

SPECIAL MEETING HELD BY THE BOARD OF ADJUSTMENT OF THE TOWN OF OCEAN RIDGE, FLORIDA, TO BE HELD IN THE TOWN HALL ON TUESDAY, AUGUST 12, 1997, AT 8:30 A.M..

The meeting was called to order by Chairman Barlage and roll call was answered by the following:

Bob Cunningham	Pat Frick
Earl Jones	Luis Vinas
Chairman Barlage	

III. APPROVAL OF MINUTES OF MAY 13, 1997

Pat Frick moved to approve the minutes as submitted, seconded by Bob Cunningham.

Motion Carried - Yea 5.

IV. VARIANCE APPLICATIONS (REHEARING)

- A. John/Deborah Smith, 125 Marlin Dr., Ocean Ridge, FL 33435, requesting a re-hearing for a variance from the provisions of the Land Development Code, Article II; DISTRICT REGULATIONS, Section 26-11; RSF-Single-Family Residential District, Paragraph (c); Property Development Regulations, Sub Paragraph (2) (b&d), minimum side and rear yard setback requirements and also Sub Paragraph (5), maximum lot coverage and Sub Paragraph (6), maximum floor area ratio (FAR) to permit construction of a bathroom that would encroach 3'5" into the required 15' side yard setback, and a family room addition that would encroach 13'10" into the required 25' rear setback thereby exceeding the 35% maximum lot coverage by 2.1% and the FAR by 1.1% located at the above described address or legally described as Lot 125, McCormick Mile Add No 1 Subdivision.

Chairman Barlage read the title to the variance application.

Town Clerk Hancsak advised that no additional correspondence had been received on this issue and that all fees have been paid. She explained that the justification for application for the May 13, 1997 would be valid for this rehearing and a new one was not required.

Town Clerk Hancsak read the outcome of the last meeting which was to approve the bathroom portion of the variance as requested with minimal roof overhang to conform with the roof line and that the addition at the north end be reduced to 10' with the northern wall to have same angles as proposed.

Town Clerk Hancsak read the June 30, 1997 letter from Mr. and Mrs. Smith which explained that the approved variance was presented to the architect who concluded that additional modifications would be required to meet the new restrictions. Mr. and Mrs. Smith requested a rehearing on the basis that the limited approval granted would cause additional hardship.

Town Clerk Hancsak read the administrative comments in which Town Manager Lanker recommended approval. His comments explained that although he was not in favor of violating the setbacks in any way, he believed that this would be one instance where a request would not infringe at all on the neighbors. He concluded that based on new information from the architect and the fact that the addition would not infringe on the neighbors in any way, he recommended approval.

Debbie Smith stated that she had felt the 10' granted in May could be worked out, but after speaking to her architect, she was told that the 10' would create problems with the pilings and the grade beams. She added that aesthetically, the completed addition would not look as good at the 10' approval. She showed pictures taken of the rear of her residence to help illustrate what her family wanted to accomplish.

Mrs. Frick inquired about the elevation of the rear patio. Mrs. Smith explained that it was only about 4', but had the illusion of being greater as a result of the down slope of the ground around it.

Mrs. Smith showed the Board drawings developed by her architect which showed the difference between what was previously approved and what was being requested.

Mr. Cunningham inquired if the sundeck on the second floor would be enlarged as a result of the patio being enclosed beneath it. Mrs. Smith explained that the sun deck would be bigger adding that there would be no additional roof needed over the second floor that may block the view from the neighbors.

Earl Jones questioned whether the pilings could be moved at all or if the hardship was the increase in costs as a result of relocating the pilings. John Conway, Mr. and Mrs. Smith's architect, explained that the current patio is on pilings and would have to be torn up in order to remove and replace the pilings where needed. Mrs. Smith added that she felt the construction would be more disruptive to the neighboring properties if concrete was being ripped up in the back yard and new pilings installed.

Chairman Barlage asked the Town Manger his opinion. Town Manager Lanker stated that previously he felt the variance would be setting a precedent that he could not agree with even

though a variance is taken on a case by case basis and precedents are not set. He explained that the approval previously given would already allow a violation into the setback area and that granting the additional 3'10" would only make sense.

Mr. Cunningham stated that he had no problem with the request and felt it should have been granted as submitted in May. He added that the lack of any negative correspondence and public comment also made him feel that approval should be granted.

Mr. Jones stated that at the May meeting he had not been given a clear understanding of the use of family size as a hardship from the Town attorney. He advised that he did not feel family size was a legitimate reason for hardship adding that he now believed the rehearing to be based on a hardship of funding needed to construct the addition as previously approved by the Board and could not favor the request.

Mrs. Smith explained that most of the homes in the neighborhood were built to a 15' rear setback where hers had to be built to a 25' rear setback. She advised that the approximate 4' additional encroachment would not cause the home to be considerably out of line with the surrounding homes.

Mr. Jones advised that he felt the request to be more aggressive than he is willing to approve. He added that he did not like the look of homes that were too close to the canal. Mrs. Smith explained that their dock is built out an additional 5', so the addition would not have the appearance of being right next to the canal.

Mrs. Smith stated that she felt the neighborhood support is very important to her case.

Dr. Vinas stated that he felt that family size was a true hardship and a very important one as the Smith family was not even able to have meals together. He added that since the variance was only requesting an extension of the home to the existing slab patio, he would support the variance request.

Mrs. Frick asked if Mrs. Smith had re-polled the neighborhood since the May meeting. Mrs. Smith advised that she had received calls when the notice of the rehearing was mailed to the surrounding homes. She stated that the neighbors were surprised by the fact that the original request had not been granted and they still support the variance.

Chairman Barlage asked what steps would be necessary to construct the addition as previously approved. Mr. Conway explained that the existing slab would have to be removed, new pilings and grade beams installed at the new dimensions, and a new slab poured.

The Board of Adjustment then went into executive session.

Dr. Vinas stated that he felt the 13'10" requested would make the addition aesthetically pleasing and

the previous approval of 10' would cause a significant disruption to the neighboring homes. He advised that he supported the variance request.

Mrs. Frick questioned the Architect on how the pilings would be moved to the property if the additional extension was not granted. Mr. Conway stated that they could be brought in by barge. He added that either moving them through the neighborhood which is very populated or by barge would be difficult and disruptive. Mrs. Frick advised that she was in favor of approving the variance request.

Mr. Jones stated that he did not approve of the request as submitted.

Mr. Cunningham explained that it was his experience that when new pilings are put in, the neighboring homes have a tendency to get cracked ceilings. He stated that he believed the addition would be more aesthetically pleasing as submitted. He advised that based on the fact of the disruption that would be caused to the neighboring homes, the aesthetics of the home, and the recommendation of the Town Manager, he was also in favor of approving the request.

Chairman Barlage advised that since there was no opposition from the public or the neighbors and the Town Manager has recommended approval, he was also in favor of approving the variance request.

Mr. Cunningham moved to approve the original request for the family room addition and the bathroom as approved in the May 13, 1997 meeting, seconded by Dr. Vinas.

Motion Carried - Yea 4 (Cunningham, Frick, Vinas, Barlage)
Nay 1 (Jones)

V. ADJOURNMENT

The meeting was adjourned at 9:05 A.M..

Chairman Barlage

Bob Cunningham

SPECIAL MEETING OF THE BOARD OF ADJUSTMENT ON AUGUST 12, 1997

Pat Frick

Attest By:

Earl Jones

Town Clerk

Luis Vinas