

BOARD OF ADJUSTMENT
OCTOBER 26, 2016
MINUTES

Minutes of the Board of Adjustment Meeting of the Town of Ocean Ridge, Florida held on Wednesday, October 26, 2016 at 8:30 AM in the Town Hall Meeting Chambers.

I. CALL TO ORDER

The meeting was called to order by Chairman Gimmy at 8:30 a.m.

II. ROLL CALL

Deputy Town Clerk Hallahan called the roll which was answered by the following: Betty Bingham, Bruce Gimmy, Susan Hurlburt, Hans Kahlert, and Donald Magruder. Alternate Robert Sloat was also in attendance, in the audience.

III. APPROVAL OF MINUTES OF OCTOBER 14, 2015

Mr. Magruder moved to adopt the minutes of October 14, 2015; seconded by Ms. Bingham. Motion carried 5-0.

IV. VARIANCE REQUESTS

1. An application submitted by Francine N. Duberry Mulliez, as Trustee under Florida Land Trust No. 0925015 U/A/D as of 9/25/2013, for a parcel of property located at 6059 Old Ocean Blvd, Ocean Ridge FL 33435, requesting a variance from the provisions of the Land Development Code, Chapter 64, Zoning, Article I, District Regulations, Section 64-1; RSF and RSE Single Family Residential Districts, Subsection (k) RSE single-family residential estate property development regulations - to permit the garage extension and associated second floor addition above this garage, a side setback of 7.5 feet and a front setback of 10 feet will exist on this property if approved. Additionally, a request for a variance from the side setback is also being requested for the construction of a wood trellis structure in the southeast corner of this existing structure. The property is located at 6059 Old Ocean Blvd. and legally described as Amended Plat of Boyntons Subdivision Lot 5 Block 4 (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 two additional correspondences had been received. Ms. Hallahan read the two additional correspondences into the record. She asked the board if any of the members had any communication with the applicants or representative to which they advised they had all gone by the site. Mr. Kahlert advised that he had contacted the applicant's representative, and did not feel there was any conflict. Town Attorney Shutt asked the board members if there had been any ex-parte communications, and the board members responded no. Mr. Kahlert asked if ex-parte communications are allowable, and Town Attorney Shutt advised that communications are allowable but discouraged, and all communications need to be disclosed in the public meeting so that all members of the Board have the same information.

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At this point all those planning on providing testimony were sworn in by Deputy Town Clerk Hallahan.

Chair Gimmy read the justification requirements for the requested variance and Deputy Town Clerk Hallahan read the administrative comments into the record (see Exhibit A attached to these minutes).

Chair Gimmy read the justifications for the requested variance by the applicant, and Deputy Town Clerk Hallahan read the responses into the record (see Exhibit B attached to these minutes).

Public comment: Robert Fetrow, Gater Engineering, 4781 N. Congress Ave. #270, Boynton Beach, FL, representing the applicant, testified that the house only has approximately 1,500 sq. ft. of living space, and there isn't enough room for storage, so they are trying to provide some space in the rear of the garage for storage. They are also seeking to construct a stairway that leads from the house to the garage, and expand the currently narrow garage in order for the garage to be useful.

Francine Duberry Mulliez, Trustee of the property, 2817 N. Ocean Blvd, Gulf Stream, FL, testified that she and her daughter will be moving into the house and it is currently too small. She noted that the garage is too small for vehicle storage which is a security issue to her since she and her daughter live alone in the house.

Mr. Kahlert stated that the property is out of character with the rest of the houses in the RSE zoning district due to the lot size, and he feels it should never have been placed in that district as it will never measure up to the standards of the rest of the lot sizes in that district. Ms. Bingham responded that the reason they are non-conforming lots is because the lots originally ran from the ocean to A1A, and the main houses were on the ocean, with the garage and servants quarters between Old Ocean and A1A. She indicated that sometime in the past, one of the owners gave the garage house to the servant, and the Town let it go through and decided to call it a "cottage area", which is now referred to as a non-conforming lot. She noted that none of the existing houses on the street have more than a 1-car garage.

Mr. Kahlert noted that there is an existing 7 ½ foot side setback on the property and the owners are not looking to alter that. There was discussion regarding the existing setbacks.

Mr. Magruder mentioned that he envisions that the stairwell that is beside the existing garage would be moved to the North, and the retaining wall would be removed so that the stairwell could be enlarged, and the garage would be expanded. Mr. Fetrow confirmed. He mentioned there is no parking on that street. He stated he was interested in hearing what the neighbors had to say, and he gives weight to their comments.

Ms. Bingham noted the neighborhood has not changed and is concerned about the Board allowing any more encroachments.

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Ms. Hurlburt asked about the side setbacks as there seems to be confusion with the 15' vs. 7' setbacks, and the Board reviewed the proposed plans. Manny Palacios, Zoning Official of the Town, advised that the current side setback to the North is 7.67', and the side setback in the proposal remains the same. He noted that the front setback is currently 20.4', and the proposed addition would bring that setback down to 10'.

Chair Gimmy asked if the second floor was added recently, and Mr. Palacios responded that it has been there for awhile.

John Caywood, 6073 Old Ocean Blvd, owners of the house to the North side of the property, voiced his concern in opposition to the application for a variance. He noted that granting the variance would seriously impact his property and its privacy, as well as the value.

Chair Gimmy closed public comment at this time.

Board members agreed that based on the variance request, administrative comments, and current Town Codes, no hardship exists and they need to deny the variance pursuant to the staff recommendation.

Ms. Bingham moved to deny the variance request as it does not meet the requirements of Town Code Section 63-73 (3)(b); seconded by Mr. Magruder. Motion carried 5-0.

Town Attorney Shutt noted that the applicant is not able to apply for the same variance for one year.

V. ADJOURNMENT

The meeting was adjourned at 9:25 a.m.

Minutes taken by Town Clerk Stevens and adopted by the Board of Adjustment on November 9, 2016.

Chairman Bruce Gimmy

ATTEST:

Tracey L. Stevens, CMC, Town Clerk