

MINUTES

BOARD OF ADJUSTMENT

March 11, 2009

7:00 p.m.

City Hall Training Room
22 South Beach Street
Ormond Beach, Florida

I. ROLL CALL

Members Present

Jean Jenner
Norman Lane
Dennis McNamara
Tony Perricelli
Ron Walker

Staff Present

Steven Spraker, Senior Planner
Ann Margret Emery, Deputy City Attorney
Chris Jarrell, Minutes Technician

II. ADMINISTRATIVE PROCEDURES

A. Election of Chair and Vice Chair

Mr. Jenner nominated **Dennis McNamara** as **Chair**; the motion was seconded by Mr. Lane. The motion was approved by unanimous vote.

Mr. Jenner nominated **Tony Perricelli** as **Vice-Chair**; the motion was seconded by Mr. Lane. The motion was approved by unanimous vote.

B. Rules & Procedures

The Board unanimously approved the 2009 Rules of Procedure, as presented.

C. Adoption of the Calendar and Submittal Deadlines

The Board unanimously approved the 2009 Calendar and submittal deadlines.

III. APPROVAL OF MINUTES

The minutes of the November 5, 2008 meeting were unanimously approved as presented.

IV. OLD BUSINESS

There was no old business to be discussed.

V. NEW BUSINESS

A. Case No. V09-2800001: 485 South Atlantic Avenue

Mr. Spraker thanked the Board for their willingness to move the meeting, originally scheduled for March 4th, back one week in order to accommodate the applicant.

REQUEST:

The Maverick Resort was requesting a variance of 22.0 feet to the 30-foot front yard setback to allow for the replacement of the front canopy structure.

PERTINENT INFORMATION:

- The required front setback in the B-6 (Oceanfront Tourist Commercial) zoning district is 30'; the variance would reduce the front setback to eight feet.
- Variance request applies only to the canopy, not the principal building.
- Existing canopy, approximately eight feet from the property line, was demolished during renovation work. Application is to replace the 33' x 36' canopy in the same location as the previous canopy.
- Drive width of the proposed canopy is 22', the minimum width allowed for two-way traffic.
- Other canopies with similarly reduced setbacks are located along the same corridor.

STAFF POSITION:

- Staff reviewed the application and was unable to develop an alternative structure that would continue to allow occupants to safely enter and exit under cover. There did not appear to be another way to configure the lobby area and entrance elsewhere on site.
- Staff recommended approval of the variance and believed it met the conditions of the Land Development Code.

APPLICANT POSITION:

Applicant representative, Ray Webb of Kenco Signs, Holly Hill, stated that the setback and encroachment would be no different than it was before the existing canopy was demolished. He said that he had researched Department of Transportation files and that about 22 feet of the front portion of the property had been taken for A-1-A right of way in the 1980's, the amount of the setback encroachment requested. He explained that the additional eight feet requested was for cover to protect customers from the rain. He said that the canopy that was removed had been in terrible shape, the structural elements for which had decayed. He further explained that since the canopy was a safety hazard and had to be replaced the owner's management company had decided to renovate the office as well. He detailed for the Board the proposed design and structural elements and asked for the Board's approval.

BOARD DISCUSSION:

In response to Mr. Walker's inquiry, Mr. Spraker speculated that the canopies along SR A1A encroached into the current setback areas because they were built years ago when such setbacks were less or did not exist, or perhaps because the properties had been impacted over the years by the widening of Atlantic Avenue.

Chair McNamara thought it would be an attractive addition to the building. He confirmed with Mr. Spraker the distance from the building to the property line; Mr. Spraker explained that a portion of the canopy complied with the setback.

DECISION:

Mr. Walker moved to approve the canopy variance as proposed. Mr. Jenner seconded the motion, which was approved by unanimous vote.

Chair McNamara explained to the applicant that the approval order would expire in one year.

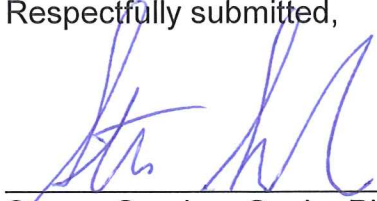
V. DISCUSSION

There was no discussion.

VI. ADJOURNMENT

As there was no other business, the meeting was adjourned at 7:40 p.m.

Respectfully submitted,



Steven Spraker, Senior Planner

ATTEST:

Dennis McNamara, Chairman

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.