

Special Meeting held by the Board of Adjustment of the Town of Ocean Ridge, Florida, to be held in the Town Hall on Tuesday, October 14, 1997, at 7:00 P.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
Philip Barlage

III. Approval of the Minutes of September 30, 1997

Patricia Frick moved to approve the minutes as submitted, seconded by Barbara Souther.

Motion Carried - Yea 5.

IV. Postponed Variance Applications

A. The Waterways at Ocean Ridge, Inc. (formerly known as Ocean Harbour Estates), % EnviroDesigns Assoc., Inc., 3767 Lake Worth Road #108, Lake Worth, 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' of Gov Lot 3 LYG West of SR A1A (5840 N Ocean Blvd.)

Town Clerk Hancsak read the variance by title. She advised that there has not been any additional correspondence since September 30, 1997 and all fees have been paid.

Chairman Barlage and Town Clerk Hancsak read the justification of application. The justification specified that the wetland conservation area in the property forced irregular sized lots on which to build creating a special condition peculiar to this property. Also stated in the justification was that the development which has far less lot coverage than other lots and neighboring developments within the RSF Zoning District would not be conferred any special privilege that is denied by the Zoning Ordinance. The Code allowing for an attached development with zero lot lines makes this variance the minimum that will make possible the reasonable use of the land, according to the justification. Lastly, the justification states that the variance is vital to the success of the development as so

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much of the parcel is dedicated to other uses and would not be injurious to the area involved or otherwise detrimental to the public welfare.

Town Clerk Hancsak then read the administrative comments from Town Manager Lanker which recommended approval based upon his own responses to the justification of application and his perception of the impact of this property on the rest of Ocean Ridge compared to what it might be as allowed under the code. Included in Town Manager Lanker's responses to the justification of application was that as the development will be a gated community only those who live in the community will be affected by the variance.

Atty Nicoletti advised that the hearing should be limited to the narrow scope of the application which the Board could either approve as submitted, approve with conditions, or disapprove based on whether or not the criteria in the justification has been satisfied. He mentioned that in the original hearing on September 30, 1997 a clarification was made in the legal description from what was advertised. The Board was advised that the 10' of the Porter street abandonment should not have been included in the legal description and that the owner of the property was aware of this correction.

Atty Nicoletti advised that the hearing was quasi-judicial meaning that all Board members would have to disclose any ex-parte communications and anyone offering testimony in the hearing (not including the public which may be making comments on the variance) would have to be sworn in. The Board advised that they had no ex-parte communications and anyone who intended to offer testimony was sworn in.

Chairman Barlage asked for comments from the applicant. Ron Klein, Esquire of Sachs, Sax and Klein, P.A., apologized to the Board for the postponement. He introduced Leonard Albanese and Edward Popkin of Leonard Albanese & Sons Custom Homes, Inc. who are the current developers on the project and gave a description of their backgrounds.

Mr. Klein advised that he was aware of the history of the project and explained that these developers believe they can develop a community that will enhance the Town. He explained that the variance is based upon the irregular shaped lots, the portion of the property that has to be set aside for environmental mitigation, the marina and the package plant, and the substantial amount of rock on the property. He stated that he has had discussions with those within the community and understands their feelings. He believed that the reduced setbacks would be visually limited to those living within the closed community.

Stuart Brenner, Garcia/Brenner & Partners, advised that the setback

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variance request would allow for more of the homes to be built at only one-story and still be economically feasible for the developers.

He explained that the two-story houses which are built will have an additional front setback of 10' on the second floor.

Mrs. Souther asked what the total square footage for a two-story house.

Mr. Brenner explained that it would be dependent upon the lot size, although the average two-story would be between 4800-5600 square feet and the average one-story approximately 4500 square feet.

Mr. Klein asked if there were any questions regarding the landscaping plans. Mrs. Souther asked how much landscaping would be around the development. Mr. Thornbrough explained that there would be 8' of landscape space on the outside of the wall and 17' on the inside of the wall. He stated that they intended to create a coastal hammock feeling with a continual buffer on the north and south ends and also the natural buffer of the wetlands on the west end.

Mr. Cunningham asked how high the wall would be surrounding the development. Mr. Pike explained that it would 6' high on the north and south ends and 4' on SR A1A as per Town code.

