the real property located at 2474 South Ocean Boulevard, Highland Beach, Florida ("Subject Property"), the undersigned hereby submits an appeal of the Town staff's interpretation of the Town's Zoning Code. The instant appeal concerns an open-walled, roofed "accessory structure" that provides shade and protects the Owner's outdoor furniture and grill from rain, sun, and other natural elements. The accessory structure is located within the Subject Property's rear "yard."

Town staff has advised Owners that the accessory structure is not allowed in their "yard" because it is subject to same setback requirements as the principal structure (i.e., the Owner's single-family residence). The Owners thereafter provided Town staff with an explanation and legal analysis of how the Town Code may be interpreted to allow placement of the accessory structure within their rear "yard." Town staff thereafter responded by rejecting the Owner's interpretation. The Owners' interpretation and Town Planner response are attached hereto as Exhibit A. The Owners' appeal now follows.

Based on the foregoing, the Owners respectfully request, pursuant to Section 30-4(p) of the Town Code, for a review by the Town's Board and Adjustment and Appeals ("Board") of Town staff's determination that the Owner's accessory structure may not be placed in the Owner's "yard." Moreover, the Owner respectfully requests that the instant appeal be placed on the next available Board agenda.

Sincerely,

Michael Marshall, Esq.

Exhibit A

Michael Marshall

From: Ingrid Allen <iallen@highlandbeach.us>
Sent: Monday, March 4, 2024 3:12 PM
To: Michael Marshall
Cc: Marshall Labadie; Jeff Remas
Subject: RE: 2474 S. Ocean

External Source/Sender notice

Use caution responding or clicking links/attachments.

Michael:

The Building Official and myself met with the Town Manager regarding your email below and determined that the property owner either submit for a variance (which I had previously suggested to you) or pursue an appeal of interpretation as provided in Section 30-40 (p). Staff finds that the proposed structure is not comparable to the encroachments referenced in Section 30-68(c)(2) to include fences, walls, vegetation, poles, pool decks (Note that pool decks have a setback which is provided in Section 30-68(f)(1)), ornaments, and furniture. Therefore, such a structure is not considered a “customary yard accessory.”

Sec. 30-68(c)(2)Encroachments. Fences, walls, vegetation, poles, and other customary yard accessories, pool decks, ornaments, and furniture may be permitted in any yard subject to height limitations and visibility requirements.

Again, you can appeal staff’s interpretation of a “customary yard accessory” which requires consideration by the Board of Adjustment and Appeals.



Sincerely,
Ingrid Allen
Town Planner

*Town of Highland Beach
3614 S. Ocean Boulevard
Highland Beach FL 33487
(561) 278-4540 Office (option 3)
(561) 278-2606 Fax
www.highlandbeach.us*

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from the Town of Highland Beach officials and employees regarding public business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. The views expressed in this message may not necessarily reflect those of the Town of Highland Beach.

From: Michael Marshall <Michael.Marshall@nelsonmullins.com>
Sent: Thursday, February 22, 2024 1:00 PM
To: Ingrid Allen <iallen@highlandbeach.us>
Subject: 2474 S. Ocean

Hi Ingrid. Thanks again for calling me yesterday. Please know that I wasn't trying to convince you of anything over the phone, but only wanted to explain our interpretation of the Town Code as it relates to the structure at issue. I also wanted to better understand whether this issue is truly one of code interpretation only (which is our understanding), or whether something else is driving the setback comment.

Anyway, the purpose of our analysis is two-fold: (1) define the "structure" – that is, how to properly identify it according to the terms in the Code, and (2) what if, any, setback requirement applies to this "structure." Please note, the terms that appear in "quotation marks" are terms that are specifically defined in the Town Code (and in some instances, that definition is given in the discussion below).

As you know, the Subject Property is located along the Intracoastal Waterway within the RS zoning district. Town Code Section 30-64 requires a minimum rear "setback" of 20 feet for structures in the RS district. The "principal structure" on the Subject Property is the Owners' single-family dwelling, which is placed 20.16 feet from Subject Property's rear lot line. As such, a "rear yard" that exceeds the minimum required 20 feet has been provided.

The Subject Property also features various "improvements" within the "rear yard," which is typical for a property situated along the Intracoastal Waterway. There is a swimming pool and paved pool deck/patio with a table for outdoor dining, an outdoor grill, countertop, and an open-walled "accessory structure" that provides shade and protects the outdoor furniture from rain, sun, and other natural elements.

We submit the "structure" at issue is a free-standing "accessory structure." The Code defines "accessory structure" as "a detached building or other improvement which is clearly incidental to the principal structure, and is subordinate in area, extent, size, or purpose and serves only the principal structure." As to what kind of "accessory structure," we further submit that it is either a typical "gazebo", or at the very least, a "common yard accessory" identified in Code Section 30-68.

But when applying Code Section 30-66(c)(1) to conclude that a 20-foot rear setback is applicable to the Owners' "accessory structure," Town staff assumes that it is part of the "principal structure" and more narrowly characterized as a pergola. Please know that we realize the Owner's initial permit application referred to the structure as a pergola, but the Owner also realizes now that this characterization was erroneous and done in haste without consideration of the terms and phrases that are relevant for purposes of the Town Code. This was truly unfortunate because Town planning staff has explained that since the word "pergola" does not appear in Section 30-66(c)(1), then the pergola cannot be a permitted encroachment. Essentially, the interpretation means that a pergola (even a free-standing pergola that is clearly an "accessory structure") must satisfy the same minimum rear setback that applies to a "principal structure" (i.e., 20 feet).

First, we respectfully submit that the "accessory structure" at issue is not a pergola. The Town Code does not even utilize the term pergola, and so the Town Code does not include a definition of term. It is well established Florida Law that "municipal ordinances are subject to the same rules of construction as are state statutes." *Rinker Materials Corp. v. City of N. Miami*, 286 So. 2d 552, 553 (Fla. 1973). Thus, when interpreting the Town Code, one must start with "the plain and ordinary meaning of the words employed." However, "[w]hen a term in the Code lack[s] definition, then one must 'turn[] to the dictionary meaning to find the plain and ordinary meaning of undefined terms.'" *Town of Longboat Key v. Islandside Property Owners Coalition, LLC*, ___ So.2d. ___, (Fla. 2d DCA 2012) (citing *Baker Cnty. Med. Servs., Inc. v. Aetna Health Mgmt., LLC*, 31 So.3d 842, 845 (Fla. 1st DCA) ("[W]hen a statute does not define a term, we rely on the dictionary to determine the definition."), *review denied*, 44 So.3d 1177 (Fla. 2010)).

According to the Merriam-Webster Dictionary, a *pergola* is "a structure usually consisting of parallel colonnades supporting an **open roof of girders and cross rafters**." (<https://www.merriam-webster.com/dictionary/pergola>) (emphasis supplied). Moreover, synonyms of *pergola* include *trellis* or *arbor*, which are similarly defined as "a frame of latticework used as a screen or as a support for climbing plants," or "a shelter of vines or branches or of latticework covered with climbing shrubs or vines," respectively. (*Id.*) The Owners' "accessory structure" is not comprised of lattice work, not intended to support climbing plants, and does not have an open roof of girders and rafters. Therefore, it is the not a pergola.

Secondly, we do not believe the "structure" at issue is part of the "principal structure" and thus, we do not believe that a determination of the required setback can be based on Code Section 30-66(c)(1). Section 30-66(c)(1) is concerned with elements of a "principal structure," such as roof overhangs, bay windows, awnings, balconies, and screen enclosures that extend, or encroach into the adjacent "yard" for some specified distance. Section 30-66(c)(1) also allows for electrical and mechanical equipment, such as electrical meters, fuse boxes, air conditioning units, and tankless water heaters to be mounted onto a "principal structure" even though they encroach into the adjacent "yard." Additionally, walkways, paved surfaces, steps, and staircases that lead to the principal structures are (quite naturally) allowed to encroach into the adjacent "yard" pursuant to Section 30-66(c)(1). If the "yard" is adjacent to a "waterway, canal, or lake," then the paved and hard surfaces may extend all the way across the "yard" to the rear property line (i.e., no setback requirement applies).

Significantly, the very next section, Section-66(c)(2), is concerned with accessory structures, such as "fences" and "walls," and the subsection begins by expressly stating "**unless otherwise provided in the Code**, the following structures are allowed in front, side or rear required setbacks as set forth herein." (emphasis supplied). Given that Section 30-66(c)(2) expressly states that the Town Code may "otherwise provide" with respect to "accessory structures" necessary means that the analysis does not begin and end with Section 30-66(c). The question, therefore, is whether the Code otherwise provides for the placement of "accessory structures" within a required "yard." The answer is yes.

More specifically, Town Code Section 30-68 includes a list of supplemental regulations that apply to "structures" and "improvements" that are **not** mentioned in Section 30-66(c)(1) or (c)(2). Such "accessory structures" include swimming pools, cabanas, docks and related marine structures, dune walkover structures, gazebos, and "other customary yard structures."

For instance, Section 30-68(f)(1)(c) allows for alternative setbacks for a swimming pool and pool deck, which may be placed anywhere within the yard with the approval of the building official and planning and zoning board. Also, Section 30-68(f)(3) provides that a “cabana”, which is defined as “an accessory single-level structure customarily associated with ocean or freshwater bathing” has no specific locational requirements, but “shall comply with the following requirements: (a) single story; (b) not to exceed one-hundred fifty (150) square feet; (c) facilities for independent living, cooking, eating, or sleeping are prohibited; and (d) water, electricity and facilities for sanitation are permitted.” Section 30-68(f)(3), *Town Code*. Notably, the Owners’ “rear yard” also features a swimming pool and thus a “cabana” associated with the pool would be allowed. That is, if the same type of single-level structure as the accessory structure (that does exceed 150 square feet) were used for bathing, rather than outdoor dining, then it may be placed in the exact same location as the structure at issue if approved as such.

The fact that certain accessory structures do not have a specific setback requirement is particularly true when the yard abuts the beach or a waterway, like the Subject Property. Code Section 30-68(i)(2) & (3) states that the building official may waive setback requirements for a “dune walkover structure” where doing so minimizes impacts on the dune and vegetation, even if that places the “accessory structure” on the rear property line with no “setback” provided. Of course, the Owners’ “accessory structure” is not a “dune walkover” either, but interestingly, the Town Code also refers to “dune walkovers and gazebos” in the subsection (m) of Section 30-68. Subsection (m) is concerned with “temporary” structures and provides that “dune walkovers and gazebos” are considered “expendable” structures not subject to temporal limitations (like “temporary” structures) and require a building permit. However, there is nothing in subsection (m) that detracts from the ability to approve a “dune walkover,” which apparently may include a “gazebo,” that has no “setback” from the rear property line.

Indeed, the mention of “gazebo” in Section 30-68(m) is highly relevant to the instant case. The Town Code does not use the term “gazebo” in any other provision, except to provide the following definition: “an open-styled, single-level accessory structure having floor and roof, but no full walls, which may or may not be provided with electrical service.” Section 30-131, *Town Code*. The definition of “gazebo” is remarkably descriptive of the Owners’ “accessory structure,” and while the Town Code appears to contemplate “gazebo” as something that is provided as a “dune walkover” (or in conjunction with a “dune walkover”), “gazebos” are extremely common “accessory structures” and often seen in the “yards” of properties, even those that do not front along ocean dunes.

In the final analysis, whether the Owner’s “accessory structure” is called a “pergola,” “gazebo,” or some other common “accessory structure” that is not specifically defined in the Town Code, then it must fall within the catch-all “customary yard accessory” structure that is identified in Code Section 30-68. Specifically, Section 30-68(c) states that “customary yard accessories ... may be permitted in any yard subject to height limitations and visibility requirements.” While the term *customary* is not defined in the Town Code, the term is typically used as an adjective meaning “commonly practiced, used, or observed.” (<https://www.merriam-webster.com/dictionary/customary>). The Owner submits that it is extremely common in South Florida for an outdoor dining area to have a cabana, or gazebo, or some open-walled structure that provides shade and protection from the elements (and not used only for bathing or as a dune walkover). Given that this “customary yard accessory” is not violating any height limitations or visibility requirements, located within a rear yard that fronts the Intracoastal Waterway, and has been built in the least obtrusive means possible to provide covering essential for Owners’ enjoyment of their outside dining area, the Owners further submit that the “accessory structure” should be permitted (subject to a complete permit review) in its current location.

Please let me know once you have had the chance to review.

Thank you!

Michael

MICHAEL MARSHALL [PARTNER](#)
Michael.Marshall@nelsonmullins.com
100 S.E. 3RD AVENUE | SUITE 2700
FORT LAUDERDALE, FL 33394
T 954.745.5248 F 954.761.8135
NELSONMULLINS.COM [VCARD](#) [VIEW BIO](#)

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TECHNICAL DRAWINGS CAMARGUE

This PDF offers all the Camargue technical drawings.

Click your way through the document

On the next page you will find an overview of all available drawings.

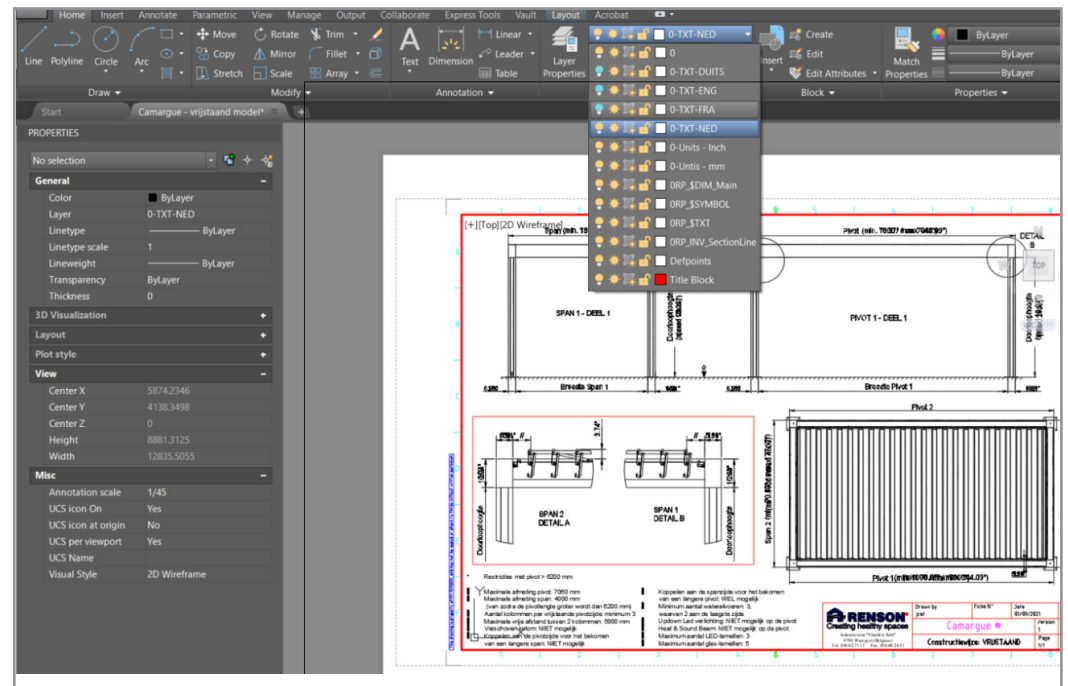
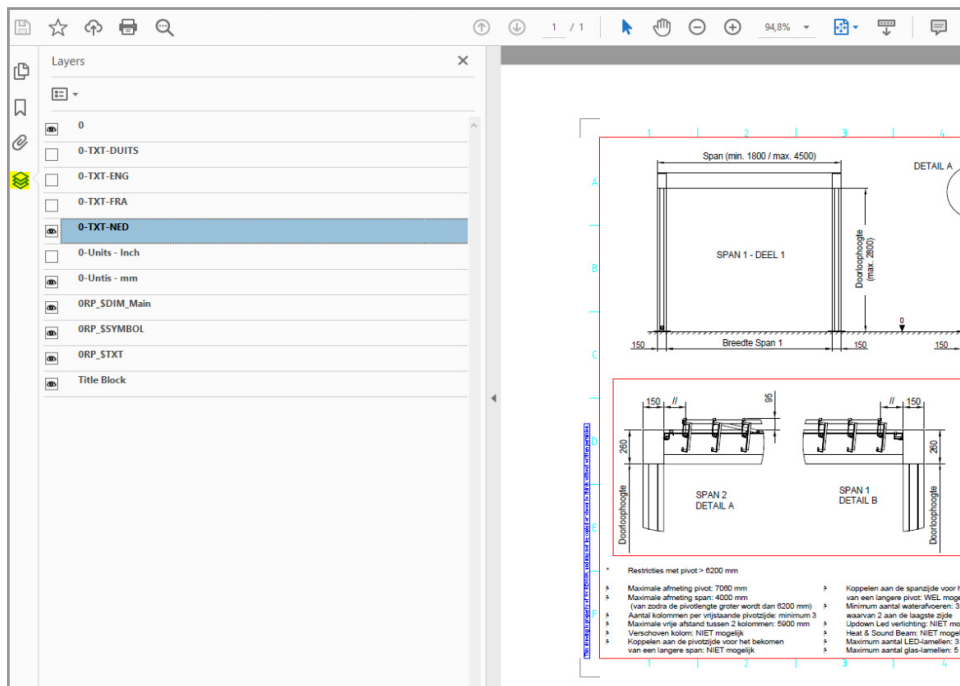
Click on the titles and you will be redirected to the correct page.

Click on the Renson logo to go back to the index page.

By clicking on the provided space you can easily download the PFD or DWG file.

