

Memorandum

From the Town of Juno Beach Planning & Zoning Department

To: Planning and Zoning Board; Joseph F. Lo Bello, Town Manager
From: Ruben Cruz, Director of Planning & Zoning *el*
Date: August 24, 2016
Subject: Variance Request (Wexford Court)

Background

The subject property is known as Wexford Court and it is located on 220 Celestial Way. Wexford Court is comprised of 7 townhouse units and a pool area within the Residential Multiple Family – Medium Density (RM-1) zoning district, and is surrounded by the RM-1 district to the East; a Planned Unit Development (PUD) RM-1 to the South (Cote de la Mer); Pelican Lake to the West; and the Beachbound Historic Preservation District (HIST-B) to the North.

The applicant seeks a variance from Section 34-905(1) of the Town Code of Ordinances to allow the construction of an automatic vehicular gate at the height of 72” (6’-0” ft.); the construction of a manual pedestrian gate at the height of 68” (5’-8” ft.) and the installation of two (2) columns with ornamental features at the height of 85” (7’-1” ft.). The Code restricts the maximum height of front yards walls and fences to 4 ft. (48”).

Discussion

The Town Code of Ordinances permits the installation of gates in front yards with a maximum height of 4 ft. In the variance application, the applicant provided three reasons for the request: (1) Life Safety- an increase in vehicle and foot traffic into the community; (2) Trespassing; and (3) Property Damage- incurred damage to retaining walls, building walls, garage doors, common driveway and their fixtures.

The subject property’s Site Plan was approved in November 1980 as a 7 unit townhouse project. At that time, the proposed Site Plan did not include any means to control unwanted vehicular/pedestrian traffic. The properties to the North and South, both have gates which were approved through different means. The gate and wall located at the entrance to Cote de la Mer was approved by the Town Council in 1981 part of the Planned Unit Development process, and the entry gate located at Beachbound was approved in 2001 through the building permit review process.

The Town Code definition of a *variance* is a relaxation of the terms of the [code] where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of said ordinance would result in unnecessary and undue hardship on the land. To that end, the Board of Adjustment may grant a variance only if it determines that each of the following criteria are met:

- (1) 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 district;
- (2) The special conditions or circumstances do not result from the actions of the applicant;
- (3) A granting of the variance requested will not confer upon the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same district;
- (4) A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter and would work unnecessary and undue hardship on the applicant; and
- (5) A prior application for the granting of the variance had not been submitted within the preceding 12 months.

A variance is authorized only for height, area, and size of a structure or the size of yards, parking requirements and other area requirements and open spaces. Establishment or expansion of a use or density otherwise prohibited or not permitted shall not be allowed by variance.

In this case, there are no special conditions and circumstances particular to the Wexford Court property that are not applicable to other properties within the same zoning district and enforcement of the height limit would not deprive the applicant of rights commonly enjoyed by other properties or work an unnecessary hardship.

If the Board of Adjustment grants the variance, however, staff recommends the imposition of the following conditions:

- 1. At time of Building Permit submittal and prior to the issuance of a building permit, the applicant shall provide an agreement executed by the applicant and existing easement holders (i.e. 230 Celestial Way) allocating the maintenance responsibility for the proposed entry gates;*
- 2. At time of Building Permit submittal, applicant shall provide a survey/site plan that indicates the proposed location of the gates;*
- 3. Proposed entry gates shall be in accordance with Palm Beach County Fire Rescue Standards to allow ingress/egress of the subject property; and*
- 4. If the proposed construction does not commence within 6 months of the date the variance is granted, the variance shall become null and void.*

Staff Recommendation

Staff recommends that the Planning and Zoning Board recommend denial for the requested variance from Section 34-905(1) of the Town's Code of Ordinances to exceed the maximum height of 48" allowed for walls or fences.

Town of Juno Beach
340 Ocean Drive: Juno Beach, FL 33408
Phone: (561) 656-0312: Fax: (561) 775-0812

**Application for
Variance Petitions**

A *Variance* is a relaxation of the terms of the Town of Juno Beach Comprehensive Zoning Ordinance (Chapter 34, and subsequent amendments) where such variance will not be contrary to the public interest and where, owing conditions peculiar to the property and not the result of the actions of the applicant a literal enforcement of said ordinance would result in unnecessary and undue hardship on the land. As used in said ordinance, a variance is authorized only for height, area, and size of structure or size of yards, parking requirements and open spaces. Establishment or expansion of use or density otherwise prohibited or not permitted shall not be allowed a variance.

