

**TOWN OF OCEAN RIDGE, FLORIDA  
BOARD OF ADJUSTMENT MEETING AGENDA  
MAY 9, 2022  
9:00 A.M.  
TOWN HALL \* MEETING CHAMBERS**

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**DISCUSSION / ACTION ITEMS**

1. Selection of Chair & Vice Chair
2. An application submitted by Michael and Laura Lieberman, 6070 N Ocean Blvd, Ocean Ridge, Florida 33435, requesting an administrative variance from the provisions of the Land Development Code, Chapter 64; Zoning; Article I; District Regulations, Section 64-2; RMM Medium Density Multiple-Family Residential Districts, Paragraph (e); RMM – Medium Density Multiple-Family Residential Property Development Regulations; Sub-Paragraph (2)(b) minimum 15’ setback, 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 and expansion of a grandfathered structure, by converting the existing garage to a den and constructing a new garage to extend into the 15’ setback by 4.9’ in order to align with the current grandfathered structure Property located at 6070 N Ocean Blvd, Property Control Number 46-43-45-27-10-000-0100 or legally described COASTAL SHORES LOT 10 (exact legal description located in the Town Clerk’s Office).

**STAFF PRESENTATIONS**

3. Power and Duties of the Board of Adjustment when reviewing variances. (By: Town Attorney Goddeau)

**ADJOURNMENT**

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD OF ADJUSTMENT WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, HE/SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. PERSONS WHO NEED AN ACCOMMODATION IN ORDER TO ATTEND OR PARTICIPATE IN THIS MEETING SHOULD CONTACT THE TOWN CLERK AT 561-732-2635 AT LEAST 5 DAYS PRIOR TO THE MEETING IN ORDER TO REQUEST SUCH ASSISTANCE. PLEASE TAKE NOTICE THAT ONE OR MORE TOWN COMMISSIONERS MAY BE PRESENT AT ANY BOARD OR COMMISSION MEETING OF THE TOWN OF OCEAN RIDGE.

THE TOWN OF OCEAN RIDGE IS HOLDING ALL MEETINGS IN-PERSON, WITH AN ADDITIONAL OPTION OF LISTENING TO THE AUDIO LIVE. ANY PERSON WISHING TO LISTEN TO THE AUDIO LIVE CAN ACCESS THE FEED ON THE DATE AND TIME OF THE MEETING BY DIALING +1 (646)749-3122 AND USING 284-378-493 AS THE ACCESS CODE. PERSONS THAT ARE UNABLE TO ATTEND THE MEETING IN PERSON MAY SUBMIT PUBLIC COMMENTS TO BE READ INTO THE RECORD BY EMAILING THE TOWN CLERK A MINIMUM OF ONE BUSINESS DAY PRIOR TO THE MEETING AT [KARMSTRONG@OCEANRIDGEFLORIDA.COM](mailto:KARMSTRONG@OCEANRIDGEFLORIDA.COM) OR CALLING TOWN HALL DURING BUSINESS HOURS BEFORE THE MEETING DATE AND TIME AND PROVIDING YOUR COMMENT TO THE TOWN CLERK.

**NOTICE: THE PUBLIC MAY VIEW THE HARD COPY OF THE MEETING  
MATERIALS AT TOWN HALL BEFORE OR DURING THE MEETING**

**Town of Ocean Ridge, Florida**  
**Board of Adjustment Agenda Memorandum**  
**Office of the Town Clerk**

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**Meeting Date: May 9, 2022**  
**Subject: Selection of Chair and Vice Chair**

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Board of Adjustment Members:

Section 63-34 (c)(1) of the Town Code of Ordinances requires that a Chair and a Vice-Chair be selected from among its members. Per the Rules of Order and Procedure, the Chair and the Vice Chair shall be selected by ballot. The Town Clerk shall prepare the ballots, listing each Board Member's name. The Board may, by majority vote of the Board, change the voting process at any time.

The Chair will serve as the presiding officer for the Board of Adjustment meetings. The Presiding Officer shall preserve order during the meetings. In the case of absence or disability of the Chair, the Vice-Chair shall assume the responsibilities of the Chair as Presiding Officer. The Rules of Order and Procedure is attached for reference.

Respectfully,

Karla Armstrong  
Town Clerk

# **TOWN OF OCEAN RIDGE**

**6450 NORTH OCEAN BOULEVARD**

**OCEAN RIDGE, FLORIDA 33435**

[www.oceanridgeflorida.com](http://www.oceanridgeflorida.com)

(561) 732-2635 ♦ FAX (561) 737-8359

TRACEY L. STEVENS  
**TOWN MANAGER**

KARLA M. ARMSTRONG  
**TOWN CLERK**



KRISTINE DE HASETH  
**MAYOR**

**COMMISSIONERS**  
STEVE COZ  
SUSAN HURLBURT  
GEOFF PUGH  
MARTIN WIESCHOLEK

## **TOWN COMMISSION & BOARDS RULES OF ORDER AND PROCEDURE**

**Adopted by Resolution No. 2021-24 on November 1, 2021**

### **Rule 1. Public Meetings.**

- 1.1 All Town Commission and Town Commission Appointed Board/Committee meetings shall be open to the public except as otherwise provided by law.

### **Rule 2. Regular Meetings.**

- 2.1 The Town Commission shall meet the first Monday of each month at 6 p.m. in Town Hall. This date may be changed from time to time as needed by a majority vote of the Town Commission.
- 2.2 The Town Manager or designee shall prepare the agenda, notices, and package materials for the meetings as required by Florida law. Town Commissioners and Department Heads may make requests in writing to the Town Manager to place an item on the upcoming Town Commission meeting agenda by the deadline date set by the Town Manager. If the Town Manager refuses to accept any Commissioner's timely addition to the agenda, the Commissioner can bring up the matter during Commission discussion. The order of the items on the Town Commission agenda will be determined by the Town Manager, subject to change by a majority vote of the Town Commission at the beginning of the meeting.

### **Rule 3. Special Meetings**

- 3.1 Special Meetings may be held on the call of the Mayor or of a majority of the members of the Town Commission and, whenever practicable, upon no less than twenty-four hours' notice to each member and the public, unless there is an immediate threat to the public health, safety or welfare. The Town Manager or designee shall prepare the agenda, notices, and package materials for the meetings as required by Florida law.
- 3.2 The Mayor, Town Manager, or a majority of the Commission Members may call an Emergency Town Commission meeting when a sudden,

urgent event or situation arises necessitating immediate action and judgment. The Town Clerk or designee shall post the agenda and notify each Town Commission Member, the Town Manager, and Town Attorney immediately. Such notification shall be given as soon as practicable before commencement of the meeting, which may be less than 24 hours' notice, and shall state the time, place, and subject of the meeting.

#### **Rule 4. Adjourned Meeting**

- 4.1 A Town Commission session may be adjourned or continued from day to day or for more than one day, but the adjournment shall not be extended beyond the next regular meeting.

#### **Rule 5. Duties and Responsibilities of the Presiding Officer**

- 5.1 The Mayor shall preside at Town Commission meetings and shall be recognized as head of the Town government for ceremonial purposes and by the Governor for martial law purposes. The Presiding Officer shall preserve order during Town Commission meetings. The Presiding Officer shall have discretion to make rulings for the progress of the meeting, subject to these rules. In the case of absence or disability of the Mayor, the Vice-Mayor shall assume the responsibilities of the Mayor as Presiding Officer, and if both are absent or disabled the Commissioner with the longest term of continuous service shall preside.

The Chair of a Board/Committee shall be designated as the Presiding Officer for the Board/Committee he/she serves, with the Vice-Chair presiding in the absence of the Chair, and if both are absent or disabled the committee member with the longest term of continuous service present at the meeting shall preside.

- 5.2 The Presiding Officer may call to order any member of the Commission, staff, or any member of the public who shall violate any of these rules or otherwise disrupt the orderly proceeding of the meeting.

#### **Rule 6. Corporate Seal**

- 6.1 The duly appointed Town Clerk shall keep in custody the Town's corporate seal and ensure its proper and lawful use on behalf of the Town. No person shall use the Town Seal for a purpose other than official Town business.

#### **Rule 7. Presentations & Public Comment**

- 7.1 Town Commission and Board/Committee meetings are business meetings of the Commission/Board/Committee and the right to limit discussion rests with the Commission/Board/Committee.
- 7.2 Except as otherwise set forth in these Rules, persons who make an approved, pre-scheduled presentation to the Town Commission must limit the duration of their presentation to 15 minutes. Exceptions may be granted by the Presiding Officer.



- 7.3 Public Comments made by a member of the public will be limited to one time per subject matter for a total of three minutes. Exceptions may be granted by the Presiding Officer or a majority of Commissioners agreeing to grant extended time not to exceed one minute. Individuals addressing the Commission on the same topic as an individual who has already spoken should attempt to provide new information. When possible, individual grievances should first be taken up with Town Staff before comments are made at a Town Commission meeting.
- 7.4 The Commission may withhold comment or direct the Town Manager to take action on requests or comments made by the public.
- 7.5 Each person addressing the Commission shall step up to the podium and state his/her name and address in an audible tone of voice for the record. All public comments must be addressed to the Commission as a body and not to individuals. Personal verbal attacks upon Commissioners, staff, and/or members of the public will not be tolerated. Any person making impertinent obscene, personally insulting, defamatory, or slanderous remarks or who becomes disruptive while addressing the Commission shall be barred by the presiding officer from speaking further, unless permission to continue or again address the Commission is granted by a majority vote of the Commission members present.

**Rule 8. Decorum and Order**

- 8.1 The presiding officer shall preserve decorum and order during meetings. Any Commissioner may call point of order during the meeting and state the question of order along with the rule citation. The Presiding Officer decides all questions of order subject to the Commission's appeal by majority vote of all Commissioners present.
- 8.2 During all meetings of the Commission, Commissioners must preserve order and decorum and a Commissioner shall neither by conversation or otherwise, delay or interrupt the proceeding or the peace of the Commission nor disturb any Commissioner while speaking, or refuse to obey the rules of the Commission or its Presiding Officer, except as otherwise provided herein. Members of the Commission shall accord the utmost courtesy to each other, the Town employees, consultants, professionals presenting applications or other matters, and the public appearing before the Commission. Members of the Commission shall refrain at all times from rude and derogatory remarks and abusive comments or statements.
- 8.3 No member of the public shall, during a Commission meeting, make or cause to be made any intentional disruptive noise, or take any intentional disruptive action of any kind in the Commission Chambers.
- 8.4 The presiding officer shall have the authority to direct the removal of any member of the public who violates the rules of decorum as set forth herein.

- 8.5 Town Commissioners, Town Staff members and those individuals who address the Commission or its appointed boards or committees shall not use language which includes profanity or cursing, or which is presented in a belligerent or threatening manner toward the Commission, members of its staff or its consultants, the public or other individuals participating in a public meeting. All comments shall be directed to the Presiding Officer of the meeting and not to individual members of the Commission, town staff or consultants, or to members of the public in the audience. During public comment, on a regular agenda item, if a member of the public wishes to ask a question directly to town staff or a guest presenter, the member of the public will present the question to the Presiding Officer who may choose how or if to ask the question. However, Town staff or guest presenter has no obligation to respond to the question.

Those addressing the Commission or its appointed boards or committees shall avoid personal verbal attacks toward members of the Commission, members of its appointed boards or committees, town staff or consultants, or members of the public in order to preserve decorum during the conduct of public meetings. The Presiding Officer may remove individual(s) from the Commission Chambers if such conduct persists after the Presiding Officer has provided the offending individual with a warning that the individual is in violation of this policy.

- 8.6 It is the intent of Commission to maintain order and enforce the Rules of Decorum for Citizen Participation for its meetings. Disregard of these rules will be met with the following consequences:
1. The Presiding Officer will identify out loud the out-of-compliance behavior and request for the behavior to stop;
  2. The Presiding Officer will ask the speaker to have a seat if he/she continues to disrupt the meeting;
  3. If the speaker refuses to have a seat and/or stop the out-of-compliance behavior, the Presiding Officer will recess the meeting; and,
  4. Will instruct a law enforcement officer to instruct the speaker to stop the disruptive conduct and escort the speaker out of the meeting venue.