INSTRUCTION

How to turn on/off languages and dimension layers in PDF viewer and Autocad



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Loggia modular sliding panels façade mounting with 3 rails

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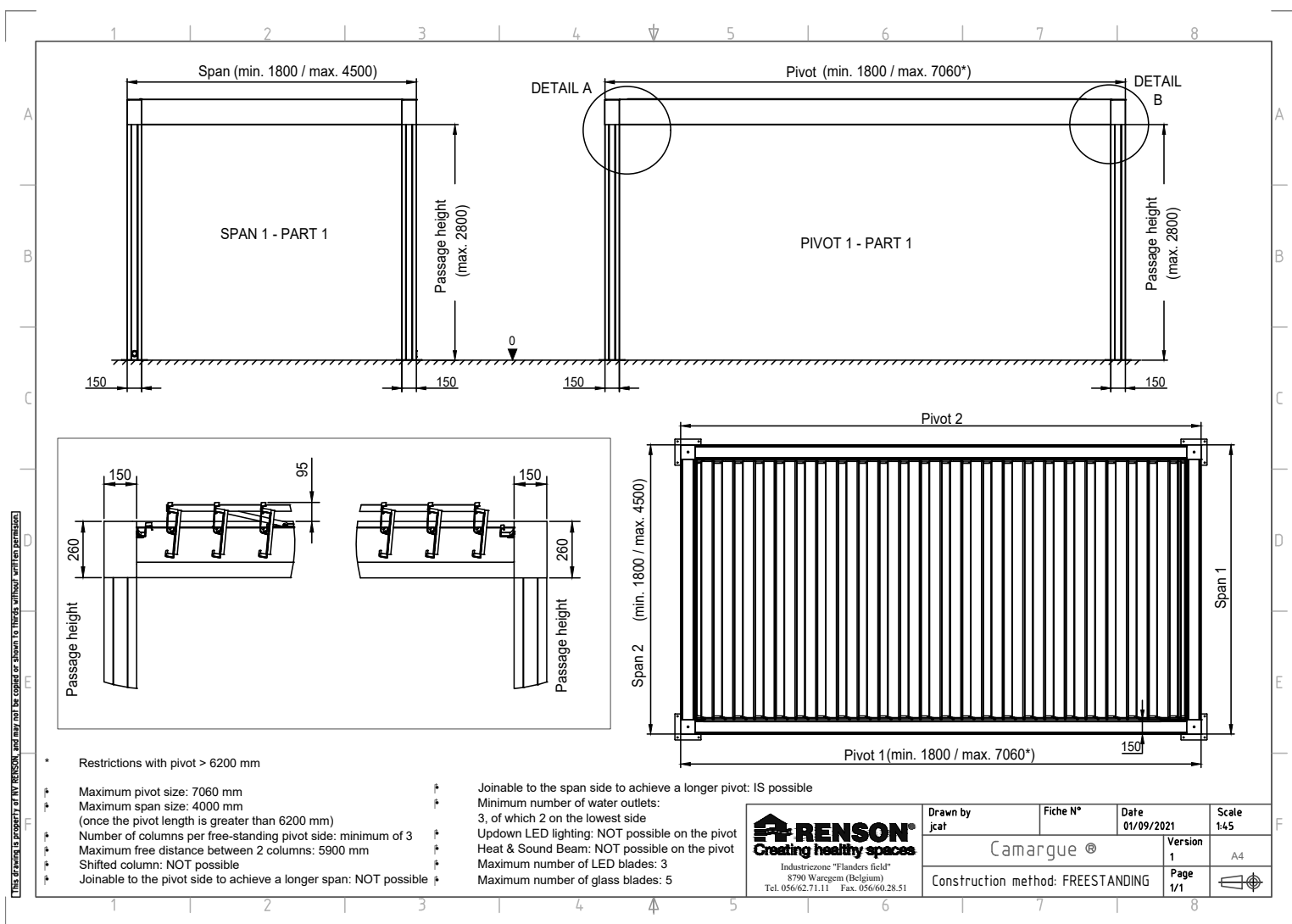
Linus wall - single sided

Linus wall - double sided as railing

Linarte wall - Linarte/Canvas

Linarte wall - Linarte/without finish

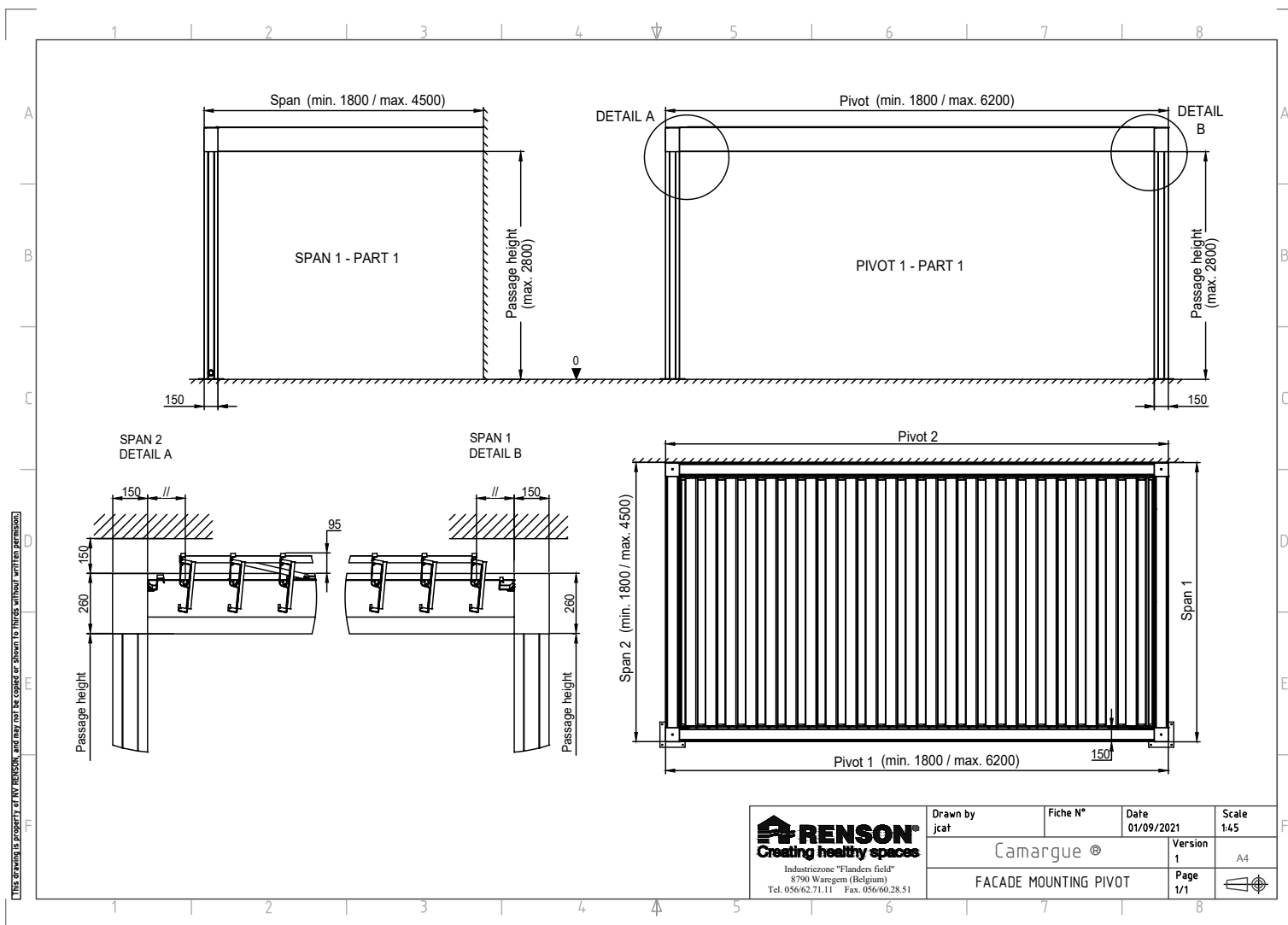
Camargue - FREESTANDING



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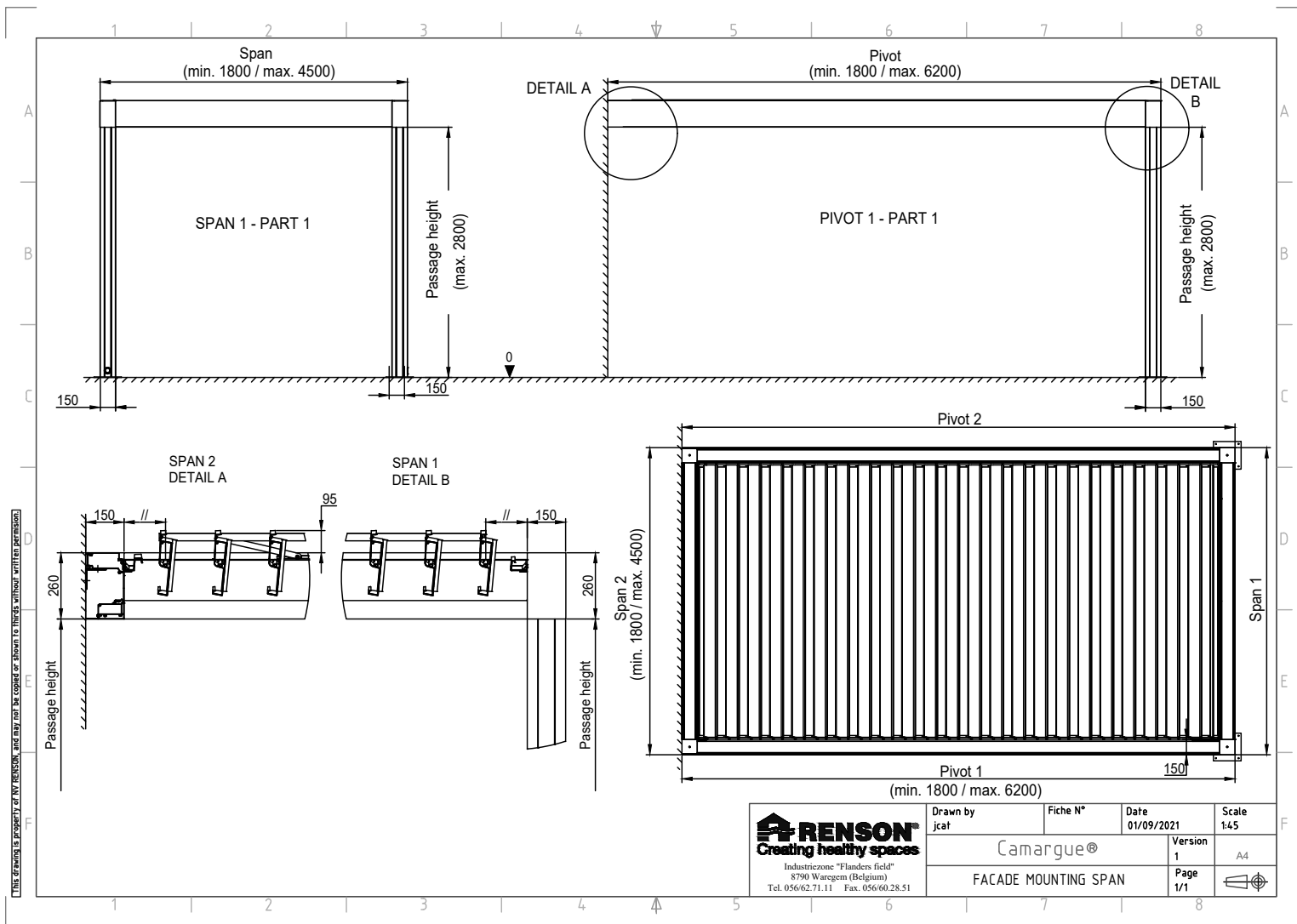
Camargue - FAÇADE MOUNTING PIVOT



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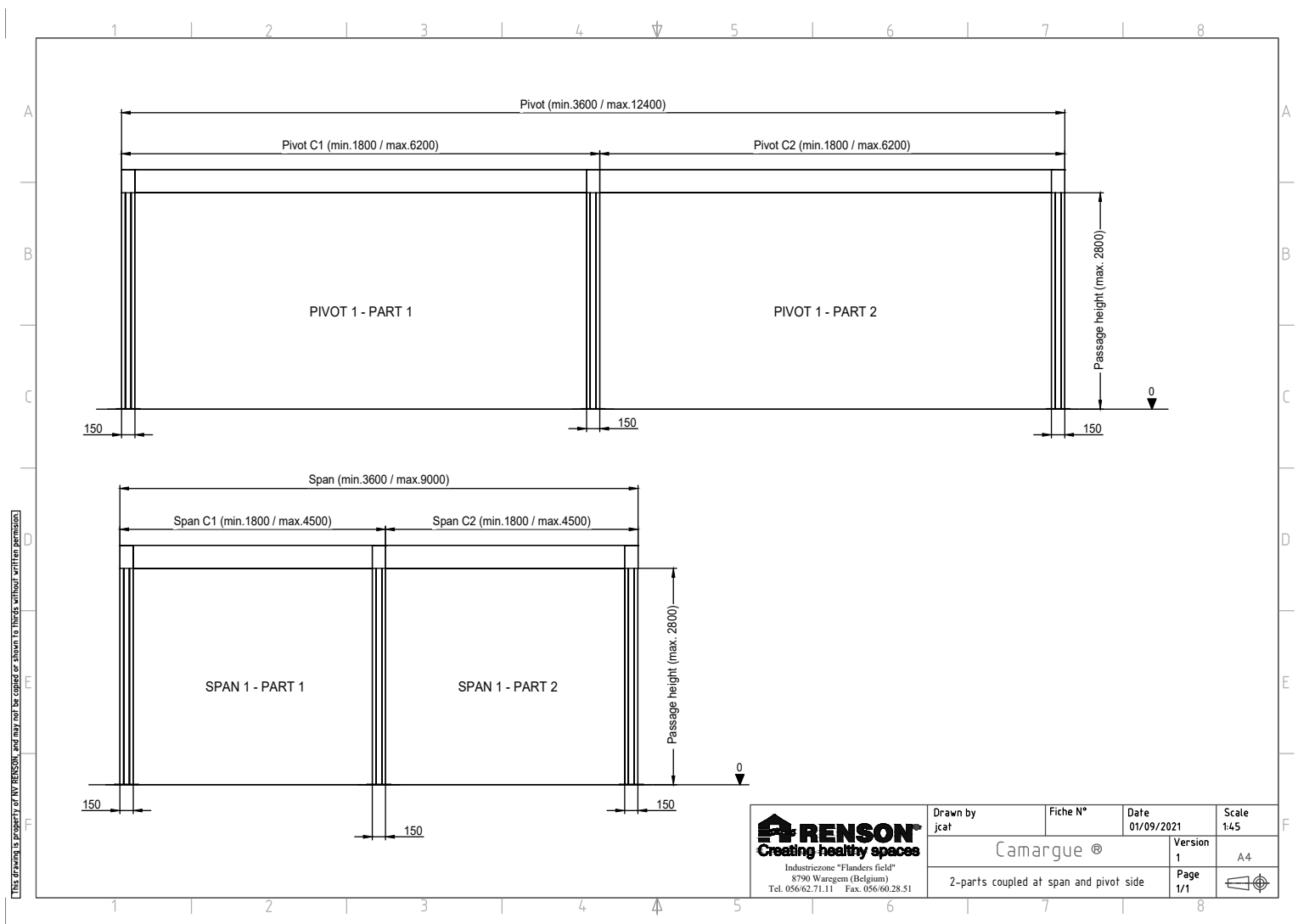
Camargue - FAÇADE MOUNTING SPAN



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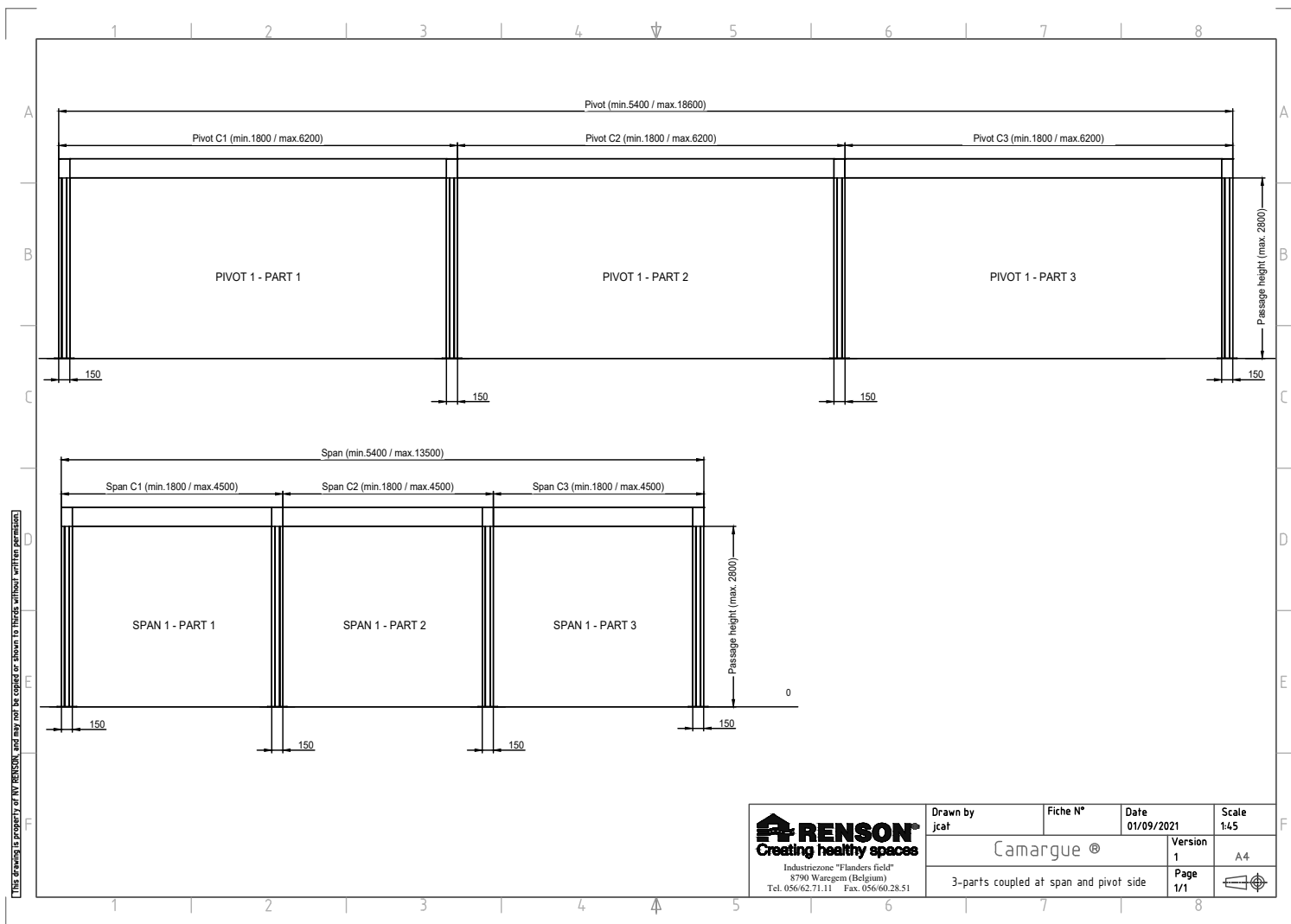
Camargue - 2 PARTS COUPLED AT SPAN AND PIVOT SIDE



