

Special Meeting held by the Board of Adjustment of the Town of Ocean Ridge, Florida, to be held in the Town Hall on Tuesday, September 30, 1997, at 8:30 A.M..

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

Robert Cunningham Patricia Frick
Barbara Souther Luis Vinas
 Phillip Barlage

III. Approval of Minutes of August 12, 1997

Mrs. Frick moved to approve the minutes as submitted, seconded by Mr. Cunningham.

Motion Carried - Yea 5.

IV. Variance Applications

A. A re-hearing of an application submitted by James/Margaret Leider, 6083 Old Ocean Blvd., Ocean Ridge, FL 33435, requesting a variance from the provisions of the Land Development Code, Article XIV; NONCONFORMING AND GRANDFATHERED USES, Section 26-221; Grandfathered Uses, Lots and Structures, Paragraph (e), grandfathered structures; Sub Paragraph (1), alteration, extension, enlargement or expansion to permit replacement of a flat roof to the western cottage with a hip roof thus altering a grandfathered structure located at the above described address or legally described as Lot 1, Block 4 and Block 9, Boynton Sub Amended.

Chairman Barlage read the variance request by title only.

Town Clerk Hancsak advised that there was no additional correspondence received and that all fees had been paid.

Town Clerk Hancsak explained that a mansard roof was approved in May, 1997 by the Board of Adjustment and the applicants now wanted to change that request to a hip roof. She read the letter that was sent to the Leider's following the May, 1997 hearing advising that their request was approved. She explained that the original justification of application would apply to this hearing also.

Town Clerk Hancsak read the administrative comments prepared by Gary Lanker which recommended the approval of the variance based on the fact that he felt a hip roof complies more with the code and is less obtrusive.

Mark Marsh, architect for the Leider's, advised that if a mansard roof were placed on the cottage, a flat roof area would be visible from the main house. He explained that a hip roof would be more pleasing while creating 30% less space in the roof area. Mr. Marsh

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showed the Board the roof tiles that would be used which resemble slate and have a lifetime guarantee.

Chairman Barlage asked for comments from the public of which there were none.

Mrs. Frick advised that she felt the hip roof would be an improvement as it would be less obtrusive than the mansard roof previously approved. Mrs. Souther concurred.

Chairman Barlage stated that he believed the hip roof to be the better option as less space would be created as a result.

Dr. Vinas moved to approve the variance as resubmitted, seconded by Mr. Cunningham.

Motion Carried - Yea 5.

B. The Waterways at Ocean Ridge, Inc. (formerly known as Ocean Harbor Estates), % Enviroidesigns Assoc., Inc., 3767 Lake Worth Rd. #108, FL 33461, requesting a variance from the provisions of the Land Development Code, Article XII, PLANNED RESIDENTIAL DEVELOPMENT, Section 26-193; Development Standards, Paragraph (f); Property Development Regulations for Residential Uses, Sub Paragraph (5), detached design requiring single-family detached dwelling units shall meet the setback requirements of the RSF single-family residential district to permit construction of fifteen (15) single family residences within a Planned Residential Development with side setbacks of 10' and rear waterfront setbacks of 15' whereas the code currently requires 15' sideyard setbacks and 25' rear setbacks when property abuts the water or another street located at property legally described as the North 432.55 feet of Gov Lot 3 LYG West of SR A1A and the South 10' of abandoned Porter St LYG North of Adjacent Thereto (5840 N Ocean Blvd)

Town Clerk Hancsak advised that the Town had received a letter from Sachs, Sax, & Klein, P.A. requesting a postponement until October 10, 1997 for its client in the variance request submitted by the Waterways at Ocean Ridge. She advised that she had also received a letter from Joseph Pike, engineer representing EnviroDesign Associates, requesting the same postponement.

Town Clerk Hancsak then read the variance request by title only. She advised that she had received additional correspondence from a

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resident, Terry Brown, advising that the legal description in the advertisement was incorrect. Town Clerk Hancsak explained that the correction was made to the tax roll in May 1997 and as the Town only gets the tax roll in October, she was not aware of the correction.

Chairman Barlage questioned if the property owner was aware of this change to which Town Clerk Hancsak advised that they were. She explained that "the South 10' of abandoned Porter St LYG North of Adjacent Thereto" should be deleted from the legal description.

Town Clerk Hancsak read an excerpt of a letter from Earl Jones, 14 Sailfish Lane and Vice Chairman of the Board of Adjustment, pertaining to this variance. He advised that the Planning and Zoning Commission and the Town Commission had numerous meetings discussing proposed changes to the Land Development Code. He concluded that because setbacks were not included in any of the discussions, residents must be very satisfied with the setbacks as presented in the current code. He commented that he did not believe the request should be granted as it would create a crowded development which he believes would not be welcomed by Ocean Ridge residents.

Atty Nicoletti advised that he had also received correspondence from Atty Richard Carlson also indicating the error in the legal description.