#### **Rule 9. Rules of Debate**

- 9.1 Sequence of Debate: With the exception of quasi-judicial matters, items before the Commission shall be commenced by presentation of the item by a staff member, followed by public comment on the item. Once the Presiding Officer closes public comment, he or she opens the floor for debate by Commissioners, and shall not re-open public comment on the item unless there is a majority vote by all Commissioners present to do so. Once all Commissioners have had the opportunity to speak on the item,

the Presiding Officer may call for a motion and a second on the item and then open debate on the motion by the Commission. Once debate by Commissioners has concluded on the motion, the Presiding Officer shall call for a vote on the motion. A roll call vote may be requested by any Commissioner on any item.

- 9.2 Presiding Officer May Move, or Second, & Debate: The Presiding Officer may make a motion or second on any item subject only to such limitations of debate as are imposed by these rules on all Commissioners and shall not be deprived of any of the rights and privileges of the Commissioner by reason of the Commissioner acting as the Presiding Officer. However, the Presiding Officer may only make a motion once he/she has called for a motion and no other Commission Member has offered a motion on the floor.
- 9.3 Responsibility of Presiding Officer: The Presiding Officer has the responsibility of controlling and expediting debate. A Commissioner who has been recognized to speak on a question has a right to the undivided attention of the Commission. The Presiding Officer's responsibility is to keep the subject clearly before the Commissioners, to rule out irrelevant discussion, and to restate the question whenever necessary.
- 9.4 All Members Shall Vote: No member of the Commission who is present at any meeting of the Commission at which an official decision, ruling or other official action is to be taken or adopted may abstain from voting in regard to such decision, ruling or act and a vote shall be recorded or counted for each such member present, except when, with respect to any such Commissioner, there is a conflict of interest under the provisions of Chapter 112, Florida Statutes. In such cases, such Commissioner shall comply with the disclosure requirements of Section 112.313, Florida Statutes.
- 9.5 Interruptions: A Commissioner, once recognized, shall not be interrupted when speaking except to call the Commissioner to order or as herein otherwise provided. If a Commissioner while speaking is called to order, said Commissioner shall cease speaking until the question of order is determined, and if in order, the Commissioner shall be permitted to proceed.
- 9.6 Withdrawal of Motions: Any motion before the Commission may be withdrawn at any time prior to a vote being taken thereon by the Commissioner making such motion, upon agreement by the Commissioner seconding said motion to withdraw the second.
- 9.7 Amending of Motions: At any time during discussion of a motion on the floor, a motion to amend said motion may be made. If the amending motion is seconded, the Commission shall at the conclusion of discussion, first vote on the amending motion and then vote upon the original motion in its amended form. An amending motion may be withdrawn in the same manner as set forth in sub-paragraph 9.7~~6~~ above.

- 9.8 Motion to Reconsider: A motion to reconsider any action taken by the Commission may be made only during the meeting that such action was taken. Such motion must be made by one of the Commissioners on the prevailing side, but may be seconded by any Commissioner. The motion to reconsider may be made at any time and have precedence over all other motions. Nothing herein contained shall be construed to prevent any member of the Commission from making or remaking the same or any other motion at a subsequent meeting of the Commission.

#### **Rule 10. Appointments to the Commission and Boards & Committees**

- 10.1 Vacancies on the Town Commission or any Board or Committee of the Town of Ocean Ridge shall be announced on the Town Commission agenda, and on the Town website. All interested persons shall submit a letter of interest and resume to the Town Clerk by the deadline stated in the announcement. The Town Clerk shall determine whether or not the interested person is a qualified elector of the Town and submit that information to the Town Commission. No nominations from the floor are allowed unless otherwise set forth herein.
- 10.2 To fill a vacancy on the Town Commission, the Town Commission shall vote by ballot. The Town Clerk shall prepare the ballots, listing the qualified candidates that submitted a letter of interest and resume by the stated deadline. If no letters of interest or resumes are received by the stated deadline, or only one letter of interest and resume is received by the stated deadline, the Commission may choose to fill the vacancy by a motion and second, nominating any qualified elector to fill the vacancy. The Town Commission may, by majority vote of the Commission, change the voting process at any time.
- 10.3 To fill a vacancy on any Board or Committee of the Town other than the Town Commission, the Town Commission shall vote by ballot as set forth in 10.2 above.
- 10.4 To fill the positions of Mayor and Vice-Mayor, the Town Commission shall vote by ballot. The Town Clerk shall prepare the ballots, listing each Town Commissioner's name. The Town Commission may, by majority vote of the Commission, change the voting process at any time.

To fill the positions of Chair & Vice-Chair on the Planning & Zoning Commission, Board of Adjustment, or any other committee created by the Town Commission, the Members of each Board shall vote by ballot. The Town Clerk shall prepare the ballots, listing each Board Member's name. The Board may, by majority vote of the Board, change the voting process at any time.

#### **Rule 11. Suspension and Amendment of these Rules**

- 11.1 Suspension of Rules: Any provision of these rules not governed by the Town Charter or Town Code may be temporarily suspended by a vote of a majority of the Town Commission Members.

- 11.2 Amendment of Rules: These rules may be amended, or new rules adopted, by a majority vote of the full membership of the Town Commission, provided that the proposed amendments or new rules shall have been introduced into the record.

**Town of Ocean Ridge, Florida**  
**Board of Adjustment Agenda Memorandum**  
**Office of the Town Clerk**

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**Meeting Date: May 9, 2022**  
**Subject: 6070 N Ocean Blvd**

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Board of Adjustment Members:

Mr. and Mrs. Lieberman applied for an administrative variance under Ordinance 2022-02 (ordinance is attached). The Building Official deferred the application to the board for consideration. His letter can be seen attached. The Town Planner and the Zoning Official also reviewed the application, and their comments are attached.

For questions that require staff research, please contact staff prior to the meeting so that staff can gather the information for the meeting.

Respectfully,

Karla Armstrong  
Town Clerk

# **TOWN OF OCEAN RIDGE**

**6450 NORTH OCEAN BOULEVARD**

**OCEAN RIDGE, FLORIDA 33435**

[www.oceanridgeflorida.com](http://www.oceanridgeflorida.com)

(561) 732-2635 ♦ FAX (561) 737-8359

**TRACEY L. STEVENS**  
**TOWN MANAGER &**  
**FINANCE DIRECTOR**

**KARLA M. ARMSTRONG**  
**TOWN CLERK**



**MAYOR**  
**SUSAN HURLBURT**

**VICE MAYOR**  
**KRISTINE DE HASETH**

**COMMISSIONERS**  
**STEVE COZ**  
**GEOFF PUGH**  
**MARTIN WIESCHOLEK**

April 14, 2021

Laura and Michael Lieberman  
6070 N Ocean Blvd  
Ocean Ridge, FL

Your Administrative Code Variance Application requesting an administrative variance from the provisions of the Land Development Code, Chapter 64; Zoning; Article I; District Regulations, Section 64-2; RMM Medium Density Multiple-Family Residential Districts, Paragraph (e); RMM – Medium Density Multiple-Family Residential Property Development Regulations; Sub-Paragraph (2)(b) minimum 15' setback, 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 and expansion of a grandfathered structure, by converting the existing garage to a den and constructing a new garage to extend into the 15' setback by 4.9' in order to align with the current grandfathered structure was reviewed.

Based on the complexity of the project, the Board of Adjustment would be better suited to review your project. The options for your project are below:

- 1) If you would like to encroach into the 10' setback as originally intended, then applying for a regular variance would be better suited.
- 2) If you would like to continue with your administrative variance, then the Town Clerk will send public notice as provided in Section 63-32(c)(1) of this Land Development Code for the hearing. She will contact you to notify you of your hearing date.

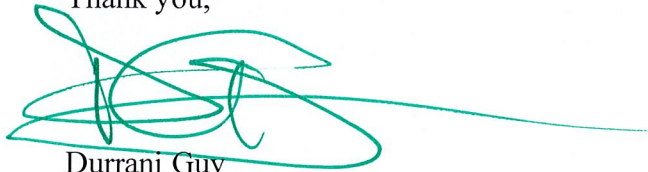
Please let us know how you would like to proceed.

Also, Based on the documentation submitted, your project may exceed the substantial improvement threshold as established by code. During the permit review, if the project does show to exceed the substantial improvement threshold, then Development Plan Review will be required for your project. The improvement value for your structure is

listed as \$158,651 on Property Appraiser. Please keep this in mind as you move forward with the project.

*SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, alteration, addition or improvement of a building or structure taking place during a 5-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. The period of accumulation begins when the first improvement or repair of each building is permitted subsequent to July 10, 2017. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: 1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions. 2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.*

Thank you,

A handwritten signature in blue ink, appearing to be 'Durrani Guy', with a long horizontal line extending to the right.

Durrani Guy

Building Official



**ADMINISTRATIVE VARIANCE APPLICATION  
6070 N. OCEAN BOULEVARD**

**FROM: COREY O'GORMAN, TOWN PLANNER**

This review for an administrative variance to the side setback requirement on the property location at 6070 N. Ocean Boulevard, is based on Site Plan Sheet prepared by Precision Drafting and Design, Inc. and dated 2-22-22 showing the “proposed addition” for a garage setback 10.008’ from the side property line; and, proposed Floor Plan sheet prepared by Precision Drafting and Design, Inc. and dated 2-22-22 showing the “proposed den” without any entry door from the interior corridor so that it would not be considered a bedroom for parking calculation purposes, and a “proposed garage”.

Based on the plans noted above in relationship to town code requirements for “administrative variances; criteria” under Section 63-117(d)(2) this review recommends approval of the administrative variance subject to the following condition:

- Prior to issuance of a building permit the plans must be revised to provide a site data table demonstrating that all zoning requirements are met under Section 64-1 and other applicable requirements including, but not necessarily limited to, the following:
  - Window coverage
  - Front wall elevation articulation
  - Roof pitch and maximum flat roof requirement
  - Building height
  - FAR
  - Lot Coverage
  - Impervious coverage
  - Other lot and building requirements as applicable



## TOWN OF OCEAN RIDGE

6450 North Ocean Boulevard, Ocean Ridge, Florida 33435  
(561) 732-2635 Main ♦ (561) 737-8359 Fax  
oceanridgeflorida.com ♦ LBurns@oceanridgeflorida.com

### Plan Review Comment Sheet

Date: 3-22-22 Permit #:                      Plans Examiner: MANNY

Permit Address: 6070 NO. OCEAN BLVD

☐ Building/Structural ☒ Zoning ☐ Electrical ☐ Gas ☐ Mechanical ☐ Plumbing

☐ Other                     

☐ Initial Review ☐ Second Review ☐ Third Review ☐ Other                     

The following items have been reviewed and below are the comments and/or requirements before we can recommend further plan review or permit approval:

DRAWINGS AS SUBMITTED NEED TO SHOW NUMBER  
OF BEDROOMS TO CALCULATE NUMBER OF PARKING  
SPACES REQUIRED.

SUBMITTED PLANS SHOW A 12'9" X 25'9" SIZE GARAGE.

SECTION 64-46 REQUIRES A 2 CAR GARAGE AT  
MIN OF 10 X 20 FOR EACH SPACE.

Additional lines for comments or requirements.

## **ORDINANCE NO. 2022-02**

**AN ORDINANCE OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING ITS CODE OF ORDINANCES, LAND DEVELOPMENT CODE, CHAPTER 63, GENERAL AND ADMINISTRATIVE PROVISIONS, ARTICLE VII, NONCONFORMING AND GRANDFATHERED USES, SECTION 63-117, GRANDFATHERED USES, LOTS AND STRUCTURES, TO CLARIFY AND UPDATE THE ADMINISTRATIVE VARIANCE PROCEDURE FOR GRANDFATHERED STRUCTURES AND FOR OTHER PURPOSES; PROVIDING FOR CODIFICATION, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Ocean Ridge, Florida (the “Town”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

**WHEREAS**, the Town’s Land Development Code has an administrative variance procedure for grandfathered structures in section 63-117; and

**WHEREAS**, the Town recently reviewed section 63-117 and found some areas within the procedure that need to be clarified and updated;

**WHEREAS**, the Town Commission desires to maintain the administrative variance procedure for grandfathered structures but recognizes the need to clarify and update the procedure; and

**WHEREAS**, the Town Commission has determined that the enactment of this ordinance to clarify and update the administrative variance procedure for grandfathered structures is for a proper public purpose and in the best interests of the Town.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, AS FOLLOWS:**

**SECTION 1 – Findings of Fact:** The **WHEREAS** clauses set forth above are adopted herein as true findings of fact of the Town Commission.