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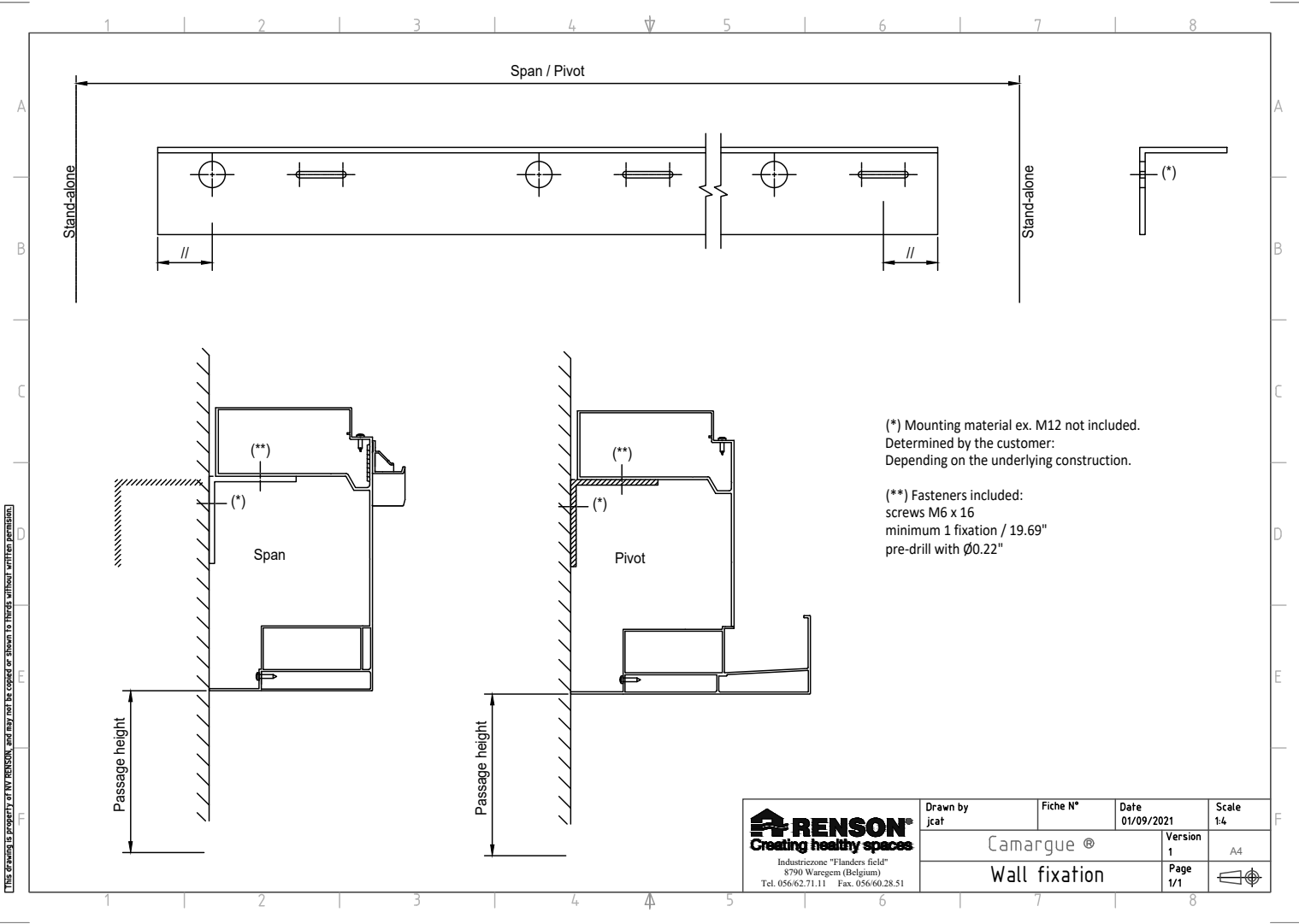
Camargue - 3 PARTS COUPLED AT SPAN AND PIVOT SIDE



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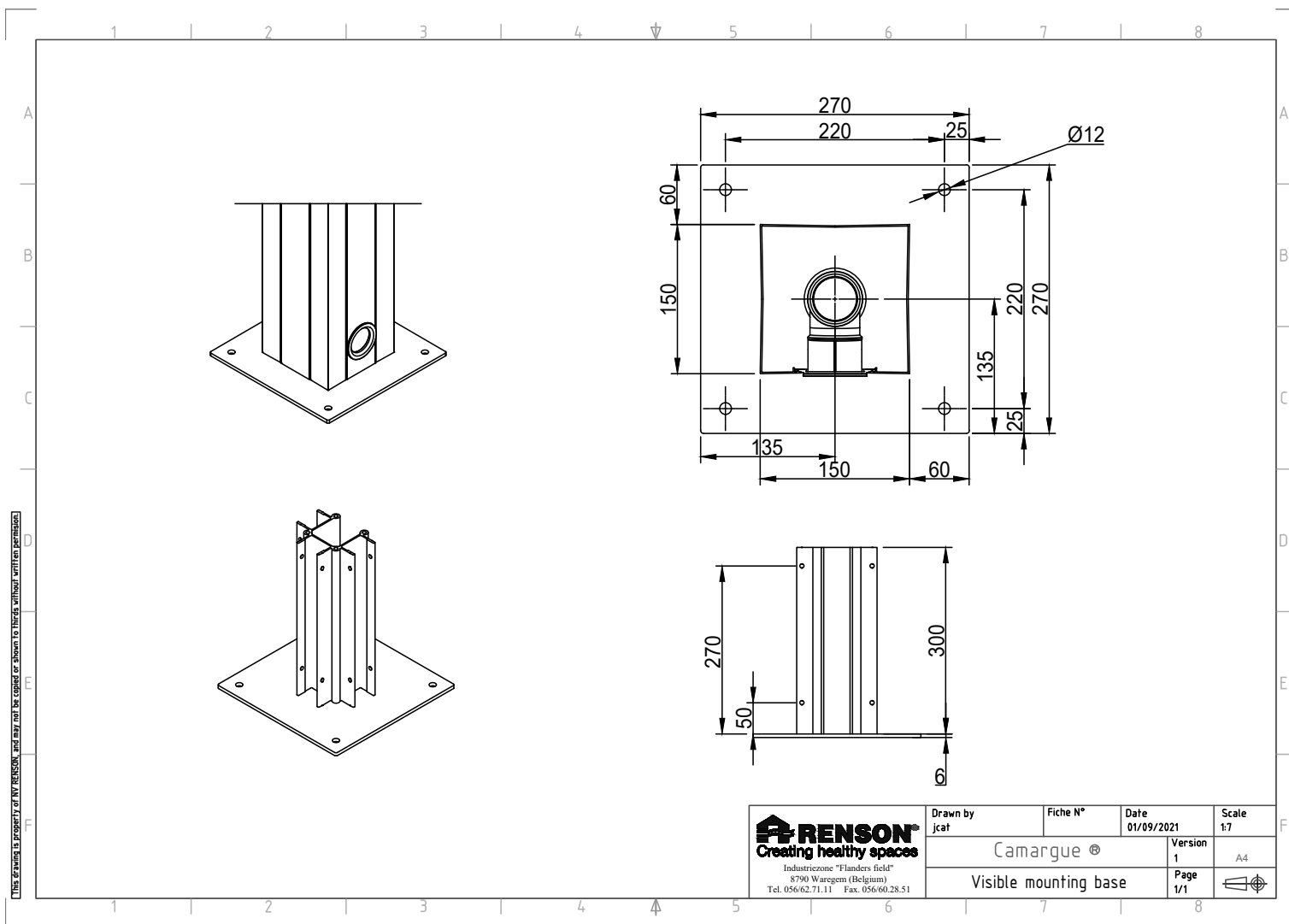
Camargue - WALL FIXATION



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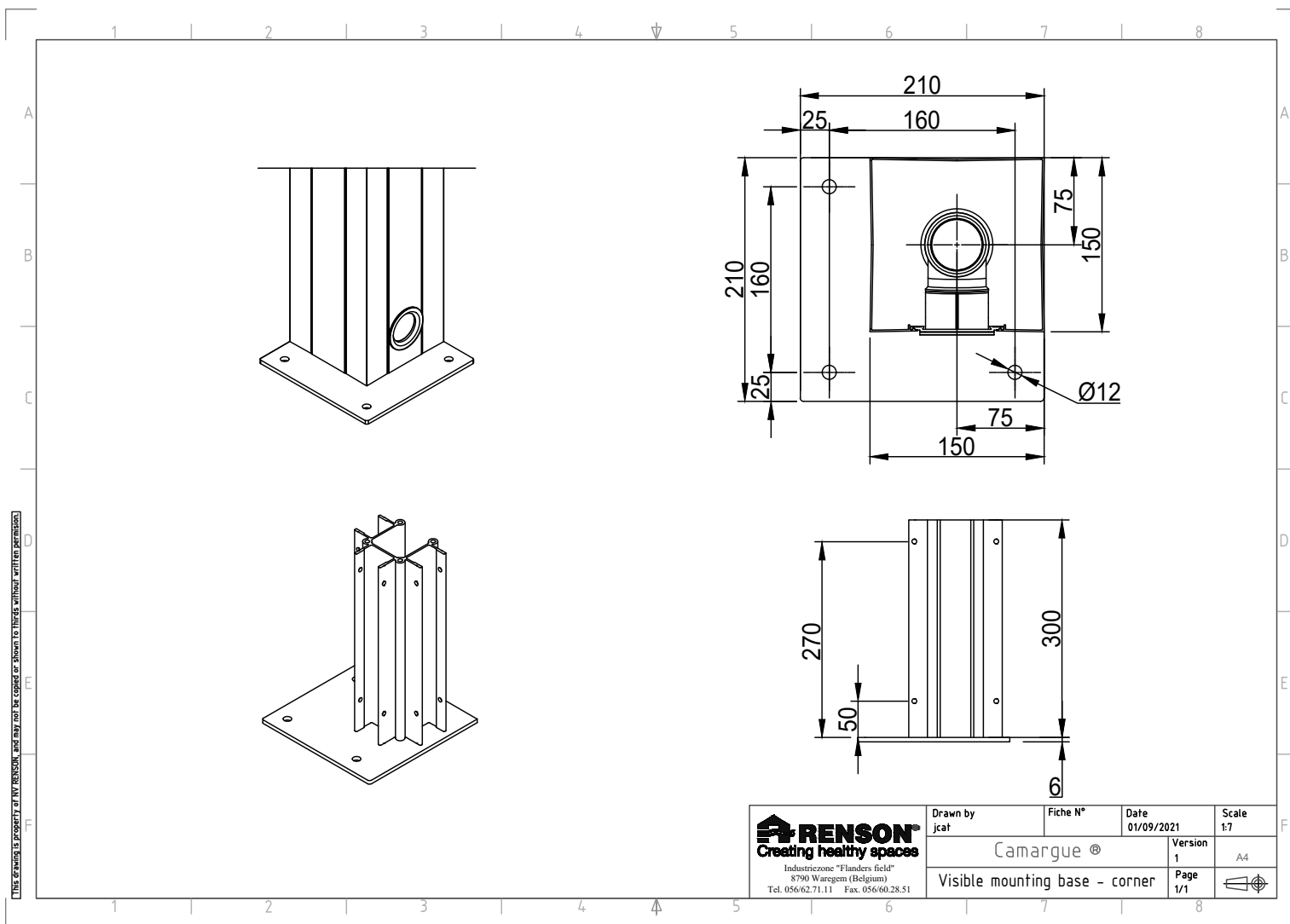
Camargue - VISIBLE MOUNTING BASE



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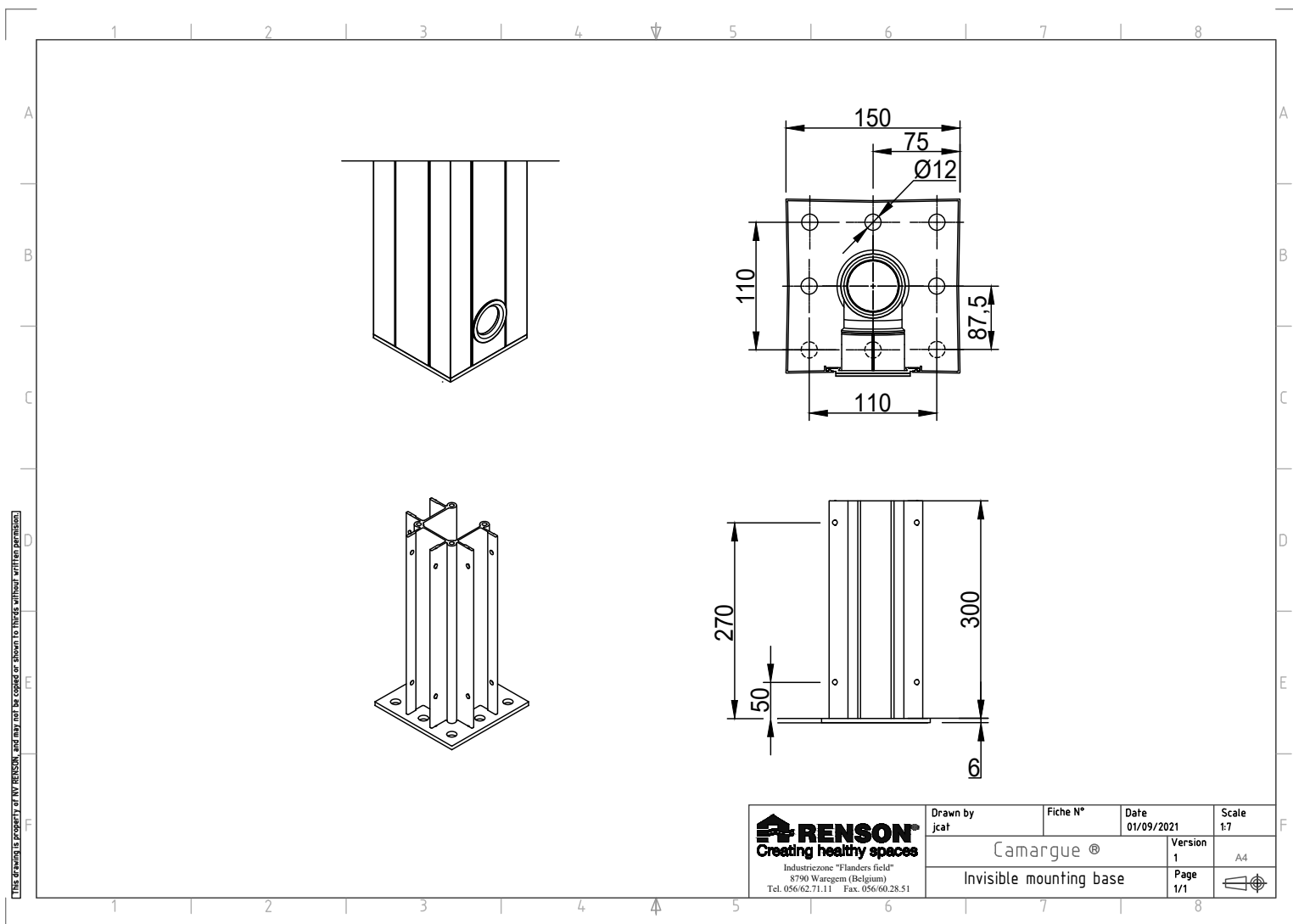
Camargue - VISIBLE MOUNTING BASE CORNER



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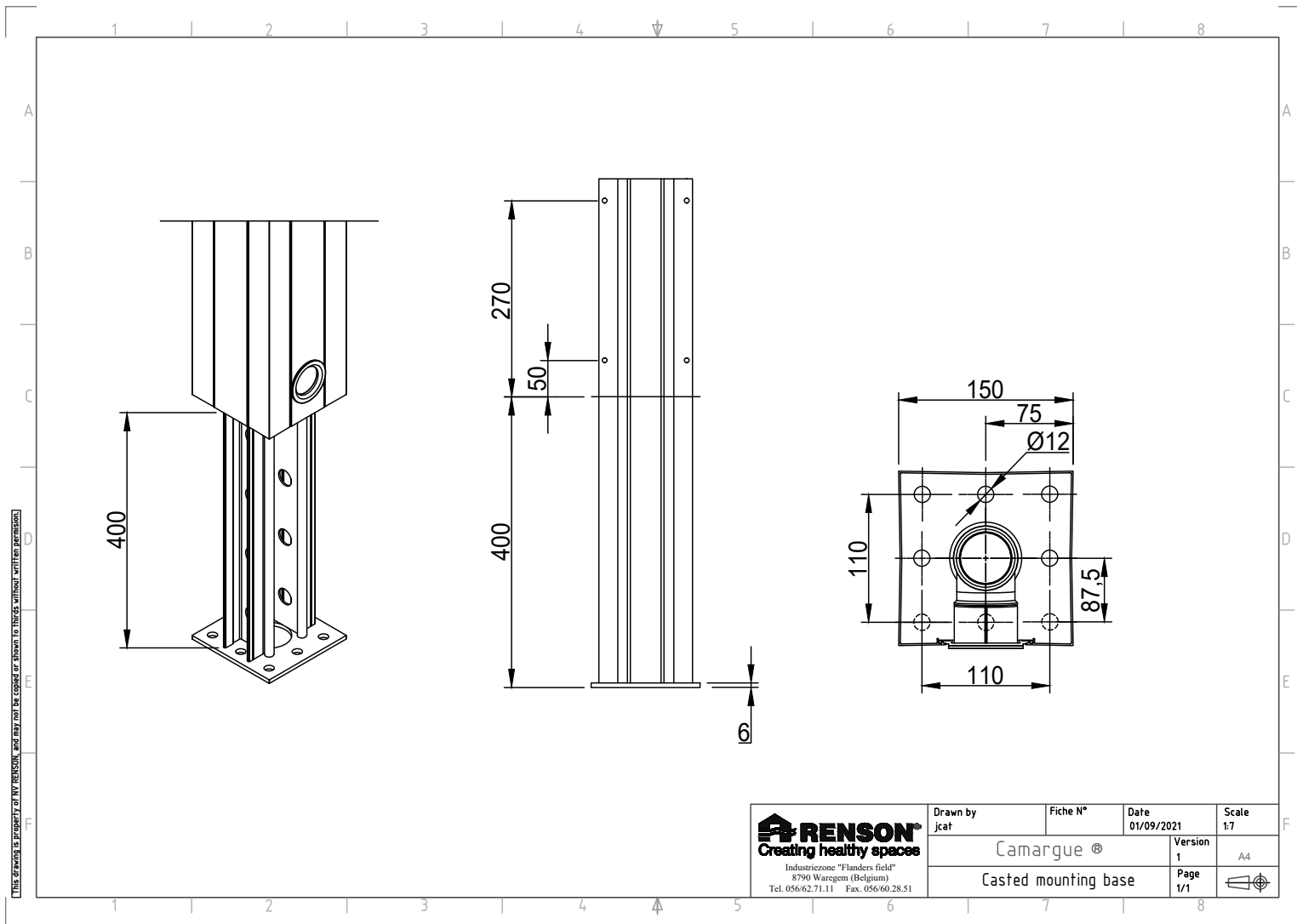
Camargue - INVISIBLE MOUNTING BASE



