

**AGENDA
TOWN OF JUPITER ISLAND
BOARD OF ADJUSTMENT MEETING
THURSDAY, APRIL 25, 2024, 9:00 AM
ISLAND ROOM – TOWN HALL – 2 BRIDGE ROAD**

Roll Call

Board Action Items

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

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.

3. Other Items

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

** No advanced materials provided*

BOARD OF ADJUSTMENT

Marjorie Graham, Chair
Mark Newman, Vice Chair
Nancy Auth, Member
Jodi Dines, Member
Hugh O'Kane, Member
E.B. Smith, Alternate
Stephanie Flinn, Alternate

TOWN STAFF

Catherine Harding, Building Department Director

Ruben Cruz, Senior Planner

Kimberly Kogos, Town Clerk

Thomas J. Baird, Town Attorney

STATE MANDATED STATEMENT

If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he 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. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Town prior to the meeting. Please contact the Town Hall, 2 Bridge Road, Hobe Sound, FL 33455, telephone (772) 545-0103.

MINUTES
TOWN OF JUPITER ISLAND
BOARD OF ADJUSTMENT MEETING
THURSDAY, MARCH 28, 2024 – 9:00 a.m.



TIME: Thursday, March 28, 2024 - 9:00 a.m.
PLACE: Town Hall - Island Room
PRESENT: Chair Marjorie Graham, Vice Chair Mark Newman, Members Hugh O’Kane, Nancy Auth, and Jodi Dines as well as alternate members E.B. Smith and Stephanie Flinn were present. Also present were Director of Building Catherine Harding, Director of Planning & Zoning Ruben Cruz, Town Clerk Kimberly Kogos and Alternate Town Attorney Brett Leshley.

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.

1. Minutes of the meetings of November 30, 2023 and January 29, 2024

MOTION: *Newman/Auth moved to approve the minutes of the November 30, 2023, and January 29, 2024, Board of Adjustment meetings.*

ACTION: *The motion passed 5-0.*

2. 185 South Beach Road – withdrawn

Director Harding stated that the application of 185 South Beach Road has been withdrawn and will not be heard today.

This is the application of Langdon Vista 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 3.02, 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 level surface between the proposed guest house and main residence for the pool terrace and to fill in the area where the old pool existed.

3. 252 South Beach Road

This is the application of Mr. Edward Hamm, Jr., Trustee of the Edward Hamm Jr. Revocable Trust, represented by Jared Gaylord, Esq. of Marc R. Gaylord, P.A., requesting the following:

In accordance with Article X, Division V, Section 5.00, Standards for Approval of Variances, the applicant is requesting a variance to Article IV, Division III, Section 3.16, Gates, in order to move a gate from the northern driveway to a new southern driveway location and requesting a variance to Article IV, Division III, Section 3.06, Walls, Fences, and Bulkheads/Seawall, A., 1. a., Front Yards, in order to install a coquina wall in the area where the northern gate was previously.

Ex-Parte Communication:

- Chair Graham stated she drove by the property with Director Cruz, is familiar with the property from a previous hearing.
- Member Auth spoke to Director Cruz on the phone about the property.
- Member O’Kane stated he had no ex-parte communication.
- Member Dines stated she had visited the property and met with Director Cruz.
- Vice Chair Newman stated he had no ex-parte communication but is a neighboring property.
- Alternate Member E.B. Smith stated he visited the property and had no ex-parte communication.

Director Ruben Cruz introduced the application of 252 South Beach Road and provided background information as well as his recommendations.

Town Clerk Kogos swore in Attorney Jared Gaylord.

Attorney Jared Gaylord, representing Edward Hamm, greeted the Board. He began his presentation by displaying aerial photographs of the property and provided history of the property and prior application approvals. He reviewed the site location and photographs of the existing gate. He also corrected a typo in the materials, noting the proposed gate would be setback 15’ from the edge of pavement and 10’ setback from the right-of-way, for a total of 25’. Attorney Gaylord displayed photographs of the existing coral walls and proposed location for the new entrance.

Attorney Gaylord displayed the construction staging plan, displaying the new entrance, wall, and gate opening along South Beach Road. He reviewed the buffer enhancement plan and variance standards.

Chair Graham inquired about coordination of redevelopment of 252 South Beach Road with 251-255 South Beach Road properties. Attorney Gaylord explained the intent is to have architecturally similar designs on all properties. Discussion ensued about the properties.

Attorney Gaylord explained to the Board specifically the two requests.

Director Cruz asked for clarification of the setback measurement of the proposed gate. Attorney Gaylord explained his calculation of the setback. It was clarified that the gate will be setback 10’ from the right-of-way with a total of 25’ from the edge of road to the gate.

Public Comment:

There was no public comment.

Alternate Member Flinn asked about the existing two single-family homes. Attorney Gaylord provided clarification that anything forthcoming would fall in the existing zoning criteria of single-family home.