Section I

Instructions for Completion:

1. Complete Section II of this application, and respond (in written form) to the criteria listed in Section III. You may wish to attach a separate sheet of paper for this item. *See Attached.*
2. Sign and date this application at the end of Section III. If appropriate, complete the power of attorney form on page 4 of this application.
3. Attach any information (maps, drawings, survey, letters, legal descriptions, etc.) that identify the peculiarity of your specific situation, and that clarify your petition/application.
4. A filing fee of **\$500.00 must accompany each application upon submittal. The applicant will also be responsible** for providing all property identification information and property owners within a 300' radius surrounding the subject property: and will be responsible for postage cost associated with mail-out materials related to the petition.
5. All materials required shall accompany this application **at time of submission** to the Planning & Zoning Department; and the deadline for all required material is **three weeks prior to the date of the Board of Adjustment hearing** for which this petition is being requested.

See Attached

Section III

Please address (in written form) the criteria listed below:

While considering a variance petition, the Board of Adjustment shall have the power to authorize upon appeal such variance from the terms of the zoning code as will not be contrary to the public interest, where, owing to specific conditions, a literal enforcement of the provisions of the Code will result in an unnecessary and undue hardship. A variance from the terms zoning code shall not be granted unless the Board of Adjustment finds that:

1. 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 district;

Applicant Response: _____

2. The special conditions or circumstances do not result from the actions of the applicant;

Applicant Response: _____

3. A granting of the variance requested will not confer upon the applicant any special privilege that is denied by said Ordinance to other lands, buildings or structures in the same district;

Applicant Response: _____

4. A literal interpretation of the provisions of said ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Ordinance and would work unnecessary an undue hardship on the applicant.

Applicant Response: _____

5. A prior application for the granting of the variance had not been submitted within the preceding twelve (12) months.

Applicant Response: _____

According to Chapter 34, Town of Juno Beach, Florida, in granting any variance, the Board of Adjustment shall prescribe appropriate conditions and safeguards in conforming to the Zoning Ordinance. The Board of Adjustment may also prescribe a reasonable time limit within which the action for which the variance is required shall commence, be completed, or both.

 - President, HOA

Applicant's Signature

4/11/16
Date

ROBERT L. HAMILTON JR.

Print Name

ROBERT L. HAMILTON JR.

Witness' Signature

4/11/16
Date

Donna M. Hamilton

Print Name

DONNA HAMILTON

Wexford Court Homeowner's Association
Application for Variance
April 5, 2016

Name: Wexford Court Homeowner's Association
Robert L. Hamilton Jr. – President

Phone: 609-471-1917 cell
561-691-0702 home

Address: 220 Celestial Way #6
Juno Beach, Florida 33408

No agent involved.

Subject Location for Variance

Address: 220 Celestial Way

Subdivision: Wexford Court

Block: 000 **Lot:** 0000

Request for Variance

The Wexford Court Homeowner's Association request that we be permitted to install gates/columns (please see attached).

There are three reasons why we are requesting this variance:

- Life Safety – There has been a significant increase in vehicle and foot traffic of people who are not residents or guests of our community throughout the common areas of Wexford Court.
- The illegal trespassing on Wexford Court property has caused safety issues.
- Significant property damage has incurred to the common area and individual residences from the intruders. We have experienced damage to the retaining walls, common driveway light fixtures, individual garage doors, the building walls and common driveway.

The Wexford Court Homeowner's Association respectfully requests the approval of our Gate Variance to improve the safety and quality of life for our residents.

Section III

1. 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 district;

Applicant Response: The Wexford Court HOA is requesting similar gate/column design that are located to our adjacent property owners (Beach Bound, Cote de le Mer).

2. The special conditions or circumstances do not result from the actions of the applicant;
Applicant Response: Our request is supported by improving the safety and quality of life.

3. A granting of the variance requested will not confer upon the applicant any special privilege that is denied by said ordinance to other lands, buildings or structures in the same district;

Applicant Response: Our request is similar to other Variance Approvals for planned developments.