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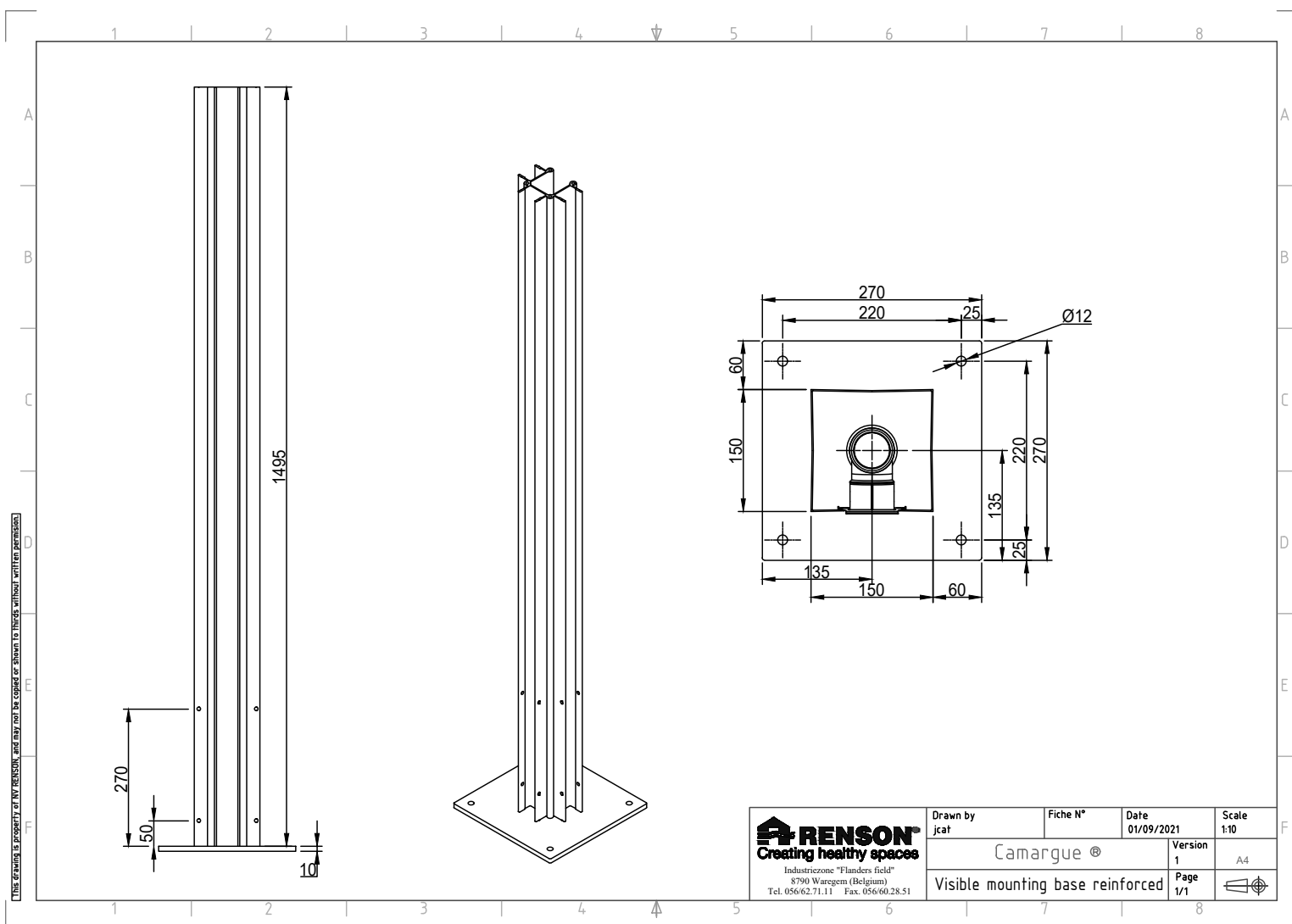
Camargue - CASTED MOUNTING BASE



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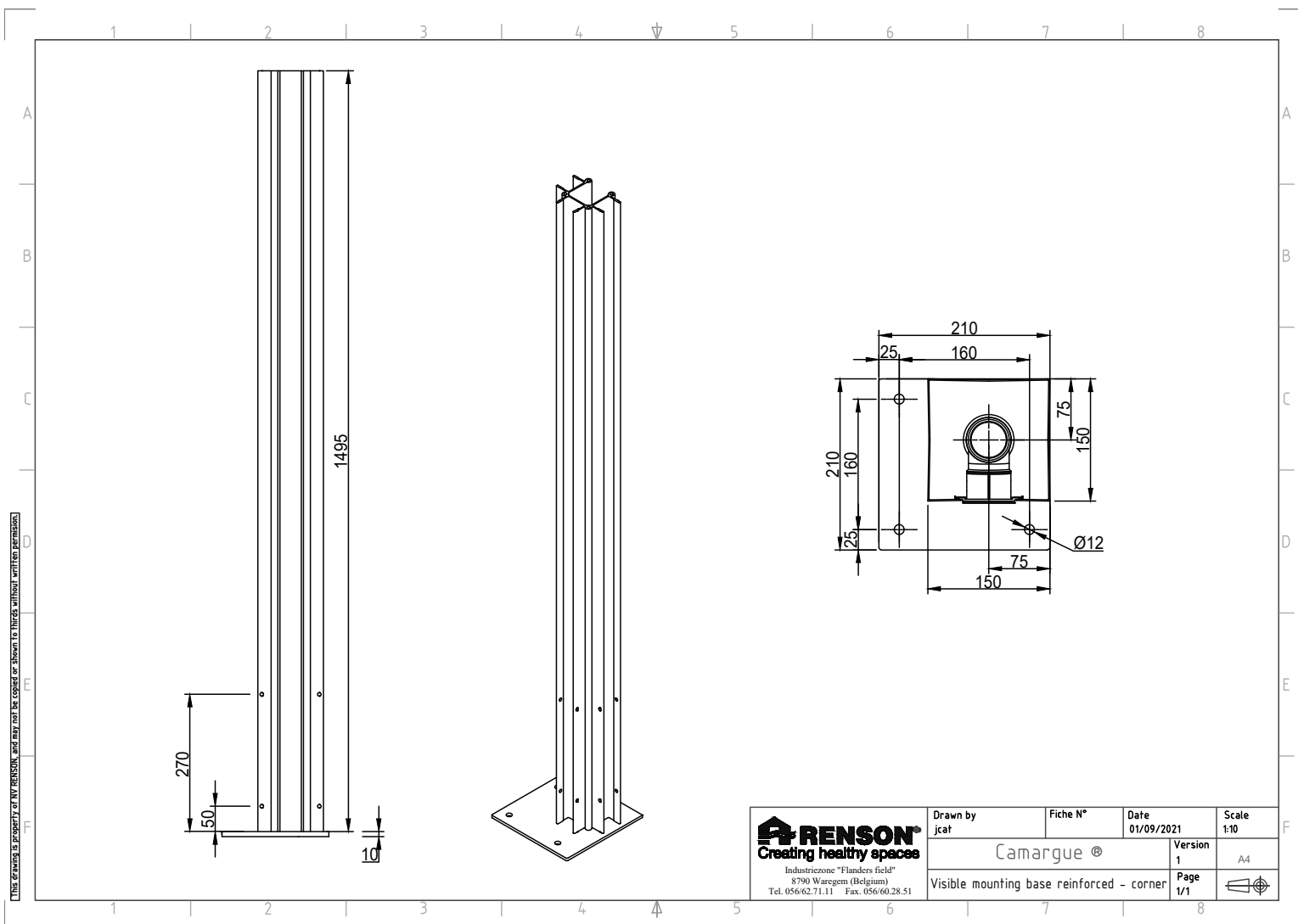
Camargue - VISIBLE REINFORCED MOUNTING BASE



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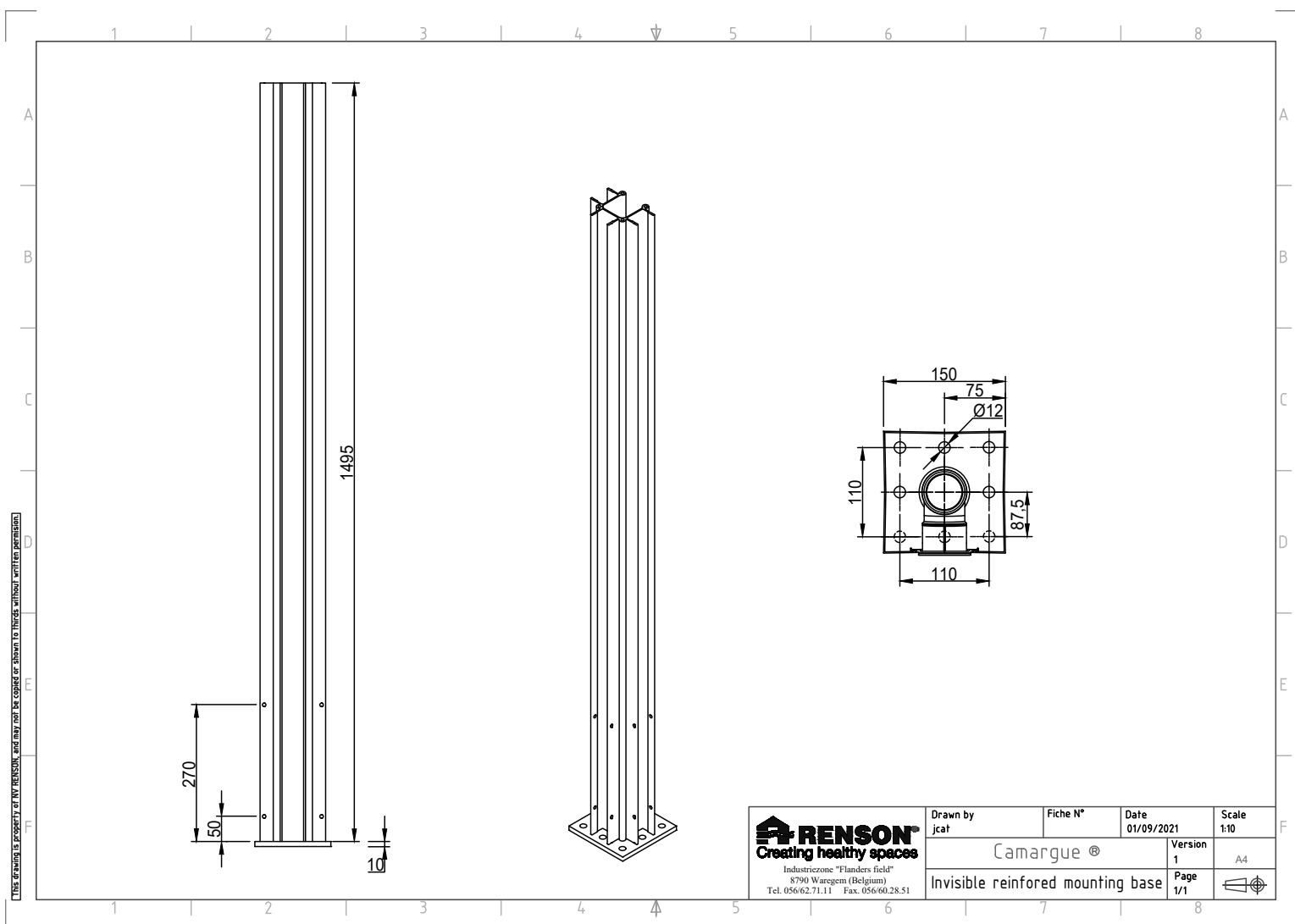
Camargue - VISIBLE REINFORCED MOUNTING BASE - CORNER



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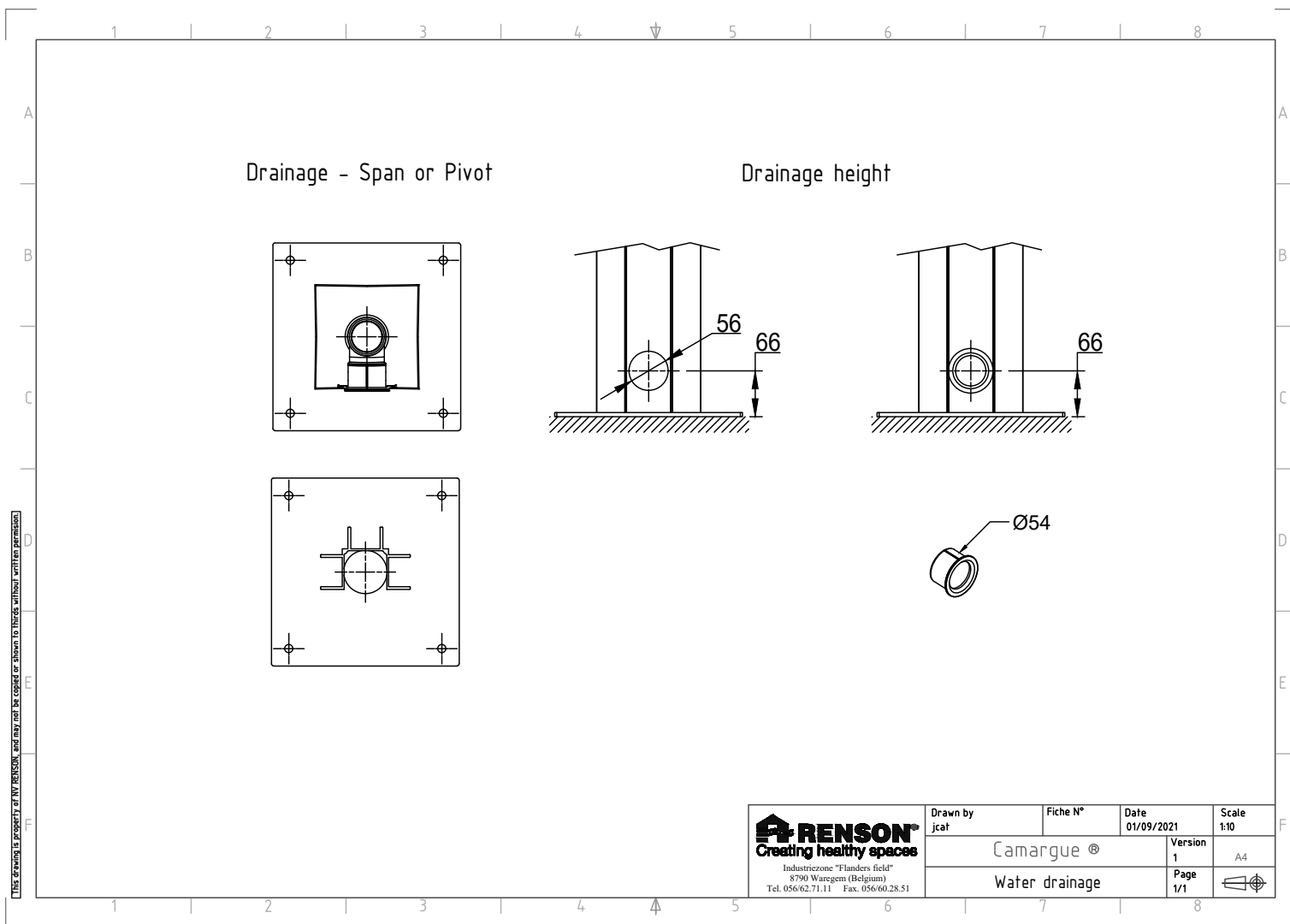
Camargue - INVISIBLE REINFORCED MOUNTING BASE



