

Meeting of the Board of Adjustment of the Town of Ocean Ridge, Florida held on Wednesday, July 14, 2010 at 8:30 AM in the Town Hall meeting chambers.

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

Gail Adams Aaskov Bernd Schulte
Bruce Gimmy Richard Lucibella
 Chairman Hanna

Atty Spillias was present representing the Board.

Town Clerk Hancsak introduced John Wooten as a new alternate member.

III. **APPROVAL OF MINUTES FROM DECEMBER 9, 2009**

Mr. Schulte moved to adopt the minutes from Dec. 9, 2009 as presented. Mrs. Aaskov seconded the motion.

Motion carried – Yea (5).

VI. **VARIANCE REQUESTS**

1. An application submitted by Ralph Choeff Architects, PA, 8425 Biscayne Blvd., Suite 201, Miami FL 33138, representing the owner, Lorelle Enterprises, Inc. (Lori Alf, president), requesting a variance from the provisions of the Land Development Code, Chapter 67; Article III; Technical Codes and Other Construction Standards, Section 67-32; Floor Elevations; Paragraph (c) maximum elevations, to permit the construction of a single family residence with a finished floor elevation (FFE) of 21' NAVD or 22.56' NGVD which exceeds DEP's minimum 17.95'+/- NGVD requirement at 6161 North Ocean Blvd. or legally described as Lot 3,4, and 5 Block #, and Lots 3,4, and 5, Block 10 of Boynton Sub Amended Subdivision (exact legal description available in Clerk's Office

Town Clerk Hancsak read the variance request, and added that all fees had been paid and that no additional correspondence had been received. The board members disclosed that they had not had exparte communications with the applicant or representatives. All individuals planned on giving testimony were sworn in.

At this time Mr. Choeff, architect representing the property owners, submitted a new revised Justification of Application for the record.

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 and Town has the opportunity to address the board who then may respond with various comments or questions, and then the public has an opportunity to speak or provide their views on the request before

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the board holds further discussion and renders a decision He also stated that the applicant's request and hardship given is the main focus of the meeting. Aesthetics or health issues are not governing factors in their decision making. He commented that the Board was independent of the Town.

Due to the fact that there were members from the public present, the Justification of Application by the applicant and town responses were read into the record. Town Clerk Hancsak also read a summary letter prepared by the applicant, Ralph Choeff. The letter stated that Section 67-32(c)(3) provides that the FFE shall be determined by FDEP when located east of the CCCL. It also stated while DEP sets a minimum FFE they do not set a maximum and the Town's code does not restrict a maximum by FDEP and therefore a limit to establish a FFE is not discernable. They felt that because the State and Town codes do not clearly limit a maximum FFE for construction east of the CCCL they would like to have a FFE of 22.56'. The letter also stated that Section 67-32(d) applies to this request and therefore the Administrative Official should be permitted to grant the FFE request without the need for a variance.

Chairman Hanna and Town Clerk Hancsak read the justification of application and responses for the requested variance. Because the application was eventually withdrawn it was not summarized in the minutes but it is located in the file. Their main hardship cited was for proper drainage and water damage and intrusion protection.

The administrative comments were read into the record and again not summarized in the minutes. Staff recommended that the variance as submitted be denied and consideration be given to the existing elevation of 21.69'.

Mr. Choeff reiterated that they felt the code was not clear and that their request could have been handled administratively. Town Clerk Hancsak advised that the Town's position is that it could have been handled administratively only if it was the same elevation and not seeking anything higher. Atty Spillias also stated that since DEP's minimum superseded the Town's maximum that the maximum height allowed would be DEP's minimum.

After further discussion Mr. Choeff commented that they could build the new home at the same elevation as the existing structure thereby negating the variance request. Atty Spillias advised that the Board could either grant the variance, deny it, or modify it to the same FFE as the existing structure at 21.56' NGVD or the applicant could withdraw their request and build at the existing elevation of 21.56' pursuant to Section 67-32(d).

Mr. Choeff then withdrew his variance request without prejudice.

V. RESIGNATION OF VICE CHAIR (NOT AS A MEMBER) OF GAIL AASKOV AND DISCUSS/REAPPOINT CHAIR AND VICE CHAIR

Town Clerk Hancsak advised that Gail Aaskov had verbally advised she would like to resign as Vice Chair but still remain on the board.

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Mr. Lucibella nominated Mr. Schulte to be appointed as the Chair, seconded by Mr. Gimmy. There being no other nominations this was turned into a motion.
Motion carried – Yea (5).

Mr. Hanna commented that he was planning to step down as Chair.

Mrs. Aaskov nominated Mr. Lucibella as Vice Chair, seconded by Mr. Gimmy. There being no other nominations this was turned into a motion.

Motion carried – Yea (5).

VI. Adjournment

The meeting was adjourned at approximately 9:45 A.M.

ATTEST:

Town Clerk

Chairman Bernd Schulte
Gail Adams Aaskov
Mark Hanna
Bruce Gimmy
Richard Lucibella