

MINUTES

BOARD OF ADJUSTMENT

January 12, 2011

7:00 p.m.

City Commission Chambers

22 South Beach Street
Ormond Beach, Florida

I. ROLL CALL

Members Present

Ryck Hundredmark
Jean Jenner
Norman Lane
Dennis McNamara
Tony Perricelli

Staff Present

S. Lauren Kornel, AICP, Senior Planner
Ann-Margret Emery, Deputy City Attorney
Chris Jarrell, Minutes Technician

Mr. McNamara welcomed Mr. Hundredmark to his first meeting of the Board; he also extended his thanks to Mr. Ron Walker for his service.

II. APPROVAL OF MINUTES

The minutes of the November 30, 2010 meeting were approved as presented.

III. ADMINISTRATIVE ITEMS

A. Election of Chair

Mr. Jenner nominated **Dennis McNamara to serve as Chair**. Mr. Lane seconded the motion, which was approved by unanimous vote.

B. Election of Vice-Chair

Mr. Jenner nominated **Tony Perricelli to serve as Vice-Chair**. Chair McNamara seconded the motion, which was approved by unanimous vote.

C. Adoption of the 2011 Calendar and Submittal Deadlines for the Board of Adjustment and Appeals

Ms. Kornel noted that the April meeting date would be April 6th, rather than as shown on the calendar in the Board packet. **Mr. Jenner moved to approve the 2010 calendar, as amended. Mr. Hundredmark seconded the motion, which was approved by unanimous vote.**

D. Rules of Procedure

Mr. Lane moved to approve the 2010 Rules of Procedure, as presented. Mr. Perricelli seconded the motion, which was approved by unanimous vote.

IV. OLD BUSINESS

There was no old business to be discussed.

V. NEW BUSINESS

A. Case No. 11V-005: 301 Oak Drive – Side Corner Setback

Ms. Kornel stated that request was for a four-foot setback variance, which would result in a side corner setback of 16 feet; the City's Land Development Code (LDC) requires a 20-foot side corner setback.

Ms. Kornel advised that the subject property is located at the intersection with Driftwood Avenue on the beachside and explained that when it was built 43 years earlier, the side corner setback requirement was 10 feet. She further advised that the new property owners, who purchase the house in August, 2010, were seeking to expand the structure, while maintaining the existing building plane along Driftwood Avenue.

Referencing the architectural plans included in the staff report, Ms. Kornel pointed out that the proposed L-shaped building expansion as shown in blue would connect along the current building plane a distance of ten feet and then expanding to 14 feet at the connection with the existing family room. She said that the proposed variance would allow for increased square footage in both the family room and in one bedroom.

Ms. Kornel noted that because the existing property was nonconforming, Staff utilized the specific criteria for expansion of nonconformities, which allows for the squaring off of such structures. She added that staff recognized that the request was an effort to modernize and invest in the existing structure and applying the zoning district setback of 20 feet would result in a 4-foot off-set that would be unattractive and asymmetrical. She pointed out a sloping grassy area between

the subject's property line and the Driftwood Avenue road pavement, noting that it resulted in additional buffering. She stated that Planning staff was recommending approval of the 4-foot variance, as requested, in order to construct a room addition.

Mr. Lane disclosed that he was friends with the property owner and had spoken with him about the proposal. He said he would be happy to abstain from voting.

Deputy City Attorney Emery opined that Mr. Lane did not need to abstain from voting.

Ms. Bonnie Thompson, 605 North Halifax Drive, said that she had grown up in the house at 305 Oak Drive and that the rooms were small by current standards. She said that enlarging the family room, bedroom, closet and bath would increase the value of the property and thus, would also help the neighborhood. She hoped that the Board would approve their request.

Mr. Perricelli made a motion to approve the variance, as presented.

Mr. Jenner seconded the motion, which was approved by unanimous vote.

Chair McNamara advised the applicant that the variance approval would expire in one year.

A. Case No. 11V-008: 46 Bluebird Lane – Rear Yard Setback

Ms. Kornel said that the request was for a 5-foot variance to allow construction of a screen room addition at a 20-foot setback, noting that the LDC requires a 25-foot setback. She displayed aerials to show the proximity of the subject property to the Tomoka Christian Church and Tuscany Shoppes along West Granada Boulevard and to abutting properties along Arrowhead Drive (larger lots zoned SR, Suburban Residential). She advised that the subject property had a lot depth of 100 feet and is zoned R-2, a low-density residential zoning.

Ms. Kornel pointed out the diagram showing the area of the variance request in yellow to be the location of the proposed screen room addition, an area 13 feet in depth and 32 feet in width. She said that the existing house was set back 33 feet from the rear property line and that because of the 25-foot rear yard setback requirement, the screen porch addition would be limited to eight feet (8'). She said that staff agreed that a room depth of less than 13 feet was not considered to be functional use of space and had the potential to de-value the property.

There had been no objections to the variance request, Ms. Kornel added, and pointed out that the neighbor to the rear had signed off on the application. She noted that 20-foot rear yard setbacks were common in newer developments within the city of Ormond Beach.