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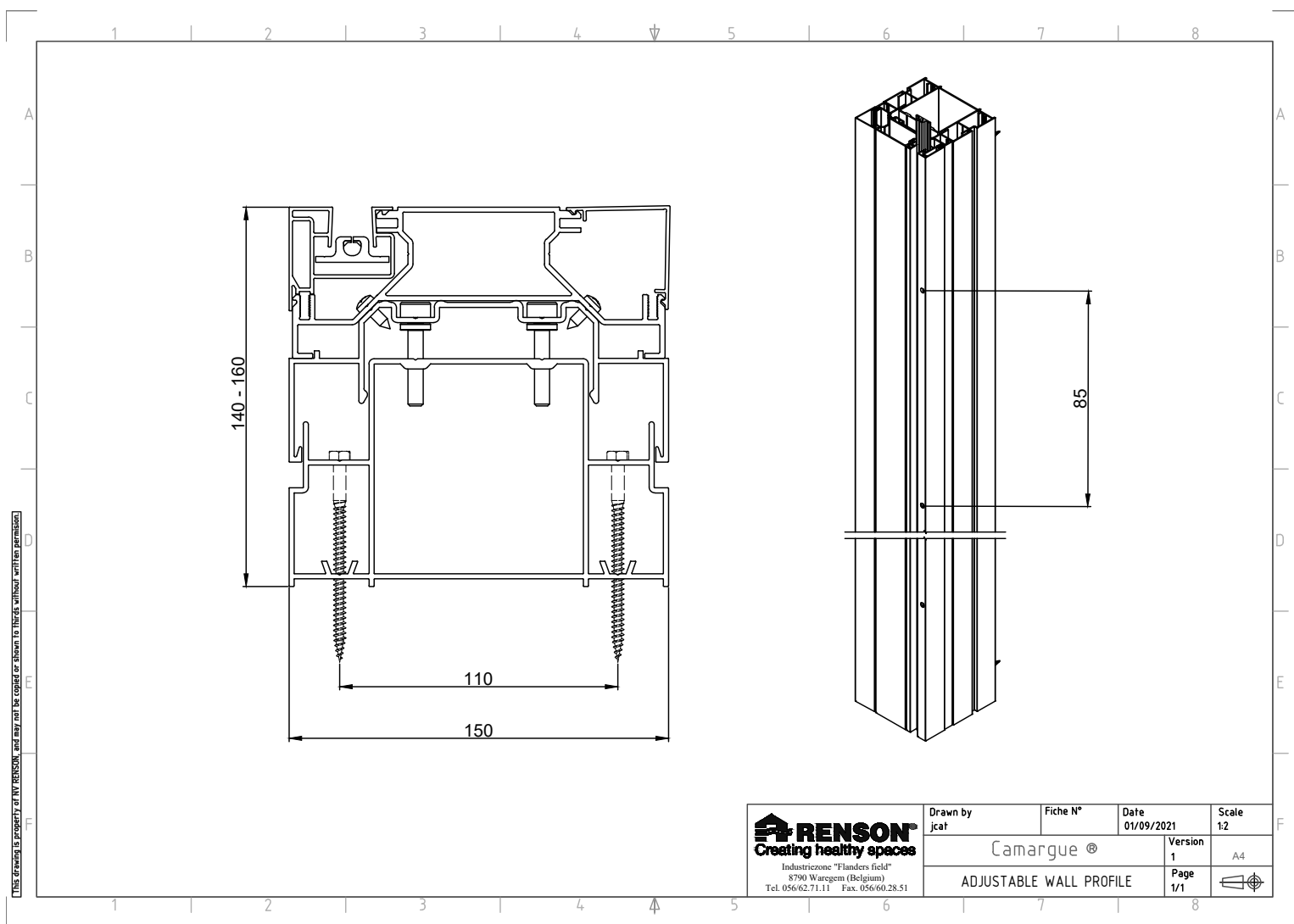
Camargue - WATER DRAINAGE



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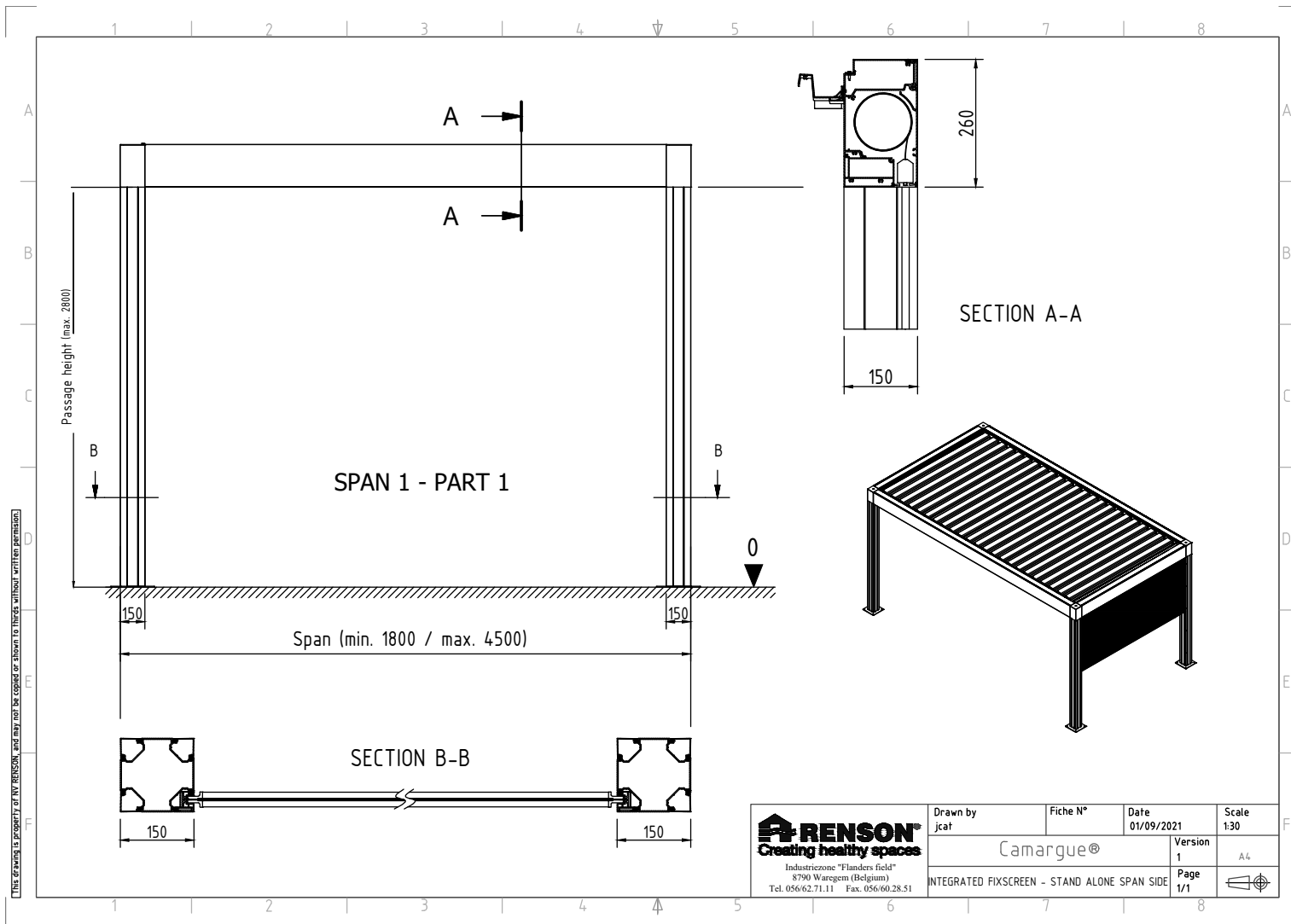
Camargue - ADJUSTABLE WALL PROFILE



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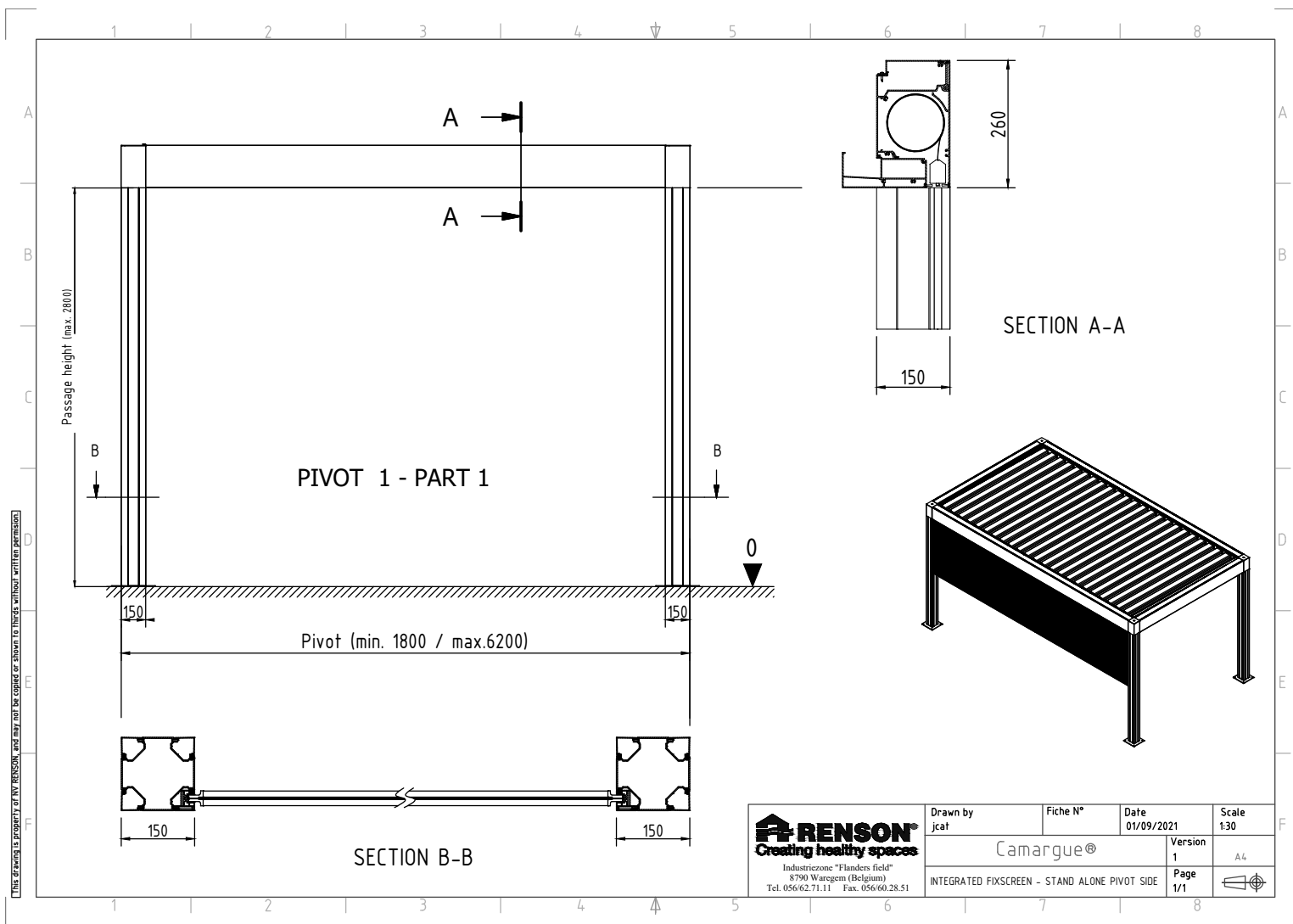
Camargue - INTEGRATED FIXSCREEN - STAND ALONE SPAN SIDE



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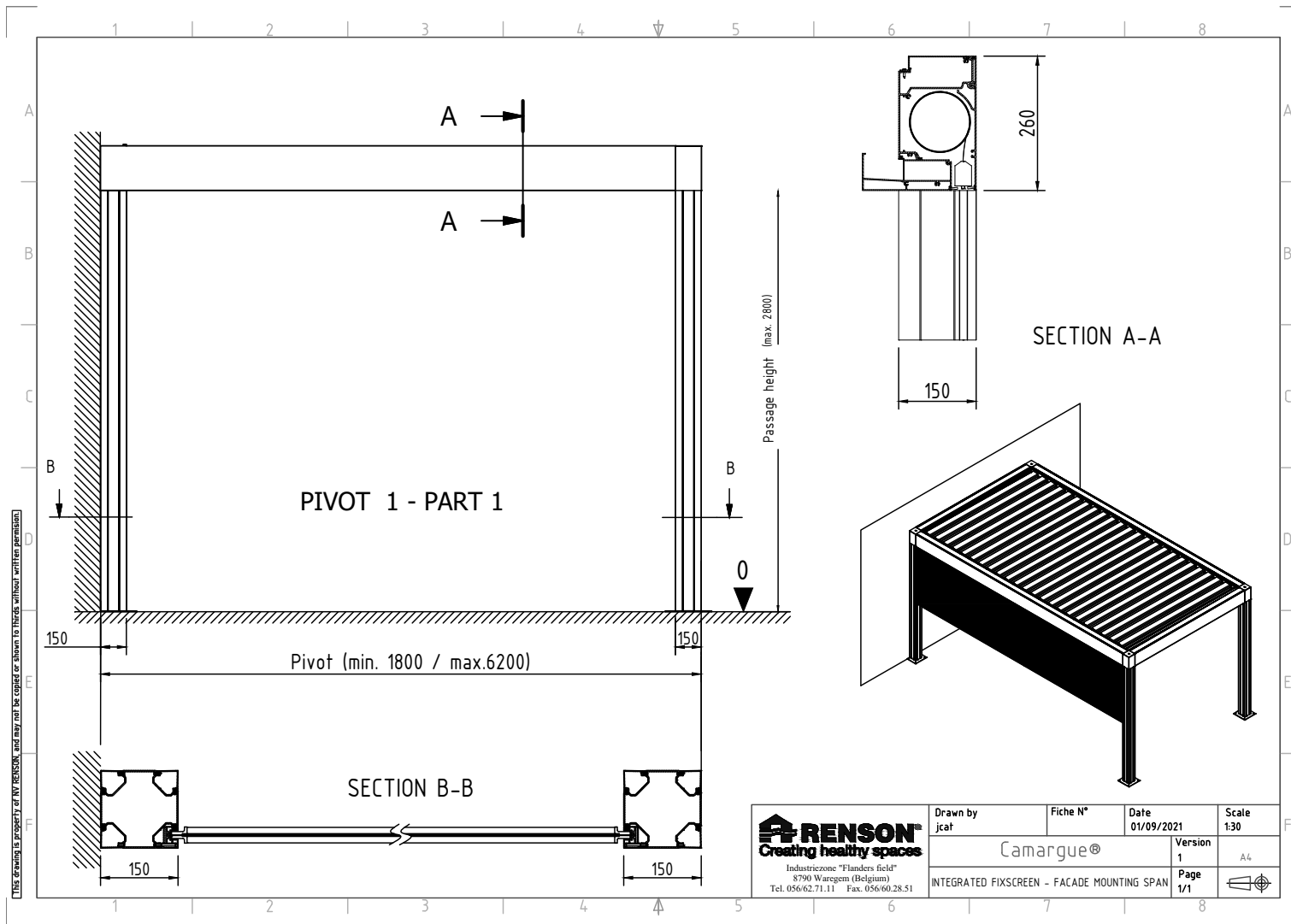
Camargue - INTEGRATED FIXSCREEN - STAND ALONE PIVOT SIDE



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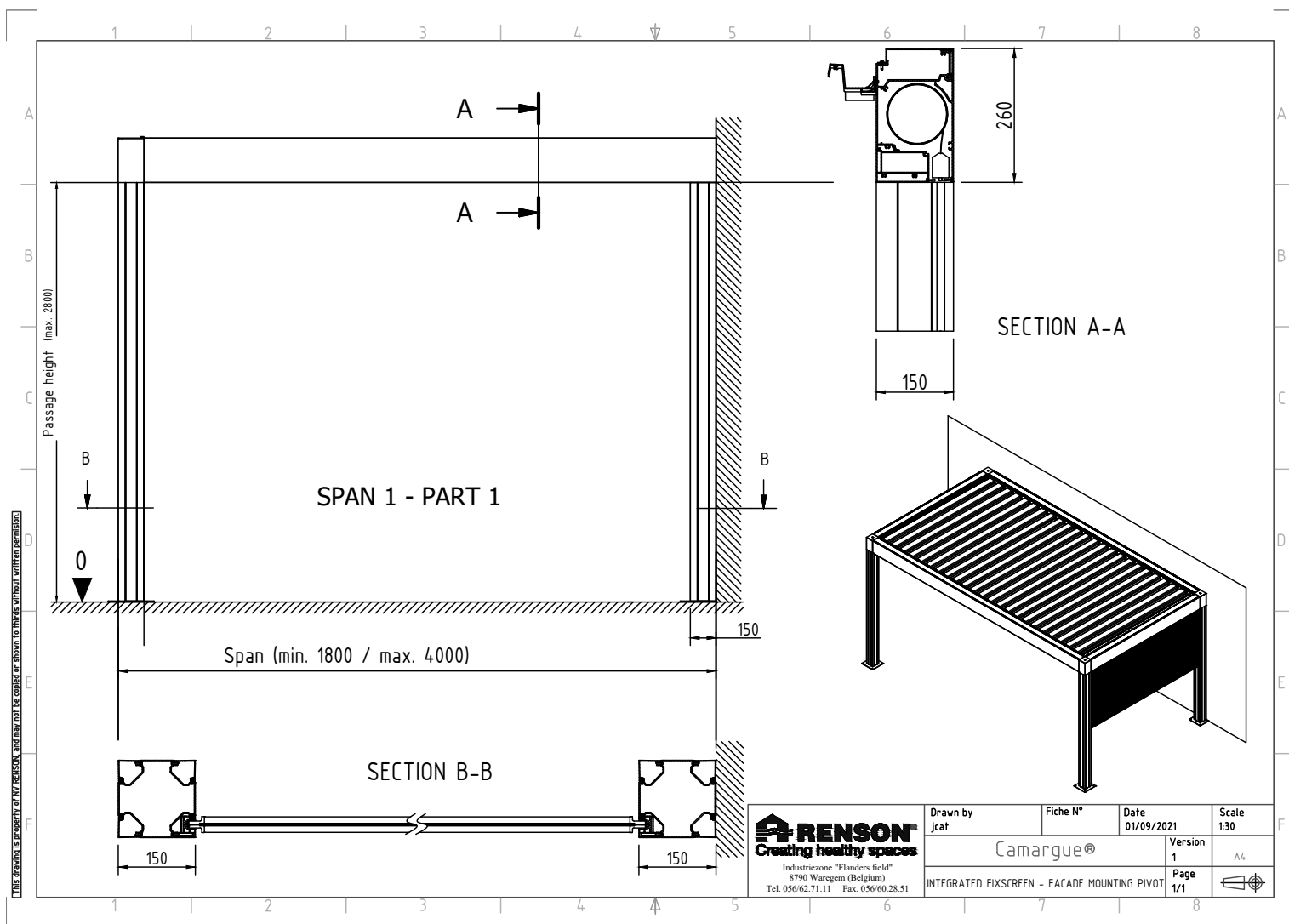
Camargue - INTEGRATED FIXSCREEN - FACADE MOUNTING SPAN



