

Meeting of the Board of Adjustment of the Town of Ocean Ridge, Florida held on Wednesday, January 11, 2012 at 8:30 AM in the Town Hall meeting chambers.

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

Betty Bingham	Jeff Lee
Bruce Gimmy	Richard Lucibella
Chairman Schulte	

Atty Spillias was present representing the Board.

III. APPROVAL OF MINUTES FROM MAY 11, 2011

Mr. Gimmy moved to adopt the minutes from May 11, 2011 with one correction to the spelling of Chairman Schulte's name. Mrs. Bingham seconded the motion.

Motion carried – Yea (5).

- A. An application submitted by Gabriella Bondor & Zoltan Kaman, 6400 N Ocean Blvd., Ocean Ridge, FL 33435 requesting a variance for 16 Adams Road from the provisions of the Land Development Code, Chapter 64; Zoning, Article I; District Regulations, Section 64-2; Residential Medium Density; (e) Property Development Regulations; (2) Minimum Building Setbacks (a) 25' front setback, (b) 15' side (interior) setback, (c) 25' site (corner) setback, (d) 15' rear setback and 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 to permit the construction of a single family residence with a 20' front setback, 10' side interior setback, 15' side corner setback, and a 10' rear setback, and also a request for a 6' high wall in the front setback (approximately 45' at the northeast end of property & up to 25' on east side of property) located at 16 Adams Road or legally described as Lot 13 of Ocean Shore Estates Subdivision (exact legal description available in the Clerk's Office)

Town Clerk Hancsak read the application by title and advised that all fees had been paid and that no additional correspondence had been received. She asked the board if any of the members had any communication with the applicants or representative to which they advised they had not and all confirmed that they had reviewed the site. At this point all those planning on providing testimony were sworn in.

Chairman Schulte and Town Clerk Hancsak read the justification of application and responses for the requested variance. Special circumstances exist which are peculiar to the land or building involved because the lot area is 5,220 sq. ft while the minimum allowed is 7,500 sq ft, and the previous existing structure had setbacks that encroached further into the setbacks, the previous structure was demolished to make room for a house with identical variances (previously approved by the Town) but economic conditions did not allow it to be built. Special conditions for the wall included: the lot size, the proposed

MEETING OF THE BOARD OF ADJUSTMENT HELD ON JAN. 11, 2012

structure must be built at 8' above zero elevation (NGVD), and the highest abutting road elevation is 4.87'. The applicant did not create the special condition because the lot and current street elevations were existing. Granting the variance would not confer any special privilege that is denied by the Zoning Ordinance because other similar adjustments have been issued to similar lands in accordance to Section 26-223 Oceanview Special Area and the owner should have the same right to privacy and comfort for a privacy wall. Literal Interpretation of the code would deprive rights commonly enjoyed by others that have the right to build an average size single family home with enough character and visual interest. The ordinance presently would allow only 790 sq ft for a first floor "living area" with a one car garage and a 748 sq ft second floor, which would also create a perfect box thereby denying the owner varying volumes, character and good design. The wall height would also deny the applicant rights of privacy when in one's home because the street elevation and home elevation would completely expose the home visually to pedestrians and cars driving by. A 4' required wall height would place the privacy wall only 6" above the home's finished floor elevation coupled with the fact the applicant must place the pool in the front of the house because of the setback requirements. The 5' requested setback reductions is the minimum variance that will allow the most reasonable use of the land and they added the applicant is not seeking the total variance on each side except the west side corner setback. The 6' wall height is the minimum variance because it is what any other residence could enjoy. The variance for the setbacks would be in harmony with the general intent of the chapter because it would allow the applicant to enjoy an average size house, with quality design standards and the privacy that any citizen deserves. They added that the 6' high privacy wall will be set back 4'8" from the property line and will be screened with a lush and tall hedge of planting material in front of it which will make it difficult for the wall to be seen from the street. The variance for setbacks and wall height would not be injurious to the area involved and would allow the neighborhood to feature a brand new, well designed single family residence and will actually increase the setbacks of the previous structure, allowing the neighbors to enjoy a higher standard of air quality and sunlight. The new home will also increase property values and may be a motivation for other property owners to improve this section of Town. Concerning the wall, the variance will screen the private areas of the home.