Dr. Vinas asked for a description of the landscaping between the lots.

Mr. Thornbrough advised that there would be extensive landscaping between the homes and in the front and rear yards. Dr. Vinas asked if the landscaping between the homes would be designed to mask the look of an alleyway as there would only be 10' between them to which Mr. Thornbrough advised that it would.

Chairman Barlage asked if the residence on Lot 15 would be closer to Midlane Rd. than the code allows to which Mr. Brenner advised that it would not.

Dr. Vinas asked what size home would be allowed with the current setbacks. Mr. Brenner advised that a one story could be 3400 square feet and a two story 4400 square feet.

Mrs. Frick asked who would be the builders on the property. Mr. Klein explained that Mr. Albanese and Mr. Popkins would be the only builders.

Mr. Klein explained that they attempted to produce a quality home which would be attractive from both the Intracoastal and A1A and also complement the existing style the Town.

Mrs. Souther asked what the average price range would be to which Mr. Popkin explained it would be \$1.2 million.

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Dr. Vinas asked what the future of the project would be if the setback variance was not granted. Mr. Popkin explained that because of the expense and the environmental areas that cannot be utilized, the project would not be economically feasible if the variance would be denied.

Mr. Klein advised the Board that the code allows for a development of up to forty homes. He stated that their project would create less traffic and disallow other hassles associated with a larger development.

Charlotte Carle, 7 Harbour Dr S, advised that she liked the project adding that most of it would not be visible to the rest of the Town. She commented that she did believe the package plant was too close to some of the current homes. Chairman Barlage advised that the Master Site Plan included the placement of the plant which has already been approved by the Town Commission. Atty Nicoletti advised that there was an approved site plan; however, there were plans by the developers for modifications after this hearing.

There being no other public comment, the Board then went into executive session.

Chairman Barlage advised that he had no problem with the variance request.

Dr. Vinas advised that he was concerned over the reduction in space between the houses. He stated that after reviewing the landscape plans, he now feels comfortable with the variance request.

Mrs. Souther commented that she was pleased with the landscape plans and the preserved areas near the Intracoastal and advised that she was in favor of the variance request.

Mrs. Frick concurred advising that she thought the project looked great.

Mr. Cunningham commented that he believed they did an excellent job with the plans adding that he preferred this type of project to a possible forty unit development with zero lot lines.

Atty Nicoletti suggested that when granting the variance, the Board reference diagrams L-1 of 2 and L-2 of 2 by Grant Thornbrough stating that the landscaping must be consistent with them. He also suggested that the 35' front setback for a two story house mentioned by Mr. Brenner be added as a condition of approval.

There was a misunderstanding in Mr. Brenner's explanation of the

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additional 10' setbacks for two story homes. He explained for the Board that the extra 10' would be on the second floor only with the front of the first floor still at the 25' required setback.

Mr. Cunningham moved to approve the setbacks as requested with the landscaping to be consistent with that in the diagrams L-1 and L-2 by Grant Thornbrough submitted with the application and that two story homes have a 35' setback for the second story, seconded by Mrs. Souther.

Dr. Vinas advised that he would like to add a condition for the landscaping buffering for A1A. Atty Nicoletti advised that would be a condition for the Town Commission. Mr. Thornbrough advised that it would not be a problem to have denser landscaping in front of lots 7, 8, and 9 similar to that between the houses.

Roll call was made on Mr. Cunningham's motion.

Motion Carried - Yea 5.

Mr. Klein thanked the Board for their time advising that they would be returning for a variance regarding docks in the future.

V. Discuss Future Meeting Scheduling

Atty Nicoletti advised that although the meetings have historically been held on a Tuesday during the month, Wednesday would be a better day for him. Town Clerk Hancsak suggested that the meetings be held on the second Wednesday of the month so they would not fall in the same week as the regular Town Commission meetings. The Board concurred with this suggestion.

Dr. Vinas moved that future Board of Adjustment hearings be held on the second Wednesday of the month with an appropriate cut-off filing date to be determined by Town Hall staff, seconded by Mrs. Frick.

Motion Carried - Yea 5.

VI. Adjournment

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The meeting was adjourned at 8:15 PM.

Chairman Barlage

Robert Cunningham

Patricia Frick

Attest By:

Town Clerk

Barbara Souther

Luis Vinas