

Meeting of the Board of Adjustment of the Town of Ocean Ridge, Florida held on Wednesday, March 8, 2006 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 Bernd Schulte
Richard Lucibella Gail Adams Aaskov
 Chairman Hanna

Atty Schoech was also present representing the board, as was Kristin Bennett, representing the Town.

III. APPROVAL OF MINUTES

A. February 8, 2006

Mr. Schulte moved to adopt the February 8, 2006 minutes, seconded by Mr. Brown.

Motion carried – Yea (5)

IV. VARIANCE REQUESTS

- A. An application submitted by Alvin Malnik, 6307 (+6301) North Ocean Blvd., Ocean Ridge FL 33435, requesting a variance from the provisions of the Land Development Code, Chapter 64; Zoning, Article III; Supplemental Regulations, Section 66-44; Fences, Walls and Hedges; Paragraph (c) maximum height of 4' in required front yards as measured from the street side of the wall and a maximum height of 6' in the side yard as measured from the lowest grade elevation, Chapter 67; Article III; Technical Codes and Other Construction Standards, Section 67-32; Floor Elevations; Paragraph (c) maximum elevations and Chapter 64; Zoning; Article I; District Regulations; Section 64-1; RSF and RSE Single-Family Residential Districts; Sub-Paragraph (e) roof pitch, elevation and covering providing a maximum flat roof area (less than 4:12 pitch) is 15% of total horizontal ground surface area covered by the roof which may increased to 20% if at least five percent is used a deck, porch or usable outdoor space to permit the construction of a guest residence with a proposed total flat roof at 6307 N Ocean Blvd., which is intended to be joined/replatted with 6301 N Ocean Blvd., thereby intended to match the residence currently at 6301 N Ocean Blvd. The applicant is also requesting a proposed finished floor elevation of 20' (current house to be demolished is 19.5') which exceeds DEP's minimum 17.95'+/- requirement, and also to replace the existing 125.02' of 4' high front wall with a 6'3" high front wall and 7'3" high columns at 6307 North Ocean Blvd. or legally described as the south 125' of north 421' of that certain unnumbered block lying east of Ocean Blvd. in the Boynton Beach Park Subdivision (exact legal description available in Clerk's Office)

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.

MEETING OF THE BOARD OF ADJUSTMENT HELD ON MARCH 8, 2006

Members disclosed that they had not gone to the site or had any contact with the applicant or representatives.

Any individuals planning on providing testimony were sworn in.

It was agreed by both the applicant and Town to waive the reading of the Applicant's Justification of Application and Administrative Comments recommending denial of the variances, as the documents are part of the record.

Randall Stofft, architect for the applicant, stated that the existing house (at 6301) was built approximately 5-6 years ago prior the code changes and that with the expansion of his client's family and the purchase of the property to the north they would like to add an addition to the existing home at 6301. They plan on unifying the property and would like to utilize the same architectural palette to compliment the existing home at 6301 and anything other would not be aesthetically pleasing. He stressed that this was not a new home but an addition to existing structure. He commented that the home could actually be built closer to the road and higher than what is proposed. He added that the proposed guest home was +/- 6" lower than the home at 6301 and they would like to balance it by keeping the same 20' FFE.

In conclusion, Mr. Stofft stated that the home at 6301 was a landmark home and this request was exactly what the variance venue is for because they are seeking to design something that is appropriate to the existing style. After distributing a photograph of the existing wall at 6301 Mr. Stofft stated that they were simply asking to complete the wall and several variances were granted in the past for neighboring properties. Regarding the elevation, he stated the request was justified because of the connection to the existing home at 6301.

Mr. Lucibella clarified that the addition was actually separated by 50'. Mr. Stofft stated that the plaza will join both residences. He then clarified that the structures are not connected by air conditioned space.

Mrs. Aaskov questioned the height of the existing wall to which she was advised that it was approximately 5'8" on top of the 8" curb thereby bringing it to the 6'3".