**SECTION 2 – Amendment:** The Town’s Land Development Code, Chapter 63 “General and Administrative Provisions”, Article VII, “Nonconforming and Grandfathered Uses”, Section 63-117, “Grandfathered Uses, Lots and Structures”, is hereby amended as follows ((underline is added; ~~stricken through~~ is deleted):

**Sec. 63-117. - Grandfathered uses, lots and structures.**

**(d) *Grandfathered structures.***

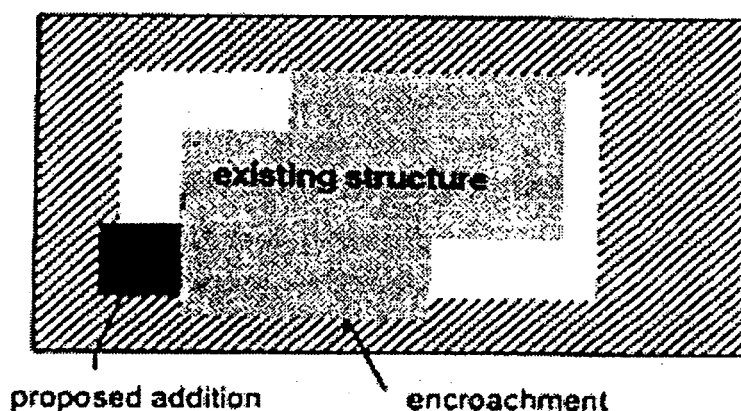
- (1) Where a lawful structure exists at the effective date of adoption or amendment of this land development code, and it could not be built under the terms of this land development code by reason of restrictions on area, lot coverage, height, yards, location on the lot or other property development regulations or requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

~~(1a.)~~ *Alteration, extension, enlargement or expansion.* No alteration, extension, enlargement or expansion of a grandfathered structure shall be permitted in a way which increases its noncompliance with present property development regulations of the land use (zoning) district in which it is located, but any grandfathered structure or portion thereof may be altered to decrease its noncompliance with present property development regulations of the land use (zoning) district in which it is located. For purposes of altering, extending, enlarging or expanding a grandfathered structure which is being or was previously used for commercial purposes, which commercial purposes include or included a residential-type component, in order to develop a multifamily structure, the landowner must comply with all other existing zoning criteria and may not increase the existing nonconformance. Furthermore, subject to the approval of the town commission, the landowner may be permitted to exceed the existing allowable density in the multifamily zoned areas of the town so long as it reduces the number of existing units by at least 50 percent (fractional units to be rounded up). The number of permitted units shall then be deemed the allowable grandfathered density on said property. It is further provided that any development of property pursuant to this section must be approved and developed pursuant to the planned residential development provisions of chapter 64 of the town's Code subject to the following:

- ~~a. *Administrative variance; criteria.* Notwithstanding the above, the administrative official may grant an administrative variance to the yard setback requirements, such that total area occupied or to be occupied by all existing and proposed structures and accessory structures, shall not~~

~~encroach into the required yard setbacks by accumulative total area of more than five percent of the property's total setback area. The administrative official may also grant administrative variances from the accumulative totals of each of the other land development dimensional regulations, not to exceed five percent over the current regulations. In addition, no administrative variance shall be granted by the administrative official, and no structure shall be permitted to encroach within ten feet of any side property line, as a result of this administrative process. Upon the proper filing of an application for an administrative variance, the administrative official shall cause public notice to be given as provided in section 63-32(c)(1) of this Land Development Code. Such notice shall indicate the nature of the variance requested and shall provide not less than 15 days for comment by the public, prior to the granting of a variance. A complete application, with all attachments, requesting a legally permissible variance, along with a money deposit for publication of public notice, and an administrative review fee, in an amount established by the town commission, shall be submitted to the town clerk. Within five days of receipt by the town clerk, the application and all documentation may be reviewed by the town attorney for legal sufficiency. Only upon the expiration of the five days, without action by the town attorney, or upon a finding of being legally sufficient, shall the application be deemed properly "filed." The denial or granting of such administrative variance shall conform to the criteria in section 63-91 of this Land Development Code, and the denial of an administrative variance may be appealed to the board of adjustment, by written request, filed with the town clerk not more than ten days following the rendering of a written decision by the administrative official. Such appeal shall be a de novo hearing before the board of adjustment for the granting of a variance.~~

*[The following example of an existing structure is deleted and moved below]*



~~(The example above shows a typical 50-foot × 80-foot lot with the current setbacks as dashed lines, the total required setback is cross-hatched, the existing building is in light gray, and a proposed room addition in dark gray. The total area of the setbacks is 4,400 square feet, and the total encroachment of the existing building is 30 feet × five feet or 150 square feet. Using a five percent maximum, the administrative official could grant an administrative variance for a total of 220 square feet, or an additional 70 square feet of encroachment. As depicted, the proposed addition would encroach an additional two feet × 15 feet or 30 square feet. So, the addition could be permitted by the administrative official.)~~

- i. The minimum area requirement of subsection 64-22(1) shall not apply;
- ii. The allowable density as provided for in subsection 64-24(a) shall be modified as set forth herein;
- iii. Subsection 64-24(d) shall not apply;
- iv. The minimum yard setback requirements of subsection 64-24(f)(1) shall not apply. Instead, the minimum yard setback requirements of the applicable zoning district shall govern;
- v. The maximum building height of 44 feet set forth in subsection 64-24(f)(4) shall, in RMM zoning districts, be reduced to the permissible height as set forth in subsection 64-2(~~de~~)(3).

~~(2b.)~~ *Replacement, restoration and reconstruction.* If any existing grandfathered structure, as provided for in this subsection, is destroyed by any nonvoluntary means, including fire, flood, wind, explosion, act of God, or act of a public enemy, such structure shall be permitted to be replaced, restored or reconstructed as it had previously existed prior to its destruction according to the property development regulations in effect at the time of its original construction and any permitted additions thereto, except that such replacement, restoration and reconstruction can only occur in compliance with those building, plumbing, electrical, gas, fire and other construction and safety related regulations of the town in effect at the time of application for a permit to allow replacement, restoration or reconstruction. In no event shall the destroyed grandfathered structure be so replaced to a degree or level greater than the original structure as to height, lot coverage, total floor area, yard setback requirements or other applicable property development regulations at the time of original construction, without the granting of a variance. Moreover, if any existing grandfathered structure is destroyed by voluntary destruction and the landowner applies to rebuild the structure, the landowner must comply with all

other current zoning criteria and may not increase the existing nonconformance. Notwithstanding the foregoing, subject to the approval of the town commission, the landowner of a grandfathered building or structure which includes residential-type units, may be permitted to seek the demolition and redevelopment of the grandfathered structure and, in doing so, exceed the allowable density in the multifamily-zoned areas of the town, but in such circumstances must reduce the number of units which were grandfathered by at least 50 percent (fractional units to be rounded up). The number of permitted units shall then be deemed the allowable grandfathered density on said property. It is further provided that any development of property pursuant to this section must be approved and developed pursuant to the planned residential development provisions of chapter 64 of the Town's Code subject to the following:

- ia. The minimum area requirement of subsection 64-22(1) shall not apply;
- ii~~b~~. The allowable density as provided for in subsection 64-24(a) shall be modified as set forth herein;
- iii~~e~~. Subsection 64-24(d) shall not apply;
- iv~~d~~. The minimum yard setback requirements of subsection 64-24(f)(1) shall not apply. Instead, the minimum yard setback requirements of the applicable zoning district shall govern;
- ve. The maximum building height of 44 feet set forth in subsection 64-24(f)(4) shall, in RMM zoning districts, be reduced to the permissible height as set forth in subsection 64-2(~~de~~)(3).

For the purposes of this section, a structure shall be deemed to have been destroyed if the structure will require repair or replacement the cost of which will exceed 50 percent of the appraised value of the structure as established by the Palm Beach County Property Appraiser.

~~The maximum allowable time for the amortization of commercial uses, including retail stores, offices, and motels is imminent at the adoption of this amendment on June 7, 1999. Therefore, the reconstruction of earlier grandfathered structures for occupancy by a nonconforming or commercial use is hereby prohibited.~~

(3c.) *Repairs and maintenance.* Routine repairs and maintenance of grandfathered structures on fixtures, wiring or plumbing or on the repair or replacement of walls shall be permitted.



(4d.) *Change in location.* Should any grandfathered structure be moved for any reason for any distance whatever from its original permitted location, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved. The board of adjustment may grant variances to this section to allow for the relocation of historic or landmarked structures, so designated by the town's comprehensive plan or otherwise designated by the town commission.

(5e.) *Accessory or incidental structures.* Structures normally accessory to or incidental to a permitted structure or permitted use in the zoning district in which the grandfathered structure is located shall not be permitted as accessory structures to the grandfathered structure.

(6f.) *Abandonment or discontinuance.* The abandonment or discontinuance of a grandfathered structure for a period of one year shall render the grandfathered structure status of the specific grandfathered structure null and void. Only structures permitted in the zoning district in which the grandfathered structure is located shall be permitted after the expiration of the one-year period of abandonment or discontinuance. The same notice and appeal procedures and factors for determination of abandonment or discontinuance provided for in subsection (de)(15) of this section shall apply to all cases of abandonment or discontinuance of grandfathered structures.

(2) Administrative variance; criteria.

a. Notwithstanding subsection (d)(1)a. above regarding the alteration, extension, enlargement or expansion of a grandfathered structure, ~~the above,~~ the administrative official may grant an administrative variance to the yard setback requirements for the alteration, extension, enlargement, or expansion of a grandfathered structure, such that total area occupied or to be occupied by all existing and proposed structures and all existing accessory structures, shall not encroach into the required yard setbacks by accumulative total area of more than five percent of the property's total setback area. The administrative official may also grant administrative variances from the accumulative totals of each of the other land development dimensional regulations, not to exceed five percent over the current regulations. Notwithstanding the foregoing, In addition, no administrative variance shall be granted by the administrative official under this section that permits a structure, and no structure shall be permitted to encroach within ten feet of any side property line or to exceed the maximum building height as set forth in the current applicable zoning district, as a result of this administrative



process.