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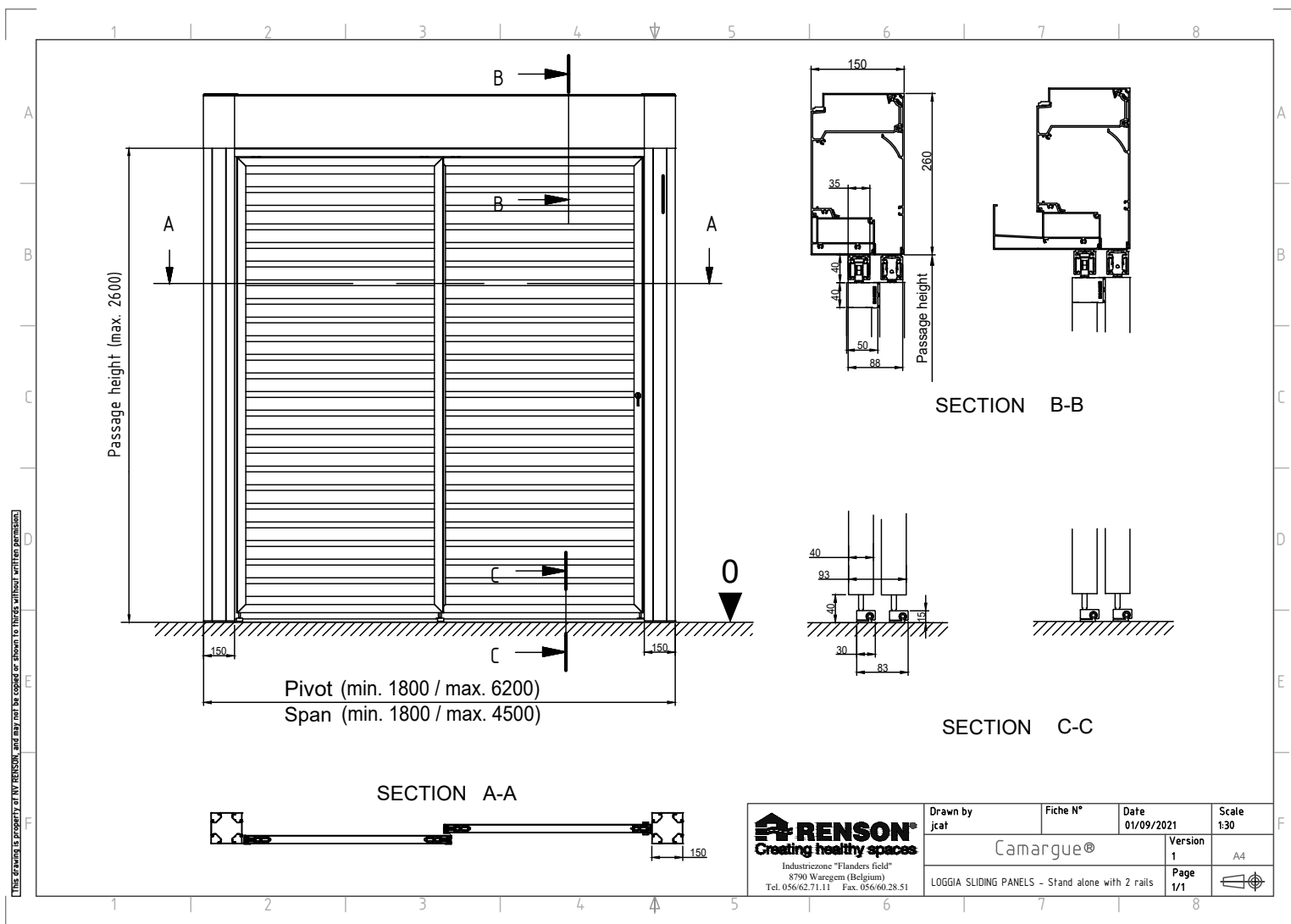
Camargue - INTEGRATED FIXSCREEN - FACADE MOUNTING PIVOT



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Camargue - LOGGIA MODULAR SLIDING PANELS - STAND ALONE WITH 2 RAILS



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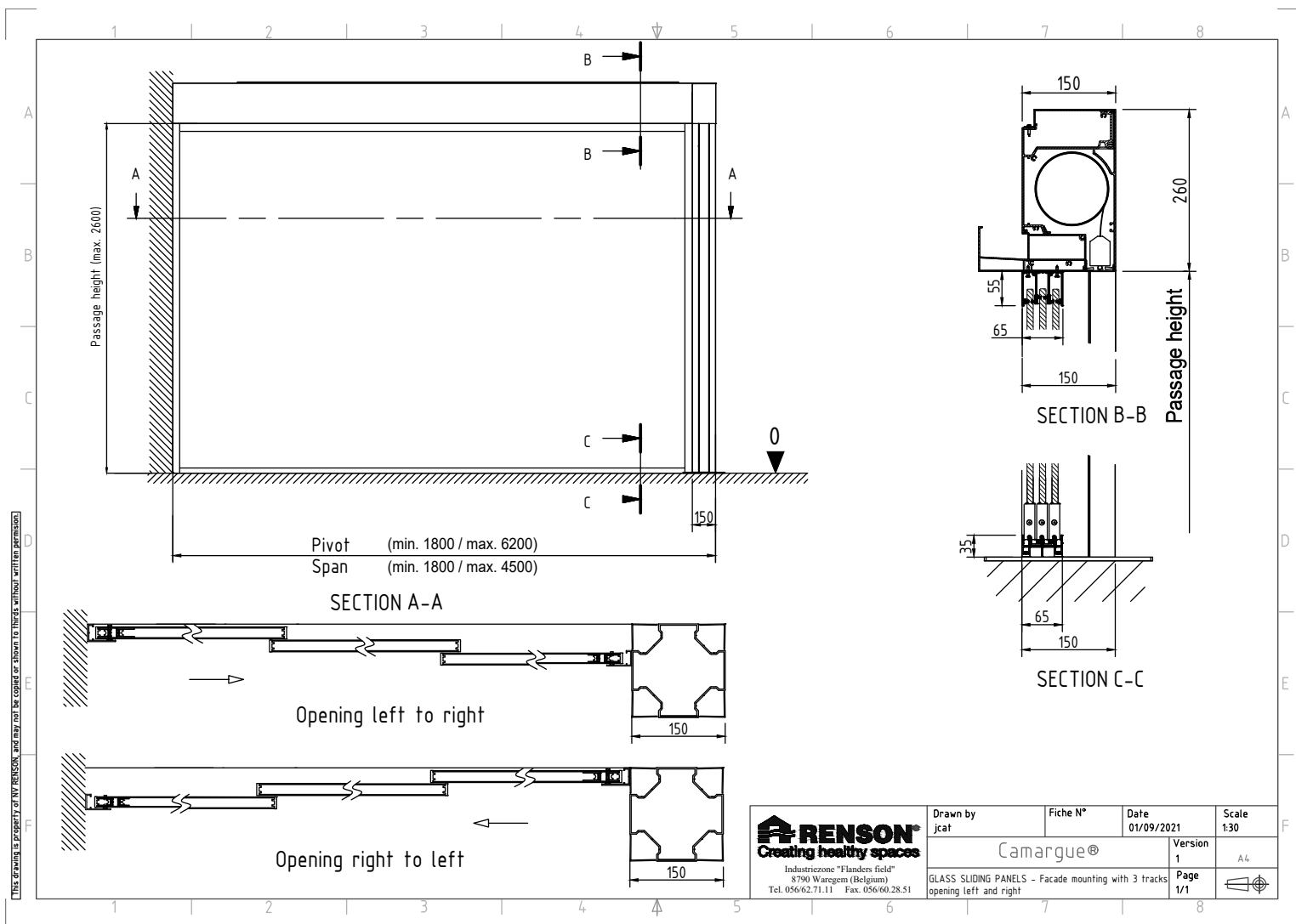


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Creating healthy spaces

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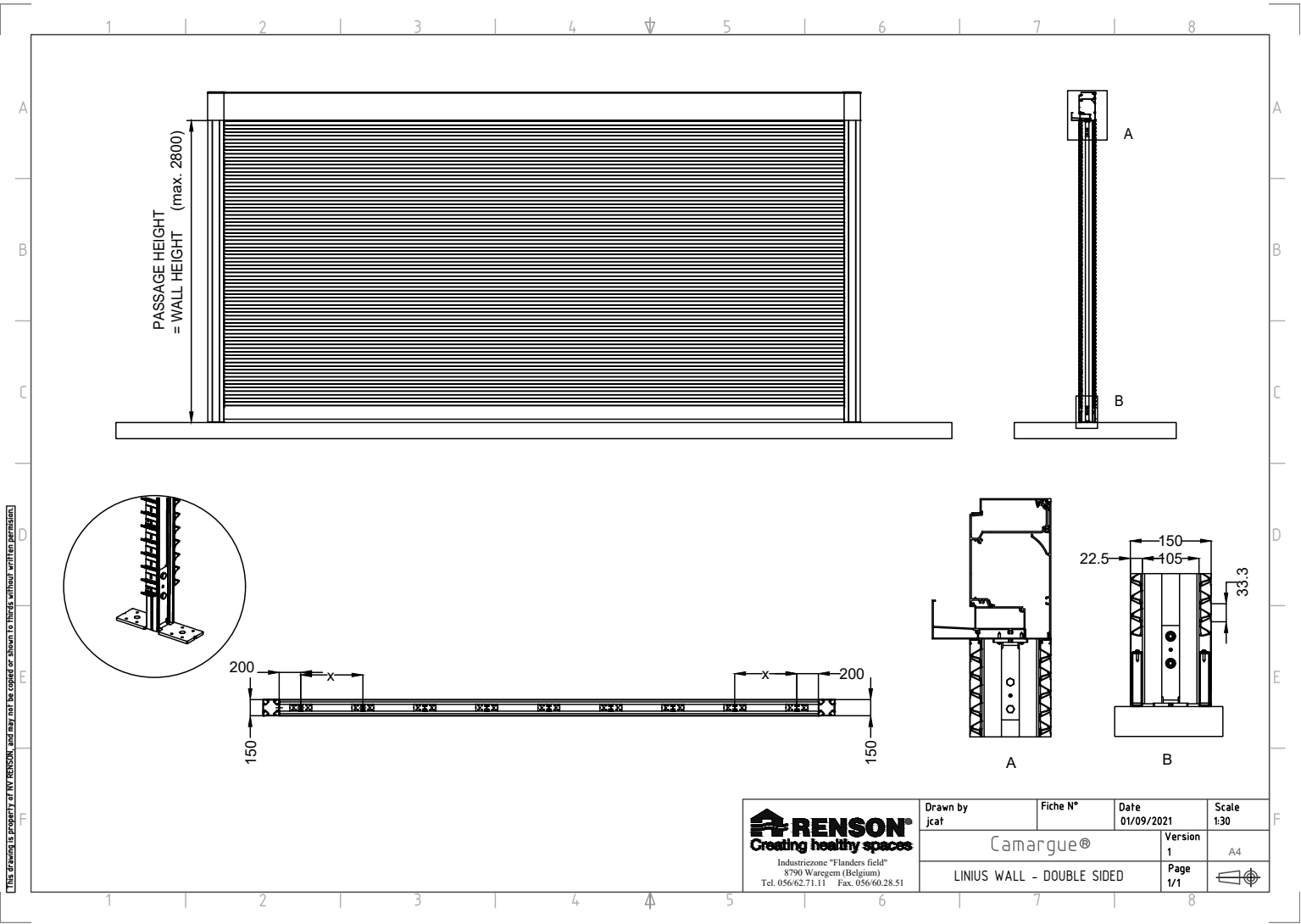
Camargue - FACADE MOUNTING WITH 3 TRACKS - OPENING LEFT & RIGHT



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Camargue - LINIUS WALL - DOUBLE SIDED



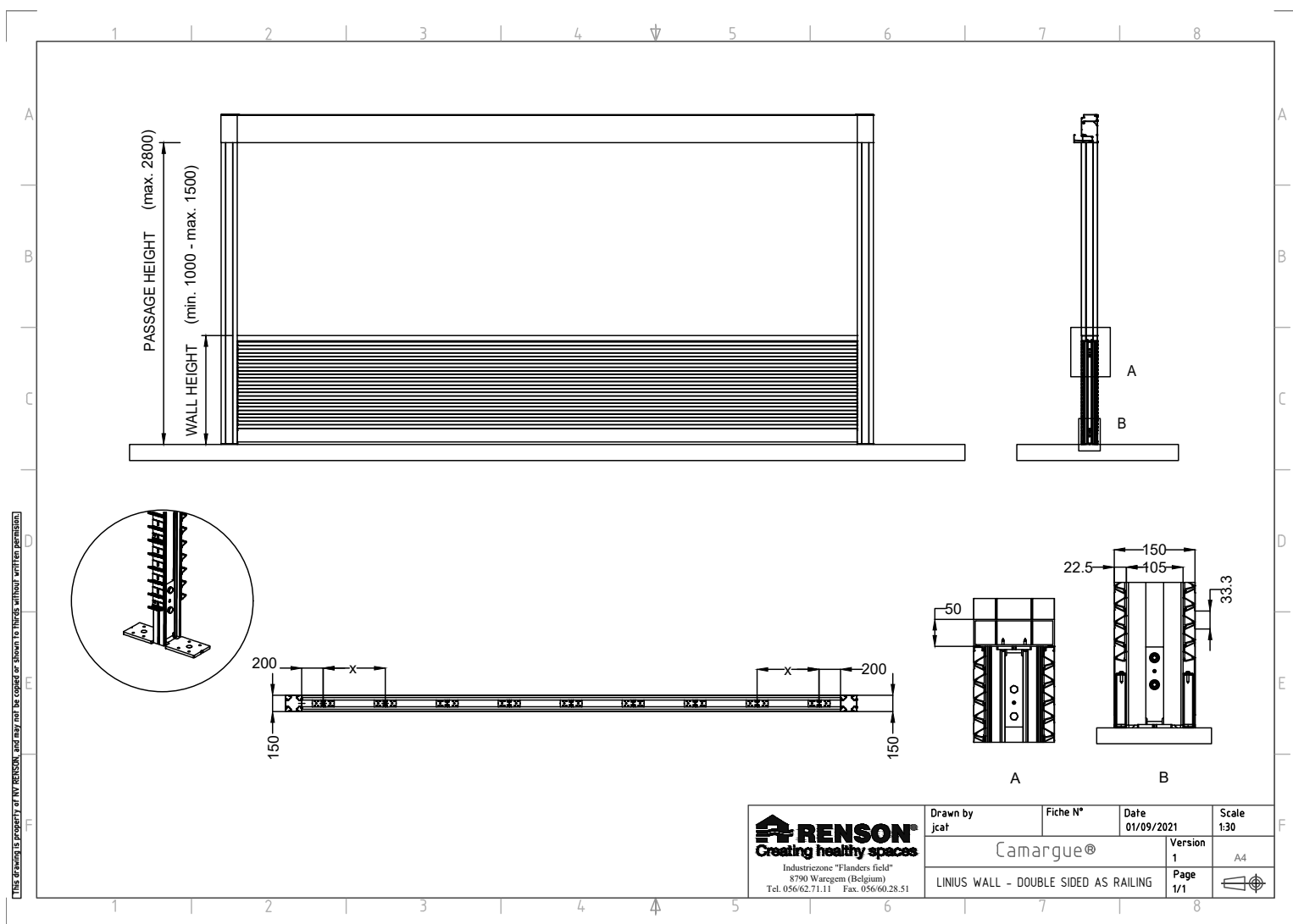
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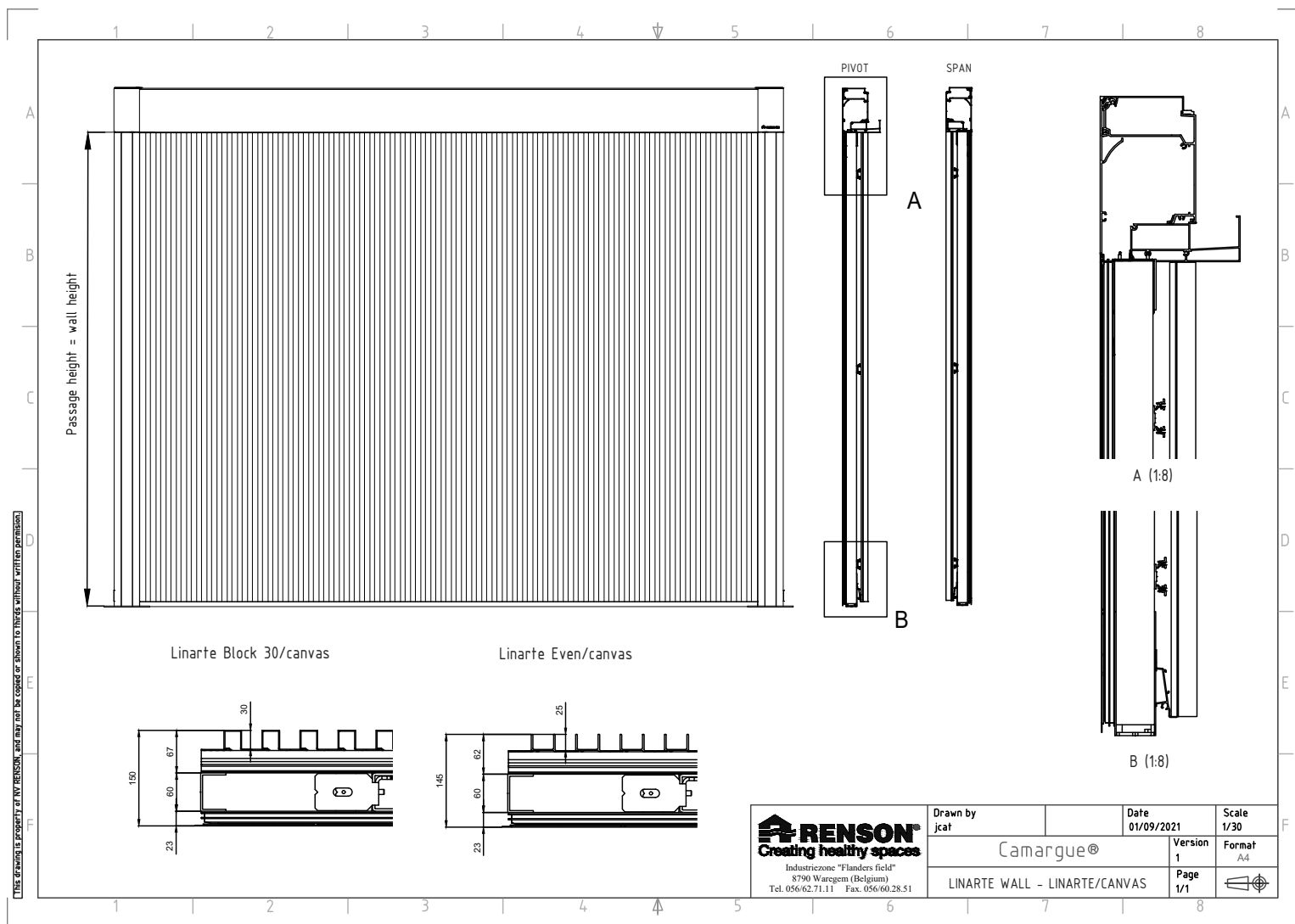
Camargue - LINIUS WALL - DOUBLE SIDED AS RAILING



