

Meeting of the Board of Adjustment of the Town of Ocean Ridge, Florida held on Wednesday, March 14, 2001 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                         Geoff Pugh  
   Chairman Barlage

III. APPROVAL OF MINUTES

A. February 14, 2001

Mr. Brown mentioned that the board member list on the last page of the minutes needed to be corrected and moved to approve the minutes of February 14, 2001 as amended, seconded by Mr. Pugh.

Motion carried – Yea (5)

IV. VARIANCE REQUESTS

A. An application submitted by David and Merrilee Lundquist, 180 Yacht Club Way, #104, Hypoluxo FL 33462, requesting a variance from the provisions of the Land Development Code, Article III; Supplemental Regulations, Section 26-33; Fences, Walls and Hedges; Paragraph (a) and (c) maximum height of 4' in required front yards as measured above the grade of the crown of the street at a point directly opposite such points of measurement 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 an eastward extension of the existing grandfathered north/south wall to match the existing 5'7" height for the north entrance and 5'11" height for the south entrance joining the columns and entrance gates (maximum 9' high at arch opening westward) which are located beyond the 25' setback located at 6277 North Ocean Blvd. or legally described as the north 180' of south 450' of unnumbered block lying north of an adjacent to Edith St. and east of and adjacent to Ocean Blvd. in the Boynton Beach Park 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 was received.

Chairman Barlage and Town Clerk Hancsak read the justification of application and responses for the requested variance. The applicant also included a brief written statement citing that this request was similar to that requested for 6301 N. Ocean Blvd. on Dec. 10, 1997. The applicant stated that special conditions and circumstances exist

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because the applicant has gone to great lengths to preserve the existing security wall built in the 1920's along SRA1A and the intent was to maintain or increase security and privacy. They added that the existing wall is +/- 6' in height and they would like to keep the architectural symmetry for the wall to the entrance gates. The applicant stated that granting the variance would not confer any special privileges that other property owners are entitled to because there is no other security wall that pre-exists with a height of 6' or higher. The applicant stated that literal interpretation of the Ordinance would require that the wall have a height of 6' on A1A, 4' going eastward 25', and then 8' at the entry gate and would not look proper and would possibly allow undesirable persons to scale the lowest section of the wall. The applicant stated that the variance granted is the minimal variance that will be reasonable because it allows blending of the existing security wall with the new entry gate and would therefore blend with the surrounding community. The applicant stated that the request would be in harmony with the general intent and purpose of the ordinance. The applicant concluded by stating that the variance would not be injurious to the area and would actually compliment the area along with the new home.

At this point all parties intending to provide testimony were sworn in.

Town Manager Dunham read his administrative comments, which included a brief summary of the request. His comments regarding the justification of application advised that special circumstances could exist due to an existing wall already being grandfathered at near 6' and the applicant is proposing an architecturally correct entrance. Town Manager Dunham advised that the grandfathered portion of the wall does not result from actions of the applicant. Town Manager Dunham stated that other property owners have the ability to build similar structures provided they meet the code. He stated that this is a unique situation in that the wall already exists and the applicant is attempting to have a symmetrical look to the gates and he does not believe that the applicant will be enjoying a special privilege. He advised that literal interpretation of the provisions of this chapter would work unnecessary and undue hardship because the code would allow the existing wall along A1A to be taller than the proposed sections of the wall leading to the gate area. In conclusion, Town Manager Dunham commented that he felt the request was the minimum variance to allow for the blending of the existing security wall until it reaches the point of the entrance gate which is located beyond the 25' setback. Town Manager Dunham stated that he felt that granting the variance would be in harmony with the general intent of the ordinance and the proposed wall would amount to very little, if any, public impact and would not be injurious to the area involved. He added that the symmetry and scale of the entry feature would be negatively impacted without a variance and would, therefore, have a negative impact on the surrounding area. Therefore, he recommended approval of the variance because of the height of the existing wall.

Frank McKinney, contractor for the applicant, introduced Mr. and Mrs. Lundquist who both commented that they were happy to be future residents of the town and they felt their home would be an asset to the community. They thanked the board for considering their request.

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Mr. McKinney noted that the applicant could have built a much larger home on the lot but chose a modest 9,000+ square foot home. He commented that the applicant desires to keep and restore the existing grandfathered wall which is currently +/- 6' in height and applying the requirement for the 4' height eastward to the entrance gates which are beyond the 25' setback would not have an architectural symmetrical look. He stated that the decrease to the 4' height would also provide less security, considering that they are just south of a major intersection thereby causing a hardship.

Mr. Jones commented that his wife currently works for the contractor for the wall, Mark Daly, and clarified with Atty Spillias that sitting on the board would not provide a conflict.

At this point Chairman Barlage opened the hearing to the public. Betty Bingham, 1 Ocean Ave., stated that while she did not specifically object to this variance, she was concerned with granting a variance when no hardship has been proven other than for security reasons. She stated that higher walls in some areas block breezes. Chairman Barlage reminded Commissioner Bingham that the board has turned down requests for higher walls at Ocean Harbour Estates and 6125 N. Ocean Blvd. Mr. McKinney commented that there would now be two gates, thus allowing more of a breeze to flow through. Commissioner Bingham also expressed her concern that the residents on Hudson Ave. would be most affected.

At this time Chairman Barlage declared that the board was in executive session. All five of the board members concurred that they felt the application meets the requirements for a variance and would not have a detrimental impact on neighboring properties. They were all in favor of granting the variance.

Mr. Pugh moved to grant the variance as requested, seconded by Dr. Vinas.

Motion carried – Yea (5).

Town Clerk Hancsak advised the applicant that a letter from the town would be forthcoming.

V. Adjournment

The meeting was adjourned at approximately 8:55 AM.

ATTEST:

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Town Clerk

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Chairman Barlage  
Geoff Pugh  
Earl Jones  
Dr. Vinas  
Terry Brown