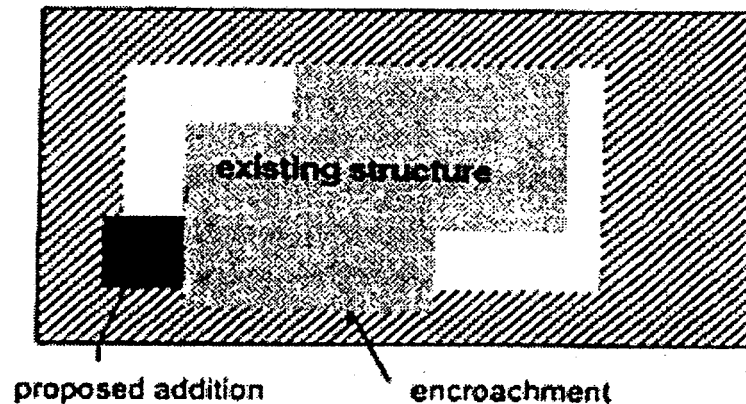
b. Upon the proper filing of an application for an administrative variance, the administrative official shall cause public notice to be mailed to all properties within 300 feet of the subject property ~~given as provided in section 63-32(c)(1) of this Land Development Code.~~ Such notice shall indicate the nature of the variance requested and shall provide not less than 15 days for comment by the public, prior to a written decision by the administrative official. ~~the granting of a variance.~~ A complete application, with all attachments, requesting a legally permissible variance, along with payment of a money deposit for publication of public notice, and an administrative review fee, in an amount established by the town commission, shall be submitted to the town clerk. Within ~~seven~~ five business days of receipt by the town clerk, the application and all documentation shall be reviewed by the administrative official ~~may be reviewed by the town attorney for legal sufficiency.~~ Only upon the expiration of the ~~seven~~ five business days, without request for additional information from the applicant, ~~action by the town attorney,~~ or upon a finding of being legally sufficient by the administrative official, shall the application be deemed properly "filed."

c. ~~The denial or granting of such administrative variance shall be based on a determination that the application satisfies conform to all of the requirements of this administrative variance criteria in section 63-91 of this Land Development Code,~~ including a finding that the application does not exceed the percentage limitations set forth herein. ~~†The decision of the administrative official denial of an administrative variance may be appealed to the board of adjustment, by written request, filed with the town clerk not more than ten days following the rendering of a written decision by the administrative official. Such appeal shall be a de novo hearing before the board of adjustment for the granting of a variance.~~

d. If the administrative official determines in his or her sole discretion that a decision regarding the administrative variance application should be made after a full public hearing, the administrative official may direct that the administrative variance application be heard before the board of adjustment. In such case, the administrative official shall notify the applicant to pay the additional fee set by town resolution. Once the additional fee is paid by the applicant, the administrative official shall cause at least 10-days' public notice to be given as provided in section 63-32(c)(1) of this Land Development Code for the hearing before the board of adjustment. At the board of adjustment

public hearing, the board of adjustment shall consider the application for administrative variance consistent with the requirements of this section and render a written decision. An appeal of the board of adjustment's decision shall be as provided in section 63-93.

e. Example for illustrative purposes.



(The example above shows a typical 50-foot  $\times$  80-foot lot with the current setbacks as dashed lines, the total required setback is cross-hatched, the existing building is in light gray, and a proposed room addition in dark gray. The total area of the setbacks is 4,400 square feet, and the total encroachment of the existing building is 30 feet  $\times$  five feet or 150 square feet. Using a five percent maximum, the administrative official could grant an administrative variance for a total of 220 square feet, or an additional 70 square feet of encroachment. As depicted, the proposed addition would encroach an additional two feet  $\times$  15 feet or 30 square feet. So, the addition could be permitted by the administrative official.)

(3) Amortization of commercial uses. The maximum allowable time for the amortization of commercial uses, including retail stores, offices, and motels is imminent at the adoption of this amendment on June 7, 1999. Therefore, the reconstruction of earlier grandfathered structures for occupancy by a nonconforming or commercial use is hereby prohibited.

(e) Grandfathered uses of land. The lawful use of land existing as of November 25, 1976 ~~at the time of the passage of ordinance no. 345,~~ or lawfully existing prior to an amendment to this land development code ~~thereto~~, although such use does not conform to provisions of this land development code, may be continued subject to the following limitations and restrictions:

- (1) *Change of use.* A change from a grandfathered use to a use not a continuation of the original grandfathered use which existed on November 25, 1976, and which does not otherwise comply with all of the property development and land use requirements of the town's Code, is prohibited.
- (2) *Change in kind or quality of use.* A change from a grandfathered use in kind or quality of use not a continuation of the original grandfathered use in kind or quality of use which existed on November 25, 1976, is prohibited.
- (3) *Increase in volume or intensity of use.* An increase in the volume or intensity of the use not a continuation of the original grandfathered use's volume or intensity of use which existed on November 25, 1976, is prohibited. Notwithstanding the above provision, residential uses shall be permitted to expand the volume of use, i.e., construct additional or expanded rooms, in conformity with the current land development regulations. However, nothing herein shall be construed to permit the establishment of additional dwelling units, unless the same shall conform to the current land development regulations of the town.
- (4) *Change in location of use.* No such grandfathered use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use on November 25, 1976.
- (5) *Change of ownership or tenancy.* All rights and obligations associated with a grandfathered use of land run with the land and are not personal to the present owner or tenant of the grandfathered use of land and are not affected by a change in ownership or tenancy.
- (6) *Accessory or incidental uses.* Uses accessory to a grandfathered use not in existence on November 25, 1976, are not permitted by this section. Only accessory uses and structures associated to permitted uses within the zoning district within which the permitted use is located are allowed under this land development code.
- (7) *Change to a more restrictive degree of use.* A grandfathered use may be changed to a more restrictive degree of grandfathered use if the resulting change minimizes the degree to which the grandfathered use is in noncompliance with the property development regulations and use regulations of the zoning district in which it is located.
- (8) *Extension of use.* No such grandfathered use shall be increased or extended to occupy a greater area of land than was occupied on

November 25, 1976, unless such grandfathered use is changed to a use permitted in a zoning district in which such use is located and complies with all property development regulations of the zoning district.

- (9) *Enlargement of use.* No such grandfathered use shall be enlarged or increased to occupy a greater area of land than was occupied on November 25, 1976, unless such use is changed to a use permitted in the zoning district in which such use is located and complies with all property development regulations of the zoning district.
- (10) *Replacement of use.* If any existing grandfathered structure, as provided for in this section, is destroyed by any means, including fire, flood, wind, explosion, act of God, or act of a public enemy, such use shall be permitted to be replaced according to the property development regulations in effect at the time of its original construction, except that replacement can only occur in compliance with those building, plumbing, electrical, gas, fire and other construction and safety related regulations of the town in effect at the time of application for a permit to allow replacement. In no event shall the destroyed grandfathered use be replaced to a degree or level greater than the original use as to height, lot coverage, total floor area, bulk or yard setback requirements unless otherwise provided by current Town codes and land use regulations. If the destroyed grandfathered use to be replaced was composed of dwelling units for in-transit or nonowner-occupied lodging, and is intended to continue such use, in addition to the other provisions of this subsection, the following requirements shall apply:
- a. No advertising or signs shall use the word "hotel," "motel," or the like, but the word "lodge" may serve as a substitute.
  - b. The terms "by day" or "by night" shall not be used, but the terms "vacancy" or no vacancy" are permitted.
  - c. Each of the signs erected under the special signage requirements of this subsection shall comply with all provisions of chapter 70 of this land development code.

For the purposes of this section, a structure shall be deemed destroyed if the damage caused to the structure will require repair or replacement the cost of which will exceed fifty percent (50%) of the appraised value of the structure as established by the Palm Beach County Property Appraiser.

- (11) *Addition or expansion of facilities.* No additions to or expansions of grandfathered use facilities shall be permitted under this land development code.

- (12) *New activities, products or services.* No new activities, products or services shall be permitted in a grandfathered use under this land development code.
- (13) *Change in frequency of use.* A change in frequency of use in grandfathered use classifications shall be permitted under this land development code. For clarification purposes, an example of a change in frequency of use would be the occupancy of a rental apartment on a yearround basis as opposed to a previous seasonal basis.
- (14) *Use of new land.* The use of new land previously unoccupied by a grandfathered use is prohibited by this land development code.
- (15) *Abandonment or discontinuance of use.* The abandonment or discontinuance of a grandfathered use for a period of one year shall render the grandfathered use status of the specific grandfathered use null and void. Only uses permitted in the zoning district in which the grandfathered use is located shall be permitted after the expiration of the one-year period of abandonment or discontinuance. In the factual determination of whether a grandfathered use has been abandoned or discontinued, the following two factors shall be used:
- a. An intent to abandon the grandfathered use existed; and
  - b. Some overt act or failure to act which carries with it a sufficient implication that the owner neither claims nor retains any interest in the abandoned property as it stood before the abandonment has occurred.

The town manager shall furnish to the property owner of record, according to the last recorded property ownership rolls of the property appraiser of the county, written notice of the occurrence of the abandonment or discontinuance of the grandfathered use in question and the expiration of the one-year mandatory period of abandonment or discontinuance of use, by certified mail, return receipt requested. The property owner shall have 30 days from the date of receipt of the official notice from the town manager to reply to the notice of abandonment. The property owner may request a public hearing by the zoning board of adjustment of the town on the administrative determination of abandonment or discontinuation within the prescribed 30-day response time. In the event of the property owner's failure to exhaust the prescribed administrative remedies within the prescribed period of time, the grandfathered use automatically loses its grandfathered use status and the property can only be used for a use permitted in the zoning district in which it is located from that date forward.

(f) *Grandfathered lots, structures and uses in combination.*

- (1) If on November 25, 1976, a lot of record, structure, use or characteristic of use of land in any combination thereof exists that would not be allowed in the zoning district in which it is located under the terms of this land development code, the lawful existence of the lot of record, structure, use or characteristic of use of land in any combination thereof may be continued so long as it remains otherwise lawful.
- (2) For purposes of this land development code, characteristics of use including but not limited to off-street parking, off-street loading and landscape requirements are interpreted to be synonymous with and a part of the grandfathered classification of uses and structures legally permitted and existing as of November 25, 1976, or legally permitted and existing after an amendment to this land development code, at the time of the passage of Ordinance No. 345 or an amendment thereto, although such characteristics of use do not conform to the provisions of this land development code.

**SECTION 3 - Codification:** This Ordinance shall be codified in the Code of Ordinances of the Town of Ocean Ridge, Florida.

**SECTION 4 - Repeal of Conflicting Ordinances:** All ordinances, resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed.

**SECTION 5 - Severability:** If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

**SECTION 6 - Effective Date:** This Ordinance shall become effective immediately upon adoption.

FIRST READING this 3<sup>rd</sup> day of January, 2022.

SECOND AND FINAL READING this 7<sup>th</sup> day of February, 2022.

Commissioner Wiescholak offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Commissioner Pugh and upon being put to a vote, the vote was as follows:

KRISTINE DE HASETH, Mayor

Aye

SUSAN HURLBURT, Vice Mayor

Aye



STEVE COZ, Commissioner

Absent

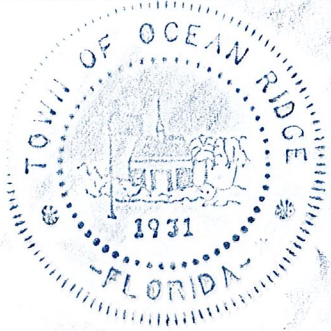
GEOFF PUGH, Commissioner

Aye

MARTIN WIESCHOLEK, Commissioner

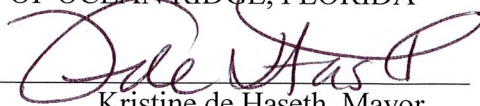
Aye

The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission of the Town of Ocean Ridge, Florida, on second reading, this 7<sup>th</sup> day of February, 2022.



TOWN OF OCEAN RIDGE, FLORIDA

BY: \_\_\_\_\_

  
Kristine de Haseth, Mayor

ATTEST: \_\_\_\_\_



Karla Armstrong, Town Clerk

RECEIVED

**LAND DEVELOPMENT CODE  
ADMINISTRATIVE VARIANCE APPLICATION**

FEB 09 2021

The undersigned applicant(s) hereby petitions the Town of Ocean Ridge ~~TOWN OF OCEAN RIDGE~~ public hearing(s) after due public notice, the cost of which is hereby assumed by the undersigned for the purpose of considering an administrative variance to the Town's Land Development Code, as described herein, as provided for under Town Code Section 63-117.

