

MINUTES
BOARD OF ADJUSTMENT

October 6, 2010

7:00 p.m.

City Commission Chambers
22 South Beach Street
Ormond Beach, Florida

I. ROLL CALL

Members Present

Jean Jenner
Norman Lane
Dennis McNamara
Tony Perricelli
Ron Walker

Staff Present

Sabrina Johnson, Planning Technician
Ann Margret Emery, Deputy City Attorney
Chris Jarrell, Minutes Technician

II. APPROVAL OF MINUTES

The Board members voted to approve the minutes of the July 7, 2010 meeting, as presented.

III. OLD BUSINESS

There was no old business to be discussed.

IV. NEW BUSINESS

A. Case No. 10V-140: 141 Country Club Drive – Pool Screen Enclosure

Ms. Sabrina Johnson said that in 1996, a pool had been constructed at the rear of the beachside residence five feet (5') from both the rear and side property lines. She said that the new owner of the property wanted to add a pool screen enclosure. The application, she said, would require two variances, since the Land Development Code requires the enclosure be set back at least ten feet (10') from the rear property line and 7.5 feet to the side property line.

Ms. Johnson explained that the first variance would reduce the rear setback from ten feet (10') to five feet (5'); the rear of the screen enclosure would be partially situated on the pool deck. The second variance would reduce the side yard setback from 7.5 feet to five feet (5'). She noted that distance from the property line to the existing improvements (concrete deck and pool) ranges from 5' to 7.1',

as indicated on the survey. Both requests, she explained, are based upon the orientation of the existing pool. She said that the house, constructed in 1960, had a 20-foot rear yard setback, with a five-foot (5') utility easement, which resulted in an area of 15 feet for the pool.

Ms. Johnson reported that the neighbor to the rear at 115 Fairway had sent a letter to the city stating that he had no objection to the variance, but requesting assurance that the applicant would maintain the area between the screen enclosure and the fence separating the two properties. He said that the area had previously been neglected and that he wanted to protect his property value. She further reported that the applicant's representative had provided staff with a letter stating that the property owner would address the neighbor's issues.

Ms. Johnson stated that planning staff had reviewed the application and believed that it met the variance criteria, including the special conditions and the hardship, and was recommending approval of the two variances.

Mr. Lane questioned whether there were other screen enclosures in the neighborhood that had been constructed within the currently-required 10-foot setback.

Ms. Johnson answered that the pool enclosure to the rear at 115 Fairway was about five feet from the property line and was a nonconforming addition. She responded to Mr. Walker that the enclosure had either been grandfathered or approved by means of a variance.

Mr. Walker referenced the wall on that property that appeared to be about five feet from the fence and asked if they had secured a variance for the wall.

Ms. Johnson said that she had not been able to find a record of one and noted that the wall appeared to have been there for some time. She also confirmed for Mr. Lane that the two properties listed in the staff report (2 Springwood Trail and 24 Queen Anne Court), although not in the same neighborhood as the subject property, had been approved for setback variances for screen pool enclosures.

Ms. Penny Corns, representing the contractor, Florida Pool Enclosures, confirmed that the pool enclosure would be partially constructed on the existing pool deck, five feet from the rear property line. She responded to Chair McNamara that 8" footers were only required for screen enclosures if being installed with a new deck and only if located over 26 feet from the house. She also explained that five-foot setbacks were common in other areas, but that there were other communities that required 10-foot rear setbacks, as well. She said that Ormond's 7.5-foot side yard setback was typical. She added that in the case of the subject, the required 10-foot setback would put the enclosure in the existing pool.

Mr. Jenner recalled that when he wanted to replace his screen enclosure, he had to either leave his 30-year old enclosure in place or apply for a variance, because the existing setback was 10 feet. He said that the Code now allowed a 5-foot variance for pool screen enclosures abutting HOA common areas or conservation lands.

Mr. Jenner referenced the e-mail provided by the applicant's neighbor and thought that it seemed like a neighbor dispute. He did not think it was relevant to the variance issue before the Board.

Ms. Corns agreed. She advised that there had been a delay in the applicant's response to the neighbor's requests because she had written down the wrong e-mail address, not because Mr. Salamon was ignoring the apparent problem. She responded to Mr. Jenner that the neighbor, Mr. Inskeep, simply wanted something in writing that would assure him that the applicant would maintain the area between the screen enclosure and his property. She also reminded the Board that Mr. Inskeep had no objections to the applicant's variance request.

Mr. Jenner made a motion to approve the variances, as submitted.

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

Mr. McNamara said that the applicant had one year in which to erect the screen enclosure.

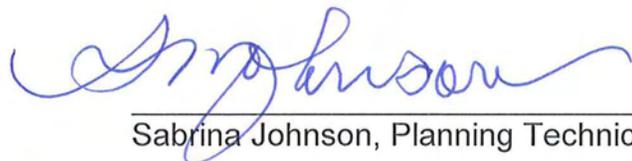
IV. DISCUSSION

There was no discussion following the presentation of the public hearing item.

ADJOURNMENT

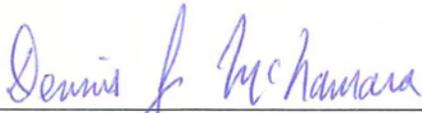
As there was no other business, the meeting was adjourned at 7:20 p.m.

Respectfully submitted,



Sabrina Johnson, Planning Technician

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.