Manuel Palacios, zoning official for the Town, stated that while staff appreciated what the applicant wanted to accomplish, all three requests were contrary to the existing code and the hardships were actually brought on by the applicant. He stated that the flat roof was totally in contradiction with the existing code, the FFE should be adequate at the existing height of 19'5", and while the wall would be aesthetically pleasing it does not meet a hardship.

Mr. Schulte inquired whether the proposed structure meets the code concerning a guest house. He was advised that the proposed structure does not have a kitchen and it must meet requirements of not exceeding more than 1/20 of the area of the lot.

MEETING OF THE BOARD OF ADJUSTMENT HELD ON MARCH 8, 2006

Allan Ciklin, attorney representing the applicant, Mr. Malnik, clarified that it was their intention to join the properties through a Unity of Title and would therefore be treated as one property and can only be released by Town Commission approval. He stated that the hardship was the architectural compatibility and accomplishing an aesthetically pleasing effect and if the variances were not granted then there would be two different designs; differing wall heights and the elevations would differ.

Atty Bennett commented that the plan to join the properties was the applicants' choice and therefore the hardship is self created. She added that the existing home at 6301 was approved with an 18' FFE and she does not know how it is now 20'. She also stated that if the residence at 6307 was torn down and rebuilt it is still the choice of the applicant and should meet the code requirements. She concluded by stating that it does not meet code requirements or the criteria for a variance.

Speaking from the public, Comm Bingham, 1 Ocean Ave., stated that the history pertaining to the 4' wall heights stemmed from the higher walls cutting off the ocean breezes. She added that she believed the noseums have also gotten worse and also more of a potential of mildewing of lawns occurs because of the higher walls.

At this time the board was declared in executive session.

Chairman Hanna questioned if there should be a concern in making a decision because the property has not actually been unified yet to which Atty Schoech stated it does not have a bearing and it could be placed as a condition should the variance be granted. He also clarified that even if the structure was built directly connecting to the house at 6301 it would still have to meet the existing codes.

Mr. Brown stated that if the structure was built directly to the home at 6301 it would have more of a possibility of presenting a hardship.

Mr. Schulte stated that this variance for a free standing structure would be in direct conflict with the code. He commented that if the existing residence at 6307 was being replaced it should abide by the codes. He added he was unsure about the wall.

Mr. Brown stated that if the variance was not granted and it remained two parcels a structure could still be built with a pass through. However, he stated that he felt the board should grant the flat roof variance because the property is so large and the structure still meets the definition of a guest cottage.

Mr. Lucibella stated that he was sympathetic with the flat roof request from an architectural standpoint. Concerning the wall height he stated that he did not feel a valid argument was presented, the security issue was questionable, and felt aesthetically stepping down was not an issue either. He stated that he did not have a problem with the FFE being 6" higher than the existing structure.

MEETING OF THE BOARD OF ADJUSTMENT HELD ON MARCH 8, 2006

Mrs. Aaskov stated that she too was sympathetic to the flat roof but a request was denied last month, and the wall height can be consistent with the existing wall at 6307 and she felt no hardship was proven. She added that she felt the FFE should be approved at the staff's recommendation of 19.5' (that of the existing structure).

Chairman Hanna stated that he had nothing to add to the other members' comments.

Mr. Schulte moved to approve a finished floor elevation of 19.5' based on the recommendation by staff. Mrs. Aaskov seconded the motion.

Motion carried – Yea (5)

Mr. Lucibella moved to deny the wall heights as requested based on the staff recommendation, seconded by Mrs. Aaskov.

Motion carried – Yea (5)

Mr. Schulte moved to deny the request for the flat roof citing it does not meet the hardship requirements, seconded by Mr. Lucibella.

Motion carried – Yea (4) (Schulte, Aaskov, Lucibella, Hanna)
Nay (1) (Brown)

Town Clerk Hancsak advised that a letter would be forthcoming.

VI. Adjournment

The meeting was adjourned at approximately 9:25 A.M.

ATTEST:

Town Clerk

Chairman Hanna
Terry Brown
Richard Lucibella
Bernd Schulte
Gail Adams Aaskov