

Meeting of the Board of Adjustment of the Town of Ocean Ridge, Florida held on Wednesday, December 12, 2007 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              Jeff Lee  
   Chairman Hanna

Atty Spillias was present representing the Town and Frank Palen was present representing the board.

III. APPROVAL OF MINUTES

A. December 12, 2007

Mr. Lucibella moved to adopt the April 11, 2007 minutes, seconded by Mr. Brown.

Motion carried – Yea (5)

IV. VARIANCE REQUESTS

- A. **An application submitted by V&O Island Properties, LLC, 5582 North Ocean Blvd., Ocean Ridge FL 33435, requesting a variance from the provisions of the Land Development Code, Chapter 64; Zoning, Article IV; Marinas, Docks, and Bulkheads, Section 64-77(b) requiring that no dock shall project more than five (5) feet into any waterway line or bulkhead line and Section 64-77(c) requiring that dolphin pilings shall not project more than twenty (20) feet into any waterway. The Ocean Ridge Yacht Club Annex consisting of six units were originally approved in 2004 and recently given Certificates of Occupancy. The applicants are requesting a T-Dock structure with three (3) finger piers and six (6) mooring pilings for a total of six (6) boat slips projecting a maximum of (approximately 110 feet from the bulkhead line). Two thirds (2/3's) of the dock is already built. The property is located at 5600 North Ocean Blvd., Units 45A-50A (southwest portion of the Ocean Ridge Yacht Club) or generally described as all of the Ocean Ridge Club Annex, according to the plat therefore as recorded in Plat Book 105, Pages 53 and 54 of the Public Records of Palm Beach County (exact legal description located at Town Hall).**

Chairman Hanna commented, for the benefit of all those present, that this was an administrative hearing regarding a zoning variance of which the applicant has the burden to prove a hardship for their request/s. He added that the applicant has the opportunity to address the board with the board then responding with various comments or questions, and then the public has an opportunity to speak or provide their views on the request before the board holds further discussion and renders a decision. He also stated that the

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applicant's request and hardship given is the main focus of the meeting. He concluded by stating that prior to any testimony all individuals will be sworn in.

Atty Spillias stated that while this hearing was scheduled for Dec. 12, 2007, after reviewing, preparing and discussing the variance with the board attorney, Frank Palen, and the applicant's attorney, Greg Young, there was consensus that there should also be a request for a variance to install the most northern mooring pilings into the side setbacks. After speaking with Atty Young on whether the hearing should proceed today for the two variances requested and a later request for the new variance, it was suggested to defer the meeting until Jan. 9, 2008 at 8:30 AM to consider all three variances at one time. He added that the new hearing would be readvertised.

Atty Young, speaking on behalf of his client, V & O Island Properties, LLC, requested that the hearing be deferred until Jan. 9, 2008 when all the variances could be addressed. He apologized for the short time frame seeking this deferment; however, he commented that he still was not sure the north side setback applies because the area covers all of the Ocean Ridge Yacht Club.

Chairmen Hanna questioned the current status of the dock to which he was advised that there has been no construction on the dock after the zoning official discovered the violations.

Mr. Brown inquired what occurs with the riparian rights to which he was advised that the rights usually go with the property and that it was actually a private issue. He was also advised that when DEP grants a permit the applicant must satisfy their requirements and they must also receive approval from the ACOE, of which they are still awaiting for an amendment to the original permit.

Chairman Hanna asked if any members of the public had any questions related to the events of this meeting.

Yuri Klement, 5510 N Ocean Blvd., commented that the statement concerning the ceasing of the construction was an illusion because the only reason they stopped construction was the lack of a permit by the ACOE for the last section. Chairman Hanna stated that the applicant should address this when the actual meeting is held.

Mr. Lucibella questioned how this failure to include the side setback request happened. Atty Spillias advised that there was an interpretation issue to the code in question and also as to whether the property is actually part of the overall Ocean Ridge Yacht Club property since it was annexed in.

Mr. Lucibella moved to defer the variance requests until Jan. 9, 2008 at 8:30 AM after readvertising and also providing new address labels for a remailing. The motion was seconded by Mr. Schulte.

Motion carried – Yea (5).

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V. Adjournment

The meeting was adjourned at approximately 8:50 A.M.

ATTEST:

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Town Clerk

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Chairman Hanna  
Terry Brown  
Richard Lucibella  
Bernd Schulte  
Jeff Lee