

MINUTES

BOARD OF ADJUSTMENT

August 8, 2011

7:00 p.m.

City Commission Chambers

22 South Beach Street

Ormond Beach, Florida

I. ROLL CALL

Members Present

Ryck Hundredmark
Dana Smith
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 May 4, 2011 meeting were approved as presented. The minutes of July 6, 2011 meeting were approved as presented.

III. OLD BUSINESS

There was no old business to be discussed.

IV. NEW BUSINESS

A. Case No. 11V-094: 103 Ocean Shore Boulevard – Oceanfront Yard Setback

Mr. Spraker stated that this was a request for an ocean yard setback variance at 103 Ocean Shore Boulevard. Mr. Spraker presented the staff report and indicated that the parcel south of the property is vacant. Mr. Spraker stated that the variance request was to square off the existing building plan with a hard roof porch addition. Mr. Spraker said the required ocean yard setback was calculated as 39.70' per the survey and the applicant is requesting a 7.02' ocean yard variance to allow a hard roof porch addition to square off the existing house at a setback of 32.68' to match the building setback line. Mr. Spraker stated that the applicant has provided letters of no objection from the abutting property owners.

Mr. Spraker concluded that staff is recommending approval of the variance request based on the non-conforming criteria of the Land Development Code.

Robert A. Merrell III, Esquire, of Cobb and Cole, 150 Magnolia Avenue, Daytona Beach stated that the property owner and architect were available to answer any questions. Mr. Merrell stated that the adjoining property owners did not object to the variance request. Mr. Merrell said that the averaging of the oceanfront yard was designed to protect neighboring property views and that their neighbors had no issue with the variance.

Mr. Merrell made the following points:

1. As he experienced with other oceanfront development, the shoreline along the beach was not always straight, but the intent of the Ordinance is to ensure that view lines are maintained.
2. The application fits well into the squaring off provision of the Land Development Code.
3. The covered porch would assist to provide temperature control and shade for the house and its residents during the sunrise.

Mr. Lane inquired if it were a vacant lot, the average setback would be approximately 40'. Mr. Merrell stated that the calculation would need to include houses that were not a part of this survey, but that it is an approximate average.

Mr. Lane inquired to the impact of the vacant lot if the variance were to be approved and if the porch addition would block the abutting property owner's viewing angle. Mr. Merrell responded that the future resident would see the exact same structure that is present today and that the addition is an open porch and does not block the viewing angle.

Mr. McNamara asked for verification that the LDC specifically allows the squaring off of non-conforming buildings. Mr. Spraker verified that the LDC did allow for the squaring off of non-conforming structures.

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

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

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

IV. DISCUSSION

V. ADJOURNMENT

As there was no other business, the meeting was adjourned at 7:13 p.m.

Respectfully submitted,

Steven Spraker, AICP, Senior Planner

ATTEST:

Dennis McNamara, Chairman

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.