

BOARD OF ADJUSTMENT
FEBRUARY 17, 2021
MINUTES

Minutes of the Board of Adjustment Meeting of the Town of Ocean Ridge, Florida held on Wednesday, February 17, 2021 at 8:30 AM in the Town Hall Meeting Chambers.

I. CALL TO ORDER

The meeting was called to order by Chair Sloat at 8:30 a.m.

II. ROLL CALL

Town Clerk Armstrong called the roll which was answered by the following: Betty Bingham, Vice Chair Mary Ann Cody, Bruce Hindin, Polly Joa, and Chair Robert Sloat. Alternate Members John Lipscomb and Nicholas Arsali were in the audience.

III. PLEDGE OF ALLEGIANCE

Chair Sloat led the Pledge of Allegiance.

Member Joa moved to change the meeting time for any future Board of Adjustment Meetings from 8:30 a.m. to 9:00 a.m.; seconded by Member Hindin. Motion carried 5-0.

IV. APPROVAL OF MINUTES FROM DECEMBER 23, 2020

Vice Chair Cody moved to adopt the minutes of December 23, 2020; seconded by Member Bingham. Motion carried 5-0.

V. VARIANCE REQUEST

An application submitted by Kelly and Andrew DiMaria, as owners, for a parcel of property located at 33 Hersey Drive, Ocean Ridge FL 33435, requesting a variance from the provisions of the Land Development Code, Chapter 67, Buildings and Building Regulations, Article II, Coastal Construction, Section 67-18; Coastal Construction Setback Line - to permit the installation of a new dune crossover east of the 1979 Coastal Construction Control Line. The property is located at 33 Hersey Drive and legally described as SHORE VIEW, LT A (LESS SLY 95 FT & CUL DE SAC HERSEY RD R/W) & LT B (LESS SLY 95 FT) (exact legal description located at Town Hall).

Town Clerk Armstrong read the application by title into the record, and advised that all fees have been paid. She noted that there is no additional correspondence received.

Chair Sloat asked the board members if there had been any ex-parte communications, and Member Joa clarified that the applicant is her neighbor, but that she did not have any discussions with them. Chair Sloat informed that he visited the site and took pictures of two public beach crossovers near the property, one which is to the North and one to the South, and Member Bingham also informed that she visited the site and surrounding areas. All other members stated that they did not have any ex-parte communications with the applicant.

(Town Clerk's Note: Pictures submitted by Chair Sloat can be found at the Town Clerk's Office.)

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

Chair Sloat read the justification requirements as described in Exhibit B, and Town Clerk Armstrong read the responses to the justification from the applicant into the record.

Chair Sloat invited Town Planner, Corey O' Gorman, to present the project. Town Planner O'Gorman summarized that the variance requested is to allow a new dune crossover east of the 1979 Coastal Construction Control Line.

Member Bingham asked if the proposed dune crossover is the minimum they can build and if the proposed dune crossover will damage the dune vegetation on the property, to which Town Planner O'Gorman informed that proposed crossover dimensions meet Town requirements and Department of Environmental Protection (DEP) standards. Town Clerk Armstrong added that a Town permit as well as a DEP permit will be needed to remove, destroy, or trim. Town Manager Stevens concurred with Town Clerk Armstrong and added that there may be requirements to mitigate if not properly approved through the Town and DEP.

Member Hindin inquired about the process to build the dune crossover, and Town Manager Stevens explained that the applicant needed to obtain a unity of title from the Town Commission, which they did, and then they needed to come before the Board of Adjustment for a variance, and if the variance is granted, then they can apply for the building permit. At the building permit stage, they will need to meet all Town and State laws. Town Clerk Armstrong concurred, and added that a copy of the approved unity of title was provided to each member prior to the meeting.

Member Hindin asked if the deck attached to the crossover will need DEP approval, to which Town Clerk Armstrong noted that they already have DEP approval, and that the approval is attached as part of the meeting package. She further noted that a 12x12 attached deck is allowed under Town Code. Member Bingham stated that the deck seemed to be larger than a 12x12 because of the walking area and the deck combined.

Vice Chair Cody asked about the Town Commission's intent in enacting ordinance 2020-05, to which Town Manager Stevens stated that the Town Commission created the unity of title as well as the variance requirement in order to preserve the dunes. Member Bingham stated that dune preservation is essential to the Town because the dunes protect the Town from hurricanes.

Member Joa stated that ordinance 2020-06 allowed property owners to build a 12x12 deck because many homeowners with dune crossovers have a deck that is 12x12, and Member Bingham expressed that the proposed deck seems to be larger than a 12x12 because of the deck plus walkover path.

Chair Sloat invited the applicants to the podium. Mrs. DiMaria stated that DEP required a 12x12 deck and they accommodated to meet DEP regulations.

Chair Sloat called for public comment, and there was none.

Vice Chair Cody moved to approve a variance from Sec. 67-18 to permit 33 Hersey Drive to install a dune crossover as submitted; seconded by Member Joa. Motion carried 5-0.

<u>Vice Chair Cody</u>	<u>Aye</u>
<u>Member Joa</u>	<u>Aye</u>
<u>Chair Sloat</u>	<u>Aye</u>
<u>Member Bingham</u>	<u>Aye</u>
<u>Member Hindin</u>	<u>Aye</u>

VII. ADJOURNMENT

The meeting was adjourned at 8:55 a.m.

Minutes taken by Town Clerk Armstrong and adopted by the Board of Adjustment on April 21, 2021.

ATTEST:



Karla Armstrong, Town Clerk



Robert Sloat, Chair