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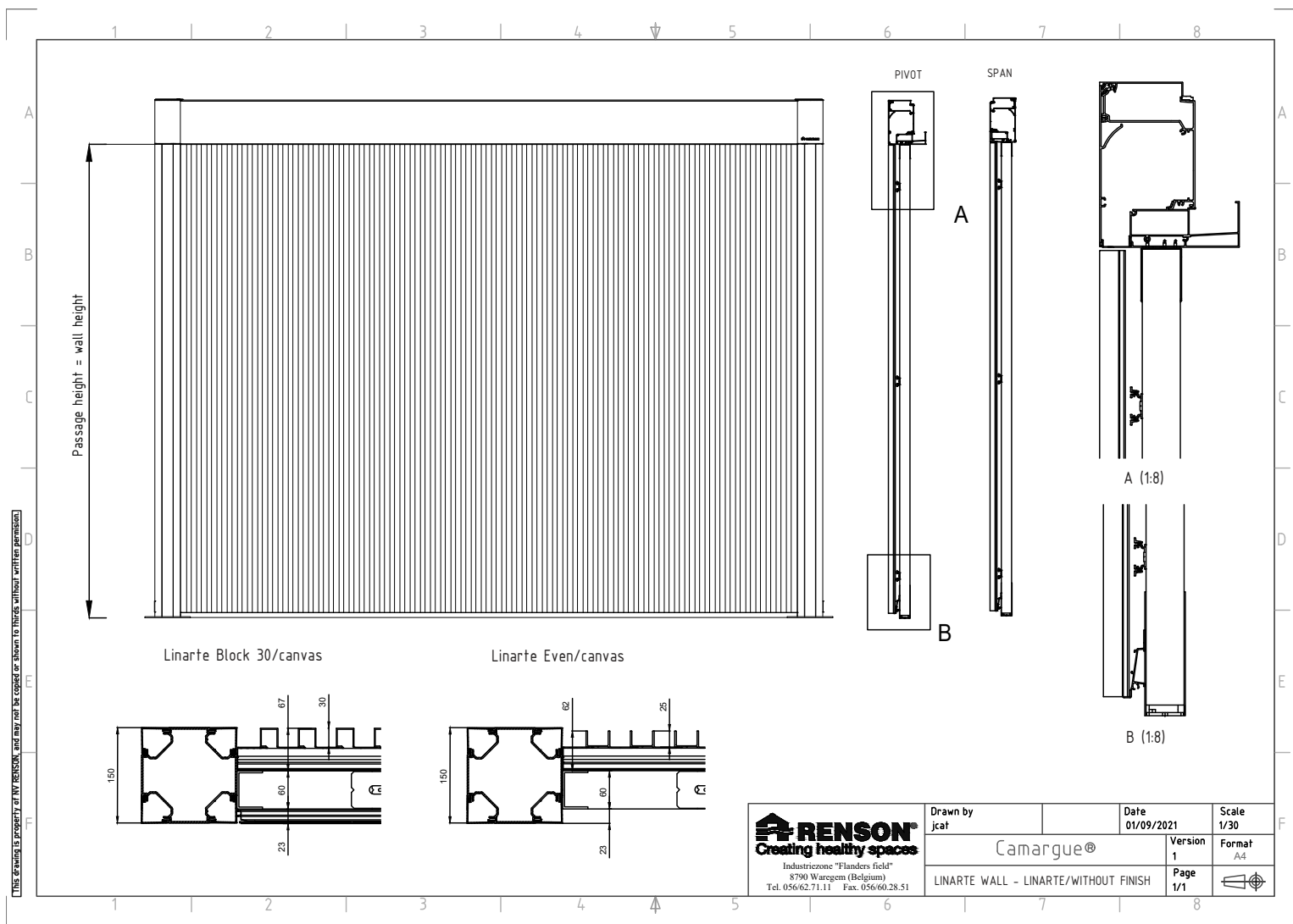
Camargue - LINARTE WALL - LINARTE/CANVAS



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Camargue - LINARTE WALL - LINARTE/WITHOUT FINISH



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July 13, 2023

RE: Garchik Residence– Renson Installation
2474 S. Ocean Blvd.
Highland Beach, FL 33487

To Whom It May Concern:

Cronin Engineering has been retained to review a Renson installation at 2474 S. Ocean Blvd. Highland Beach, FL 33487 being performed by *GWT Outdoors*. Supplied drawings, by *GWT Outdoors*, are attached and are marked up per this letter's anchorage requirements. The column connection to a foundation by others, a 6" concrete slab is expected, is required to be (4) 3/8" Ø by 5" Power wedge-Bolt + per column, at each available column.

Wind load calculations per ASCE 7-16 Chapter 27

- Open Structure
- Site Address: 2474 S. Ocean Blvd. Highland Beach, FL 33487
- Risk Cat: 2
- Exposure: D
- Wind Speed: 169 MPH
- Ultimate wind pressure;
 - Roof: 46.2 PSF
 - Wall: 43.5 PSF

Sincerely,


Derek Cronin

Digitally signed by Derek
Cronin
Date: 2023.07.13 16:40:10
-04'00'

Derek P. Cronin, PE
Principal

2474 South Ocean Boulevard

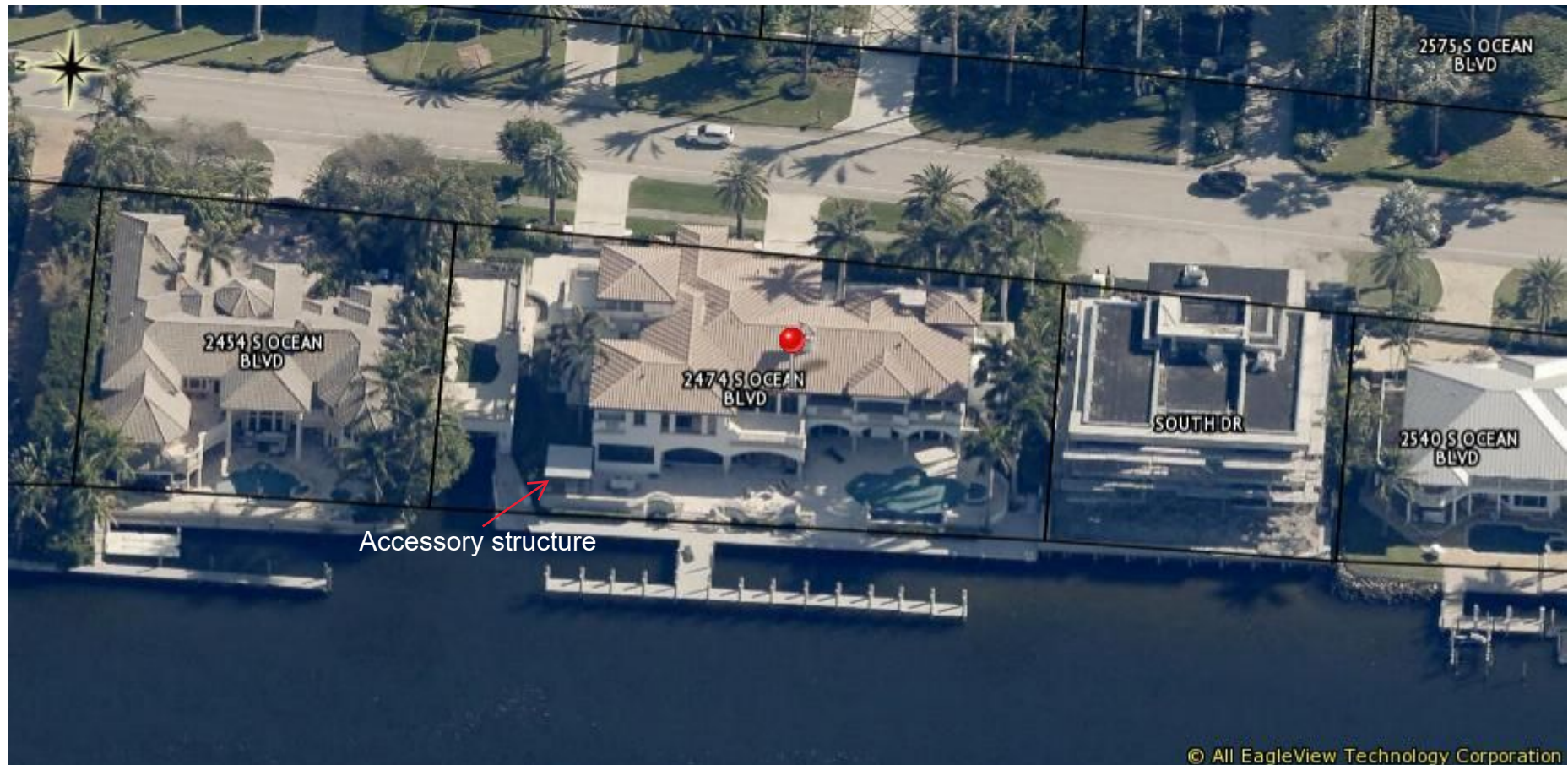
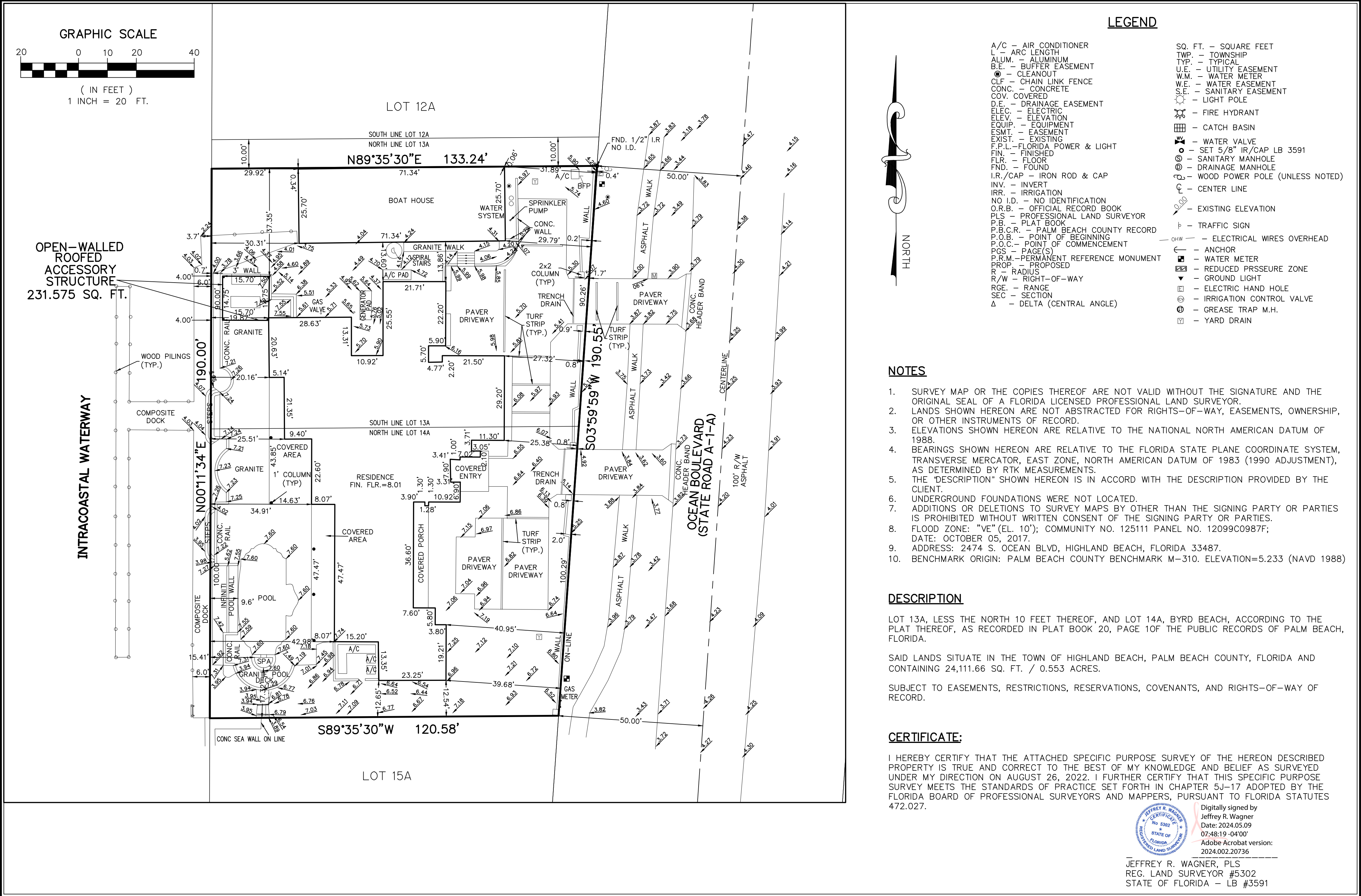




Photo taken on 12-22-23 by
Town Senior Building Inspector





UNIVERSAL COUNTY-WIDE/MUNICIPAL BUILDING PERMIT APPLICATION FORM

January 2020 Edition

Approved for use throughout Palm Beach County and Municipalities

FOR OFFICE USE ONLY

FBC Version: _____ Permit Type: _____

Accepted By: _____ Application Date: _____

Application #: _____

1 KIND OF PERMIT (CHECK ONE):

☒ PRIMARY PERMIT

☐ SUB-PERMIT - If Fee & Value of a Sub-Permit are covered under a Primary Permit, complete boxes 1, 3, 4, 5, 6 & 8 only to apply. If not covered under a Primary Permit, complete the entire application to apply.

PRIVATE PROVIDER: ☐ PLAN REVIEW ☐ INSPECTIONS

2 PROPERTY OWNER: Stephen J. Garchik

TENANT: _____

ADDRESS: 2474 S. Ocean Boulevard UNIT: _____

CITY: Highland Beach STATE: FL ZIP: 33487

PHONE: 703-467-9390 FAX: _____

EMAIL: sgarchik@sjmpartners.com

3 TRADE (CHECK ONE):

☒ STRUCTURAL ☐ ROOFING ☐ ELECTRICAL

☐ MECHANICAL ☐ PLUMBING ☐ FIRE ☐ GAS

☐ OTHER: _____

PRIMARY PERMIT #: _____

4 PROJECT NAME: Pergola

PCN: 24-43-46-28-09-000-0131

LEGAL DESCRIPTION: Byrd Beach Lt 13A (Less N 10 FT) & Lt 14A

PROJECT ADDRESS: 2474 S. Ocean Blvd

CITY: Highland Beach

5 FURTHER WORK DESCRIPTION: Exterior Pergola Structure per Plans

Type of Work: ☒ New ☐ Addition ☐ Alteration ☐ Repair ☐ Demo ☐ Temporary ☐ Other

VALUE: 54,000 PERMIT FEE: _____ NET S.F. (for SFD's): 240

(SEE FEE SCHEDULE)

(AS APPLIES)

(AS APPLIES)

☐ OWNER BUILDER PER FL. ST. 489 (AS NAMED ABOVE, FOR CONTACT INFORMATION SEE BOX 2)

☒ CONTRACTOR (CERT. HOLDER): Bradley Burke

License #: CGC1525347

DBA (COMPANY NAME): BURKE CONTRACTING LLC

Contact Person: Bradley Burke

ADDRESS: 413 NE 17th Ave

STE: _____

CITY: Fort Lauderdale

STATE: FL

ZIP: 33301

PHONE: 954-650-0237

FAX: _____

EMAIL: bradburke@burkecontractingllc.com

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit must be secured for ELECTRICAL WORK, PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS, TANKS, and AIR CONDITIONERS, etc.

OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

2 Mr. J. Garchik

(Signature of Owner or Agent) (including contractor)

Print Name: Stephen J. Garchik

NOTARY REQUIRED IF \$ 2,500 OR MORE, OR FOR ALL OWNER / BUILDERS REGARDLESS OF \$ VALUE STATE OF FLORIDA COUNTY OF Volusia

Sworn to (or affirmed) and subscribed before me this 15th day of August, 20 23, by

Stephen J. Garchik

(Name of person making statement)

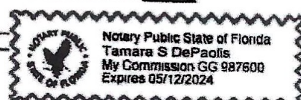
(Signature of Notary Public - State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Physical Presence ☒ OR Online Notarization ☐

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____



8 Bradley Burke

(Signature of Contractor)

Print Name: Bradley Burke

NOTARY REQUIRED IF \$ 2,500 OR MORE, OR FOR ALL OWNER / BUILDERS REGARDLESS OF \$ VALUE STATE OF FLORIDA COUNTY OF BROWARD

Sworn to (or affirmed) and subscribed before me this 28th day of AUGUST, 20 23, by

BRADLEY BURKE

(Name of person making statement)

Vincent Morris

(Signature of Notary Public - State of Florida)

VINCENT MORRIS

(Print, Type, or Stamp Commissioned Name of Notary Public)

Physical Presence ☒ OR Online Notarization ☐

Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____



FEE SIMPLE TITLEHOLDER, BONDING COMPANY, ARCHITECT/ENGINEER AND MORTGAGE LENDER INFO IS REQUIRED WHEN THE AGGREGATE VALUE (TOTAL COST OF ALL IMPROVEMENTS & NOT JUST WORK AUTHORIZED BY THE INDIVIDUAL PERMIT) IS \$2,500 OR MORE (EXCEPT HVAC REPAIR /REPLACEMENT < \$7500). PLEASE ADDRESS ALL ITEMS.

⁹
Fee Simple Titleholder's Name (If other than owner): _____

Fee Simple Titleholder's Address (If other than owner): _____

City: _____ **State:** _____ **Zip:** _____
☐ Same as Owner

¹⁰
Bonding Company: _____

Bonding Company Address: _____

City: _____ **State:** _____ **Zip:** _____
☐ Not Applicable

¹¹
Architect/Engineer's Name: Cronin Engineering Inc.

Architect/Engineer's Name Address: 6627 Willow Park Dr.

City: Naples **State:** FL **Zip:** 34109
☐ Not Applicable

¹²
Mortgage Lender's Name: _____

Mortgage Lender's Address: _____

City: _____ **State:** _____ **Zip:** _____
☐ Not Applicable

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION.

