Meeting of the Board of Adjustment of the Town of Ocean Ridge, Florida held on Wednesday, April 14, 1999 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	Dr. Victor Martel
Terry Brown	Dr. Luis Vinas

Chairman Barlage

III. Approval of Minutes
   A. February 10, 1999

Chairman Barlage mentioned that the prior minutes the roll call should actually be three instead of five.

Dr. Martel moved to approve the minutes of February 10, 1999 as amended, seconded by Dr. Vinas.

Motion carried – yea 5.

Prior to any actual discussion, Chairman Barlage requested that Atty Nicoletti address the board. Atty Nicoletti commented there was a question whether there was a Conflict of Interest on this request because three of the members reside on Harbour Drive and the applicant is also a resident of Harbour Drive. He stated that while this meeting was unique it was not a conflict and stressed to the board that they must view this variance as they would any other request and added he would be available to answer any questions.

IV. Request for a Sixty (60) Day Extension for Actual Construction on a Variance that was Granted and a Building Permit Applied for Clark and Carmen French, New Owners, formerly owned by Steve Murray, 6009 Old Ocean Blvd., Ocean Ridge, FL 33435, 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 summarized Town Manager Dunham's memorandum which advised that the board initially granted this variance to the Murrays' in August 1998 and they requested and received a sixty (60) day extension at the Feb. 10, 1999 meeting citing time constraints involving the architect. She advised that the property was just sold to Clark and Carmen French on April 8, 1999. They came in to apply for the building permit on April 9, 1999 prior to the April 12, 1999 deadline. She added that the staff was aware that the review by the town and county could take up to 4-6 weeks and the staff was therefore recommending a sixty (60) day extension for construction to begin.

Chairman Barlage stated that he felt the new owner attempted to comply with the time extension and stated that he saw no problem granting the request.

Mr. Brown clarified that this extension was for actual construction to commence.

Dr. Martel moved that a sixty (60) day extension be granted for 6009 Old Ocean Blvd. for actual construction to commence, seconded by Mrs. Souther.

Motion Carried – Yea (5)

V. An application submitted by Geoff and Lisa Pugh, 35 Harbour Drive North, 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 (d) Roof Pitch, Elevation and Covering, Paragraph (e); RSF – Single-Family Residential 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; Paragraph (e), Grandfathered Structures; Sub-Paragraph (1); Alteration, Extension, Enlargement or Expansion to permit the construction of a 2nd story addition with a 3:12 pitched roof, and also requesting a total 41.38% floor area (maximum 36%) to an existing grandfathered structure located at the above described address or legally described as Lot 19, Ridge Harbour Estates 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 no additional correspondence received.

Town Manager Dunham and Geoff Pugh were sworn in.

Chairman Barlage and Town Clerk Hancsak read the justification of application and responses for the requested variance. The applicant stated that special conditions and circumstances are not the result of the applicant because the home was built in 1959 and is 14 feet from the property line which complied with the earlier setback requirement. They added that the 3:12 roof pitch was also existing. The applicant stated that granting the variance would not confer any special privileges to the homeowner and that the hardship the homeowner faces is that the home cannot be improved by enhancing the beauty and usefulness without the variance. The applicant stated that the variance would have minimal impact to the property or neighboring properties and would be in harmony with the area without being injurious to the neighborhood or the town. The applicant stated that a growing family of four occupies the existing home and the addition would add one bedroom, one bathroom and a family room.

Town Clerk Hancsak read the administrative comments from Town Manager Dunham. 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, and the roof pitch but not the increase in the FAR.

At this point Mr. Pugh stated that the site plan showed that the residence is currently in a horseshoe shape and they were proposing to fill in this area, thereby having minimal impact on neighbors, with a new ground and second floor, after the existing pool is removed. He added that pilings will be necessary and the cost would be too great if only a first story was considered. He added that other homes in the area would still be larger even if the total square footage requested was granted.

Mrs. Souther asked if the second story could be reduced to which she was advised that in order to match the rooflines and not present an appearance of wings the area should not be reduced.

Dr. Martel questioned the maximum square footage for a new home on lot this size to which he was advised approximately 3,600 square feet. He stated that he felt a 3,600 square foot home was rather small. Dr. Vinas commented that the FAR requirement was adopted within the last few years. Mrs. Souther stated that she felt it was unfair that the code continually changes and then affects the current homeowners.

Dr. Martel questioned the amount of additional FAR that was requested for the last variance to which he was advised that it was 1.96%, however, he should remember that each variance is based on the hardship cited. Town Manager Dunham stated that all new homes must not exceed 36%.

