

**MINUTES  
TOWN OF JUPITER ISLAND  
BOARD OF ADJUSTMENT MEETING  
THURSDAY, APRIL 25, 2024**

**TIME:** Thursday, April 25, 2024 – 9:00 AM  
**PLACE:** Town Hall Island Room – 2 Bridge Rd., Hobe Sound, FL  
**PRESENT:** Present in person were Chair Marjorie Graham, Vice Chair Mark Newman, Members Nancy Auth, Jodi Dines, Hugh O'Kane, and Alternate Members E.B. Smith and Stephanie Flinn. Also present were Building Department Director Catherine Harding, Senior Planner Ruben Cruz, Town Clerk Kimberly Kogos, and Town Attorney Thomas Baird.

*Chair Graham called the meeting to order at 9:04 AM.*

**Roll Call**

Chair Marjorie Graham called the meeting to order at 9:04 a.m. She introduced the Board members as well as alternate members and clarified voting members. She determined there was a quorum present.

Town Clerk Kogos swore in speakers including Attorney Jared Gaylord of Marc Gaylord P.E., Chuck Yannette of Parker-Yannette Design Group, Inc; Mitch Miller of Village Architects; Senior Planner Ruben Cruz; and Building Director Catherine Harding.

**Board Action Items**

**1. Minutes of the March 28, 2024, Board of Adjustment Meeting**

**MOTION:** *Chair Newman/ Auth moved to approve the minutes of the March 28, 2024 Board of Adjustment meeting.*

**ACTION:** *Motion Passed 5-0.*

**2. 103 North Beach**

This is the application of AGTC JI Properties, LLC, represented by Jared Gaylord, Esq. of Marc R. Gaylord, P.A., requesting the following:

In accordance with Article X, Division III, Section 3.00, General Alternative Development Standards, Article X, Division III, Section 3.01, Initial Measuring Point for Building Height, the applicant is requesting the use of Article IV, Division II, Section 2.00, Building Height, in order to use the initial measuring point to 14.8' NAVD;

AND

In accordance with Article X, Division III, Section 3.00, General Alternative Development Standards, Article X, Division III, Section 3.02, Placement of more than 3' of Fill, the applicant is requesting to use Article IV, Division III, Section 3.01, Fill, in order to create a more level property and comply with state regulations.

**Ex-Parte Communication:**

- *Chair Graham stated she spoke with Director Harding on the phone regarding the application and*

*drove by the property with Mr. Cruz a few months ago.*

*- Member Auth stated she visited the property with Mr. Cruz yesterday, briefly met the property owner, and read all materials.*

*- Member O'Kane stated he visited the property and had no ex parte communication.*

*- Member Dines stated she had visited the property with Mr. Cruz.*

*- Vice Chair Newman stated he had a brief conversation with Mr. Cruz this morning, had driven by the property in the past, and read all materials.*

*- Alternate Member Stephanie Flinn stated she viewed the property.*

*- Alternate Member E.B. Smith stated he visited the property and had no ex-parte communication.*

Chair Graham clarified with Director Harding which version of the Land Development Regulations (LDRs) is being used for today's application. Director Harding explained the changes in the LDRs and what is applicable to today's application.

Senior Planner Cruz introduced the application and provided background information. He stated that the applicant acquired the subject property on December 2, 2010. The residence was originally constructed around 1964 and the applicant is wanting to redevelop the subject parcel. He explained that in order to go before the Impact Review Committee (IRC) for approval of the proposed project, the application needs to go before the Board of Adjustment (BOA), as the proposed plans reviewed by staff indicated an Initial Measuring Point (IMP) at a proposed 14.8' NAVD, and the total placement of 4.6' of fill. He noted staff has addressed each criteria with comments.

Mr. Cruz stated that if the BOA approves the application, the following conditions are recommended by staff:

- Applicant will have to obtain a Florida Department of Environmental Protection (DEP) permit.
- Silt screen shall be installed along the side yard area and rear yard area facing the ocean.
- Additional comments may follow anytime during the review process (i.e. Building Permit, etc.).

Mr. Cruz introduced the applicant's representative.

Attorney Jared Gaylord greeted the Board and introduced the project team including Mitch Miller, Doug Winter, Chuck Yannette and Danny Castanicos, as well as property owners Mr. and Mrs. Curan. Mr. Gaylord provided aerial photographs and survey of the property. He provided the site plan of the proposed home and explained the proposed fill of 4.6 feet and initial measuring point (IMP). He briefly reviewed the floor plans, explained the calculations pertaining to the requested IMP and provided elevations for comparison purposes. He provided ground photographs of the current property and neighboring properties.

Mr. Chuck Yannette reviewed the landscape plans explaining the intent of full and heavy buffers.

Chair Graham referred to the LDR alternate development standards and asked if the excess fill is not necessary to build the finished floor elevation of the building.

Attorney Gaylord conceded and clarified that the building would not be any more visible than a structure constructed without employing the alternative development standards. He stated the extra fill is not needed for that purpose and explained the reason for the proposed fill request.

Chair Graham asked which properties granted additional fill have installed a hobby room or additional living space in the basement. Attorney Gaylord explained that most of the neighboring properties use the lowest level as garage space.

Chair Graham reiterated that others have been granted the relief but did not use the additional fill to create a basement to put in additional living space such as a recreational room or hobby room.

Attorney Gaylord contended that the code doesn't mandate evidence of basement contents for an initial point or fill application. He addressed the Alternative Development Standards and stated that each of these requirements have been met.

Vice Chair Newman argued in favor of the basement versus exposed pilings, stating that exposed pilings would require more fill and would be less aesthetically pleasing.

Attorney Gaylord concurred, mentioning that over 3' of fill would be necessary regardless to level the sunken "low" patio. He noted where the fill would be placed.

Chair Graham asked for the height of the basement wall and how much is exposed. Mr. Miller stated that the wall is 8' tall and 5' will be hidden by fill with 3' exposed. He confirmed there is a window well on the north side of the structure.

Discussion ensued regarding the living space in the basement area which includes a hobby room.

Additional discussion ensued regarding the process of application based on denial of any portion of the two requests.

Member Auth stated that there is not a hardship in this application and expressed confusion regarding the use of the hobby room. She opined that the structure is similar in character with the neighborhood. Pertaining to drainage, she opined that the exfiltration systems do not concern her as they seem to do their job. She expressed that the application seems to meet the standards.

Member O'Kane expressed that situating the garage beneath the structure is logical and resolves supplementary concerns such as utilities. He deemed it a sensible request.

Member Dines stated that she does not feel concern over the application. She expressed favor of the application since the basement is not externally visible.

Vice Chair Newman stated he is in favor of the application. Alternate Members Flinn and Smith agreed.

Chair Graham expressed concern about excess fill but understood the purpose for this project.

Public Comment:

There was no public comment.

***MOTION:*** Newman/ O'Kane moved to approve the application as presented.

***ACTION:*** The motion passed 5-0.

**3. Other Items**

- a. Next Meeting - May 30, 2024
- b. Other Items from members of the Board

No other items were discussed.

The meeting ended at 10:43 am.

Respectfully Submitted,

Kimberly Kogos, Town Clerk