

Meeting of the Board of Adjustment of the Town of Ocean Ridge, Florida held on Wednesday, October 14, 2015 at 8:30 AM in the Town Hall meeting chambers.

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

Steve Coz	Jeff Lee
Betty Bingham	Donald MaGruder
Chairman Gimmy	

III. APPROVAL OF MINUTES FROM AUGUST 12, 2015

Ms. Bingham moved to adopt the minutes from August 12, 2015. Mr. Magruder seconded the motion.

Motion carried – Yea (5).

IV. VARIANCE REQUESTS

1. An application submitted by Gabriella Bondor and Zoltan Kaman, 21 Hersey Drive, Ocean Ridge FL 33435, requesting a variance from the provisions of the Land Development Code, Chapter 63, General and Administrative Provisions, Article VII; Nonconforming and Grandfathered Uses, Section 63-117; Grandfathered uses, lots and structures, (d) grandfathered structures, (1) alteration, extension, enlargement or expansion and Chapter 64, Zoning, Article I; District Regulations, Section 64-2; RMM Medium Density Multiple-Family Residential District, Paragraph (e); property development regulations (2)(b) minimum 15' side yard setback requirements - to permit a total 784 square foot addition to the existing residence of which 19 square feet will encroach 4' (+/-) into the required side setback. This would expand on an existing grandfathered structure. The property is located at 21 Hersey Drive and described as Lot 6, Shoreview Subdivision (exact legal description located at Town Hall)

Deputy Town Clerk Hallahan read the application by title and advised that all fees had been paid and that no additional correspondence had been received. Atty Spillias asked the board if any of the members had any communication with the applicants or representative to which Steve Coz and Jeff Lee advised they had spoken with the architect, and the rest had gone by the site. They advised that they would not be hindered in making a decision. At this point all those planning on providing testimony were sworn in.

Chairman Gimmy and Deputy Town Clerk Hallahan read the justification and responses for the requested variance by the applicant. Special conditions and circumstances exist because the lot is 5,733 sq ft and the existing one-story structure is 1,566 sq ft currently encroaches in the side setbacks but there is sufficient setback area for a small addition to the front of the residence to allow for a larger living room. These conditions were existing prior to the applicants' ownership. Granting the variance will not confer the applicant any special privilege because similar adjustments have been issued to similar lands in accordance with the Oceanview Special Area Overlay. The literal interpretation

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of the provisions of the ordinance would deprive the applicant of rights enjoyed by other properties by not permitting an expansion in the front setback space. Cutting out the corner or not expanding the area would be an unnecessary and undue hardship. The 19 sq ft encroach is a relatively small area and would be in harmony with the general intent and purpose of the ordinance and the remainder of the street. The variance will not be injurious to the area involved, on the contrary the variance will allow the neighborhood a new renovated home, comparable with other recently or new home that exist, and increase the property values.

Deputy Town Clerk Hallahan read the administrative comments. The existing structure is nonconforming as both the east and west walls encroach into the side yard setbacks. There is no special condition that is peculiar to the structure, and this was an already an existing condition. Granting this variance request will not confer the applicant any special privilege that is denied by the Zoning Ordinance to other buildings in the same Zoning District. The applicant is attempting to square off the uneven lines to the front of the structure to gain the additional living room area. Had the setbacks for this building met current zoning side setbacks, there would not be a variance request but a normal building permit would be submitted. This is the minimum that will make reasonable use of the building, since the southeast corner of the house is being squared off to encroach a total of 19 sq. ft. Granting of this variance would be in harmony with the general intent and purpose of the ordinance by allowing this applicant to make reasonable use of his house by the 19 sq. ft. encroachment. This variance will not be injurious if granted to the area involved but will enhance the neighboring properties and the building with the 19 sq. ft. of encroachment. Staff has found that hardship does exist and criteria for a variance has been met. Staff recommends that this applicant be granted his variance as submitted.

Francis Francois, Perez Design LLC summarized the request that they were squaring off the 19 sq ft to maximize the front setback and this would allow them to take pieces of the house to enlarge the small garage. They are trying not to overbuild, and this would will allow them to stay within the FAR requirements for Medium Density.

Christine Walsh, Hersey Drive, stated that while she was not opposed to an increase in the back, she did oppose to add 4 foot on the side.

Chairman Gimmy closed Public Comment and the Board was declared into executive session.

Mrs. Bingham stated that 7 houses on the street had been upgraded and felt the lot was crowded. She also questioned the fence height requirement for the pool that would be in front of the house. Atty. Spillias stated that when they applied for the pool permit the zoning requirements would be required at that time.

All of the members agreed that based on the variance request and administrative comments they had no issues with granting the variance pursuant to the staff recommendation.

Mr. Lee moved to approve the variance as submitted. Mr. Coz seconded the motion.

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Motion carried – Yea (5).

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

VI. Adjournment

The meeting was adjourned at approximately 9:05 A.M.

Minutes adopted by the Board of Adjustment on October 26, 2016.

Chairman Bruce Gimmy

ATTEST:

Tracey L. Stevens, CMC, Town Clerk