APPLICANT(S) NAME: Michael + Laura Lieberman  
PROPERTY ADDRESS: 6070 N. Ocean Blvd. Ocean Ridge FL 33435  
EMAIL ADDRESS: mdflapraiser@gmail.com  
PHONE: 410 967-9226 or 410 967-5487

INSTRUCTIONS FOR COMPLETION OF APPLICATION

1. All properties within a single application must be contiguous (immediately adjacent) to one another, and the Administrative Official may require more than one (1) application if the property concerned contains more than five (5) acres, or the fee paid for one (1) application would not equal the cost of processing the same.
2. No administrative variance application shall be accepted by the Town Clerk for filing unless it is presented on the official forms provided by the town, and is filed with **an original plus two (2) copies, including all exhibits as listed below, for a total submission of three (3) packets.**
3. Before any application is deemed "filed", it must be complete (with all required information as stated below), and the **filing fee of \$1,500** must be received by the Town Clerk, along with Mailing labels, GIS property list, and map **obtained from the Palm Beach County Property Appraiser's Office** for all properties within 300' of the subject property.
4. An application is complete only when it is executed in affidavit form (sworn) by:
  - a. the owner or owners of at least seventy-five (75%) per cent of the property described in the application; or
  - b. the tenant or tenants, with the owners' written (sworn) consent; or
  - c. the duly authorized agent(s), with the owners' power of attorney (not including members of the Florida Bar); or
  - d. the contract purchasers, with the filing of a copy of the Contract of Sale and Purchase; or
  - e. the Administrative Official; or
  - f. any person aggrieved by a development order or requirement.

NATURE OF THE REQUEST FOR ADMINISTRATIVE VARIANCE

Section 64-2(e) of the Town of Ocean Ridge, Land Development Code requires \_\_\_\_\_  
15 foot setback on side on an interior lot  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



The applicant requests an administrative variance to permit:

the North side of the proposed new garage to extend  
into the 15 foot setback by 5.24 feet in order  
to align with the current grandfathered structure.  
This would allow a more aesthetically pleasing street side view  
and be in line with architectural standards.

#### DESCRIPTION OF PROPERTY

1. **Exhibit A:** A copy of the latest recorded deed is attached hereto as **Exhibit A**. The Property Control No. 46-43-45-27-10-000-0100 and the subject property is located approximately 90 feet from the intersection of Engle Drive and \_\_\_\_\_, on the (north, east, south, west) side of N. Ocean Blvd. Street.

#### THE FOLLOWING REQUIRED GRAPHIC INFORMATION SHALL BE ATTACHED TO THIS APPLICATION, AND MARKED AS REQUIRED

2. **Exhibit B:** surveys submitted must be sealed by a Land Surveyor licensed by the State of Florida at a scale prescribed by the Town containing the following:

- a. An accurate legal description of the property.
- b. A computation of the size of the tract to the nearest one-tenth (1/10) of an acre.
- c. The survey must have been prepared for the current property owner, contract purchaser, or owners' agent or attorney, and regardless of when prepared, must contain all updated information such as latter property revisions including but not limited to fencing, walls, structures, driveways or walkways.

3. **Exhibit C:** The location of the subject parcel plotted by an engineer or surveyor registered in the State of Florida on a copy of the official zoning map of the Town or a reasonable facsimile thereof.

4. **Exhibit D:** A property owners' location drawing showing all property owners information required below and their relation to the subject parcel.

5. **Exhibit E:** a complete list of all property owners, mailing addresses, and legal descriptions of all property within three hundred (300) feet of the subject parcel as recorded in the latest official tax rolls prepared by the Palm Beach County Tax Collector.

6. **Exhibit F:** a statement of the applicant's equitable or title interest in the property, accompanied by one of the following:

- a. If joint and several ownership, a written consent by all owners of a record, or
- b. if a contract purchaser, a copy of the Contract for Sale and Purchase, plus the written consent of the owners, or

11 x 17  
color

c. If an authorized agent, a copy of the Agency Agreement, or Power of Attorney giving the consent of the owners, or

d. If a lessee, a copy of the lease agreement and written consent of the owners, or

e. If a corporation or other business entity, the name of the officer or person responsible for the application and written proof that said person has the authority to represent the corporation or other business entity, or

f. If more than one owner, the title owners of a least seventy-five (75) percent of the property described in the application must provide written consent.

7. **Exhibit G:** Each application for variance shall include the following information to be shown on a Site Plan of the property:

a. The exact location of all structures on the property, showing distance from the property line(s) and other structures.

b. The exact location of the property related to the public street or easement on which the property fronts.

c. The exact location of driveways and fences of the subject property.

d. An accurate indication of what and where the variance is as it relates to the existing structures on the property and to the nearest property or properties which the relief sought would affect.

e. All pertinent information, such as drawings of details, landscaping, detailed measurements, parking, public and private utilities, and other information designed to provide a factual basis for the consideration of the variance shall be included on the Site Plan.

f. Plans for Multiple Dwelling Units **are to be reviewed for off-street parking and landscaping by the Administrative Official prior** to filing an Application for Variance.


APPLICANT'S CERTIFICATION

STATE OF FLORIDA  
COUNTY OF PALM BEACH

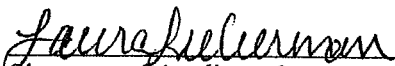
The undersigned Applicant(s) swears or affirms, under penalty of perjury, that he/she (they) understand and will comply with the provisions of the Town of Ocean Ridge Land Development Code, and in particular Sections 63-73 and 63-34 (only if a variance is requested). The undersigned further certifies the foregoing statements made herein, together with all exhibits attached hereto, or later presented at a hearing in this cause, are true to the best of his/her (their) knowledge and belief.



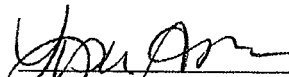
Signature of Applicant 1



Signature of Witness 1



Signature of Applicant 2



Signature of Witness 2

APPLICANT IS:

☒ Owner

☐ Contract Purchaser

☐ Other \_\_\_\_\_  
(explain)

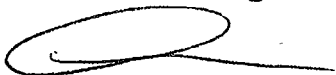
NAME, ADDRESS, EMAIL & PHONE OF OWNER(S), IF OTHER THAN APPLICANT(S):

\_\_\_\_\_  
\_\_\_\_\_

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on this 9<sup>th</sup> day of February 2022.



Notary's Signature --- Notary Public, State of Florida - At Large



KARLA MIRET ARMSTRONG  
Commission # GG 906110  
Expires August 21, 2023  
Bonded Thru Budget Notary Services

☐ Personally Known or ☒ Type of Identification Produced: FL DL

APPLICANT'S CERTIFICATION

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The undersigned Applicant(s) swears or affirms, under penalty of perjury, that he/she (they) the foregoing statements made herein, together with all exhibits attached hereto, or later presented at a hearing in this cause, are true to the best of his/her (their) knowledge and belief.

Jean Hallahan  
Witness Signature

[Signature] Laura Lieberman  
SIGNATURE OF APPLICANT(S)

[Signature]  
Witness Signature

Michael Lieberman Laura Lieberman  
Type/Print Name of Applicant(s)

Sworn to (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ online notarization, on this 9<sup>th</sup> day of February 20 22.

[Signature]  
Notary's Signature --- Notary Public, State of Florida - At Large



KARLA MIRET ARMSTRONG  
Commission # GG 906110  
Expires August 21, 2023  
Bonded Thru Budget Notary Services

☐ Personally Known or ☒ Type of Identification Produced: FL DL

TOWN OF OCEAN RIDGE, FLORIDA  
FOR OFFICIAL TOWN USE ONLY

DATE OF OFFICIAL ACCEPTANCE: 2/9/2022 OFFICIAL FILE NUMBER: \_\_\_\_\_

FEE PAID: \$1500 PUBLIC HEARING DATE: \_\_\_\_\_

Exhibit A

CFN 20160076119  
OR BK 28142 PG 1979  
RECORDED 03/04/2016 12:08:54  
Palm Beach County, Florida  
AMT 600,000.00  
DEED DOC 4,200.00  
Sharon R. Bock  
CLERK & COMPTROLLER  
Pgs 1979-1981; (3Pgs)

This is not a certified copy

- Space Above This Line Reserved For Recording Purposes Only -

This Document Prepared By, Record, and Return to:  
Wendi-Sioux Witherwax  
Gold Coast Settlement Services, Inc.  
371 W Alfred Street  
Tavares, FL 32778  
Toll Free Tel: 1-844-954-575-7800

Parcel ID Number: 46-43-45-27-10-000-0100

Consideration Used For Documentary Stamps \$600,000.00

## Warranty Deed

(Statutory Form - Section 689.02, F.S.)

This Indenture, made this date of

March 4, 2016

Between GRANTOR

The William Anthony and Mary Frances Kane Joint Declaration of Trust  
UAD 09/09/2010  
whose forwarding address is set forth below

and GRANTEE

Michael M Lieberman and Laura Lieberman, Husband and Wife  
whose address is  
6070 N Ocean Blvd, Ocean Ridge, FL 33435

*GRANTOR and GRANTEE are used for singular or plural, as context requires.*

Witnesseth that the GRANTOR, for and in consideration of the sum of - TEN DOLLARS (\$10) - DOLLARS, and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and

Warranty Deed - Page Two  
Parcel ID Number: 46-43-45-27-10-000-0100

assigns forever, the following described land, situate, lying and being in the County of Palm Beach State of Florida  
to wit:

Lot 10, Coastal Shores, according to the map or plat thereof, as recorded in Plat Book 24, Page(s) 6, of the  
Public Records of Palm Beach County, Florida.

a/k/a: 6070 N Ocean Blvd, Ocean Ridge, FL 33435

Subject to taxes and assessments for the current year, and subsequent years, which are not yet due and payable; and  
conditions, restrictions, reservations, limitations, agreements, and/or easements of record, if any (but this provision  
shall not operate to reimpose the same; and applicable zoning ordinances, if any.

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all  
persons whomsoever.

Warranty Deed - Page Three

Parcel ID Number: 46-43-45-27-10-000-0100

In Witness Whereof, the grantor has hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

The William Anthony and Mary Frances Kane  
Joint Declaration of Trust UAD 09/09/2010

Signature of 1st Witness

Elaine G. Tamm  
Printed Name of 1st Witness

William A. Kane  
William Anthony Kane, Individually and as Trustee  
1115 SW 22nd Avenue, Apt. 210  
Delray Beach, FL 33445

Signature of 2nd Witness

John Cawood  
Printed Name of 2nd Witness

Mary F. Kane  
Mary Frances Kane, Individually and as Trustee  
1115 SW 22nd Avenue, Apt. 210  
Delray Beach, FL 33445

State of Florida County of Palm Beach

The foregoing was acknowledged before me, a Notary Public, in and for the aforesaid State

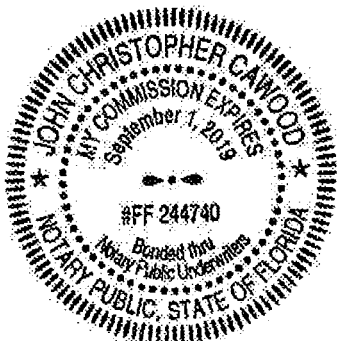
on this date of March 3, 2016

By: William Anthony Kane and Mary Frances Kane, Husband and Wife, Individually, and as  
Trustees of the The William Anthony and Mary Frances Kane Joint Declaration of Trust UAD 09/09/2010

who did personally appear, and who is personally known to me,

or who produced Elaine G. Tamm's license

as identification.



[Signature]  
Notary Public

Seal / My Commission Expires:



### LEGAL DESCRIPTION:

LOT 10, COASTAL SHORES ACCORDING TO THE PLAT THEREOF,  
AS RECORDED IN PLAT BOOK 24, PAGE 6, OF THE PUBLIC  
RECORDS OF PALM BEACH COUNTY, FLORIDA.

