

Meeting of the Board of Adjustment of the Town of Ocean Ridge, Florida held on Wednesday, October 11, 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 Jeffrey Lee
Richard Lucibella Gail Adams Aaskov
 Chairman Hanna

Atty Spillias was present representing the Town.

III. APPROVAL OF MINUTES

A. March 8, 2006

Mr. Brown moved to adopt the March 8, 2006 minutes, seconded by Mrs. Aaskov.

Motion carried – Yea (5)

IV. REQUEST FOR VARIANCE EXTENSION AT 6195 N OCEAN BLVD. BY GEORGE BREWER, ARCHITECT FOR WORRELL RESIDENCE

Mrs. Aaskov moved to approve a ninety (90) day extension based on the request received. Mr. Brown seconded the motion.

Motion carried – Yea (5).

IV. VARIANCE REQUESTS

- A. An application submitted by Michael Margolies, 16 Spanish River Drive, Ocean Ridge FL 33435, requesting a variance from the provisions of the Land Development Code, Chapter 64; Zoning, Article I; District Regulations, Section 64-1; RSF and RSE Single-Family Residential District, Paragraph (i); RSF development regulations (2)(e) minimum 25' waterway yard setback requirements to permit the construction of a 2nd floor balcony addition (over existing pool) and fire escape staircase that would encroach 8.7' into the required 25' waterway setback. The property is located at 16 Spanish River Drive and described as Lot 16, of Inlet Cay Subdivision (exact legal description located at Town Hall)

Town Clerk Hancsak read the variance application by title and advised that all fees had been paid and additional correspondence had been received. She read a letter received on Oct. 10th by Christiane Francois, 65 Spanish River Dr., objecting to the variance request citing that the lot is too small and neighbors would be at a disadvantage with noise level, destroying privacy, devaluing their properties and they would also have to look at a wall two stories tall. Mrs. Hancsak also read a petition submitted on Oct. 10, 2006 objecting to the variance signed by 7 surrounding residents citing a fear that precedence would be set thereby blocking water views and affecting property values.

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At this point all the board members disclosed that they had reviewed the site but did not have contact with the applicant.

Any individuals planning on giving 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 and there was no one from the public in the audience.

Mr. Ed Paez, general contract for the proposed project, commented that he was hired by Mr. Margolies for renovation work. During the course of permitting it was discovered that the proposed balcony and spiral staircase did not meet code requirements for the water setback. He stated that the owner is concerned with the existing egress for the children's bedrooms from the interior open spiral staircase. He read three letters of correspondence supporting the variance request. The first was from Jaime Plana, architect for the proposed project (and approved renovations), who stated that his client had requested a secondary means of egress because the current spiral stairway is not up to current life safety codes. He stated that there was no clearance except on the west side and it would be accessible from all second floor rooms. He added that the west side was the only choice to add a full length balcony, which would serve as a place of refuge while also addressing the egress concern.

The second letter was from James Drago, independent registered architect, who expressed that a life safety hardship exists because of the spiral staircase for the 2nd floor bedrooms and the most effective means of creating a safety secondary egress for all occupants would be to build a rear balcony accessible from the upstairs bedrooms with a secondary staircase. He added that building a new conventional staircase would require a total interior reconfiguration at great expense and would adversely affect a workable floor plan in addition to promoting a long construction project.

The third letter was from Jim Macintyre, Asst. Fire Marshal for the City of Boynton Beach, who commented that their city does not have jurisdiction regarding single-family codes, however, they had no objections to the additional means of egress being installed from the second floor of multiple story dwellings to augment safe emergency evacuation provided it was installed to meet all required permitting, codes and ordinances.

Mr. Paez stated that this residence was the only 2 story wood frame at that location and the existing metal framed open tread staircase does not meet current code requirements. He stated that the new proposed staircase would provide a secondary egress and the proposed balcony only exceeds the rear setback and not the sides that would affect the neighbors. In summary he stated that crowding of the properties does not come into play because the balcony/staircase does not encroach into the side setbacks and does not obstruct their views, no wetlands are involved, it is the only 2 story home in the immediate vicinity, and a noise issue is not applicable because the resident does not plan

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to throw loud parties. He reiterated that the request was a fire safety issue for a safe means to exit the residence in the event of a fire.

Mr. Lucibella mentioned that if the whole concern was for a fire exit then why not put the stairs on the north side corner, citing that it was still an encroachment but it would be less. He questioned whether the proposed balcony was necessary for the stairs. Mr. Paez replied that the children's rooms were located on the other side of the house.

Mr. Lee questioned if the balcony was candelabra or pilings to which he was advised that there would be 3 supporting members but it would be mostly candelabra. Atty Spillias reminded the board that balconies were considered part of the structure and can not extend beyond the setbacks.

Mrs. Aaskov questioned if there was some way to renovate the interior to make the stairs safe. Mr. Paez commented that in order to bring the stairs up to code the entire bottom floor plan would need to be reconfigured including structural changes. Mrs. Aaskov commented that she was opposed to the variance.

Chairman Hanna questioned if the stairway could be located between bedroom 3 and 4 to which he was advised that there was a solarium there.

Manual Palacios, zoning official for the Town, stated that while the Town feels the genuine concern for an additional fire exit, the Town did not feel that the minimum request was made and a hardship has not been provided. Mr. Brown questioned if the Town offered alternatives to the applicant to which Mr. Palacios stated that the Town does not give advice because it opens itself up to liability issues.

Michael Margolies, applicant and property owner of 16 Spanish River Drive, stated that while he understands the Town's position and the neighbors concerns variances are available for unique cases. He stated his home is probably the only 2 story home on the canal and would not affect the views of the neighbors. He felt there was a special nature for the request and it would not set a precedent. He added that the residence is a wood frame home and he wanted it on record that should something happen then so be it.

Chairman Hanna commented that he did not appreciate being told that if there should be a fire it would be on the boards' head. He commented that there are magazines that offer ladders for 2nd story homes for an extra means of egress or other methods to reach the goal. He also reminded the board that the applicant had also requested the balcony in the variance citing the reflection of the afternoon sun as a hardship.

At this time the board was declared in executive session.

Mr. Lucibella stated that he too has a 2nd floor and fire issues but he commented that a variance request requires that the seven criteria be met. He stated that one of the criteria is whether the variance is the minimum request and he did not feel this was the minimum and therefore could not support the variance.

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Mr. Brown concurred with the administrative comments and stated that he did not see a hardship.

Mr. Lee had no comment.

Mrs. Aaskov stated that she had already commented that she was opposed to the variance.

Mr. Hanna stated that he did not feel any of the seven criteria had been met.

Mrs. Aaskov moved to deny the variance request. Mr. Brown seconded the motion.

Motion carried – Yea (5).

Town Clerk Hancsak advised that a letter would be forthcoming.

VI. Adjournment

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

ATTEST:

Town Clerk

Chairman Hanna
Terry Brown
Richard Lucibella
Jeffrey Lee
Gail Adams Aaskov