NOTICE TO CONTRACTOR: FOR A DIRECT CONTRACT GREATER THAN \$2,500 (EXCEPT FOR HVAC SYSTEM REPAIR OR REPLACEMENT LESS THAN \$7500), FLORIDA STATUTES REQUIRE THE APPLICANT TO FILE WITH THE ISSUING AUTHORITY, PRIOR TO THE FIRST INSPECTION, EITHER A CERTIFIED COPY OF THE RECORDED (BY OWNER) NOTICE OF COMMENCEMENT OR A NOTARIZED STATEMENT (BY OWNER) THAT THE NOTICE OF COMMENCEMENT HAS BEEN FILED FOR RECORDING, ALONG WITH A COPY THEREOF. IN THE ABSENCE OF A CERTIFIED COPY OF THE RECORDED NOTICE OF COMMENCEMENT, NO SUBSEQUENT INSPECTIONS CAN BE PERFORMED UNTIL THE APPLICANT FILES SUCH CERTIFIED COPY WITH THE ISSUING AUTHORITY. THE CERTIFIED COPY OF THE NOTICE OF COMMENCEMENT MUST CONTAIN THE NAME AND ADDRESS OF THE OWNER, THE NAME AND ADDRESS OF THE CONTRACTOR, AND THE LOCATION OR ADDRESS OF THE PROPERTY BEING IMPROVED.

IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.

FOR APPLICATIONS SUBMITTED UNDER THE PRIVATE PROVIDER PROVISIONS OF F.S. SECTION 553.791, THIS APPLICATION IS NOT CONSIDERED COMPLETE OR SUFFICIENT FOR PURPOSES OF SUBMISSION TO THE BUILDING DEPARTMENT UNTIL THE APPLICANT SECURES ALL NECESSARY APPROVALS FROM OTHER DEPARTMENTS OR AGENCIES INCLUDING, BUT NOT LIMITED TO, PLANNING, ZONING, ENGINEERING, FIRE RESCUE, ENVIRONMENTAL, AND THE FLORIDA DEPARTMENT OF HEALTH.

OFFICE USE ONLY BELOW THIS LINE

¹³
CODE EDITION/NOTES: _____

¹⁴
USE (CHECK ONE):
☐ 1 & 2 FAMILY ☐ TOWNHOUSE ☐ CONDOMINIUM
☐ MULTI-FAMILY ☐ COMMERCIAL ☐ INDUSTRIAL
☐ AGRICULTURAL - BLDG CODE EXEMPT ☐ OTHER: _____

☐ USE CHANGE: _____

April 2, 2024

Ingrid Allen
Town Planner
Town of Highland Beach
3614 S. Ocean Boulevard
Highland Beach FL 33487

RE: Proposed Gazebo at 2474 South Ocean

Dear Ms. Allen:

My name is Beverly DeRosa and I own the property located at 2454 S. Ocean in Highland Beach, which is my primary residence. Stephen and Marla Garchik, who own the home located at 2474 South Ocean Boulevard, have informed me of a gazebo that has been placed in their backyard. I have seen pictures of the gazebo and the Garchiks explained to me that the Town's staff has said that the gazebo must be removed because gazebos are not allowed in the yard. We find it hard to believe that the Town's zoning code does not allow gazebos in yards. Please know that we have no objection to the gazebo and the location where it has been placed.

Thank you,

Beverly S. DeRosa

4/1, 2024

Ingrid Allen
Town Planner
Town of Highland Beach
3614 S. Ocean Boulevard
Highland Beach FL 33487

RE: Proposed Gazebo at 2474 South Ocean

Dear Ms. Allen:

My name is Charles + Tracy Warden and I own the property located at 2444 S. Ocean Blvd in Highland Beach, which is my primary residence. Stephen and Marla Garchik, who own the home located at 2474 South Ocean Boulevard, have informed me of a gazebo that has been placed in their backyard. I have seen pictures of the gazebo and the Garchiks explained to me that the Town's staff has said that the gazebo must be removed because gazebos are not allowed in the yard. We find it hard to believe that the Town's zoning code does not allow gazebos in yards. Please know that we have no objection to the gazebo and the location where it has been placed.

Thank you,

Charles + Tracy Warden
Charles
Tracy Warden

April 3, 2024

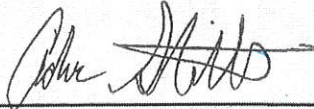
Ingrid Allen
Town Planner
Town of Highland Beach
3614 S. Ocean Boulevard
Highland Beach FL 33487

RE: Proposed Gazebo at 2474 South Ocean

Dear Ms. Allen:

My name is Adrian Stitts and I own the property located at 2500 S. Ocean Blvd in Highland Beach, which is my primary residence. Stephen and Marla Garchik, who own the home located at 2474 South Ocean Boulevard, have informed me of a gazebo that has been placed in their backyard. I have seen pictures of the gazebo and the Garchiks explained to me that the Town's staff has said that the gazebo must be removed because gazebos are not allowed in the yard. We find it hard to believe that the Town's zoning code does not allow gazebos in yards. Please know that we have no objection to the gazebo and the location where it has been placed.

Thank you,



9-3, 2024

Ingrid Allen
Town Planner
Town of Highland Beach
3614 S. Ocean Boulevard
Highland Beach FL 33487

RE: Proposed Gazebo at 2474 South Ocean

Dear Ms. Allen:

My name is George B. Pettit and I own the property located at 2437 South Ocean Blvd. in Highland Beach, which is my primary residence. Stephen and Marla Garchik, who own the home located at 2474 South Ocean Boulevard, have informed me of a gazebo that has been placed in their backyard. I have seen pictures of the gazebo and the Garchiks explained to me that the Town's staff has said that the gazebo must be removed because gazebos are not allowed in the yard. We find it hard to believe that the Town's zoning code does not allow gazebos in yards. Please know that we have no objection to the gazebo and the location where it has been placed.

Thank you,

George B. Pettit

April 2, 2024

Ingrid Allen
Town Planner
Town of Highland Beach
3614 S. Ocean Boulevard
Highland Beach FL 33487

RE: Proposed Gazebo at 2474 South Ocean

Dear Ms. Allen:

My name is Beverly DeRosa and I own the property located at 2454 S. Ocean in Highland Beach, which is my primary residence. Stephen and Marla Garchik, who own the home located at 2474 South Ocean Boulevard, have informed me of a gazebo that has been placed in their backyard. I have seen pictures of the gazebo and the Garchiks explained to me that the Town's staff has said that the gazebo must be removed because gazebos are not allowed in the yard. We find it hard to believe that the Town's zoning code does not allow gazebos in yards. Please know that we have no objection to the gazebo and the location where it has been placed.

Thank you,

Beverly S. DeRosa

4/1, 2024

Ingrid Allen
Town Planner
Town of Highland Beach
3614 S. Ocean Boulevard
Highland Beach FL 33487

RE: Proposed Gazebo at 2474 South Ocean

Dear Ms. Allen:

My name is Charles + Tracy Warden and I own the property located at 2444 S. Ocean Blvd in Highland Beach, which is my primary residence. Stephen and Marla Garchik, who own the home located at 2474 South Ocean Boulevard, have informed me of a gazebo that has been placed in their backyard. I have seen pictures of the gazebo and the Garchiks explained to me that the Town's staff has said that the gazebo must be removed because gazebos are not allowed in the yard. We find it hard to believe that the Town's zoning code does not allow gazebos in yards. Please know that we have no objection to the gazebo and the location where it has been placed.

Thank you,

Charles + Tracy Warden
Charles
Tracy Warden

4-1, 2024

Ingrid Allen
Town Planner
Town of Highland Beach
3614 S. Ocean Boulevard
Highland Beach FL 33487

RE: Proposed Gazebo at 2474 South Ocean

Dear Ms. Allen:

My name is JEANNE PASTORE and I own the property located at 2435 S. Ocean Blvd in Highland Beach, which is my primary residence. Stephen and Marla Garchik, who own the home located at 2474 South Ocean Boulevard, have informed me of a gazebo that has been placed in their backyard. I have seen pictures of the gazebo and the Garchiks explained to me that the Town's staff has said that the gazebo must be removed because gazebos are not allowed in the yard. We find it hard to believe that the Town's zoning code does not allow gazebos in yards. Please know that we have no objection to the gazebo and the location where it has been placed.

Thank you,

Jeanne Pastore

4-1, 2024

Ingrid Allen
Town Planner
Town of Highland Beach
3614 S. Ocean Boulevard
Highland Beach FL 33487

RE: Proposed Gazebo at 2474 South Ocean

Dear Ms. Allen:

My name is James Pasbore and I own the property located at 2435 South Ocean in Highland Beach, which is my primary residence. Stephen and Marla Garchik, who own the home located at 2474 South Ocean Boulevard, have informed me of a gazebo that has been placed in their backyard. I have seen pictures of the gazebo and the Garchiks explained to me that the Town's staff has said that the gazebo must be removed because gazebos are not allowed in the yard. We find it hard to believe that the Town's zoning code does not allow gazebos in yards. Please know that we have no objection to the gazebo and the location where it has been placed.

Thank you,

A handwritten signature in black ink, appearing to read 'James Pasbore', written over a horizontal line.

April 4, 2024

Ingrid Allen
Town Planner
Town of Highland Beach
3614 S. Ocean Boulevard
Highland Beach FL 33487

RE: Proposed Gazebo at 2474 South Ocean

Dear Ms. Allen:

My name is Karen Zuckerman and I own the property located at 2575 S Ocean Blvd, 103s in Highland Beach, which is my primary residence. Stephen and Marla Garchik, who own the home located at 2474 South Ocean Boulevard, have informed me of a gazebo that has been placed in their backyard. I have seen pictures of the gazebo and the Garchiks explained to me that the Town's staff has said that the gazebo must be removed because gazebos are not allowed in the yard. We find it hard to believe that the Town's zoning code does not allow gazebos in yards. Please know that we have no objection to the gazebo and the location where it has been placed.

Thank you,

A handwritten signature in black ink, appearing to read "Karen Zuckerman", is written over a horizontal line.

4/3, 2024

Ingrid Allen
Town Planner
Town of Highland Beach
3614 S. Ocean Boulevard
Highland Beach FL 33487

RE: Proposed Gazebo at 2474 South Ocean

Dear Ms. Allen:

My name is Rosalyn Yellin and I own the property located at 2640 S Ocean Blvd. ^{Highland Beach} in Highland Beach, which is my primary residence. Stephen and Marla Garchik, who own the home located at 2474 South Ocean Boulevard, have informed me of a gazebo that has been placed in their backyard. I have seen pictures of the gazebo and the Garchiks explained to me that the Town's staff has said that the gazebo must be removed because gazebos are not allowed in the yard. We find it hard to believe that the Town's zoning code does not allow gazebos in yards. Please know that we have no objection to the gazebo and the location where it has been placed.

Thank you,

Rosalyn Yellin

April, 5, 2024

Ingrid Allen
Town Planner
Town of Highland Beach
3614 S. Ocean Boulevard
Highland Beach FL 33487

RE: Proposed Gazebo at 2474 South Ocean

Dear Ms. Allen:

My name is Deborah Muller and I own the property located at 2375 S. Ocean Blvd. in Highland Beach, which is my primary residence. Stephen and Marla Garchik, who own the home located at 2474 South Ocean Boulevard, have informed me of a gazebo that has been placed in their backyard. I have seen pictures of the gazebo and the Garchiks explained to me that the Town's staff has said that the gazebo must be removed because gazebos are not allowed in the yard. We find it hard to believe that the Town's zoning code does not allow gazebos in yards. Please know that we have no objection to the gazebo and the location where it has been placed.

Thank you,

Deborah Muller

4/3, 2024

Ingrid Allen
Town Planner
Town of Highland Beach
3614 S. Ocean Boulevard
Highland Beach FL 33487

RE: Proposed Gazebo at 2474 South Ocean

Dear Ms. Allen:

My name is Rosalyn Yellin and I own the property located at 2640 S Ocean Blvd. ^{Highland Beach} in Highland Beach, which is my primary residence. Stephen and Marla Garchik, who own the home located at 2474 South Ocean Boulevard, have informed me of a gazebo that has been placed in their backyard. I have seen pictures of the gazebo and the Garchiks explained to me that the Town's staff has said that the gazebo must be removed because gazebos are not allowed in the yard. We find it hard to believe that the Town's zoning code does not allow gazebos in yards. Please know that we have no objection to the gazebo and the location where it has been placed.

Thank you,

Rosalyn Yellin

April, 5, 2024

Ingrid Allen
Town Planner
Town of Highland Beach
3614 S. Ocean Boulevard
Highland Beach FL 33487

RE: Proposed Gazebo at 2474 South Ocean

Dear Ms. Allen:

My name is Deborah Muller and I own the property located at 2375 S. Ocean Blvd. in Highland Beach, which is my primary residence. Stephen and Marla Garchik, who own the home located at 2474 South Ocean Boulevard, have informed me of a gazebo that has been placed in their backyard. I have seen pictures of the gazebo and the Garchiks explained to me that the Town's staff has said that the gazebo must be removed because gazebos are not allowed in the yard. We find it hard to believe that the Town's zoning code does not allow gazebos in yards. Please know that we have no objection to the gazebo and the location where it has been placed.

Thank you,

Deborah Muller

April 8, 2024

Ingrid Allen
Town Planner
Town of Highland Beach
3614 S. Ocean Boulevard
Highland Beach FL 33487

RE: Proposed Gazebo at 2474 South Ocean

Dear Ms. Allen:

My name is Victoria B. Saunders and I own the property located at 2445 S Ocean Blvd. in Highland Beach, which is my primary residence. Stephen and Marla Garchik, who own the home located at 2474 South Ocean Boulevard, have informed me of a gazebo that has been placed in their backyard. I have seen pictures of the gazebo and the Garchiks explained to me that the Town's staff has said that the gazebo must be removed because gazebos are not allowed in the yard. We find it hard to believe that the Town's zoning code does not allow gazebos in yards. Please know that we have no objection to the gazebo and the location where it has been placed.

Thank you,

Victoria B. Saunders

**Town of Highland Beach
Town Commission Appeal (BOAA)
Application No. PZ-24-2**



Applicant: Marla & Stephen Garchick
Property Address: 2474 S. Ocean Blvd
Highland Beach, Florida 33487

CERTIFICATE OF MAILING AFFIDAVIT

I hereby certify that the Town Clerk's Office mailed a copy of the Notice of Public Hearing (Exhibit A) for Application No. PZ-24-2 for the property located at 2474 S. Ocean Blvd., Highland Beach, Florida 33487, by U.S. first-class and international mail to:

All property owners and properties owned by a condominium association president and the association's registered agent within 500 feet of the property located at 2474 S. Ocean Blvd, Highland Beach, Florida 33487.

The mailings consisted of 24 notices that were sent first class mail and 00 notices that were sent by International Mail.

This 24th day of June 2024.

Highland Beach Town Clerk's Office

Jaclyn DeHart
Deputy Town Clerk



PUBLIC NOTICE

Dear Property Owner:

This is to notify you that the **BOARD OF ADJUSTMENT AND APPEALS** of the Town of Highland Beach will conduct a public hearing on ***Tuesday, July 9, 2024 at 9:30 AM*** in the Commission Chambers at Town Hall, 3614 South Ocean Boulevard, Highland Beach, Florida to consider the following application.

APPLICATION BY MICHAEL MARSHALL, ESQ., FOR AN APPEAL OF A TOWN INTERPRETATION REGARDING CUSTOMARY YARD ACCESSORIES FOR THE PROPERTY LOCATED 2474 SOUTH OCEAN BOULEVARD (PZ-24-2)

The application is available for inspection in the Town Clerk's Office at Town Hall, Monday through Friday during normal business hours of 8:30 a.m. to 4:30 p.m.

Any person that decides to appeal any decision made by the Board of Adjustment and Appeals with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceeding is made, which includes the testimony and evidence upon which the appeal is based. The Town of Highland Beach does not provide such a record.

In accordance with the Americans with Disabilities Act, persons who need special accommodation to attend or participate in this meeting should contact the Town Clerk's Office at (561) 278-4548 at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 1-800-955-8770 or 1-800-955-8771.

For additional information, please contact the Town Planner at (561) 278-4540.

TOWN OF HIGHLAND BEACH, BUILDING DEPARTMENT

SUN-SENTINEL

Sold To:

Town of Highland Beach Florida - CU00661788
3614 S Ocean Blvd
Highland Beach FL 33487,FL 33487-3393

Bill To:

Town of Highland Beach Florida - CU00661788
3614 S Ocean Blvd
Highland Beach FL 33487,FL 33487-3393

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 30, 2024
SSC_Notice of Public Meeting
Affiant further says that the newspaper complies with all legal requirements for
publication in Chapter 50, Florida Statutes.

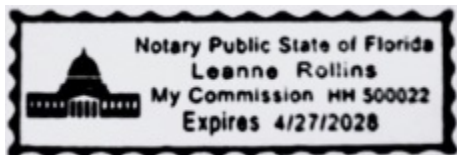


Signature of Affiant

Sworn to and subscribed before me this: July 01, 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: jdehart@highlandbeach.us
7651965

**TOWN OF HIGHLAND BEACH
NOTICE OF PUBLIC HEARING**

YOU ARE HEREBY NOTIFIED that the Board of Adjustment and Appeals of the Town of Highland Beach will conduct a Public Hearing on Tuesday, July 9, 2024 at 9:30 AM in the Commission Chambers at Town Hall, 3614 South Ocean Boulevard, Highland Beach, Florida to consider the following application:

APPLICATION NO. PZ-24-2 BY MICHAEL MARSHALL, ESQ., FOR AN APPEAL OF A TOWN INTERPRETATION REGARDING CUSTOMARY YARD ACCESSORIES FOR THE PROPERTY LOCATED 2474 SOUTH OCEAN BOULEVARD.

APPLICANTS: MARIA & STEPHEN GAR-CHICK

The application is available for inspection in the Town Clerk's Office at Town Hall, Monday through Friday during normal business hours of 8:30 a.m. to 4:30 p.m.

Any person that decides to appeal any decision made by the Board of Adjustments and Appeals with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceeding is made, which includes the testimony and evidence upon which the appeal is based. The Town of Highland Beach does not provide such a record.

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For additional information, please contact the Town Planner at (561) 278-4540.

TOWN OF HIGHLAND BEACH, BUILDING
DEPARTMENT
6/30/24 7651965

Order # - 7651965