4. A literal interpretation of the provisions of said ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Ordinance and would work unnecessary an undue hardship on the applicant.

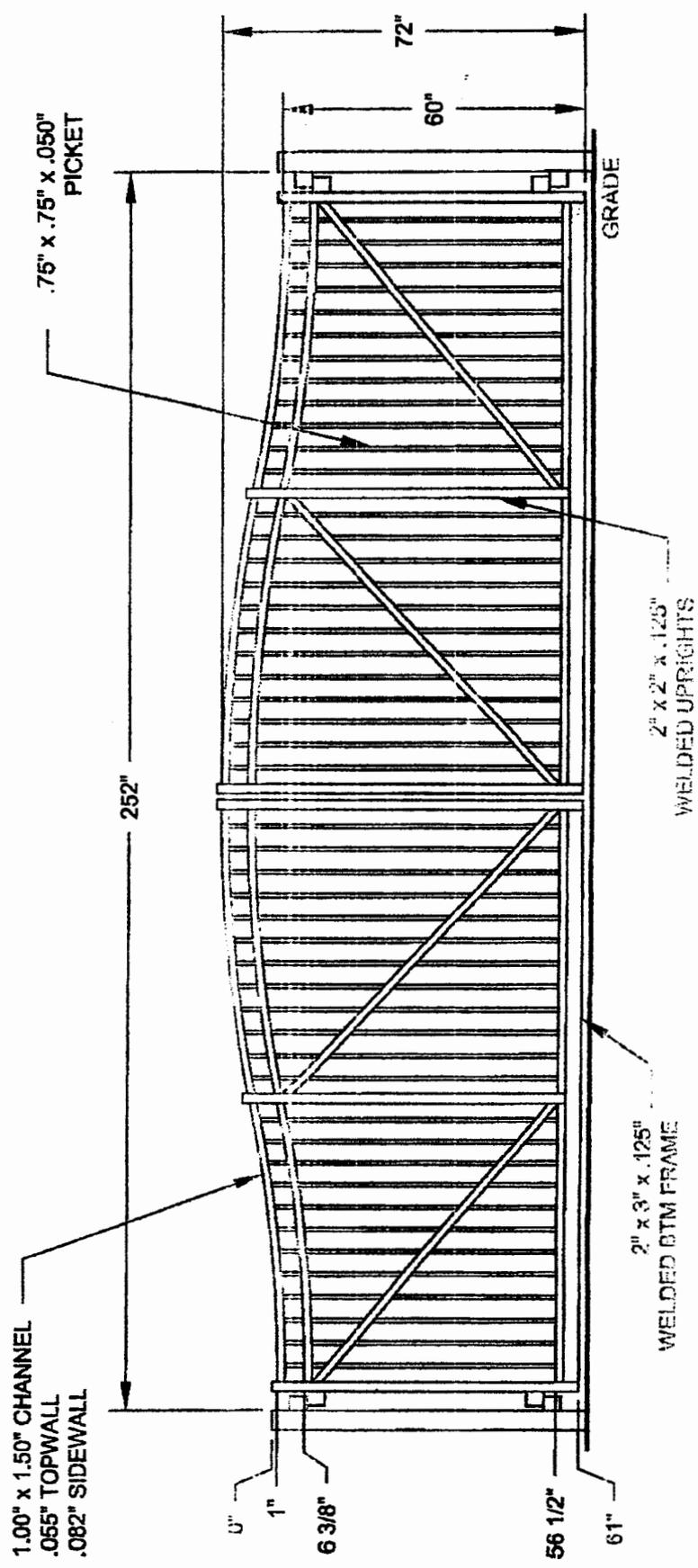
Applicant Response: Wexford court HOA is requesting approval for improved life safety/quality of ownership and property maintenance.

