

Meeting of the Board of Adjustment of the Town of Ocean Ridge, Florida held on Wednesday, December 8, 1999 at 8:30 AM in the Town Hall meeting chambers.

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

Terry Brown	Dr. Victor Martel
Dr. Vinas	Geoff Pugh
Acting Chairman Cunningham	

- I. An application submitted by Jerry Lower and Mary Leming, 2 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 (e); RSF – Single-Family Residential Property Development Regulations; Sub-Paragraph (2)(a) minimum 25’ front setback and (b) 15’ side yard setback and also Article XIV Nonconforming and Grandfathered Uses, Section 26-221; Grandfathered uses, lots and structures; Paragraph (d), Grandfathered Uses of Land, Sub-Paragraph (1); alteration, extension, enlargement or expansion to permit the construction of a freestanding 25’x23’ garage that would extend 20’ into the required 25’ front yard setback (which sits back approximately 20’ from the edge of pavement) and also a covered entry that would extend a maximum of 1’ into the required 15’ side setback to an existing grandfathered structure located at the above described address of legally described as Lot 2 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 additional correspondence had been received from Patricia Frick, 6880 North Ocean Blvd., supporting the variance request.

Town Manager Dunham , Jerry Lower, and Steve Myott, Architect, were sworn in.

Acting Chairman Cunningham and Town Clerk Hancsak read the justification of application and responses for the requested variance. The applicant stated that special pre-existing conditions and circumstances are not the result of the applicant because of the odd boundary shape of the lot with sloping contours, the positioning of the house because of the contour, location of the septic field and aging improvements that are necessary. The applicant added that the total living area now does not meet minimum code requirements and that converting the existing garage and adding a new master bathroom (not requiring a variance) will only increase the living area to 1,935 square feet with a total of 27% lot coverage. The applicant stated that granting the variance would not confer any special privileges to the homeowner in that other residences have part of a structure or garage in the property setback areas. The applicant stated that the literal interpretation of the provisions of the Ordinance would deny the applicant of the ability to make changes to the property and deny them and their neighbors of improved value to

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the area. The applicant stated that the variance granted is the minimal variance to make use of the odd shaped lot and the request would be in keeping with the spirit of the ordinance. The applicant stated that the improvements would not be detrimental because it would allow a home similar to others in the neighborhood

Town Clerk Hancsak read the administrative comments from Town Manager Dunham. His comments advised that even with the total proposed improvements the lot coverage and FAR are well under the maximum code requirements. He commented that special circumstances exist because the proposed expansion is only available in the front yard because of the geometry of the lot and location of the house, which was constructed prior to their ownership. He added that if they proposed the garage to be on the south side it would still require a variance and would have much more of an impact on their neighbors and also there was no practical area without relocating the septic system. Town Manager Dunham stated that other property owners have the ability to build similar structures and he does not believe that the applicant will be enjoying a special privilege, given the unusual dimensions of the lot and desiring to bring the house up to dimensions typical in the neighborhood. In conclusion, Town Manager Dunham commented that he felt the request was the minimum variance because the side setback request was de minimus and the proposed garage will still be 21' from the edge of the pavement and will be heavily landscaped to the roadway. Therefore, he recommended approval of the request.

Mr. Lower reiterated the information supplied with the request and added that the residence as is does not meet their needs and they planned on residing in this home for many years. He commented that if the house did not have a septic system then the garage could be located closer to the house. He concluded by stating that he felt the proposed area would have the least impact to the house and neighborhood. Town Manager Dunham questioned whether they investigated any other locations on the lot to which Mr. Lower advised that placing the proposed garage on the south side would impact the neighbor and may still impact the drainfield.

Dr. Martel stated that he had no problem with the request provided there was an assurance that the landscaping would not be removed. Town Manager Dunham advised that the variance could be granted contingent that the landscaping not be removed unless by the town.

Mr. Pugh questioned if they explored whether relocating the septic system was a viable option. Mr. Lower replied that indeed they had and because the Health Dept. requires a minimum distance from lot lines and buildings it would still present a problem and thus require a variance. He added that there is currently a 6' slope to the road and the area proposed was the most level spot. Mr. Pugh then asked the difference in height between the residence and the proposed garage. Mr. Lower explained that the proposed garage would be approximately 2 ½ feet lower than the residence.

Mr. Steve Myott, Architect, representing Mr. Lower and Ms. Leming, commented that the proposed garage would get higher the closer it was built to the residence.

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Mr. Dunham inquired as to how much vegetation would need to be removed. Mr. Lower replied that they needed to remove two mature trees and some hedges, however, they planned on planting hedges on both sides of the garage to provide a heavy buffer. Mr. Dunham reminded the applicant and board that the landscape requirements would still need to be met.

Dr. Vinas questioned the impact the garage would have if the road were ever widened. Town Manager Dunham stated that he did not anticipate the town widening the road and the only other use would be for sewer systems which should not really affect the vegetation.

Town Clerk Hancsak clarified that the proposed garage would have a 4:12 pitch roof to match that of the existing residence.

There being no comment from the public the board was declared in executive session.

Acting Chairman Cunningham stated that he looked at the property and stated that although the garage would encroach a lot into the setback it was heavily buffered. He also stated that he felt there were extenuating circumstances because of the position and slope of the lot. He added that the town has not received any objections to the variance request and he would be in favor of approving the request.

The other members concurred with Mr. Cunningham's comments.

Dr. Martel moved to approve the variance request as submitted provided the five feet between the building and front lot line is heavily landscaped and that the vegetation located in the right-of-way is not removed by anyone other than the town, seconded by Dr. Vinas.

Motion carried – Yea 5 (Brown, Martel, Pugh, Vinas, and Cunningham)

Town Clerk Hancsak stated that the applicant would be receiving written notice from the town.

II. Adjournment

The meeting was adjourned at approximately 9:15 AM.

ATTEST:

Town Clerk

Acting Chairman Cunningham
Terry Brown
Dr. Martel
Dr. Vinas
Geoff Pugh