MOTION: *Newman/Auth moved to approve the request for variance to fill the 13’5” gap coral wall to close the former entrance as well as the 12’ height.*

ACTION: *The motion passed 5-0.*

MOTION: *Auth/Newman moved to approve the request for variance regarding the location of the proposed gate that will encroach in the front setback.*

ACTION: *The motion passed 5-0.*

4. Other Items

A. Next Meeting – April 25, 2024- To be determined

The Board established that all members plan to attend the April meeting.

B. Other Items

No other items were discussed.

The meeting was adjourned at 9:51 a.m.

Respectfully submitted,

Kimberly Kogos, Town Clerk

TOWN OF JUPITER ISLAND MEMORANDUM



TO: Members of the Board of Adjustment
FROM: Ruben Cruz, Senior Planner
DATE: April 9, 2024

**Please notify the Building Department if you are unable to attend the hearing.
772-545-0150**

The next meeting of the Board of Adjustment of the Town of Jupiter Island will be held in the Island Room on **Thursday, April 25, 2024, at 9:00 a.m.**

There are three (3) items on the agenda for Thursday, April 25, 2024:

1. Minutes

Approval of the March 28, 2024, Board of Adjustment Minutes.

2. 103 North Beach Road

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 from 14.8' NAVD to comply with state regulations related to minimum habitable space.

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 and federal regulations.

3. Other Items:

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

1. Minutes

Approval of the minutes from the March 28, 2024, Board of Adjustment meetings.

2. 103 North Beach Rd

Application Request:

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.

Background:

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. In order to go before the Impact Review Committee (IRC) for approval of the proposed project, the applicant must receive approval from the Board of Adjustment regarding the proposed Initial Measuring Point (IMP), using the Alternative Development Standards of Section 3.01, and to request the use of Alternative Development Standards of Section 3.02, placement of more than 3 feet of fill. As just stated, the application needs to go before the 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. As required by the application, the applicant has provided responses to the Article X, Division III, Section 3.00 (A-D) and Section 3.01 (A-B); Article X, Division III, Section 3.02 (A-E). The applicant has indicated in their application as to why they are making the request. To support their request, the applicant provides their justifications. Even with their justifications, the applicant must request and receive approval from the Town's BOA when requesting the use of Alternative Development Standards to proceed with the proposed plans to the IRC.

Site Analysis:

Zoning District: E-12 Island Core Residential

	Required/Permitted	Existing	Proposed
Lot Area:	12,500 sf	24,095 sf	
Lot Width:	100 ft	140.11 ft	
Floor Area:	4,819 sf		4,524 sf
Front Yard Setback:	30 ft		30.42 ft
Rear Yard Setback:	Rear Yard Per Ord 376-Exhibit "C"		3" to WFSL

Side Yard Setback:	One Story: 25 ft Two Story: 30 ft		North: 40.92 ft South: 25.67 ft North: 40.92 ft South: 30.83 ft
Initial Measuring Point ("IMP"):			14.8' NAVD
Fill:	3 ft		4.6 ft
Roof Height: One-Story-Sloped: Two-Story-Sloped:	22 ft 30 ft		20.58 ft 24.67 ft
Exterior Wall Height: One-Story: Two-Story:	14 ft 22 ft		12.92 ft 20.58 ft
Parking Spaces: (1 per Bedroom)	5 Spaces		6 total
Driveway Setback:	3 ft		North Drive: 8.75 ft South Drive: 8.0 ft
Landscape Area:	30% of lot area that is less than or equal to 25,000 sf		66.4%
LHSM:			14.8' NAVD
FEMA Flood Zone:	Zone "X", Zone "VE" (EL 7)		

Planned Date of

Construction:

May 2024

***= Requires BOA approval**

Analysis of the Application:

The following code sections are the applicable regulations regarding this application.

1. Use of Alternative Development Standards:

Criteria for Alternative Development Standards:

Article X, Division III, Section 3.00 (A-D)

Sec. 3.00. - General alternative development standards

No application for use of alternative development standards shall be approved unless the applicant demonstrates that, in addition to the alternative development standards in this division that are specifically applicable to the application, the proposed use of alternative development standards:

- A. *Will not cause substantial injury to the value of any other property in the neighborhood where it is to be located; and*

Staff Comment: The applicant has provided their justification for addressing this item. The proposed project does not appear to *cause substantial injury to the value of any other property in the neighborhood* and will have no adverse or unreasonable effect on other properties in the area since it is to be developed for residential use.

- B. *Will be compatible with adjoining development and the intended purpose of the district in which it is to be located; and*

Staff Comment: The applicant has provided their justification for addressing this item. The proposed project appears to be *compatible with adjoining development and the intended purpose of the district* as the use is to be residential.

