

Meeting of the Board of Adjustment of the Town of Ocean Ridge, Florida held on Wednesday, Oct. 12, 2005 at 8:30 AM in the Town Hall meeting chambers.

The meeting was called to order by Chairman Hanna and roll call was answered by the following:

Terry Brown Richard Lucibella
Stormet Norem Gail Adams Aaskov
Vice Chairman Mark Hanna

III. APPROVAL OF MINUTES

A. Sept. 14, 2005

Chairman Hanna clarified that Mrs. Aaskov reviewed the minutes and felt fully briefed to participate in this hearing today. Mrs. Aaskov stated that she had read the minutes and reviewed the proposed site and did not have any contact with the applicant or representatives. Chairman Hanna also clarified that Mr. Brewer, representing the applicant, had no objections to Mrs. Aaskov sitting at this meeting.

Mr. Norem moved to adopt the Sept. 14, 2005 minutes, seconded by Mr. Brown.

Motion carried – Yea (5)

IV. VARIANCE REQUESTS

- A. An application submitted by O’Dette Worrell, 6195 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 63-117; 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 (j); RSE development regulations (2)(b) minimum 15’ side yard setback requirements and (2)(c) minimum 20’ side corner setback – to permit the construction of a combined new 1,813 sq ft three car garage with a library above that would encroach 5’ into the required 20’ side corner setback and also the construction of a combined 1st and 2nd story 662 sq ft addition that includes converting existing covered balcony areas into living areas, adding living area to the second floor, and extending a balcony. The second story new addition located on the western side of the existing residence that would encroach 5’ into the 20’ north side corner setback and the balcony extension would extend 14.5’ into the north 20’ side corner setback, and enclosing the existing covered areas on the south side of the residence already encroaches 6’3” into the south 15’ side setback. This would expand on an existing grandfathered structure on a grandfathered lot. The property is located at 6195 North Ocean Blvd. and described as Lots 1, Blk 3 and Lots 1, Blk 10 of Boynton Sub Amended Subdivision (exact legal description located at Town Hall) (POSTPONED FROM SEPT. 14, 2005)

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All members disclosed whether they again reviewed the site and that they did not have any contact with the applicant or representatives. Town Clerk Hancsak advised that she did not receive any additional correspondence; however, she did receive a telephone call from Mr. Shibles who advised that he had met with the architect and applicant at the job site.

Any individuals planning on providing testimony were sworn in.

George Brewer, architect representing the applicant, introduced John Romano, the attorney representing the applicant. Mr. Brewer stated that the requests have not changed and he did not have any additional written correspondence or drawings. He stated that he and the property owner met with the neighbor, John Shibles, at the proposed site. He added that they walked the site and reviewed the drawings together. He stated that he thought Mr. Shibles would be present at this meeting to relay that their biggest concern was the proposed privacy wall and that their home was almost the exact same layout as what is proposed by his client. He also stated that he believed that Mr. Shibles was now comfortable with the request provided they removed the wall. He added that it was pointed out that the driveway would need to be relocated to provide for 30' from the intersection. He reminded the board that variances were granted to both adjacent properties.

Mr. Lucibella stated that he understood why the owner wanted to relocate the pool, however, he still had concerns regarding the other additional items since the owner was aware the lot was narrow and he questioned whether this was the minimum request.

Mr. Manuel Palacios, zoning official, suggested that if the board decides to grant the variances a condition should be placed that all encroachments in the Town ROW be removed. Atty Schoech advised that while the board is dealing with the actual variance requests they can also address other issues such as this and it is appropriate to make such a request.

At this point the board was declared in Executive Session.

Mr. Lucibella reiterated his concern regarding whether this was the minimal change necessary. He cited the square footage increasing from approximately 4300 sq ft to 6000 sq ft.

Mr. Brown stated that he still felt the variance requests were reasonable and should be granted as submitted citing the uniqueness of the lot in the RSE district.

Mrs. Aaskov stated that she had concerns with the lot width being presented as a hardship because they were aware of the lot dimensions when purchased. Mr. Brown commented that variances before this board are for this exact type of situation.

Mr. Norem agreed with the comments made by Mr. Lucibella and Mrs. Aaskov.

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Atty Schoech stated from a legal standpoint the variance provisions were created to address requests such as this. He commented that the board should not always take the position that owner shouldn't have purchased the lot because in reality they did not create the hardship when the Town originally platted the lot. He added that the street goes nowhere and was utilized as an access to the beach.

Chairman Hanna stated that he had no objections to the requests for the existing house and regarding the garage/library he commented that the Town revised the code for the smaller lots in the south end of Town to provide relief and felt this was a similar situation. He also stated that the request for the garage/library had only approximately 250 sq ft that would be encroaching into the setbacks. He concluded by stating that he felt the lot was unique and the request was not unreasonable.

Town Clerk Hancsak stated the applicant was requesting what would normally be required for a side setback for an interior lot. She also stated that when the discussions took place for the south end overlay it was also discussed to add these lots in the RSE district. She stated that the discussions resulted in leaving the RSE district unchanged because there was the availability for a variance on an individual basis.

Mr. Norem moved to approve the variance requests as submitted with the stipulation that all encroachments into the ROW be removed. Mr. Brown seconded the motion.

Motion carried – Yea (5)

VI. Adjournment

The meeting was adjourned at approximately 9:10 A.M.

ATTEST:

Town Clerk

Chairman Hanna
Terry Brown
Stormet Norem
Richard Lucibella
Gail Adams Aaskov