5. A prior application for the granting of the variance had not been submitted within the preceding twelve (12) months.

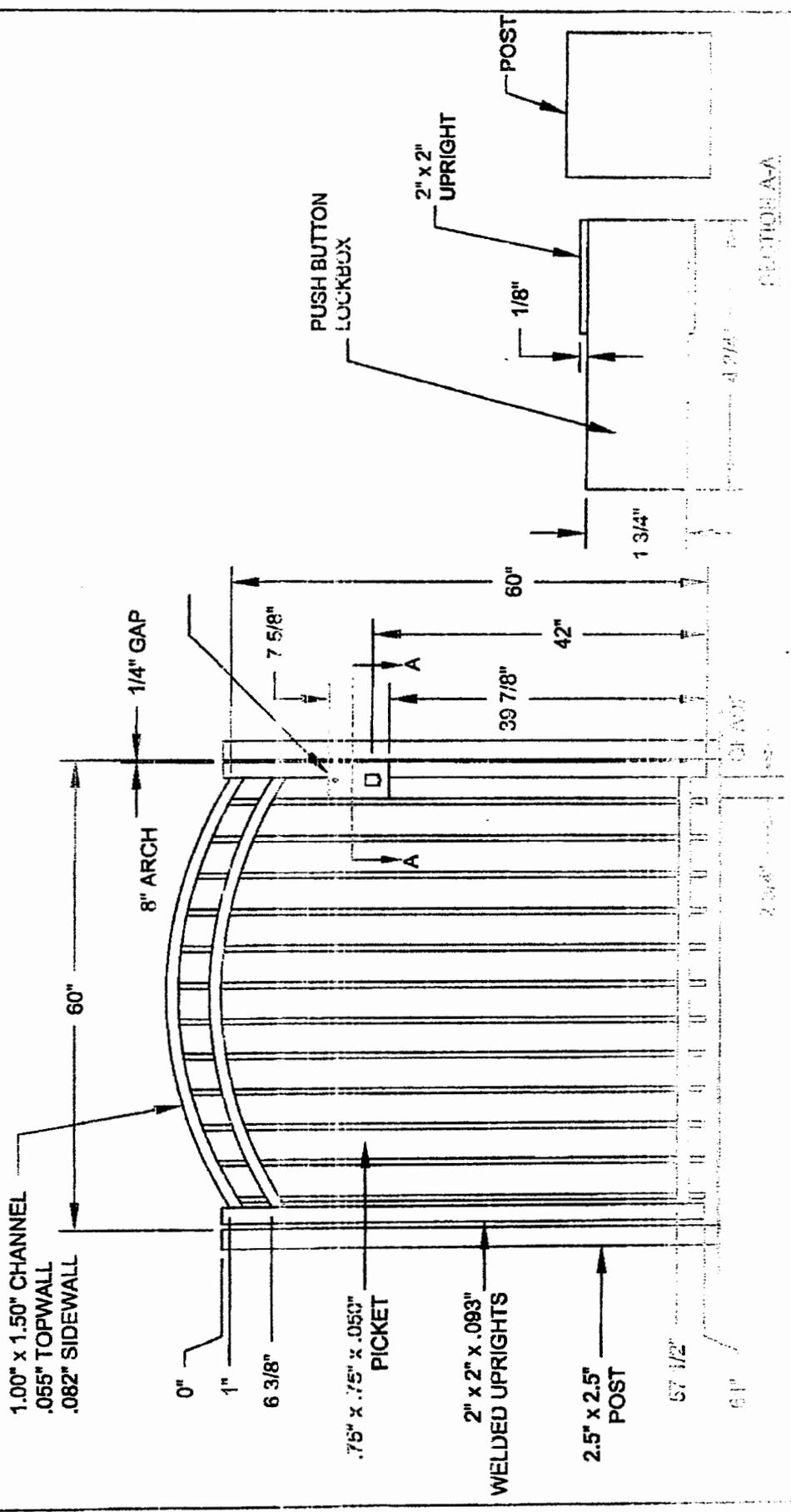
Applicant Response: Correct.

