

Meeting of the Board of Adjustment of the Town of Ocean Ridge, Florida held on Wednesday, January 17, 2001 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	Barbara Souther
Dr. Vinas	Earl Jones
Chairman Barlage	

- I. An application submitted by Finbarr and Elizabeth O'Carroll, 18 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)(b & d) minimum 15' side and 25' rear (as per 26-240 definition of lot through) yard setback requirements, 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 master bedroom/bath and library addition that would encroach up to a maximum of 5' into a side yard setback and a maximum of 2.5' into another side yard setback and also to construct a detached garage that would encroach a maximum of 5' into a side yard setback and 5' into a rear setback which would alter an existing grandfathered structure located at the above described address or legally described as Lot 4, Ridge Harbour Estates Subdivision.

Town Clerk Hancsak read the variance application by title only.

Mr. Jones advised that the applicant is a close friend who once lived on his street. The remaining members commented that they did not feel that this information would hamper his decision.

Town Clerk Hancsak noted for the record that all fees had been paid and additional correspondence had been received from Jordon Estra, 5888 North Ocean Blvd. (directly east of subject property) who opposed both the location of the detached garage encroaching in two setbacks and the master bedroom/bath encroaching into the east side setback.

Town Clerk Hancsak ascertained for the record that all five members reviewed the site. Town Manager Dunham commented that he would be addressing the paving issue later in the meeting.

Town Manager Dunham, Finbarr O'Carroll, and David Hawke, Architect, were sworn in.

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Chairman Barlage 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, a short lot frontage, and the positioning of the house. The applicant stated that granting the variance would not confer any special privileges to the homeowner because of the unique circumstances. The applicant stated that the literal interpretation of the provisions of the Ordinance would deny the applicant of the ability to improve the property as commonly enjoyed by other properties. They added that by a strict interpretation of the Land Development Code/Ordinance the town is denying the applicant from expanding their home to meet the needs of their growing family. The applicant stated that the variance granted is the minimal variance to make the additions function proper on this unique property. The request would also be in keeping with the spirit of the ordinance because the existing setbacks are smaller than the current setbacks and the larger houses will not dwarf the subject house built on larger, regular, rectangular properties. The applicant stated that the improvements would not be detrimental because it would bring greater value, wealth, and improvement to the neighborhood.

Town Manager Dunham read his administrative comments. 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 for the master bedroom/bath/library addition because of the geometry of the lot and the location of the house on the lot and because of the proposed location for the detached garage. The staff does not believe special circumstances exist for the detached garage because it can be placed where no encroachments would occur. The applicant did not construct the structure and has not altered it from its original design. Town Manager Dunham stated that other property owners have the ability to build similar structures provided they meet the code 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 for the bedroom/library because of the unusual shape of the lot and the angle the house was built on the lot make the renovation of the existing premises unreasonable and impractical any other way than is being proposed. The variance is not the minimum that will allow the most reasonable use of the land regarding the garage. Therefore, he recommended approval of the request for the bedroom/bathroom/library but not the detached garage with 2nd floor.

Town Manager Dunham stated that the resident objecting to the variance to the garage mentioned the unimproved roadway that would be utilized by the applicant. He commented that Thompson St. is improved only to the property line of the applicant and the elevation significantly changes. He advised that he had conferred with the Town Atty and was advised that the applicant would be required to have a paved access by code, which is not an issue determined by this board but by the commission. He added that the town was not required to build the road and the staff would recommend that the applicant build the road. He stated that the applicant would make a request to the commission and if and when the roadway was improved the town would assume the maintenance and liabilities.

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Mrs. Souther clarified that even if the garage was not approved and was built according to the code the road would still be required. Mr. Brown questioned whether there was a proposal to abandon Thompson St. to which Town Manager Dunham advised that the commission did address the issue and they voted not to abandon any of the right-of-ways or alleys at this time. He added that it was now possible for a property owner to request to use them, however, he could not advise how the commission would respond to each request. Mr. Jones stated that the paver driveway east of the residence is a 20' easement.