FLOOD ZONE: AE 6 (NAVD88)  
COMMUNITY NUMBER: 125134  
PANEL: 12099C0793  
SUFFIX: F

### ABBREVIATION DESCRIPTION:

A/C AIR CONDITIONER  
C CENTERLINE  
I.D. IDENTIFICATION  
LB LICENSED BUSINESS  
N.A.V.D. NORTH AMERICAN VERTICAL DATUM  
N.G.V.D. NATIONAL GEODETIC VERTICAL DATUM  
OHL OVERHEAD UTILITIES  
P-K PARKER KYLON NAIL  
PSM PROFESSIONAL SURVEYOR MAPPER  
R/W RIGHT OF WAY

FOUND 5/8"  
IRON ROD  
N.E. BLOCK  
CORNER

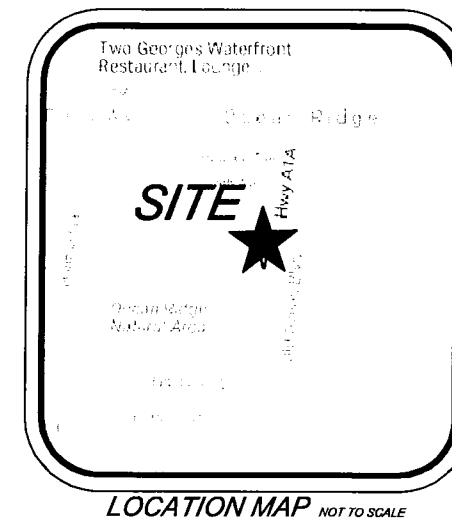
ORIGINATION BENCHMARK  
PALM BEACH COUNTY  
"Z 34"  
N.A.V.D. 88 ELEVATION = 8.89

ORIGINAL FIELD WORK  
COMPLETED BY: TARGET SURVEYING, LLC  
SURVEY #: 248655  
DATED: 02-08-2016

### REVISIONS:

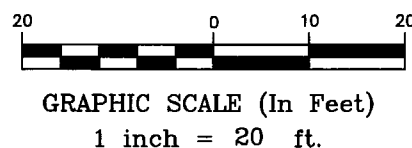
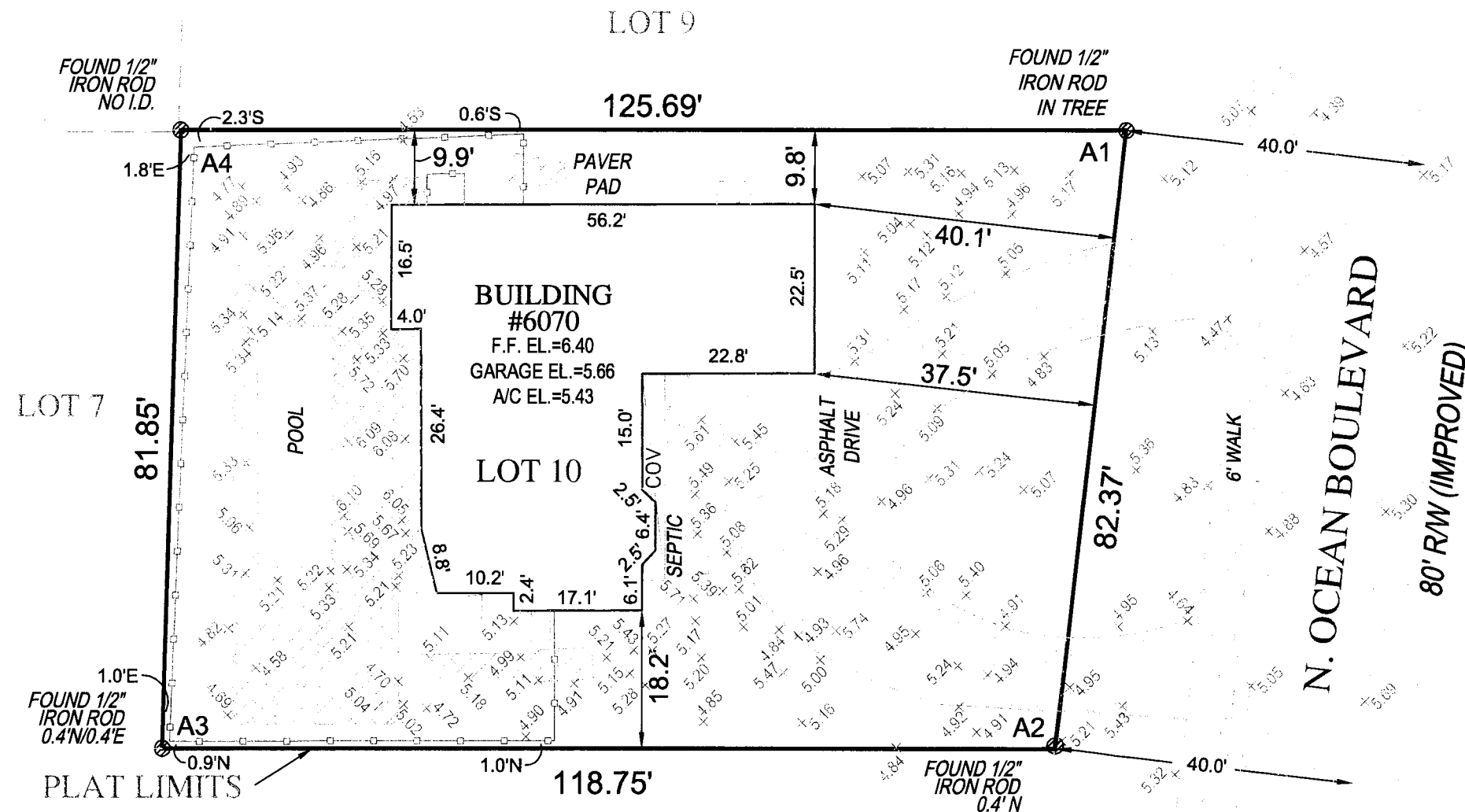
1. UPDATE SURVEY: 12-23-2021

A1= 83°36'27"  
A2= 96°22'26"  
A3= 88°27'11"  
A4= 91°33'56"



LOCATION MAP NOT TO SCALE

SYMBOL LEGEND	
	UTILITY POLE
	BENCH MARK
	CATCH BASIN
	WELL
	HYDRANT
	SANITARY MANHOLE
	CENTERLINE
	CONCRETE MONUMENT
	WATER METER
	UTILITY BOX
	EXISTING ELEVATION



### NOTES:

- LEGAL DESCRIPTION PROVIDE BY CLIENT
- NO SEARCH OF THE PUBLIC RECORD FOR THE PURPOSE OF ABSTRACTING TITLE WAS PERFORMED BY THIS OFFICE
- NO SUBSURFACE IMPROVEMENTS WERE LOCATED AS PART OF THIS SURVEY
- ALL ANGLES AND DISTANCES SHOWN HEREON ARE BOTH RECORD AND MEASURED UNLESS OTHERWISE NOTED

KENNETH  
OSBORNE

Digitally signed by  
KENNETH OSBORNE  
Date: 2022.01.17  
11:27:18 -05'00'

**Kenneth J. Osborne PSM #6415**

THIS SURVEY IS NOT VALID WITHOUT  
THE SIGNATURE AND THE ORIGINAL RAISED SEAL  
OF A FLORIDA LICENSED SURVEYOR AND MAPPER

BOUNDARY AND TOPOGRAPHICAL SURVEY OF  
6070 NORTH OCEAN BOULEVARD  
OCEAN RIDGE, FL 33435  
PREPARED FOR  
MICHAEL LIEBERMAN AND LAURA LIEBERMAN

Project C-14635 Sheet  
Date 02-16-2017  
Scale 1" = 20' 1 OF 1

6250 N. MILITARY TRAIL, SUITE 102  
WEST PALM BEACH, FL 33407  
www.compassurveying.net

COMPASS  
SURVEYING

LB. 7463 PHONE: 561.640.4800 FAX: 561.640.0576







Exhibit E

Property Appraiser GIS - Property Detail list by parcel control number

Buffer:

<u>46434527100000100</u> LIEBERMAN MICHAEL M & 6070 N OCEAN BLVD  OCEAN RIDGE FL 33435 5208	Acres 0.23 Value \$ 590,876.00 Taxbl \$ 440,554.00 Bldg \$ 158,651.00 Land \$ 432,225.00	Sales instr WD Price \$ 600,000.00 Date 3/3/2016 1. Book 28142 Page 1979	MTG PUSE SINGLE FAMILY TaxDist 46984  NAV	COASTAL SHORES  LOT 10
Buffer: 300				
<u>46434527080000362</u> SB FARMS LLC PO BOX 1616  BOYNTON BEACH FL 33425 1616	Acres 1.22 Value \$ 18,756.00 Taxbl \$ 18,756.00 Bldg \$ 0.00 Land \$ 18,756.00	Sales instr QC Price \$ 10.00 Date 6/14/2005 Book 19018 Page 1093	MTG PUSE VACANT TaxDist 46984  NAV	AMENDED PLAT OF BOYNTONS SUB, MUCK LT 36 (LESS WLY 178.15 FT)
<u>46434527080000371</u> PALHOF VIRGINIA M PO BOX 1616  BOYNTON BEACH FL 33425 1616	Acres 0.60 Value \$ 892,452.00 Taxbl \$ 258,460.00 Bldg \$ 97,437.00 Land \$ 795,015.00	Sales instr QC Price \$ 10.00 Date 6/5/2017 1. Book 29136 Page 1649	MTG PUSE SINGLE FAMILY TaxDist 46984  NAV	AMENDED PL OF BOYNTONS SUB ELY 166 FT OF NLY 156.44 FT OF MUCK LOT 37
<u>46434527080000372</u> COOK STANLEY & 6062 N OCEAN BLVD  BOYNTON BEACH FL 33435 5208	Acres 0.59 Value \$ 1,123,410.00 Taxbl \$ 526,050.00 Bldg \$ 328,395.00 Land \$ 795,015.00	Sales instr WD Price \$ 538,500.00 Date 8/1/1988 1. Book 05796 Page 0927	MTG PUSE SINGLE FAMILY TaxDist 46984  NAV	AMENDED PL OF BOYNTONS SUB D SLY 160.06 FT OF ELY 160 FT OF MUCK LT 37 LYG W OF ST RD A1A AS IN OR 1782 P 705
<u>46434527080000373</u> SB FARMS LLC PO BOX 1616  BOYNTON BEACH FL 33425 1616	Acres 1.40 Value \$ 21,560.00 Taxbl \$ 21,560.00 Bldg \$ 0.00 Land \$ 21,560.00	Sales instr QC Price \$ 10.00 Date 6/14/2005 Book 19018 Page 1093	MTG PUSE VACANT TaxDist 46984  NAV	AMENDED PL OF BOYNTONS SUB WLY 221.86 FT OF MUCK LT 37

Property Appraiser GIS - Property Detail list by parcel control number

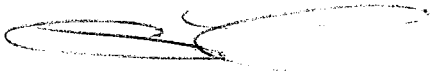
46434527080090020	Acres	0.30	Sales instr	WD	MTG	AMENDED PLAT OF BOYNTONS SUB LT 2 & N 1/2 OF LT 3 BLK 9
SPITI TRUST	Value \$	2,479,700.00	Price	\$ 3,220,000.00	PUSE SINGLE FAMILY	
6080 OLD OCEAN BLVD	Taxbl \$	2,407,446.00	Date	2/3/2020 1.	TaxDist 46984	
	Bldg \$	1,775,524.00	Book	31205		
OCEAN RIDGE FL 33435 5243	Land \$	704,176.00	Page	1451	NAV	
46434527080090031	Acres	0.31	Sales instr	QC	MTG	AMENDED PL OF BOYNTONS SUB S 1/2 OF OF LT 3 & LT 4 BLK 9
NAAR ALBERT R TR &	Value \$	885,749.00	Price	\$ 10.00	PUSE VACANT	
300 NW 22ND ST	Taxbl \$	885,749.00	Date	4/15/2014	TaxDist 46984	
	Bldg \$	0.00	Book	26740		
DELRAY BEACH FL 33444 3150	Land \$	885,749.00	Page	261	NAV	
46434527080090050	Acres	0.32	Sales instr	QC	MTG	BOYNTON SUB AMNDED PL
NAAR ALBERT R TRUST &	Value \$	2,497,842.00	Price	\$ 10.00	PUSE SINGLE FAMILY	LT 5 & N 1/2 OF LT 6 BLK 9
300 NW 22ND ST	Taxbl \$	2,497,842.00	Date	4/15/2014	TaxDist 46984	
	Bldg \$	1,612,260.00	Book	26740		
DELRAY BEACH FL 33444 3150	Land \$	885,582.00	Page	260	NAV	
46434527080090061	Acres	0.32	Sales instr	WD	MTG	BOYNTON SUB AMNDED PL
FINK MICHAEL &	Value \$	2,366,622.00	Price	\$ 2,000,000.00	PUSE SINGLE FAMILY	S 1/2 OF LT 6, LT 7 BLK 9
6102 N OCEAN BLVD	Taxbl \$	1,395,319.00	Date	11/1/2012	TaxDist 46984	
	Bldg \$	1,481,169.00	Book	25575		
BOYNTON BEACH FL 33435 5258	Land \$	885,453.00	Page	705	NAV	
46434527080090080	Acres	0.22	Sales instr	WD	MTG	BOYNTON SUB AMNDED PL
PEARCE GABRIELLE C &	Value \$	742,659.00	Price	\$ 600,000.00	PUSE SINGLE FAMILY	LT 8 BLK 9
6019 N OCEAN BLVD	Taxbl \$	742,659.00	Date	11/20/2012	TaxDist 46984	
	Bldg \$	252,362.00	Book	25610		
BOYNTON BEACH FL 33435 5207	Land \$	490,297.00	Page	1867	NAV	
46434527080090090	Acres	0.22	Sales instr	WD	MTG	AMENDED PL OF BOYNTONS SUB LT 9 BLK 9
PEARCE GABRIELLE CLAIRE	Value \$	826,703.00	Price	\$ 1,030,635.00	PUSE SINGLE FAMILY	
5 THE QUILLOT	Taxbl \$	826,703.00	Date	5/1/2007 1.	TaxDist 46984	
WALTON ON THE THAMES	Bldg \$	336,370.00	Book	21682		
KT125BY GREAT BRITAIN & NRTHRN IRELAND	Land \$	490,333.00	Page	1642	NAV	

