

Meeting of the Board of Adjustment of the Town of Ocean Ridge, Florida held on Wednesday, September 11, 2013 at 6:00 PM 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	Hans Kahlert
Bruce Gimmy	Donald MaGruder
Chairman Schulte	

Atty Spillias was present representing the Board.

III. APPROVAL OF MINUTES FROM SEPTEMBER 12, 2012

Mr. Gimmy moved to adopt the minutes from September 12, 2012. Mrs. Bingham seconded the motion.

Motion carried – Yea (5).

- A. An application submitted by Russell and Susan Reiter, 1 Corrine Street, Ocean Ridge FL 33435, 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 first floor elevation (FFE) of 14' NGVD which exceeds the maximum of 9.5' (which was based on code requirement for lots with an elevation of 9' or higher utilizing the average natural elevation) at 1 Corrine Street (southwest side of Corrine St. off of No Ocean Blvd.) or legally described as the Amended Plat of Boyntons Sub N 216' of Muck Lot 38 LYG W of SR A1A/Less Ely 163.16' (exact description available for review 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 has considerable existing differences of grade elevation, going from 13.62' (east side) to 8.2' (middle and south side) and 3.7' (northwest side) and while currently there is no road the future road will be at about 7' NGVD, which do not result from the actions from the applicant. The 14' NGVD they are proposing is 4' lower than the 17.25' and 18' finished floor elevations of the adjoining properties. Granting the variance would not confer any special privilege that is denied by

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the Zoning Ordinance because the neighboring property was granted a similar variance and by complying with the letter of the Ordinance would deprive them of having the same right that others enjoy. Literal Interpretation of the code would deprive rights commonly enjoyed by others because the variance will set the structure in a manner harmonious with the community and neighbors, and in no way affects the area in a negative way. The request is the minimum variance that will make the proposed structure at similar elevation to the homes on the surrounding properties and will work well with the grade elevations on the lot. The variance for the FFE would be in harmony with the general intent of the chapter because it allows the applicant to keep the scale and the elevation in harmony with the surroundings. The variance for the FFE would not be injurious to the area involved and the proposed home would have a main floor 4' lower than the adjoining lots. The home would also take better advantage of the relief of the terrain and will add to the architectural charm of the Town.

Town Clerk Hancsak read the administrative comments regarding the justification of application prepared by Manuel Palacios, Zoning Official. Special circumstances exist because this lot has multiple grade elevations, which also pitch in several directions. This condition is not applicable to other lands in this zoning district. The applicant did not create the special condition of this unique lot that is also different from the neighboring properties. Granting the variance would not confer any special privilege that is denied to others because this is an unusual multi grade elevation lot. Literal interpretation of the code presents a hardship in meeting the requirements because the irregularity of the grade elevations and the high FFE of the neighboring properties mandate the proposed floor elevation to be 14' NGVD at the very least. The request is the minimum variance that will allow the most reasonable use of the land citing that 14' is clearly at the lowest FFE to construct this structure without having issues from the lot's multi grades and neighboring properties that have much higher FFEs. The variance would be in harmony with the general intent of the ordinance because the proposed FFE will be at a height to compliment the neighboring properties. The variance would not be injurious to the area involved and would actually allow for a newly constructed 2 story home on an undeveloped lot to be at a FFE that is higher than the code allows but would be much lower than the neighboring properties. Water runoff from this newly constructed home would be none to the neighboring structures. 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 variance requested and approval is recommended.

Russell Reiter, 1 Corrine Street, introduced himself as the new owner, and thanked the board for visiting the site. He commented that he looked forward to relocating from New York to Ocean Ridge. He asked if there were any additional questions.

Speaking from the public, Leonard Brand, 6010 North Ocean Blvd., advised he has been a resident for 55 years and his property is one of the homes located directly east of the proposed site. He stated that he was initially concerned with flooding. Town Clerk Hancsak advised that drainage plans are not required for this submittal, however;

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required drainage plans must be submitted and approved prior to the issuance of a building permit.

Terry Brown, Harbour Drive So., stated he was concerned with runoff to the wetland area and felt that a hardship had not been provided, other than wanting to blend with the neighboring properties.

Mrs. Bingham was concerned with drainage also and questioned whether the driveway areas would be permeable to which Mr. Reiter advised that they would be pavers and the drive was located on the east side of the property. Lattouf Korban, Randall Stofft Architects, advised that there would be proper drainage on the property that requires approval from the Town's engineer. Mr. Gimmy stated that he believes there would be more concern for the neighboring properties draining onto this property.

Mr. Magruder mentioned the possible noseum problem in that area and the spraying that may be needed. He also mentioned a large Ficus tree that was possibly dying.

There being no further questions, the Board was declared into executive session.

All of the members agreed that the property had odd and unique characteristics that met the criteria for a hardship.

Mrs. Bingham moved to approve the variance as submitted. Mr. Gimmy seconded the motion.

Motion carried – Yea (5).

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

IV. Adjournment

The meeting was adjourned at approximately 6:30 P.M.

ATTEST:

Town Clerk

Chairman Bernd Schulte
Betty Bingham
Hans Kahlert
Bruce Gimmy
Donald MaGruder