Ms. Kornel advised that staff had struggled with Criteria #4 and said that the staff recommendation of a 2.5-foot variance was deemed to be the minimum variance that would be necessary to provide a reasonable use of that space. She explained that it would allow for a room depth of 10.5 feet and would result in a rear yard setback of 22.5 feet. She noted that the applicant had already received a permit to pour a concrete slab which could then be utilized for the screen room and stated that it was separate from the variance application. She reiterated staff's recommendation and reminded the Board that the request was for a variance to allow a 13-foot screen room depth, which would result in a setback of 20-feet. She said that the addition represented a further investment in the property and would allow for an improved quality of life for the property owner.

Mr. Scott Jenkins, 46 Bluebird Lane, stated that the 5-foot variance would allow them to expand, building a larger screen room in the rear. He said that since moving to Ormond Beach in 1994, and subsequently purchasing their home 2002, they had continually made investments to their property (both interior and exterior) in order to improve their quality of life. He said they loved the neighborhood in which they lived and planned to remain for a long time. He said that their neighbors also took pride in their properties and worked to maintain their property values.

Mr. Jenkins felt that allowing the encroachment would result in their continued enjoyment of their property and the best utilization of the space. He pointed out that their 6-foot privacy fence, as well as the existing trees and vegetation, would adequately buffer the view of the proposed improvement from the neighbors. In response to Chair McNamara, Mr. Jenkins said that the septic system was located in the front yard and would not be an issue.

Mr. Scott Losey, 65 Bluebird Lane, stated that he was and neighbor as well as the project contractor. He reported that they had obtained signatures of no objection from the owners of the two properties most likely to be impacted by the variance. He also pointed out that by Code, they were allowed to install the concrete hardscape with a pool enclosure to within ten feet of the property line; he felt that scenario would have been more likely to impact the neighbors than would the variance requested.

Chair McNamara agreed that accessory structures can be closer to the property line.

Mr. Craig Albright, 3 Arrowhead Drive, and the abutting property owner to the rear, stated that the applicants had done nothing but improve their property since moving to the neighborhood. He felt the proposed addition would be a plus and asked that the Board grant the variance.

Mr. Perricelli pointed out that the space had already been formed out and footers dug.

Mr. Losey confirmed that they it had and said that the applicants had originally wanted to improve the property by creating air-conditioned space, but then decided on a screen room in order to maximize the square footage. He said that they had applied in December for a permit to pour the slab over the dirt in that location because the applicants had family coming for Christmas. He said they decided to pour the concrete at 13' X 32' in hopes that that the variance for the screen enclosure would be approved. He also confirmed that the City had inspected the job and had signed off on it.

Chair McNamara thought the issue was the size of the variance that would be acceptable.

Mr. Perricelli stated that with the slab already poured at 13 feet, putting a 10-foot room on it did not sense.

Mr. Lane expressed concern with Criteria #1, noting no special condition of the property. He questioned whether or not the 100-foot lot depth was unusual for the neighborhood.

Ms. Kornel replied that a lot depth of 100 feet was less than the typical for a single-family lot in the city, but was unsure if was atypical for the specific neighborhood. She thought that Senior Planner Steven Spraker's research indicated that the variance request was reasonable and noted that the location of the house on the lot impacted the setback.

Chair McNamara estimated that the depth of the abutting lot to the rear of the subject to be about 300 feet, significantly greater than the depth of the subject lot.

Mr. Jenner made a motion to approve the request, as stated by the applicant, for a five-foot variance for a screen room, resulting in a 20-foot setback.

Mr. Hundredmark seconded the motion, which was approved by unanimous vote.

Chair McNamara advised the applicant that the variance approval was valid for one year.

IV. DISCUSSION

The Board members had no additional comments.

V. ADJOURNMENT

As there was no other business, the meeting was adjourned at 7:35 p.m.

Respectfully submitted,



S. Laureen Kornel, AICP, Senior Planner

ATTEST:

Dennis McNamara, Chair

Minutes prepared by Betty Ruger.

Pursuant to section 286-0105, Florida Statutes, if any person decides to appeal any decision made by the board of adjustment with respect to any matter considered at this public meeting, such person will need a record of the proceedings and for such purpose, such person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

All persons appealing to the board of adjustment must be present, or represented at the public hearing scheduled for the consideration of his request. Failure to be present or to be represented, results in the automatic refusal by this board to grant permission for any variance. In order to allow the meeting to proceed in an orderly fashion, the board, by motion, may limit the time allowed for remarks concerning a specific agenda item to a maximum of thirty (30) minutes for city staff, the designated representative of the applicant and the designated representative of any organized group and to five (5) minutes for members of organizations and other individual speakers. Additional time shall be allowed to respond to questions from the board.

Persons with a disability, such as a vision, hearing or speech impairment, or persons needing other types of assistance and who wish to attend city commission meetings or any other board of committee meeting may contact the city clerk in writing, or may call 677-0311 for information regarding available aids and services.