

**ADMINISTRATIVE VARIANCE HEARING MINUTES
FEBRUARY 15, 2018**

Minutes of the Administrative Variance Hearing of the Town of Ocean Ridge held on Thursday,
February 15, 2018, at 10:00 AM in the Town Hall Commission Chambers.

CALL TO ORDER

The meeting was called to order by Town Manager Titcomb at 10:02 a.m.

Staff in Attendance: Town Manager Jamie Titcomb, Zoning Official Manny Palacios, Town Clerk Tracey Stevens, and Administrative Assistant Karla Armstrong.

ADMINISTRATIVE VARIANCE HEARING

1. An application submitted by Derek & Kim Webb, 14 Inlet Cay Drive, Ocean Ridge, Florida 33435, requesting an administrative variance from the provisions of the Land Development Code, Chapter 64; Zoning; Article I; District Regulations, Section 64-1; RSE and RSF Single-Family Residential Districts, Paragraph (j); RSF – Single-Family Residential Property Development Regulations; Sub-Paragraph (2)(e) minimum 25' waterway setbacks, and Chapter 63; General and Administrative Provisions; Article VII; Nonconforming and Grandfathered Uses, Section 63-117; Grandfathered Structures Paragraph (d)(1); Alteration, extension, enlargement or expansion to permit the alteration of a grandfathered structure, construction of a second floor addition and enclosing the open ground floor space between the current garage to the East and bedroom to the West, located at the above described address or legally described as Inlet Cay Lot 14 (LESS TRGLR SHAPE PAR IN NE COR BEING NWLY 14.14 FT OF E 10 FT) (exact legal description located at Clerk's Office).

Administrative Assistant Armstrong read the hearing notice into the record.

Town Clerk Stevens swore in all persons that will provide testimony.

Town Manager Titcomb reiterated that this is a code procedure that allows the Town to look at minor alterations in the code as long as it does not exceed the 5% threshold. Town Manager Titcomb stated that he will serve as the administrative authority in this matter.

Town Manager Titcomb called the applicant to the podium to give a short presentation.

The Applicant, Derek Webb, stated he bought the property 8 years ago when they first remodeled. He stated the house has been outgrown due to family size. Mr. Webb stated he has spoken to neighbors regarding plans. When he first purchased the house, he did not realize it was non-conforming. He stated the plans show the remodel increasing in height.

Town Manager Titcomb called Zoning Official, Manny Palacios, to the podium.

Zoning Official Palacios stated that he has met with the applicant and reviewed the plans, and has done the calculations. He referenced Code Section 63-117 (d)(1) where the applicant is allowed 5 percent of the total setbacks of total cumulative setbacks square footage. Zoning Official Palacios stated that the applicant is allowed 338 square feet that can be granted by the Town Manager. He calculated, based on survey and drawings, the total square footage of encroachment is about 316 square feet which is 22 square feet under the allotted 5% of 338 feet. He showed the calculation sheet to Town Manager Titcomb.

Town Manager Titcomb asked for clarification as to whether the 338 square feet is the 5% calculation based on the existing structure, and Zoning Official Palacios confirmed, and he also commented that the total

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square footage of encroachment counting existing and proposed is 316. Zoning Official Palacios stated that he had submitted a calculation sheet with his narrative.

Town Manager Titcomb asked whether the non-conformity in this case is the side setback, and Zoning Official Palacios stated that the non-conformity is in the front and the side setback. He also commented on the font being small, that it's about 6 inches of encroachment according to the survey. Zoning Official Palacios demonstrated the non-conformity on the survey. Town Manager Titcomb clarified that there is nothing protruding to that side setback, the only protrusion is the 6 inches to the front yard setback which is required at 25 feet and on that end it will be 24.5 with the protrusion. Zoning Official Palacios stated that from the corner and the garage going west there will be an extra 6 inches of encroachment.

Town Manager Titcomb asked Zoning Official Palacios about the percentage within the 5% threshold and whether there were structural reasons as to why the proposed addition portion needs to align with existing garage at a non-conformity. Zoning Official Palacios responded by saying no and also stated that the Building Official has already reviewed plans and approved it. He commented that according to building department process the plans are acceptable.

Zoning Official Palacios goes on to state that the total square footage for 14 Inlet Cay is about 6,750 with a maximum of 338 square feet that can be granted. He stated that the percentage the applicant has is 21.4, but corrects himself and states that actual percentage is. 4.7.

Town Manager Titcomb opened up the proceedings to public comments, and there were none.

Zoning Official Palacios reiterated the fact that the building department has approved the plans through building code perspective, and the only issue is the extension of non-conformance.

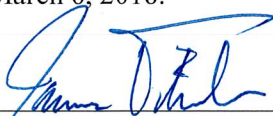
Town Manager Titcomb stated that it's a hard issue because no one wants to perpetuate non-conformity. The intent of that concept is so that neighbors are not duly burdened by the extension of that property. He also stated that in order to grant this decision, one must first look at how this will impact the neighbors. After reviewing the plans and the calculations from the Zoning Official, he declared this a non-impactful expansion which does not appear to have a negative impact on any neighboring property owners. The closest neighbor from that vantage point is about 100 feet away.

Town Manager Titcomb granted this administrative variance.

ADJOURNMENT

Meeting Adjourned at 10:24 a.m.

Minutes prepared by Administrative Assistant Karla Armstrong, and adopted by Town Manager Titcomb on March 6, 2018.



James S. Titcomb, Town Manager

ATTEST:



Tracey L. Stevens, CMC, Town Clerk