HINGE & LOCKBOX LOCATIONS		252" DBL GATE SERIES-A - 04 ARCH 3-CH 60"-72"-60" MUNICIPAL	
IF YOUR GATE REQUIRES A LOCKBOX OR SPECIAL HINGES, PLEASE NOTE HINGE SIDE, SWING AND LOCATION OF LOCKBOX.			
EXAMPLE	GATE	DATE: 08/10/2015	ITEM: DOUBLE
FENCE LINE <input type="checkbox"/>	FENCE LINE <input type="checkbox"/>	PO/JOB NAME:	HINGE TYPE: BLOCK
WELDS INSIDE <input type="checkbox"/>	WELDS INSIDE <input type="checkbox"/>	QUOTE NO: Q15080706	DAYLIGHT OPENING: 252"
WELDS OUTSIDE <input type="checkbox"/>	WELDS OUTSIDE <input type="checkbox"/>	COLOR: —	APPROVAL SIGNATURE (REQUIRED):

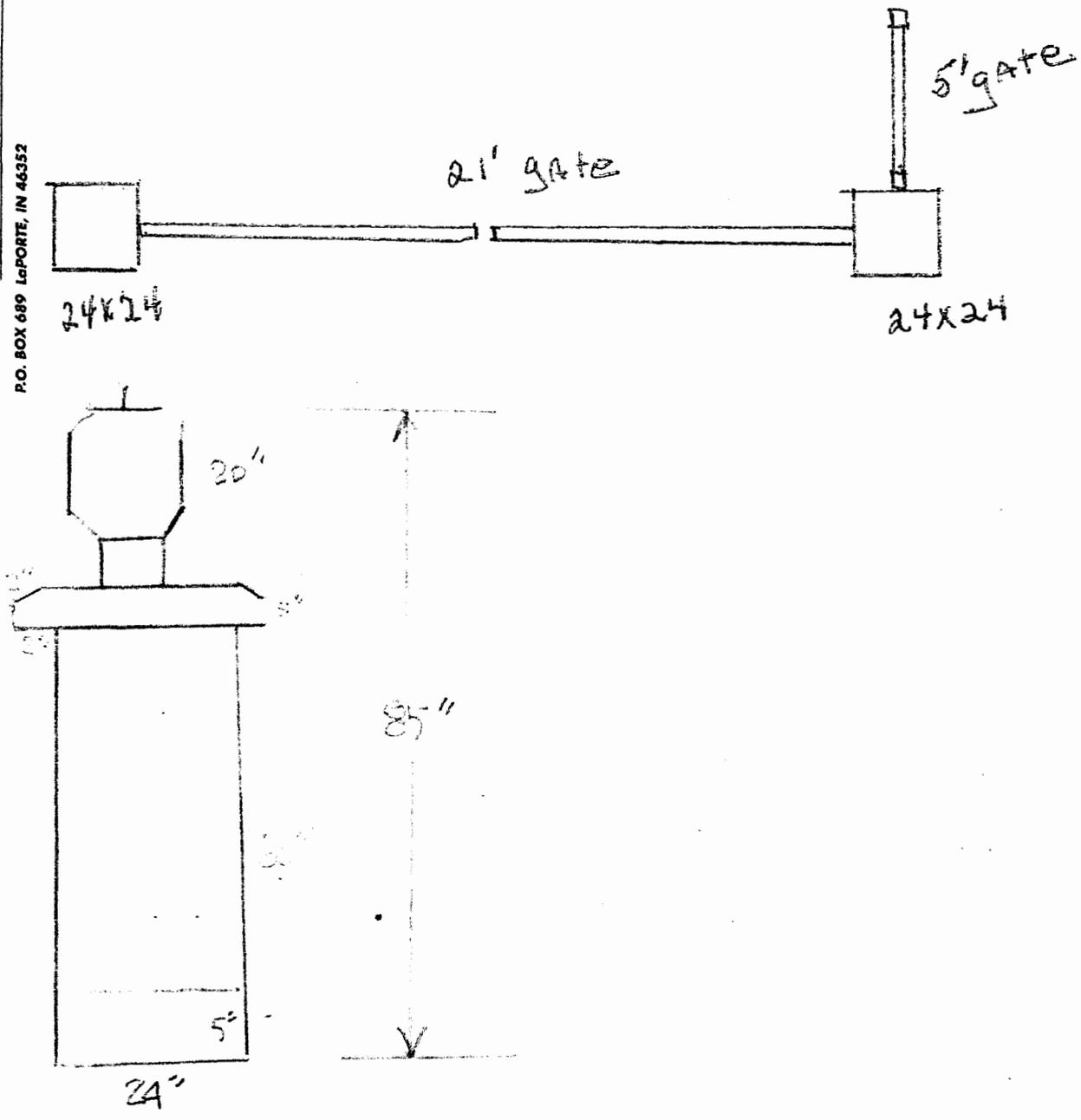
SPECIAL WIDTH
SPECIAL ARCH HEIGHT



HINGE & LOCKBOX LOCATIONS		60" GATE SERIES-A - 03 ARCH	
IF YOUR GATE REQUIRES A LOCKBOX OR SPECIAL HINGES, PLEASE NOTE HINGE SIDE, SWING AND LOCATION OF LOCKBOX.		3-CH 60" MUNICIPAL W/CUSTOMER PROVIDED LOCKBOX	