Town Manager Dunham commented that the letter of objection cited a pickup truck that has utilized the right-of-way past the improved portion and this would be turned over to the code enforcement department.

Mr. Jones questioned why the attorney was not present at this meeting remembering that he has attended some of the meetings in the past. Town Manager Dunham stated that he discussed this item with him at length the day before.

Dr. Vinas questioned whether an improved road was necessary to which he was advised that driveway access must come from a paved roadway when it pertains to a street.

David Hawke, architect for the applicant, stated that the lot was unique in size and design and they would not be requesting to situate the garage where proposed if they did not feel it was a difficult situation. Mr. Hawke displayed a drawing showing the location of the garage in compliance with the setbacks and the one that was requested. He commented that the resident would lose three major trees if the garage were built with the proper setbacks.

Dr. Vinas questioned if the garage could be turned so that the entrance was facing west to which Mr. Hawke advised that the trees would still be lost and the resident still wanted room for the construction equipment when the proposed pool was built. Mrs. Souther suggested constructing the pool first, to which she was advised that it would be more prudent for the garage to be built first. Mr. O'Carroll added that the existing garage is being converted to living space and they felt a new garage was needed first.

Mr. Brown questioned what the 2nd floor would consist of to which Town Manager Dunham stated it would be an in-law suite that would still meet the FAR requirements.

Mr. Jones commented that since an adjacent homeowner has voiced an objection to the encroachment into the side setback for the garage it weighs heavily with him in granting such a variance. Mr. Hawke mentioned that the homeowner may have eventual plans to add onto the northwest portion of the residence to which he was advised that a proposed future addition should have no bearing on the decision being made this date. He then showed drawings depicting the maximum height of the 2nd story of the garage at 25' which he felt was very modest. Mr. Jones stated that this residence is at a lower elevation than the surrounding homes. Town Manager Dunham agreed stating that the adjacent homes had some of the highest elevations in town.

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Chairman Barlage questioned whether the existing 2-car garage would be converted to a bedroom. Mr. O'Carroll advised that the home has 2 existing bedrooms and 4 bedrooms were being proposed since their two children share a bedroom.

Town Manager Dunham stated that the existing historic tree is at least 20" in girth and mitigation would be necessary wherever the garage is placed because it is likely that the tree will be damaged. Mr. O'Carroll responded by stating that the issue of the one large tree needed to be studied further and that the building being placed a minimum of 4' away was discussed. He added that there are 20 trees in the backyard.

Town Manager Dunham suggested that more living space could be provided if the existing garage was kept the same and an addition was added in the northwest end of the existing home. He added that this could also comply with the codes. Town Clerk Hancsak reminded that board that the hardship must prove why improvements could not be made within the code requirements.

Concerning the proposed bedroom/library addition, Mr. Jones commented that this addition was more in line with the existing residence. Mr. Hawke stated that this addition was the best logical place.

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

Mr. Jones stated that that he was comfortable granting the bedroom/library addition because it would have minimal impact to the residents to the east and no objections were received from 5 Harbour Drive No. However, he did feel that there was room to construct the garage to conform to the code. The remaining board members concurred and Mr. Brown added that he agreed with Town Manager Dunham that there were other options available that would still comply with the code.

Mr. Brown moved to grant the variance on the bedroom/bath/library addition as submitted, seconded by Mrs. Souther.

Motion carried – Yea (5).

Mr. Brown moved to deny the detached garage encroaching into the side and rear setbacks as proposed, seconded by Mrs. Souther.

Motion carried – Yea (5).

Town Clerk Hancsak advised Mr. O'Carroll that a letter would be forthcoming.

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II. Adjournment

The meeting was adjourned at approximately 9:40 AM.

ATTEST:

Town Clerk

Chairman Barlage
Terry Brown
Earl Jones
Dr. Vinas
Barbara Souther