Dr. Martel reminded the board that the variance is based on the hardship and the cost was cited. Atty Nicoletti advised that economics are not considered a hardship. Dr. Martel stated that he felt a growing family is a valid hardship.

Chairman Barlage questioned how much of a reduction in square footage would be necessary to comply with the 36% FAR. He was advised that approximately 500 square feet would have to be eliminated. Mr. Pugh rebutted that if 10' were cut back into the horseshoe then the second floor stairway would be flush to the wall and would reduce the room size to approximately 18' and would be close to the point of saying the addition would not be worth it. He stressed the need for the additional feet citing that there would be five occupants in the residence. He added that he may have to sell his home to find adequate space should the variance not be granted.

Mr. Brown asked if the size of a family constituted a hardship to which Atty Nicoletti advised that hardships are not cited in the code. Mr. Brown stated that he felt family size was not a legitimate hardship. Atty Nicoletti stated that the hardship was that the building was existing and not the fault of the applicant.

Mrs. Souther stated that she drove through the neighborhood and did not feel the neighbors would be affected since the addition would not extend outward. She added that no one has objected to the variance. Mr. Pugh commented that he even removed a tree so that ample parking would be available on the property so as not to affect the neighbors.

Mr. Brown questioned the total height of the structure. Mr. Pugh advised that the total height would be 27'.

Atty Nicoletti commented that the board needed to focus on the existing site, and building and the appearance the addition would have if it conformed to the code and also with the proposed variance as a whole for the community and neighborhood. He added that the board needed to determine if the applicant had a true hardship in trying to comply with the code requirement or possibly even consider reducing the percentage requested.

Chairman Barlage inquired if the architect was aware of the 36% FAR and tried to design the addition to meet the code requirements. Mr.Pugh advised that his architect was aware, however, if the addition was reduced the length of the roof pitch would be affected and three pilings would be still be necessary. Chairman Barlage suggested insetting the addition 10' to reduce the square footage to which Mr. Pugh commented that the new kitchen utilizes one third of the new area thereby reducing the family room area. He also mentioned that the stem wall would then protrude from the residence, which would not be aesthetically pleasing. Chairman Barlage again commented that he did not feel the variance was the minimum required to make use of the land and felt an additional 5.38% FAR was excessive. Mr. Pugh stated that the neighbors obviously have no objection to the request and he is simply trying to improve his home and the town as a whole.

At this point Mr. Brown requested to see the second story plans which were provided.

Dr. Vinas asked Chairman Barlage what percentage increase he would be comfortable with. Chairman Barlage stated that he felt 941 square feet on the second floor was excessive and he did not want to set a precedent. Mr. Pugh commented that he would still have to seek a variance even if the FAR was partially reduced so he decided he should request the entire amount needed.

Atty Nicoletti suggested squaring off the addition flush with the west wall to reduce the FAR. Dr. Vinas and Dr. Martel both felt the appearance of the home would look piecemeal and would not be aesthetically pleasing from the other side of the canal. Dr. Vinas stated that he had no problem with this variance request and he would not be in favor of reducing the addition to reduce the FAR. He added that he felt if each resident in the area were polled they would agree with the variance request.

There was no public comment.

The Board then went into executive session.

Dr. Martel stated that he did not feel a 4,100 square foot home was out of line for the neighborhood and that since there was no impact on the neighbors and no one has objected to the variance he was in favor of granting the variance as requested. He added that he also believes the board has granted variances based on family size in the past.

Mrs. Souther stated that she had mixed feelings acknowledging that 5.38% was a significant request, however, after weighing the factors involved with this request, she was in favor of granting the request. She also added that she did not object because the addition would not extend out from the residence.

Mr. Brown concurred with Mrs. Souther.

Dr. Vinas stated that he voiced earlier that he was in favor of the variance and stated that each variance should be decided on a case by case basis. He added that he felt if the addition was reduced it would produce an eyesore effect.

Chairman Barlage commented that he had no problem with granting relief from the grandfathered section of the code or the roof pitch. However, he reiterated his concern that he felt the FAR could be reduced and felt a reduction could be accomplished with the design still being aesthetically pleasing. He added that he did not feel a hardship had been proven for a 941 square foot bedroom/bath on the second floor.

Dr. Martel moved to approve the variance request as submitted to alter a grandfathered structure, permit a 3:12 roof pitch and a 41.38% FAR, seconded by Dr. Vinas.

Motion carried: Yea (4) Mr. Brown, Dr. Martel, Dr. Vinas, Mrs. Souther
Nay (1) Chairman Barlage

VI. Adjournment

The meeting was adjourned at 9:40 AM.

_____
Chairman Barlage
Terry Brown
Barbara Souther
Dr. Martel
Dr. Vinas

Attest:

_____
Town Clerk