

Meeting of the Board of Adjustment of the Town of Ocean Ridge, Florida held on Thursday, Sept. 20, 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:

Earl Jones Richard Lucibella
Bernd Schulte Geoff Pugh
 Chairman Barlage

III. APPROVAL OF MINUTES

A. August 15, 2001

Mr. Schulte requested that the his comments on Page 6 be amended after the word were-to read- consistent with all the existing lots and also change the next sentence to read appropriately instead of accordingly.

Mr. Lucibella also requested that his comments on Page 7 reflect that his concern was when members may create a liability for the town with various comments while sitting in an official capacity.

Mr. Pugh moved to adopt the minutes of August 15, 2001 as amended, seconded by Mr. Schulte.

Motion carried – Yea (5)

IV. VARIANCE REQUESTS

Chairman Barlage suggested addressing Item B first since the applicant requested a postponement and members of the public were here for that item. The board concurred.

- B. An application submitted by June Fox, President of Green Machine Development Corp., 200 MacFarlane Drive, #405, Delray Beach, FL 33483, requesting a variance from the provisions of the Land Development code, Appendix B; Subdivision Improvements, Section (b); Design Requirements; Paragraph (7) Lots; Sub-Paragraph (a), and Paragraph (10) Streets to permit access by an access easement to two proposed homes facing east and west along the Intracoastal Waterway at the southwest end of Hudson Ave. (25 Hudson Ave.) located at the described address or legally described as the North 87.86' of Lots 15 and 16, less the west 65' of said Lot 16, Block 6, Boynton Beach Park Subdivision and Lots 15 and 16, less the North 87.86" thereof and less the west 65" of said Lot 16, Block 6, Boynton Beach Park Subdivision (CONTINUED FROM 8/15/01)

Town Clerk Hancsak read the letter from Frank Palen, attorney representing the Green Machine Development Corp., received on Sept. 19, 2001, which requested a postponement of 30 days or the next regularly scheduled meeting. The letter also stated

MEETING OF THE BOARD OF ADJUSTMENT HELD ON SEPT. 20, 2001

that they have had preliminary discussions with staff regarding a possible resolution to the matter and believe that additional time may result in a satisfactory manner.

Atty Spillias clarified that the letter was a little confusing and was actually a request for a continuance to a date and time certain.

After a brief discussion the board concurred to continue the variance request on November 7, 2001 at 8:30 AM. Mr. Schulte made the motion and Mr. Lucibella seconded it.

Motion carried – Yea (5).

- A. An application submitted by Ocean Ridge Development Company, LLC, 6275 N. Ocean Blvd., Ocean Ridge 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 (built in a radius) of the existing grandfathered north/south wall to match the existing 5'7"-5'11" height (with 30" lamps atop of the columns) and relocating two of the columns 10' further apart, and entrance gates (maximum 6' height at arch opening eastward) which is located at 6275 North Ocean Blvd. or legally described as the north 101' 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 those requested for 6301 and 6277 N. Ocean Blvd. and which were subsequently granted. The applicant stated that the existing wall was once part of a larger wall that now spans two properties and is grandfathered. The applicant added that they intended to open up the drive by creating a radius lower wall (at between 5'7" and 5'11") between the columns and to widen the distance between the two westerly columns by 10' on each side, which would allow a safe ingress/egress to the property. The applicant stated that special conditions and circumstances exist because the applicant has gone to great lengths to preserve the existing security wall located to the west of the property and adjacent property to the north and the intent was to maintain or increase security and privacy. They added that the existing wall is 5'7" and

MEETING OF THE BOARD OF ADJUSTMENT HELD ON SEPT. 20, 2001

5'11" in front of 6277 N. Ocean Blvd. and they would like to keep the architectural symmetry for the wall to the entrance gates at 6275 N. Ocean Blvd. The applicant also stated that there now exists 4 columns at a height of 7'4.5" of which they propose to relocate/renovate them 10' further apart on both sides (2 of the 4). The applicant stated that granting the variance would not confer any special privileges because other property owners have the ability to build similar structures provided they meet the code or seek a variance such as 6277 N. Ocean Blvd. They added that the existing wall has been in existence for many years and will essentially remain. The applicant stated that literal interpretation of the Ordinance would require that the existing wall along A1A would be allowed to be taller than the proposed new radius sections leading to the easterly columns and would not look proper. The applicant also stated that it would deprive them of a safe ingress/egress entrance to the property because of the way the existing wall is situated. The applicant stated that the variance granted is the minimal variance that would be reasonable because it allows blending of the existing security wall with the north wall and blends the easterly columns with the westerly columns and also blends 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 have very little, if any, public impact. They also stated that if the variance was not granted the symmetry and scale of the entire entry feature when looked at as a whole would be negatively impacted and would affect the look for the surrounding area.

Town Manager Dunham questioned whether the board needed him to review his administrative comments; given the fact he was recommending approval of the variance. He also stated that this request was very similar to 6277 North Ocean Blvd. The board concurred that it was not necessary to summarize his comments.

Mr. Lucibella clarified that this request consisted of a restoration and a rebuild for the new proposed radius.

Mr. Jones stated that he was a little concerned with only a 12' depth for stacking vehicles off SR A1A whereas the property to the north had a 20' depth. Town Manager Dunham advised that the columns on this property are existing and the ones at 6277 were newly constructed east of the 25' setback.

At this point all individuals that planned on speaking were sworn in. Town Clerk Hancsak also ascertained that all the members visited the site and did not have contact with the applicant.

Frank McKinney, representing Ocean Ridge Development Company, LLC, advised that he appeared before this same board approximately 6 months ago with a similar variance request for 6277 N. Ocean Blvd., which was considered and granted. He stated that the contractor, Bob Barry, and architect, Francisco Perez, were also present. Mr. McKinney reiterated the comments made by Town Manager Dunham regarding the existing columns. He added that the request was essentially the same as the one made for 6277 N. Ocean Blvd. with the exception of the new proposed radius.

MEETING OF THE BOARD OF ADJUSTMENT HELD ON SEPT. 20, 2001

Mr. Jones commented that the wall on the north side of the columns was definitely higher (possibly 6'8" – 6'10") than the south side and he felt the request should only be considered from the lowest point of the wall.

There being no public comment, the board went into executive session.

The board concurred that they felt the variance conforms to the criteria set forth by the code and felt the variance should be granted.

Mr. Jones moved to grant the variance request as submitted provided the height of the north radius is not higher than the lowest point of the south wall. Mr. Pugh seconded the motion.

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 9:10 AM.

ATTEST:

Town Clerk

Chairman Barlage
Geoff Pugh
Earl Jones
Richard Lucibella
Bernd Schulte