Town Clerk Hancsak read the administrative comments regarding the justification of application prepared by Manuel Palacios, Zoning Official, which included a brief summary of the request. Special circumstances exist because: this property is a platted grandfathered substandard sized lot (5,220 sq. ft), the setback requirements for a corner lot are increased, and also the 5' (+/-) street elevations gives it a peculiarity to the land. The applicant did not create the special condition because the lot and current street elevations have been in existence. Granting the variance would not confer any special privilege that is denied to others because lots in this zoning district are required to be a minimum of 7,500 sq ft thereby justifying the need for reduced setbacks to build an adequate single family residence. As far as the proposed 6' wall height, most homes have pools located in the rear of the residence where 6' wall/fence heights are permitted without the need for a variance. Literal interpretation of the code presents a hardship in meeting the requirements because of the 5,220 sq ft size of the lot. The setbacks as

MEETING OF THE BOARD OF ADJUSTMENT HELD ON JAN. 11, 2012

required would not allow this applicant to even build a 1,200 sq ft home. He stated that the "Oceanview Special District" does have less stringent setbacks because it contains the majority of the smaller grandfathered lots. He added that since the lot is also a corner lot it makes it difficult for the pool area to be adequately screened from the road. It is the staff's opinion that the request is the minimum variance that will allow the most reasonable use of the land and the applicant is not seeking anything more than the "Oceanview Special District" allows and the 6' wall height is only being requested for the area to shield the pool, and would therefore be in harmony with the general intent of the chapter. The variance for setbacks and wall height would not be injurious to the area involved and would actually be a favorable asset and consistent with the Town's goals in changing duplex properties to single family. Therefore, based on the information provided in the application, it is the opinion of staff that a hardship meeting all the criteria has been met for the variances requested and approval is recommended.

Francisco Perez, architect representing the perspective purchaser for the property, stated that the applicants currently rent at 6400 N Ocean Blvd. and would like to remain in Ocean Ridge. He was available for any questions.

Mrs. Bingham questioned if the pool accessories and a/c equipment encroached into the required setbacks. Manny Palacios commented that he advised Mr. Perez that they were shown in the setbacks and they would need to be relocated or they would have to seek another variance.

Chairman Schulte questioned the size of the home to which he was advised that it was 1,995 sq ft or 45% FAR which is permitted for lots sizes less than 7,500 sq ft.

Mr. Lee inquired as to whether the applicant could be granted additional relief for the outside accessory equipment or drainage. He was advised that only advertised variances could be addressed. Mr. Perez commented that he was confident the equipment could be relocated and drainage requirements could be met. Mr. Lee clarified that the maximum building height was 36' and the proposed home was lower than that requirement.

The only additional administrative comments made by Mr. Palacios was that staff felt it was a nice project and granting the variance would be in the best interest of the Town.

Speaking from the public, Terry Brown, 23 Harbour Drive South, stated that these variances were also heard and approved before a previous board, of which he was a member. He felt it should be approved again because the property was unique and he felt it meets all of the criteria.

At this point the board declared itself in executive session.

Mr. Lee commented that he liked the plan and his only question was answered on whether the home met the height requirements.

MEETING OF THE BOARD OF ADJUSTMENT HELD ON JAN. 11, 2012

Mrs. Bingham felt the home would be an asset to the neighborhood and reminded that the same variances were previously approved.

Mr. Gimmy concurred with the other members' comments.

Mr. Lucibella commented that he felt the variance requests were reasonable and well presented and the home would be an asset to the community. Chairman Schulte agreed.

Mr. Gimmy moved to approve the setback variances as submitted. Mr. Bingham seconded the motion.

Motion carried – Yea (5).

Mr. Lucibella moved to approve the 6' wall height as submitted. Mrs. Bingham seconded the motion.

Motion carried – Yea (5)

Town Clerk Hancsak advised that a letter would be forthcoming from the Town.

VI. Adjournment

The meeting was adjourned at approximately 9:00 A.M.

ATTEST:

Town Clerk

Chairman Bernd Schulte
Betty Bingham
Jeff Lee
Bruce Gimmy
Richard Lucibella