

Meeting of the Board of Adjustment of the Town of Ocean Ridge, Florida held on Wednesday, August 12, 1998 at 8:30 AM in the Town Hall meeting chambers.

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

Barbara Souther
Chairman Barlage

Terry Brown

It was noted that Geoff Pugh was absent without notice.

III. Approval of Minutes
A. July 8, 1998

Barbara Souther moved to approve the minutes of July 8, 1998 as submitted, seconded by Terry Brown.

Motion carried – yea 3.

- IV. An application by Steve Murray, 6009 Old Ocean Blvd., Ocean Ridge, FL 33435, requesting a variance from the provisions of the Land Development Code, Article II; District regulations, Section 26-10; Single-Family Residential Districts, paragraph (h); RSE – Single-Family Residential Estate property development regulations; sub-paragraph (6) maximum floor area and also Article XIV nonconforming and grandfathered uses, Section 26-221; Grandfathered uses, lots and structures; sub-paragraph (c) grandfathered lots of record and sub-paragraph (e), grandfathered structures; sub-paragraph (1); alteration, extension, enlargement or expansion to permit a second story addition that would exceed the maximum 36% floor area ratio by 1.96% and alter a grandfathered structure located at the above described address or legally described as Lots 11 and 12, Block 4, Amended Plat of Boynton Subdivision

Town Clerk Hancsak read the variance application by title only.

Town Clerk Hancsak noted for the record that all fees had been paid and that there was one piece of additional correspondence. She advised that the letter was from William Manikas, atty for Mr. And Mrs. Bardach who reside at 6017 Old Ocean Blvd. The letter advised that the Bardach's were not in favor of the approval of this variance application. The letter cites their opposition on aesthetic grounds that the proposed construction would obstruct views and sight-lines.

Town Clerk Hancsak commented that the applicant prepared a justification for altering a grandfathered structure and also one for the FAR. Chairman Barlage and Town Clerk Hancsak read both justifications of application for the two requested variances. Regarding the variance to alter a grandfathered structure, the Murray's advised that the footprint of the structure would not change and that at only 3230 square feet under air,

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the house is still of modest size. Regarding the variance request for the FAR increase, the justification cites that the conditions are not the result of the applicants, the variance is the minimum to make reasonable use of the land, and that the variance will not confer any special privilege on the applicant.

Town Clerk Hancsak read the administrative comments from Town Manager Lanker. He noted that the code previously allowed for 10' setbacks in this area and many properties, which were built to these setbacks, had been granted expansions. He advised that the Town had previously allowed expanding on a non-conforming, grandfathered structure when the non-conformity was not expanded. He concluded that he could not agree that this would be the minimum variance required to make reasonable use of the land and that he could endorse the basic request for an addition, but not for the increase in the FAR.

Atty Nicoletti explained to Terry Brown, who was attending his first meeting as a Board of Adjustment member, that the justification of application includes seven criteria that must be met by the applicant to determine if there is sufficient hardship for the applicant to go against the code. He added that although the code of ordinances is the law, the variance can be granted if all the criteria is met. He explained to the entire Board that the application was for two variances and that since there were only three Board members present, the decision would have to be unanimous for the variance to be granted. He added that the application required that 75% of the owners must sign the application and that any decision must be contingent upon Mrs. Murray also approving the application.

Randall Stofft, architect for the Murray's, advised that the existing structure is located on a fairly minimal footprint with an encroachment on the north end of the property. He advised that if the residents wanted to demolish and rebuild the structure they could have a wider home and still meet the current setbacks. He advised that the hardship to the residents is that they are staying with the current structure. Mrs. Souther asked why the residents were going to keep the existing structure to which Mr. Stofft explained that it was a time constraint as to rebuild they would have to wait to receive state permit approval. He added that the residents were not actually saving much money by keeping the existing structure.

Mr. Brown asked if a new structure would be denied by the State because of the CCCL. Town Manager Lanker advised that he had not heard of any permits being denied for that reason although there would be an approximate delay of four to six months for the permit review.

Mr. Brown asked if a second floor would be allowed with the proposed setbacks to which Town Manager Lanker replied that it would.

Mr. Brown asked if the design could be compressed so that the additional square footage was placed on the first floor to which Mr. Stofft explained that it could be done from a massing standpoint, but that the proposed design was the best option from an aesthetic standpoint.

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Mr. Brown asked how decreasing the addition by 184 square feet (the amount of addition exceeding the FAR) would hurt the addition. Mr. Stofft explained that pulling back on the second floor would change the massing of the structure and necessitate changing the beams and possibly the foundation. He added that loft area used to be exempt from the FAR and if that were still the case, the request would only be for approximately .5% variance over the FAR.

Mr. Brown questioned what the hardship would be if the variance was denied. Mr. Stofft explained that the addition could be decreased, but it would not be good in terms of design.

Mrs. Souther commented that the hardship would not only be in terms of aesthetics for the resident, but for the whole neighborhood.

Chairman Barlage advised that he felt the design was very good and consistent with the other homes in the area. He added that he had no concern with approving the variance for the grandfathered structure, as it was not increasing into the setbacks.

Chairman Barlage questioned if the residents had received Health Department approval. Mr. Stofft explained that they had not received approval yet adding that the residence would be considerably under the footprint ratio and he did not think it would be a problem.

Mr. Stofft explained that they could have decreased the balcony area and been under the FAR although it would not have made a difference in the size or massing of the house. He added that the variance was a minimal request.

Mr. Brown commented that he would have liked to see comparison floor plans between what is requested and what it would be if the 1.96% FAR increase were denied. Mr. Stofft explained that if the FAR variance were denied, the residents would probably have to lose a bedroom and that the balcony would be more cut in the back, but the roofline would not be changed. Mrs. Souther commented that an additional hardship would be the fact that the family would lose a bedroom if the variance were denied.

There was no public comment.

The Board then went into executive session.

Mr. Brown asked Town Manager Lanker to restate his objection to the FAR. Town Manager Lanker explained that he has been consistent with not recommending variance requests which exceed the FAR although he can be very sympathetic with the resident possibly losing a bedroom.

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Mrs. Souther moved to approve the variance request in regards to grandfathered uses contingent upon Mrs. Murray's signature on the variance application, seconded by Mr. Brown.

Motion carried – yea 3.

Mr. Brown commented that he felt in terms to the structure, he did not feel the FAR increase was necessary.

Mrs. Souther commented that she felt it was a hardship for both the applicants and the neighbors if the existing home would have to be demolished.

Chairman Barlage noted that reducing the structure by the extra 184 square feet would not change the massing of the residence.

Mrs. Souther moved to grant the FAR variance contingent upon Mrs. Murray's signature on the variance application, seconded by Chairman Barlage.

Motion carried – yea 3.

V. Adjournment

The meeting was adjourned at 9:25 AM.

Chairman Barlage

Attest By:

Terry Brown

Town Clerk

Barbara Souther