Property Appraiser GIS - Property Detail list by parcel control number

<u>4643452710000090</u> SETTICASI SEBASTIANO & 132 ISLAND DR  BOYNTON BEACH FL 33435 3310	Acres 0.24 Value \$ 665,463.00 Taxbl \$ 665,463.00 Bldg \$ 233,238.00 Land \$ 432,225.00	Sales instr DT Price \$ 830,000.00 Date 2/14/2021 Book 32204 Page 104	MTG PUSE SINGLE FAMILY TaxDist 46984  NAV	COASTAL SHORES LT 9
<u>4643452711000040</u> TILMA SIERD 127 MANSION DR  MEDIA PA 19063 1019	Acres 0.24 Value \$ 811,019.00 Taxbl \$ 811,019.00 Bldg \$ 330,769.00 Land \$ 480,250.00	Sales instr WD Price \$ 1,450,000.00 Date 5/10/2021 Book 32556 Page 113	MTG PUSE SINGLE FAMILY TaxDist 46984  NAV	COASTAL SHORES WEST LT 14
<u>4643452711000050</u> GREGORY GLORIA & 6120 RIDGE LN  BOYNTON BEACH FL 33435 5222	Acres 0.25 Value \$ 644,615.00 Taxbl \$ 277,075.00 Bldg \$ 164,365.00 Land \$ 480,250.00	Sales instr QC Price \$ 10.00 Date 9/27/2010 Book 24151 Page 1335	MTG PUSE SINGLE FAMILY TaxDist 46984  NAV	COASTAL SHORES WEST LT 5
<u>4643452711000060</u> KOWALIK ROSANI M 6110 RIDGE LN  OCEAN RIDGE FL 33435 5222	Acres 0.25 Value \$ 629,816.00 Taxbl \$ 188,470.00 Bldg \$ 149,566.00 Land \$ 480,250.00	Sales instr WD Price \$ 10.00 Date 12/3/2009 Book 23594 Page 1770	MTG PUSE SINGLE FAMILY TaxDist 46984  NAV	COASTAL SHORES WEST LT 6
<u>4643452711000070</u> BYRNES CHRISTOPHER G 35 ANNA ST  BOYNTON BEACH FL 33435 5201	Acres 0.26 Value \$ 773,807.00 Taxbl \$ 411,677.00 Bldg \$ 226,727.00 Land \$ 547,080.00	Sales instr QC Price \$ 1.00 Date 11/24/2007 Book 22368 Page 1133	MTG PUSE SINGLE FAMILY TaxDist 46984  NAV	COASTAL SHORES WEST LT 7
<u>4643452711000080</u> DI VETO ANTHONY M & 33 ANNA ST  BOYNTON BEACH FL 33435 5201	Acres 0.24 Value \$ 745,910.00 Taxbl \$ 0.00 Bldg \$ 199,801.00 Land \$ 546,109.00	Sales instr Price \$ Date Book Page	MTG PUSE SINGLE FAMILY TaxDist 46984  NAV	COASTAL SHORES WEST LT 8

Exhibit F

We are the sole owners of 6070 N. Ocean Blvd  
Ocean Ridge, FL 33435

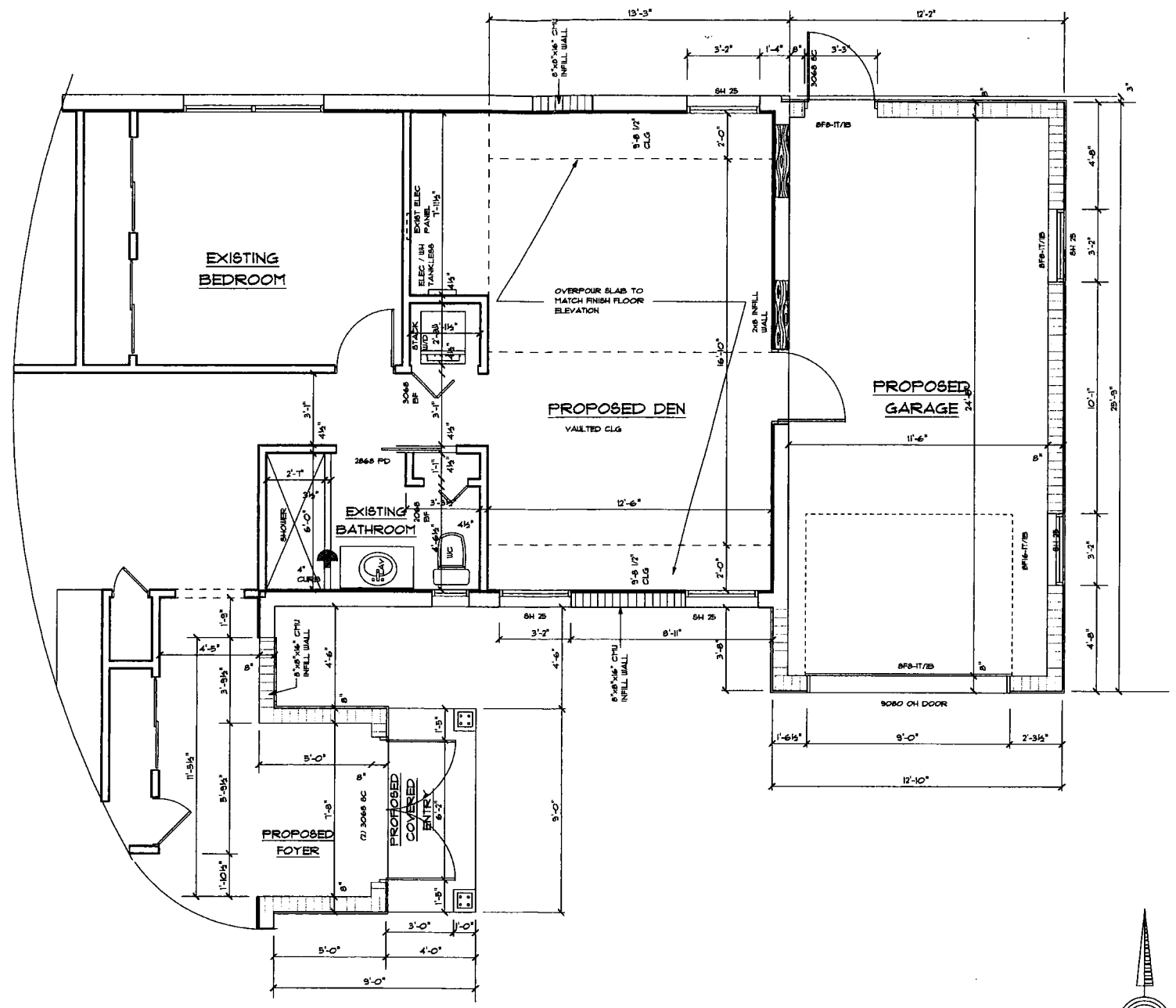


Michael M. Lieberman

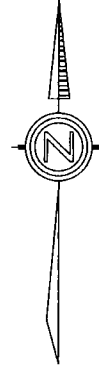


Laura L. Lieberman





PROPOSED FLOOR PLAN 1/4" = 1'-0"



SQUARE FOOTAGE CALCULATIONS:

EXISTING AC	1697 SQ FT
EXISTING GARAGE TO BE CONVERTED TO AC	332 SQ FT
PROPOSED FOYER	45 SQ FT
TOTAL AC	2074 SQ FT
PROPOSED GARAGE	314 SQ FT
TOTAL UNDER ROOF	2388 SQ FT

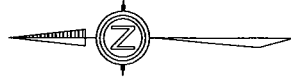
REVISIONS	DATE	BY

PRECISION DRAFTING AND DESIGN INC.  
34 VISTA DEL RIO, BOYNTON BEACH, FLORIDA  
NORTH COUNTY ( 561 ) 733-0663  
SOUTH COUNTY ( 561 ) 278-3038  
CONSTRUCTION DOCUMENTS FOR  
NEW HOMES - ADDITIONS - REMODELING  
OWNER / DESIGNER B. DAVID FRANK