C. *Will be consistent with all relevant elements of the town's comprehensive plan;*

And

Staff Comment: The applicant has provided their justification for addressing this item. The proposed development appears to be consistent with the goals, objectives and policies of the Comp Plan.

D. *Will not result in substantial noise, dust, glare, or odor impacts on any other property in the neighborhood where it is to be located.*

Staff Comment: The applicant has provided their justification for addressing this item. The proposed development is to be consistent with the regulations set forth within the Town's Code of Ordinances. The BOA may impose additional safeguards or conditions if deemed appropriate.

2. Use of Alternative Development Standards to use the initial measuring point of 14.8' NAVD:

Criteria for Alternative Development Standards regarding initial measuring point:

Article IV, Division II, Section 2.00

Sec. 2.00. - Building height.

Building height is measured as follows:

A. *The initial measuring point is the highest elevation of the following:*

1. *The lower of:*

a. *The average elevation of the finished grade across the front building line prior to the placement of fill, or*

b. *The finished floor elevation; or*

2. *8.0 feet NGVD; or*

3. *A point established by the board of adjustment using alternative development standards.*

Article X, Division III, Section 3.01

Sec. 3.01. - Alternative development standards regarding initial measuring point for building height.

The board of adjustment shall approve the use of alternative development standards to article IV, section 2.00, regarding the initial measuring point for building height, if the applicant demonstrates:

A. *The new initial measuring point will not result in a building which is taller in elevation (NGVD) than the tallest building which could be constructed on a contiguous lot without the use of alternative development standards for fill or initial measuring point; and*

Staff Comment: The applicant has provided their justification for addressing this item. The information provided by the applicant and the proposed elevation plan marked "IMP" satisfies this item.

B. *The use of alternative development standards will not result in a building which is more visible from adjacent property or public rights-of-way than that which could be constructed without the use of alternative development standards.*

Staff Comment: The applicant has provided their justification for addressing this item. The information provided by the applicant with the proposed landscape plans and elevation plan marked "IMP" satisfies this item.

3. Use of Alternative Development Standards to use more than three feet of fill:

Criteria for Alternative Development Standards regarding the use of more than three feet of fill:

Sec. 3.02. Same—Placement of more than three feet of fill.

The board of adjustment shall approve the use of alternative development standards to article IV, section 3.01, regarding the placement of more than three feet of fill on a lot, if the applicant demonstrates that:

- A. *The additional fill will not result in a building which is taller than the maximum height permitted on any adjacent lot without the use of alternative development standards; and*

Staff Comment: The applicant has provided their justification for addressing this item. The information provided by the applicant and the proposed elevation plans and plan marked “IMP” satisfies this item.

- B. *Fill will be placed in a manner that will not result in additional stormwater runoff onto adjacent property or public rights-of-way; and*

Staff Comment: The applicant has provided their justification in the form of Civil Plans to address this item. The stormwater requirement of the Town’s LDRs has been reviewed by the Town’s Engineer during the Development Review Committee (DRC) process and found to be satisfactory.

- C. *Fill will be placed in a manner that will not result in significant soil erosion; and*

Staff Comment: The applicant has provided their justification in the form of Civil Plans to address this item. The proposed fill is demonstrated within the Civil Plans and has been reviewed by the Town’s Engineer during the Development Review Committee (DRC) process and found to be satisfactory.

- D. *The portion of the lot for which the fill is proposed has not previously been filled pursuant to a special exception or the use of alternative development standards, or the elevation of said portion of the lot has decreased by more than three feet since the fill was placed; and*

Staff Comment: The applicant has provided their justification for addressing this item. Staff was not able to find any documents/plans/information relative to previous placement of fill on the subject property.

- E. *Either:*

1. *The use of alternative development standards will not result in a building which is more visible from adjacent property or public rights-of-way than that which could be constructed without the use of alternative development standards, or*

Staff Comment: The applicant has provided their justification for addressing this item. The information provided by the applicant with the proposed landscape plans and elevation plan marked “IMP” satisfies this item.

2. *The fill is necessary in order to build the finished floor of the building at an elevation of 8.0 NGVD or 6.5 NAVD.*

Staff Comment: As item E requests the applicant to address “either” sub-section #1 or #2, the applicant has addressed sub-section #1 and did not provide a response for item #2. In review,

the extra fill of 1.6 feet is not necessary in order to build the finished floor of the building to an elevation of 8.0 NGVD or 6.5 NAVD.

Recommendation

Prior to rendering a decision, the request noted above should be reviewed and discussed by the BOA for adherence to the standards set forth in Article X, Division III, Section 3.00 (A-D), Article X, Division III, Section 3.01(A-B); and Article X, Division III, Section 3.02 (A-E). Staff recommends implementing conditions of approval that the BOA deem appropriate. (Please note that the Development Order will state any conditions implemented by the BOA.) Below are some conditions:

- 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.).

3. Other Items

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