

MINUTES

BOARD OF ADJUSTMENT

May 4, 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

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

II. APPROVAL OF MINUTES

The minutes of the January 12, 2011 meeting were approved as presented.

III. OLD BUSINESS

There was no old business to be discussed.

V. NEW BUSINESS

A. Case No. 11V-066: 604 South Ridgewood Avenue – Side Yard Setback

Mr. Spraker stated that this was a request for a side yard setback variance for the property at 604 South Ridgewood Avenue. He stated property owners are requesting a 2.12' variance to construct a garage addition with a setback of 5.88' to match the existing house building line. Mr. Spraker said the City's Land Development Code (LDC) requires an 8-foot side yard setback.

Mr. Spraker advised that the structure built in 1955 utilizes the 1942 zoning code which had a 5' setback for side interior lot. Mr. Spraker stated that the existing side yard setback is 5.88'. He continued that the applicant has made several improvements to the structure and property and are now seeking to modernize their garage. Mr. Spraker stated one reason for the variance request was the property owners desired to maintain the existing building plane along the side

yard. Mr. Spraker also stated another reason for the variance request is that if the setback was met at an 8' setback, the width of the garage would not be functional.

Mr. Spraker concluded that staff had reviewed the application based on the Land Development Code criteria and is recommending approval. He continued that staff viewed this application as an investment into an existing structure that would improve the neighborhood and maintain the value of the area.

Michelle Cecchini, 604 South Ridgewood Avenue, stated that the purpose of the variance was to enlarge the garage and potentially in the future allow for some storage with a new pitched roof.

Mr. McNamara asked if the adjoining neighbor had any issues with the improvement.

Ms. Cecchini indicated that the neighbor had no objection and that there is an existing vegetative buffer between the two properties.

Mr. McNamara stated that the existing house was nice and the project would be a good addition.

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

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

Ms. Cecchini thanked the Board.

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

IV. DISCUSSION

Mr. Jenner inquired into the projector screen and commented that the picture is getting worse and worse with each meeting.

Mr. Hundredmark inquired if there was a mechanism not to require variances for routine cases where there was no objection, such as the case before the Board tonight.

Mr. Spraker stated that there is a variety of methods to handle variances. Mr. Spraker continued that one key issue is how to handle existing non-conforming structures. He said that the Land Development Code generally discourages the expansion of non-conforming structures. Mr. Spraker stated staff could look into alternative processes if that is the direction of the Board.

Mr. Jenner stated that the Board of Adjustments was required by State law. He further stated that in the past there were numerous variance applications because there was no staff review prior to a case coming before the Board. He stated that there is now a review process that has reduced the number of cases before the Board.

Mr. Lane stated he understood that it is difficult to have a formula that replaced the function of the Board, but there may be certain things that could be done to make the application simpler.

Mr. Jenner stated concern for minor cases that require the applicant to pay the cost for a survey and the application fee for simple issues.

Mr. Spraker stated that staff could perform additional research regarding variances and present the information to the Board with some alternatives as well as the standards for variances that are applied in other jurisdictions.

Mr. Hundredmark expressed his concern that the property tonight was conforming when it was built and the regulations were changed at some point and time, negatively impacting the property owner. He continued that his thought was that there could be some other process, other than a variance, for these types of situations.

Mr. Jenner stated he believed that there would always be a need for the Board of Adjustments and that some cases would be simpler, but others have been much more complex, which is why the Board is needed.

Mr. Hundredmark stated his comments were directed at the simpler cases.

Mr. Jenner said that in some cases the Board has requested amendments to the Land Development Code to eliminate the need for certain variance applications for recurring variance issues.

Mr. Lane said that it could not hurt to further look into how other communities are handling the variance cases.

V. ADJOURNMENT

As there was no other business, the meeting was adjourned at 7:17 p.m.

Respectfully submitted,

Steven Spraker, AICP, Senior Planner

ATTEST:

Dennis McNamara, Chair

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.