

Special Meeting of the Town Commission and Planning and Zoning Commission of the Town Of Ocean Ridge held in the Town Hall Meeting Chambers on Wednesday, October 28, 1998 at 6:30 PM.

The meeting was called to order by Mayor Kaleel and roll call was answered by the following:

Members of the Planning and Zoning Commission

Peter Vrouhaus	Betty Bingham
Richard Lucibella	Ward Northrup
Bruce Gimmy	

Members of the Town Commission

Commissioner Aaskov	Commissioner Bridges
Commissioner O'Hare	Commissioner Stamos
Mayor Kaleel	

It was noted that Greg Dawson, Planning and Zoning Commission member, was present in the audience.

Discuss Town Land Development Regulations as they apply to and impact grandfathered uses.

Mayor Kaleel stated that the meeting was to be an informal workshop to help answer the problems plaguing the Town. He suggested that the members first identify the problems that they see.

Comm Stamos stated that he saw a problem with variances versus the Town codes. Betty Bingham added that she has noticed that after a variance is given for a particular property, over a period of years that variance is turned into something different. She cited as an example variances given to turn garages into living spaces which have in turn been turned into apartments. She suggested that perhaps variances should have restrictions on future use.

Comm Bridges advised that he wished to clarify that he thought the discussion was to be for the area of Town as outlined by Town Manager Dunham in his memo and not for the whole Town. Earl Jones, 14 Sailfish Lane, advised that there was no specific area mentioned in the agenda and therefore the discussion could not be confined to a particular area.

Town Manager Dunham explained that the south end of Town is not the only area with grandfathered structures. Mayor Kaleel advised that they are trying to identify problems with the current code. Mr. Lucibella suggested that the issue of the south end of Town be added as a problem.

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Comm O'Hare suggested that the intensity of a non-conformity be added as an issue to be discussed.

Comm Bridges again advised that he thought the discussions were to pertain to the south end of Town. Comm O'Hare stated that he felt it would be difficult to distinguish what exactly is the south end of Town.

Comm O'Hare added ill defined zoning areas as a problem for discussion.

Comm Stamos questioned if a home is grandfathered with a flat roof, if they would be allowed to expand and keep the flat roof to which Atty Nicoletti advised that if they added to the roof it must be made to conform or require a variance.

Comm O'Hare stated that he felt the biggest problem was that once a property is found to be non-conforming, any changes would require the property to conform or a variance. Comm Bridges advised that the Town and he did not interpret the code to say that improvements could not be made which do not increase the non-conformity in the past.

Mrs. Bingham questioned if the code at the time Blue Ocean was annexed into the Town was available to which Atty Nicoletti explained that only part of that code is available. He explained that Blue Ocean was annexed in the 1950's and that the zoning code at that time was "sketchy." He added that he felt most of those residences were non-conforming at the time that they were annexed and that in regards to the lots themselves, many of them can not conform to the current code. Mr. Jones stated that many of the lots are conforming and were built conforming to the current standards.

There was a discussion regarding the intent and the interpretation of the code. Mr. Lucibella stated that he thought it was the intent of the code to allow for improvements to a non-conforming structure which do not increase the non-conformity. He suggested that if the code were changed to reflect this intent, it would help those with grandfathered structures improve their properties. Comms Bridges and O'Hare agreed stating that they, too, believed that was the intent of the code.

Mr. Jones gave a summary of improvements done to duplexes on his street to illustrate that improvements can be done to non-conforming structures to increase their value. Comm O'Hare stated that he believed that in order to have a conforming lot, one would have to buy two lots and tear down existing structures in order to build a single family home.

Marie Speed, 49 Douglas Drive, stated that she felt the residents of the south end were very limited and that she was suffering because she could not add on to her home.

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Paul Smollen, 45 Douglas Drive, commented that he had lived on Sailfish years before and he felt that Sailfish and Fayette were different than Douglas and Oceanview. He stated that he felt it was unfair that certain properties were not able to build out as much as he could. He added that he felt the Town should find a way to encourage residents to tear down multi-family structures and build single-family homes perhaps by offering a tax exemption or reduction.

Shelly Childers, 22 Harbour Drive S, stated that she felt it was unfair that property owners are unable to significantly improve their property within the existing code.

Mayor Kaleel questioned if the code could be changed to reflect the wishes of the Commissions to allow improvements which do not increase the non-conformity of a grandfathered structure to which Atty Nicoletti replied that it could be. The Commissioners agreed that they wanted this change to the Town code.

Mrs. Bingham questioned how neighbors would be protected if a property owner wanted to increase the height of their residence to which Town Manager Dunham explained that they would still have to conform to all of the other codes. Mr. Lucibella explained that it would be the same as the protection given to those who neighbor conforming properties.

Comm Stamos suggested that a new zoning district be considered so that the property owners would not have to conform to all the new regulations. Atty Nicoletti commented that a new zoning district would create more conforming structures.

Mayor Kaleel advised that he would like to have a second legal opinion on the issue of changing the code as requested and the liability issue contained with it after Atty Nicoletti cited his original apprehension that commercial non-conforming uses may have been affected.

Comm O'Hare requested that they discuss the issue of a new zoning district. Hank Skokowski, Urban Design Studios, explained that they could introduce special districts or neighborhoods with different conditions. He stated that there could be an overlay district where under certain conditions, a certain district would apply. He suggested that perhaps a system of incentives be introduced to encourage converting a structure to a conforming use. He commented that special provisions could be established for single-family, duplexes and multi-family units.

Mr. Skokowski stated that once the grandfathered clause has been changed, the lot size could be adjusted to make some of the lots conforming adding that he did not think the Town would want to do that. He stated that the Town would have to be very clear with the property owners on what they can improve. He concluded that at this time, he had no specific recommendations for this eclectic neighborhood.

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Mr. Jones stated that while he was on the Board of Adjustment, he did not remember hearing any variances from the south end of Town. He advised that most of the lots where the duplexes are would not be able to conform as they are not 110' deep. He concluded that he felt if changes were desired in the south end, the residents should get variances. Mr. Lucibella stated that he would like to see as few variances as possible. Mrs. Bingham added that she would not like it to be so easy to receive approval for a setback variance.

Comm O'Hare advised that he felt the idea of incentives was a good one. He showed a picture of a house on Douglas that he felt could be greatly improved if they were allowed reduced setback requirements and suggested some sort of point system. Mr. Lucibella stated that while he could appreciate the intent of incentives, he felt that a point system only allows people to circumvent the intent.

Mayor Kaleel stated that he felt they all agreed to change the code to allow the improvement of a non-conforming, grandfathered structure which does not increase the non-conformity. The Commissioners all concurred. He suggested that they meet again once Mr. Skokowski has specific answers to their problems.

Comm Bridges suggested that they review the codes of Palm Beach which has many non-conforming structures and very few variances.

Comm O'Hare suggested that Mr. Skokowski and Town Manager Dunham meet to discuss these issues and have Town Manager Dunham present their ideas to the Town Commission. Comm Stamos added that they get a second legal review of the issues. The Commissioners concurred on these suggestions.

Mr. Skokowski stated that he would have a proposal prepared for approval at the November 2, 98 Town Commission meeting.

The meeting was adjourned at 8:10 PM.

Mayor Kaleel

Commissioner Aaskov

Commissioner Bridges

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Attest By:

Town Clerk

Commissioner O'Hare

Commissioner Stamos

Betty Bingham

Bruce Gimmy

Richard Lucibella

Ward Northrup

Peter Vrouhaus