

Meeting of the Board of Adjustment of the Town of Ocean Ridge, Florida held on Wednesday, September 13, 2000 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:

Terry Brown Earl Jones
Dr. Vinas Richard Lucibella
 Chairman Barlage

- I. An application submitted by Stan and Barbara Cook, 6062 North Ocean Blvd., Ocean Ridge, Florida, 33435, requesting a variance from the provisions of the Land Development Code, Article III; Supplemental Regulations, Section 26-33; Fences, Walls and Hedges, paragraph (a) requiring maximum 4' high fences or walls located in front or corner side yards to permit the erection of 2 – 13'6" x 6' electronic gates on the property line located at the above described address or legally described as the southerly 160.06' of easterly 160' of Muck Lot 37 lying west of SR A1A in the Boynton Sub Amended 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 had been received regarding this variance.

Town Manager Dunham and Stan and Barbara Cook 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 is situated on a side street. Their driveway is used as a turnaround point and cars occasionally park in the drive to walk to the bird sanctuary at the end of Corrine St., thereby creating a security issue. They added that the proposed park at the end of Corrine St. will increase the pedestrian traffic which is not a result of the applicant. They commented that they did not feel a 4' high gate would be an adequate deterrent for potential trespassers but felt a 6' high gate would be adequate, however, placing the gates 25' back may encourage people to park vehicles in the driveway. The gates would also be located too close to the front door of the home. The applicant stated that granting the variance would not confer any special privileges to the homeowner because the area is not in the public eye and would not conflict with other structures. The applicant stated that the literal interpretation of the provisions of the Ordinance would deny them the security they feel is necessary for a 6' rather than a 4' gate that many other homeowners enjoy. The applicant stated that the variance granted would not affect the reasonable use of the land or building at anytime and added that the gates would add enhancement to the property and adjoining area and would be in harmony with the general intent and purpose of the ordinance. The applicant stated that the improvements would not be detrimental because the gates would open into the property and not invade any public property.

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Town Manager Dunham read his administrative comments which advised that the lot is located at the end of a short, paved street that continues as a footpath to a conservation/environmental area open to the public which creates more pedestrian and vehicle traffic. He added that the property is isolated as it is the only house on the north side of the road at that point. The request for the gate is to prevent vehicles from using the Cook's driveway as a continuous turnaround. He commented that special circumstances exist because the applicant is not the original builder nor have they altered the structure from its original design. He commented that the Town is contemplating entering into an intergovernmental agreement with PBCty to complete enhancements to the conservation/environmental area. These enhancements would include improvements to the footpath which could potentially increase pedestrian traffic in front of the Cook's residence. 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 unique circumstances of their property. He advised that literal interpretation of the provisions of this chapter would work unnecessary and undue hardship because of the isolated nature of their house and natural attraction to the conservation area. In conclusion, Town Manager Dunham commented that he felt the request would amount to very little, if any, public impact and would not be injurious to the area involved. Therefore, he recommended approval of the request.

Mr. Lucibella questioned the location of the phone box and whether visitors would have to exit the vehicle in order to call to the home. Mrs. Cook explained that the phone box was originally located further south, however, they were requested to move it by the Town Clerk because it was on public property.

Mr. Jones stated that his main concern involved blocking the street and felt that a one car stacking into the driveway would be more appropriate. It was then questioned whether the board could suggest or direct modifications. Town Clerk Hancsak advised that the board can grant, modify or deny variance requests.

Mrs. Cook stated that they could relocate the gates so as to allow a larger sedan vehicle, ie Cadillac, south of the gate in the driveway.

Mr. Cook questioned why they could not place the 6' high gate on the property line when a 4' high gate is permitted. Mr. Jones stated he would not be comfortable with the board itself approving a gate that could obstruct traffic. Mr. Cook was also advised that there could possibly be some traffic issues involving obstruction of traffic flow in placing a gate right on the property line.

Mr. Brown questioned how much higher the gates would be from the ground to allow for the swing. Mrs. Cook advised that the gate company advised her that the gate would be approximately 6" higher than the ground.

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It was questioned whether the Cook's owned the 10' of paved roadway and if it was considered an easement. Town Clerk Hancsak advised that the 10' paved roadway was property deeded to the Town and it was not an easement as stated on the survey.

Speaking as a member of the public, Mr. Scott Brown, 6064 N. Ocean Blvd., stated that he lived to the north of the Cook property and he was in favor of granting the variance. He commented that he was burglarized within the last 90 days and felt that there is definitely unnecessary traffic on Corrine Street.

Mr. Cook reiterated that the paramount reasoning for the variance request was for security.

Mr. Barlage then declared that the board was now in executive session.

Mr. Jones moved that the variance for 6' high gates be granted and he recommended that there be enough space for one car stacking. There was no second to the motion.

Mr. Lucibella moved to grant the variance for 6' high gates with a required setback for at least one car stacking. Mr. Brown seconded the motion.

Mr. Cook questioned why the board would require a gate setback when a 4' high gate could be placed right on the property line. After some discussion it was explained to Mr. Cook that the board could modify the variance request and that the board felt granting a variance right at the property line could cause a hardship for pedestrian or vehicular traffic.

Mr. Lucibella amended his motion to state that the 6' high gates would be permitted provided they were setback 8' from the edge of the pavement of Corrine Street. Mr. Brown amended his second.

Motion carried – Yea (5).

II. Adjournment

The meeting was adjourned at approximately 9:45 AM.

ATTEST:

Town Clerk

Chairman Barlage
Terry Brown
Earl Jones
Dr. Luis Vinas
Richard Lucibella