Chairman Barlage advised that the Board needed to address the issue of the postponement. He advised that the letter from EnviroDesigns requested either October 14 or 21 as the next hearing date. Mrs. Souther questioned if this Board of Adjustment meeting could be in the evening. Mr. Cunningham advised that he felt this meeting should be in the evening because of the immense interest of the residents although he did not feel the Board of Adjustment meetings should meet in the evenings as a rule. Dr. Vinas commented that evening meetings would be more convenient for him. Mrs. Frick advised that she could make an occasional exception for an evening meeting, but that she would not be in favor of them all the time. Chairman Barlage advised that the Board should consider this particular variance now and discuss the time for the meetings at a later meeting and added that he also favored morning meetings.

Mrs. Frick moved to postpone the meeting until October 14 at 7 P.M., seconded by Dr. Vinas.

Motion Carried - Yea 5.

Jerry Magruder, 9 Ridge Blvd., advised that she is against this project. She commented that if it were not for her background check on the developer (the previous developer), a bond would have been

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signed by the Town for him which would have put the Town at risk. She suggested that a court reporter be present at the next meeting for an accurate transcription of the proceedings.

Town Clerk Hancsak explained that the previous developer to which she was referring was no longer involved in the project. Town Manager Lanker stated that the new developers have requested to be on the agenda for the October 6th meeting where Mrs. Magruder might want to speak.

Mrs. Magruder questioned if background checks would be done on the new developers. She continued by stating many of the problems that she had incurred with the previous developer. Town Manager Lanker stated that while this Board of Adjustment hearing was not the forum in which to discuss these problems, he would like to discuss her concerns with her.

Atty Nicoletti advised that the new developers accepted the approved site plan. Upon review, they found that it would not be cost effective to build as the previous developer had wanted. He advised that it would not be appropriate to continue this discussion in view of the postponement request. He added that the current developers may not wish to continue involvement with the project if this variance is denied.

Town Clerk Hancsak reminded the residents that the new developers will be at the October 6, 1997 meeting. Atty Nicoletti advised that the developers were preparing site plan modifications for review by the Town Commission. He added that the Town Commission may not wish to hear the additional modifications because the variance has been postponed.

C. Anthony/Joy Lanza, 117 Yacht Club Way #110, Hypoluxo, FL 33462, requesting 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 (6), maximum floor area ratio (FAR) to permit construction of a single family residence exceeding the 36% maximum floor area ratio (FAR) by 2.6% located at property legally described as Lot 10 (Less Ret Curve Hersey Dr Rd Right-Of-Way), Shoreview Subdivision (31 Hersey Dr).

Town Clerk Hancsak read the variance by title. She also read the correspondence from Earl Jones pertaining to this variance. Mr. Jones stated that he believed the square footage reduction to be unique in the Lanza's situation. He advised that he would be in favor of

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granting the request. She further advised that no additional correspondence was received and all fees have been paid.

Chairman Barlage and Town Clerk Hancsak read through the justification of application. The justification sites that the cul-de-sac area which was quit claimed to the Town in December 1995 was not as a result of the applicant. It explained that the house design would be smaller than the current home also on the end of the cul-de-sac on a smaller lot. The justification concluded that a variance approval would not be injurious to any of the surrounding areas as it does not encroach into any of the setbacks and will further beautify the area with its classic design.

A letter from Randall Stofft, architect for the Lanza's, was also submitted in the variance application and read by Town Clerk Hancsak. This letter advised that the Lanzas are requesting the 485 square feet that was quit claimed to the Town be restored to the lot for the purpose of computing the floor area only.

Town Clerk Hancsak also read the administrative comments from Town Manager Lanker. His comments stated that a house on the Lanza's lot would have to be smaller than that built on the second lot at the end of the cul-de-sac because of the quit deeding and amended codes. He recommended that the variance be approved as the home would be consistent with the other homes in Town and because the situation occurred as a result of actions taken by the Town.

Randall Stofft, present at the meeting, explained that if the 485 square feet given to the Town were added to the lot for the purpose of calculating the FAR, the FAR would be under the 36% allowed by the current code.

Mrs. Frick inquired what the square footage of the home would be. Mr. Stofft explained that it would be 2125 square feet under air and 2392 square feet including the garage.

Chairman Barlage asked if the applicants had any comments. Mrs. Lanza advised that they had just moved to Florida where they always wanted to settle. She stated that she felt they were only requesting a small concession in their variance.

Dr Vinas questioned if the end of the street used to be a square. Chairman Barlage advised that was correct and the developer offered to put in the cul-de-sac and the Town accepted.

Chairman Barlage asked if there were any comments from the public. June Slattery, 29 Hersey Dr., commented that she lives next door to the Lanza's lot and would not object to their variance request.

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The Board then went into executive session.

Mr. Cunningham advised that he found the design pleasing and would not object to approving the variance. Dr. Vinas concurred.

Mrs. Frick advised that she had looked at the cul-de-sac and found the pavers and the area to be very nice. She stated that she would have no problem approving the request.

Chairman Barlage stated that he did not see any problem for a 2.6% increase in the FAR especially as the neighbor has no objection.

Mr. Cunningham moved to approve the variance request as submitted, seconded by Mrs. Souther.

Motion Carried - Yea 5.

V. Adjournment

The meeting was adjourned at 9:30 A.M..

Chairman Barlage

Robert Cunningham

Patricia Frick

Barbara Souther

Attest By:

Town Clerk

Luis Vinas