

JUPITER INLET COLONY

VARIANCE HEARING

7:00 p.m.

9/18/2017

Town Administration Building

MINUTES

1. The Variance Hearing was called to order at 7:00 p.m. by Mayor Comerford.

Roll call for the record:

Mayor Daniel Comerford
Vice-Mayor Thomas DiSarno
Commissioner Jerry Legerton
Commissioner Milton Block
Commissioner Richard Busto

Town Attorney William P. Doney
Town Administrator John Pruitt

2. Consider application for variance filed by Susan Rizzuto and Morris Flancbaum (as owners of Lot 243) from the following provisions of the Town Zoning Code:
 - A. Section 17(G)(2) of the Zoning Code that limits the height of walls to no higher than four (4) feet in the front setback area; and
 - B. Section 10.1(6) of the Zoning Code that provides that the second story of a two story residence shall not exceed sixty (60%) percent of the first story floor area; and
 - C. Section 10.1(6) of the Zoning Code that provides that the floor area total for the combined first floor and second floor shall not exceed an area equivalent to a ratio of fifty (50%) percent of the total lot area.

Town Attorney Bill Doney explained that this Variance Hearing is a quasi-judicial hearing. The Commissioners have to disclose if they have viewed the property and if they have had any discussions with anyone regarding the variance request. Commissioner Legerton said he has had no communication with the applicants regarding the application and has not inspected the property. Commissioner Block stated that he has had no communication with the applicants regarding the request and has not inspected the property. Mayor Comerford has never inspected the property and has not communicated with the applicants regarding the variance application. Vice-Mayor DiSarno has never inspected the property nor has he had any communication with the applicants

regarding the application. Commissioner Busto has had no conversation with the applicants and has not inspected the property.

Mr. Doney explained the three variance request sections. The Mayor asked if the Building and Zoning Committee has reviewed this request and is the Committee recommending the variances be approved. Commissioner Legerton stated that the Committee voted unanimously to approve the variance and the recommendation is provided to each Commissioner tonight. Commissioner Legerton explained that there were five criteria that had to be met. The Committee was unanimous on 4 of the 5 criteria. The Committee could not find an argument against the 5th criteria. Commissioner Legerton explained how the Committee arrived at their unanimous recommendation to approve the variance request. Commissioner Legerton explained the issue of determining if the wall in the front of Lot 243 is a front wall or side wall since it is a continuation of the side wall of the Beach Club. He said that Lot 243 is unique and there is no other property like it in JIC.

Vice-Mayor DiSarno asked which of the five criteria was questionable to the Committee. Commissioner Legerton explained that the criteria refers to rights that would be denied that are commonly enjoyed by other residents and would cause an undue hardship on the owner.

Morris Flancbaum was sworn in by Bill Doney. He introduced himself. He explained that he and his wife chose the Colony for its charm. He explained how he purchased the property. They hired an architect and Mauro Brothers Construction to design the home. He did not want to have to pursue a variance. He said that Tony Mauro submitted the package and he was told that Town zoning changed. It took two years to design the home and the zoning changed in the middle of his design process. Tony Mauro had no comments.

Commissioner Block said he is in favor of granting the variance. He said that he is against a front wall and a gate on the property in this community. If it comes up again on another property, he would vote against it. He understands in this case that the property is located next to the Beach Club and he understands the need for the wall. This variance is not to set a precedent in JIC.

Before the home is built, Commissioner Busto wants the community to know that a variance was granted to approve the wall and gate. He would like to see a courtesy call to the neighbors. The Commission discussed that the order would be on the website. John Pruitt explained the legal notices that were issued by law. A certified mailing to residents within 300' was sent 20 days out from the hearing. Legal ads in the Palm Beach Post were placed at 5 days and 15 days out from the hearing.

Commissioner Legerton stated that these issues would be the only variances granted for the property and that the final plans must conform to all other Code

Sections. Commissioner Legerton wanted to help the owners but he stated that there was much awareness in the community that the Zoning Ordinances were changing. He said that the home is next to the large building of the Beach Club and a very large home to the north.

The Commission discussed the front gate on his property and that there are no other gates in the community.

Public comments: None

MOTION: Commissioner Busto moved to approve the variances based on the recommendations from the Building and Zoning Committee

SECOND: Vice-Mayor DiSarno

VOTE: Unanimous Motion passed, variance granted.

The Mayor announced that Dick Taber, 62 Colony Road, has applied for a variance. He asked that the Variance Hearing be set for 10 October, 6 p.m. before the Regular Meeting. Commissioner Legerton said he is in favor of an ordinance change verses a variance. The Commission discussed it and agreed. A Variance Hearing was not scheduled.

3. Vice-Mayor DiSarno motioned to adjourn the Variance Hearing.

SECOND: Commissioner Busto

The Variance Hearing was adjourned at 7:36 p.m.

Approved by:

Mayor Daniel J. Comerford III

Date

Town Clerk Jude Goudreau

Date