PROPOSED ADDITION FOR:  
MICHAEL & LAURA LIEBERMAN  
6070 NORTH OCEAN BLVD.  
OCEAN RIDGE, FLORIDA

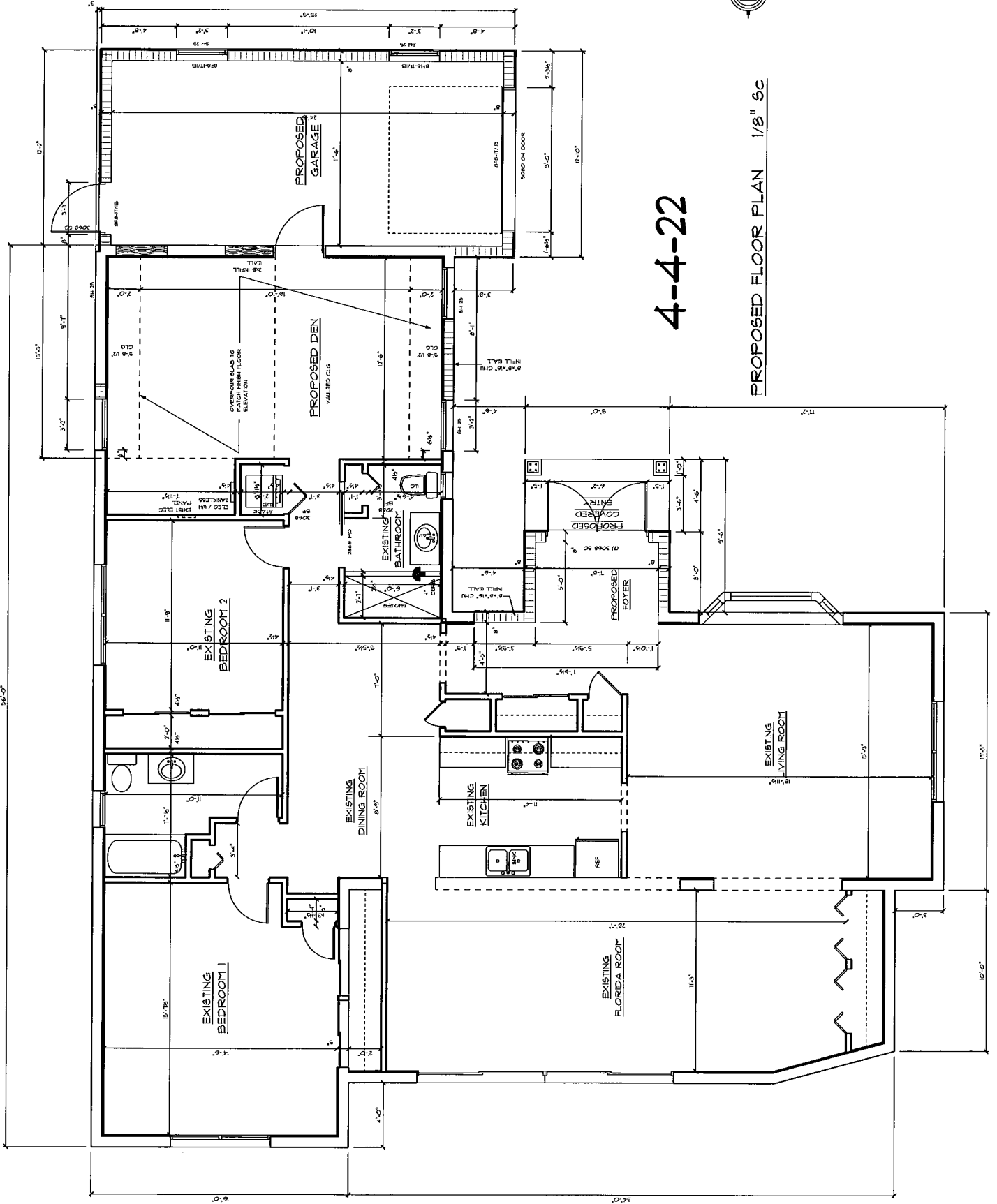
DRAWN BY	BDF
CHECKED BY	
DATE	2-22-22
SCALE	AS NOTED
JOB NO.	16011.12
SHEET	





4-4-22

PROPOSED FLOOR PLAN 1/8" SC



April 30, 2022

Town of Ocean Ridge Building Department

Planning and Zoning Commission

6450 N. Ocean Blvd.

Ocean Ridge, FL 33435

Re: Variance Request by Michael and Laura Lieberman, 6070 N. Ocean Blvd.

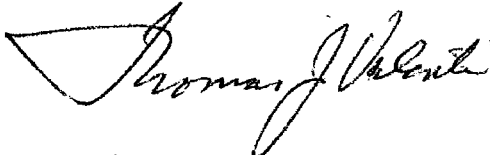
Dear Town Officials,

This letter is to affirm my unconditional support for the variance request made by Michael and Laura Lieberman for the construction of a garage at 6070 N. Ocean Blvd. I live next door to the Lieberman's at 6072 N. Ocean Blvd.

The proposed garage addition will not adversely affect my property. The addition of the garage by the Lieberman's will enhance our neighborhood. I see no reason why their request for a variance should not be granted.

The Lieberman's well-maintain their property and they are wonderful neighbors. The requested variance should be granted. Should you need to contact me, I can be reached at 315-727-9388 or by email at [tom@cameronllc.com](mailto:tom@cameronllc.com).

Respectfully,

A handwritten signature in black ink, appearing to read "Thomas J. Valenti". The signature is fluid and cursive, with a large, sweeping initial "T".

Thomas J. Valenti

6072 N. Ocean Blvd.

Ocean Ridge, FL 33435

## Karla Armstrong

---

**From:** Paul Drummond <paul.drummond84@gmail.com>  
**Sent:** Monday, April 4, 2022 4:04 PM  
**To:** Karla Armstrong  
**Subject:** Application for Variance

Karla,

I received your Notice relative to Michael and Laura Lieberman's application for a variance. My wife and I are in complete support of their request. We live at 6110 Ridge Lane and know Mike and Laura very well. Their request is reasonable and should be approved. You might get (1) formal "No" from their neighbor in the rear and I hope you take it with a grain of salt. There was an issue that occurred several years ago with a fence that Mike and Laura put up and the neighbors objected.

Good luck

Paul Drummond & Rosani Kowalik

Leah & Thomas Valenti  
6072 N. Ocean Blvd > viewed plans and are in support

# TOWN OF OCEAN RIDGE BOARD OF ADJUSTMENT

Christy L. Goddeau  
*Board Certified City County  
and Local Government Attorney*  
Torcivia, Donlon, Goddeau & Rubin, P.A.  
701 Northpoint Parkway, Suite 209  
West Palm Beach, FL 33407  
(561) 686-8700  
CHRISTY@TORCIVIALAW.COM

# BOARD OF ADJUSTMENT - DUTIES

- Pursuant to the Town's Land Development Code, the Board of Adjustment may:

1. Grant a variance to the terms of the land development code;
2. Hear and decide appeals from the decisions of the administrative official (including administrative variance requests); and,
3. Authorize alterations to nonconforming or grandfathered uses.

# BOARD OF ADJUSTMENT - HEARINGS

- All Board hearings are **quasi-judicial** hearings:
  - Board is the judge of the evidence presented and whether evidence satisfies the required criteria:
    - Must be impartial
    - May ask questions of all participants
    - Must make decision purely on evidence presented at hearing
    - Must vote if present at hearing or declare conflict and recuse self from participation and vote

# BOARD OF ADJUSTMENT - HEARINGS

- All Board hearings are **quasi-judicial** hearings:
  - All Board members must disclose ex parte communications at outset of hearing:
    - Ensures all participants know each Board member's pre-existing knowledge specific to request
    - Helps to protect record on appeal from due process challenges of prejudice or bias
  - If ex parte communication disclosure suggests Board member may not be impartial, further questioning may be necessary to ensure impartiality.



# BOARD OF ADJUSTMENT - HEARINGS

- All Board hearings are **quasi-judicial** hearings:
  - No strict rules of evidence; however, Board must ensure basic due process (fairness) to all participants
  - All participants must be sworn-in and all testimony made under oath (e.g., staff, applicant, affected parties and their witnesses)
  - All participants have right to cross-examine witnesses;
  - Public participation is authorized but generally is not considered evidence.

# BOARD OF ADJUSTMENT - HEARINGS

- All Board hearings are **quasi-judicial** hearings:
- Evidence to support criteria must be competent, substantial evidence
  - Sufficiently relevant and material evidence that a reasonable mind would accept as adequate to support a conclusion
  - Hearsay evidence should be supported by other direct evidence (e.g., contractor testifies and is cross-examined as to contractor's prior written report or statements made outside hearing)

# BOARD OF ADJUSTMENT - HEARINGS

- All Board hearings are **quasi-judicial** hearings:
- Board motions:
  - Motion to approve (or approve with conditions) should be based on all criteria being satisfied by competent, substantial evidence (with reasonable conditions imposed)
  - Motion to deny should be based on lack of competent, substantial evidence to support all or specific criteria

# BOARD OF ADJUSTMENT - VARIANCES

- Pursuant to section 63-34 of the Land Development Code, the **application for a variance must be:**
  1. Filed with the Town;
  2. On the application form prescribed by the Town;  
and,
  3. Executed and sworn to by the owners, tenant (with owner consent), or duly authorized agents.

# BOARD OF ADJUSTMENT - VARIANCES

- Pursuant to section 63-34 and 63-32 of the Land Development Code, the **application** for a variance must be:
  1. Noticed in the newspaper at least 10 days prior to the hearing (Palm Beach Post);
  2. Noticed to the owner and any known affected property owners;
  3. Courtesy notices posted around town;
  4. Noticed by mail to property owners within 300 feet of the property described in the application; and,
  5. An affidavit of notice presented at hearing.

# BOARD OF ADJUSTMENT - VARIANCES

- Pursuant to section 63-73 of the Land Development Code, the Board **may grant a variance** to the terms of the Land Development Code as follows:

“When literal or strict enforcement of the provisions of the land development code would cause unusual, exceptional or unnecessary difficulties or undue hardship or injustice because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas or the existence of other unusual physical conditions, the board may vary or modify the requirements set forth herein after receiving and reviewing the report of the administrative official. No variance shall be granted if it has the effect of nullifying the intent and purposes of the land development code. In granting variances the board may require such conditions as well secure the objectives of the land development code.”

# BOARD OF ADJUSTMENT - VARIANCES

- Pursuant to section 63-73 of the Land Development Code, a variance “**will not be processed**” unless the written application to the administrative official demonstrates:
  1. That special conditions and circumstances exist which are peculiar to the land involved and which are not applicable to other lands within the zoning district; and
  2. That a literal interpretation of the provisions of this land development code would deprive the applicant of rights commonly enjoyed by other properties within the zoning district; and
  3. That the special conditions and circumstances do not result from the action of the applicant; and
  4. That the granting of the variances requested will not confer on the applicant any special privilege that is denied to other lands within the zoning district.



# BOARD OF ADJUSTMENT - VARIANCES

- Pursuant to section 63-73 of the Land Development Code, to approve a variance, the Board shall find **ten (10) criteria have all been met:**
  1. That the previous requirements discussed have been met (i.e., application submitted, fee paid, proper notice and public hearing)
  2. That the reasons set forth in the application justify the granting of the variance;

# BOARD OF ADJUSTMENT - VARIANCES

- Pursuant to section 63-73 of the Land Development Code, to approve a variance, the Board shall find ten (10) criteria have all been met:

3. That special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same zoning district; and

# BOARD OF ADJUSTMENT - VARIANCES

- Pursuant to section 63-73 of the Land Development Code, to approve a variance, the Board shall find ten (10) criteria have all been met:

4. That special conditions and circumstances do not result from the actions of the applicant; and

# BOARD OF ADJUSTMENT - VARIANCES

- Pursuant to section 63-73 of the Land Development Code, to approve a variance, the Board shall find ten (10) criteria have all been met:

5. That granting the variance requested will not confer on the applicant any special privilege that is denied by this land development code to other lands, buildings or structures in the same zoning district; and

# BOARD OF ADJUSTMENT - VARIANCES

- Pursuant to section 63-73 of the Land Development Code, to approve a variance, the Board shall find ten (10) criteria have all been met:

6. That literal interpretation of the provisions of this land development code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this land development code; and

# BOARD OF ADJUSTMENT - VARIANCES

- Pursuant to section 63-73 of the Land Development Code, to approve a variance, the Board shall find ten (10) criteria have all been met:

7. That literal interpretation of the provisions of this land development code would work unnecessary and undue hardship on the applicant; and

# BOARD OF ADJUSTMENT - VARIANCES

- Pursuant to section 63-73 of the Land Development Code, to approve a variance, the Board shall find ten (10) criteria have all been met:

8. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and



# BOARD OF ADJUSTMENT - VARIANCES

- Pursuant to section 63-73 of the Land Development Code, to approve a variance, the Board shall find ten (10) criteria have all been met:

9. That the grant of the variance will be in harmony with the general intent and purpose of the land development code; and

# BOARD OF ADJUSTMENT - VARIANCES

- Pursuant to section 63-73 of the Land Development Code, to approve a variance, the Board shall find ten (10) criteria have all been met:

10. That such variance will not be injurious to the surrounding area and would not impair desirable general development of the neighborhood or the community as proposed in the comprehensive plan, or otherwise detrimental to the public welfare.

# BOARD OF ADJUSTMENT - VARIANCES

- Pursuant to section 63-73 of the Land Development Code, to approve a variance, the **Board shall not**:
  - Consider financial hardship alone as a hardship to grant a variance.
  - Grant a variance to permit a “use” not generally permitted in the zoning district or based on a nonconforming or grandfathered “use” of neighboring lands, structures, or buildings in the zoning district.

# BOARD OF ADJUSTMENT - VARIANCES

- Pursuant to section 63-73 of the Land Development Code, to approve a variance, **the Board may:**
  - “prescribe conditions and safeguards in conformance with the land development code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this land development code.”
  - “prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed, or both. Unless a specific time limit is prescribed by the board of adjustment, a variance granted under the provisions of this land development code shall automatically lapse if building construction, in accordance with the plans for which such variance was granted, has not been initiated within six months from the date of granting of such variance by the board or, if judicial proceedings to review the board's decision are instituted, from the date of entry of the final order in such proceedings, including all appeals. The town manager is authorized to approve one automatic six-month extension of time to commence construction pursuant to a variance. Any request for additional time shall be presented to the board of adjustment.”



# TOWN OF OCEAN RIDGE BOARD OF ADJUSTMENT

**QUESTIONS & THANK YOU!**