

Meeting of the Board of Adjustment of the Town of Ocean Ridge, Florida held on Wednesday, April 13, 2005 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	Gail Adams Aaskov
Stormet Norem	Vice Chairman Mark Hanna

It was noted that Richard Lucibella was called out of town on an emergency.

III. APPROVAL OF MINUTES

A. February 9, 2005

Mr. Norem moved to adopt the Feb. 9, 2005 minutes, seconded by Mr. Brown.

Motion carried – Yea (4)

IV. VARIANCE REQUESTS

- A. An application submitted by Richard Thompson, 6191 North Ocean Blvd., Ocean Ridge, FL 33435, requesting a variance from the provisions of the Land Development Code, Chapter 63, General and Administrative Provisions, Article VII; Nonconforming and Grandfathered Uses, Section 630-117; Grandfathered uses, lots and structures, (d) grandfathered structures, (1) alteration, extension, enlargement or expansion and Chapter 64; Zoning, Article I; District Regulations, Section 64-1; RSF and RSE Single-Family Residential District, Paragraph (h); Floor Area Calculations (1) Second floor area shall not exceed 75% of the first floor and Paragraph (j); RSE development regulations (2)(b) minimum 15' side yard setback requirements – to permit the construction of a combined 1st and 2nd story 1,336 sq ft addition located on the western side of the existing residence that would encroach a maximum of 6.6" into the north side setback and a maximum of 1'9" into the south side setback (the existing eastern portion of the 2nd story exceeds these proposed setback encroachments) and the existing 2nd story is already 126% of the 1st story and would still exceed the 75% requirement with the proposed addition by remaining 118% of the 1st story. This would expand on an existing grandfathered structure. The property is located at 6191 North Ocean Blvd. and described as Lots 1 and 2, blk 3 and Lots 1 and 2, blk 10 of Boynton Sub Amended Subdivision (exact legal description located at Town Hall)

Town Clerk Hancsak read the variance application by title and advised for the record that all fees had been paid and no additional correspondence had been received.

All members disclosed that they reviewed the site but had no contact with the applicant.

Any individuals planning on providing testimony were sworn in.

It was determined that since there were no members of the public in the audience that the Justification of Application and Administrative Comments need not be read into the

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record after the members, staff, Hy-Byrd Inspections, Inc. and the Jeffrey Silberstein, architect for the application all advised that they read the correspondence.

Jeffrey Silberstein, architect representing the applicant, provided his background credentials which he also advised included historical expertise. He stated that the applicants have owned the residence for many years and realize that it is an altered grandfathered structure that does not meet the 75% rule or the side setbacks but it has historic value. He commented that the structure is considered of Florida Frame Vernacular design. He stated that this design is a simple, American, honest, little house and he felt this proposed addition was architecturally correct and felt it would look strange or awkward if built any other way. He added that the owners need more space and would like to do it correctly.

Mr. Norem questioned how long the applicant has owned the property to which he was advised 20+ years. He clarified that they did not also own the parcel to the north.

Mr. Brown commented that if the addition was built on the east side the pool would have to be removed and there was ample room to build to the west. Mr. Silberstein advised that the addition was approximately 600 sq ft for each story. He also stated that the applicant would like the banyan trees to remain and that was taken into consideration when designing the addition. Mr. Brown added that the administrative comments acknowledge that the foliage adequately shields the property from adjacent owners.

Mrs. Aaskov stated that while she appreciated what the applicant and architect are attempting to do in keeping the charm of the residence intact she still wished the addition could be accomplished in another way. Mr. Silberstein stated that the charm of the residence is that it does not look nonconforming and it would be difficult to detect that the house will have an addition once completed.

Vice Chair Hanna asked if any renovations to the existing structure were planned. Mr. Silberstein stated that there would be some interior renovations but the exterior would be basically untouched. He also stated that the existing bay window in the kitchen extends further into the setbacks than the proposed addition.

Manuel Palacios, Hy-Byrd, Inspections, Inc., the Town's zoning official, commented that he appreciates what the applicant would like to do and it is ideal for their property but it also may open the Town up for similar requests for other properties.

There being no public, the board then declared that it was in executive session. Mr. Brown stated that with all the years he has served on the board he felt this request met the criteria for a variance considering it was in an estate zone and had some historical value. He added that he did not feel the addition would be intrusive or obnoxious and felt it would benefit the owner and the town and even the administrative comments acknowledged that the first two items met the criteria. He felt the variance should be approved as submitted.

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Mrs. Aaskov stated that the hardship was the 50' width of the lot; however, they were aware of this when the property was purchased. She added that she liked the aim of the proposed addition but she did not feel that a hardship was proven. She clarified that notices were sent to property owners within 300'.

Mr. Brown stated that he did not feel the request was unreasonable and other requests have been granted variances that may not have met all the criteria.

Atty Spillias commented that it was obvious that this variance has brought up several issues concerning hardships. He stated that the board must determine whether they feel that the criteria have been met and whether their hardship was self created. He added that purchasing the lot did not necessarily mean that it was self created.

Mr. Norem commented that his main concern in hearing this variance request was that the property owner owned their parcel and the parcel to the north which has since been clarified that they do not own the parcel to the north.

Vice Chair Hanna stated this parcel was a unique property with encroachments in both the north and south side setbacks and he agreed with most of the comments discussed.

Mr. Brown moved to approve the variance as submitted, seconded by Mrs. Aaskov.

Motion carried – Yea (4).

Town Clerk Hancsak advised that a letter would be forthcoming.

Mr. Brown commented that he did not feel it was necessary to delay the appointment of a Chairman until another regular member was appointed and moved to appoint Mark Hanna as Chairman of the Board of Adjustment. Mr. Norem seconded the motion.

Motion carried – Yea (4).

Mr. Brown moved to appoint Mr. Norem as Vice Chair to the Board of Adjustment. Mrs. Aaskov seconded the motion.

Motion carried – Yea (4).

VI. Adjournment

The meeting was adjourned at approximately 9:30 A.M.

ATTEST:

Town Clerk

Chairman Hanna
Terry Brown
Stormet Norem
Gail Adams Aaskov