EXAMPLE	GATE	ALUMINUM FENCE SUPPLY	DATE: 08/10/2015
FENCE LINE <input type="checkbox"/>	FENCE LINE <input type="checkbox"/>	PO/JOB NAME:	ITEM: SINGLE
WELDS INSIDE <input type="checkbox"/>	WELDS INSIDE <input type="checkbox"/>	QUOTE NO: Q15080706	HINGE TYPE: ---
WELDS OUTSIDE <input type="checkbox"/>	WELDS OUTSIDE <input type="checkbox"/>	COLOR: ---	DAYLIGHT OPENING: 60"
APPROVAL SIGNATURE (REQUIRED):			



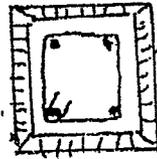
Wetford Ct



DESIGN CRITERIA:

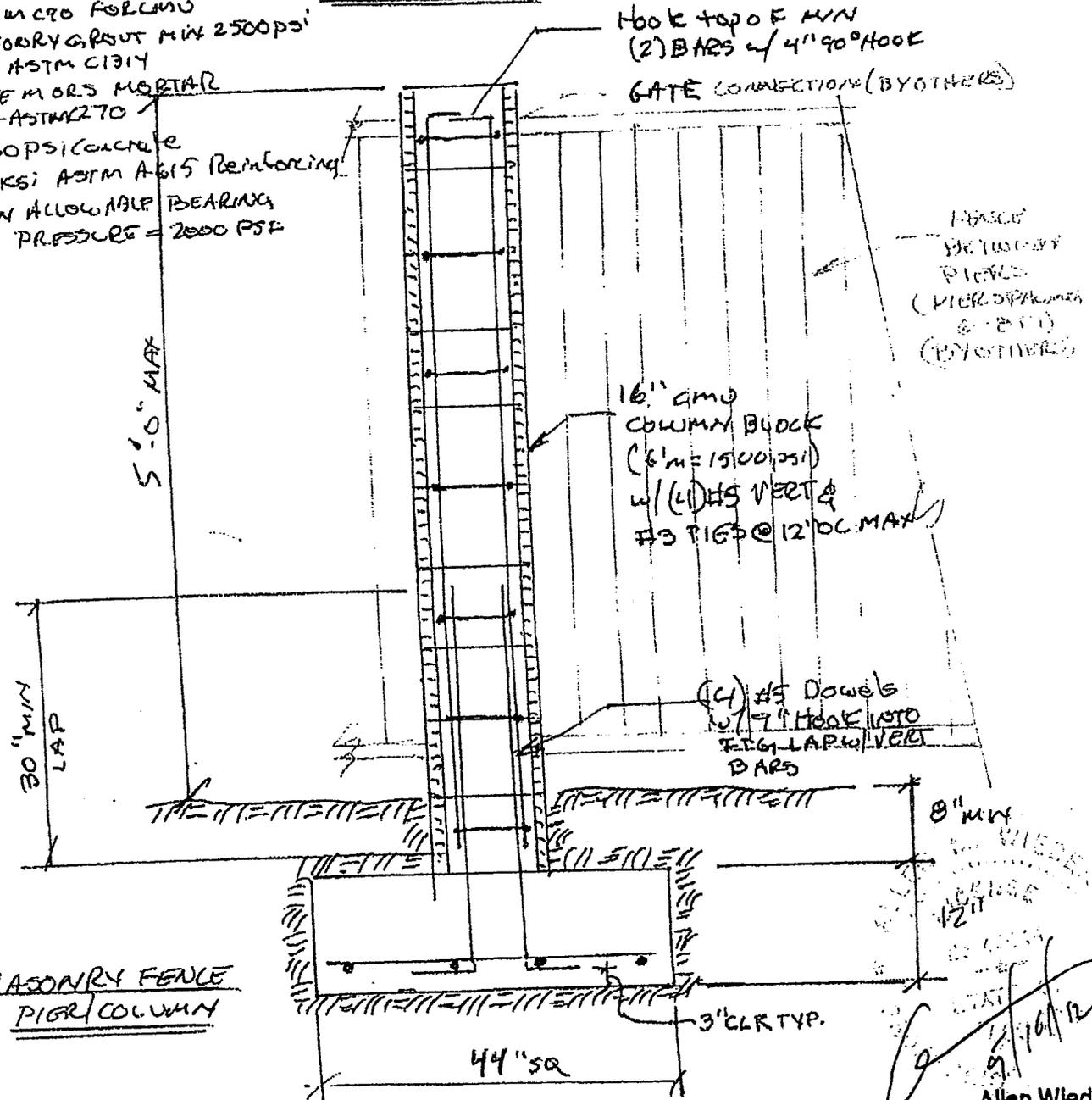
- FBC 2016 Edition
- ASCE 7-10
 - 170 MPH WIND SPEED
 - EXPOSURE 'C'
 - NO INTERNAL PRESSURE
 - OTHER STRUCTURES
 - IMPORTANCE FACTOR 0.77
 - RISK CATEGORY I
- DESIGN WIND PRESSURE = 52 PSF
- ASTM C90 FORMULU
- MASONRY GROUT MIN 2500 PSI
 - ASTM C1314
- TYPE M OR S MORTAR
 - ASTM C270
- 3000 PSI CONCRETE
- 60 KSI ASTM A615 REINFORCING
- MIN ALLOWABLE BEARING PRESSURE = 2000 PSF

Note: Column plumbed with conduit for top mounted lighting (BY OTHERS)



24" SQ COLUMN
 BLOCK w/(4) #5
 VERT #5 TIES @
 12" OC MAX

PLAN VIEW



MASONRY FENCE
 PIER COLUMN

Allen Wieder
 PE#43444

[Home \(/\)](#) [Door & Gate Hardware \(/door--gate-hardware.html\)](/door--gate-hardware.html)

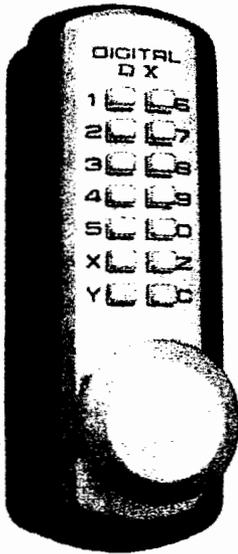


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Mechanical Keyless Lock - 3230 Deadlocking Spring Latch | 3230 DC



3230

The 3230 Deadlocking Spring Latch is Teflon coated with a Marine Grade finish, ideal for saltwater environments. The deadlocking spring latch features a built-in burglar resistant plunger for added security. Additionally, the 3230 automatically locks every time the door is closed.

Ideal for...

- Janitor Closets
- Garage Doors
- Storage Rooms
- Computer Rooms
- Security Rooms
- Gates

Features:

- Marine Grade finish for saltwater environments
- Oversized knob
- Locks automatically
- Easy Installation
- Easy to change combination
- Double Combination available (3230 DC)
- Comes standard with 2 3/8" latch-2 3/4" available upon request
- Changeable Handing
- Covers standard 2 1/8" hole
- Extension Kits available for doors up to 5" thick

Dimensions & Specifications:

- 6 1/4" H x 1 3/4" W x 1 5/8" D
- Total Coverage (w/ Trim Plates): 7" H x 2 1/2" W x 1 5/8" D
- ONLY available in LockeyUSA's Marine Grade finish

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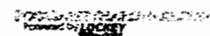
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(<http://poolsafetyhardware.com>)



(For Office Use Only)

Variance Mailing/Billing Information

Date given to Town Clerk's Office: _____

Deadline for Mailing: _____

Name of Applicant: _____

Mailing Address for Billing: _____

Postage: \$ _____ Legal Ad: \$ _____ = Total: \$ _____

Date payment Received: _____