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**MINUTES**  
**BOARD OF ADJUSTMENT**

**September 13, 2012**

**7:00 p.m.**

**City Commission Chambers**  
22 South Beach Street  
Ormond Beach, Florida

**I. ROLL CALL**

Members Present

Ryck Hundredmark  
Dennis McNamara  
Tony Perricelli  
Dana Smith  
Norman Lane (excused)  
Jean Jenner (excused)

Staff Present

Steven Spraker, AICP, Senior Planner  
Ann-Margret Emery, Deputy City Attorney  
Meggan Znorowski, Minutes Technician

**II. APPROVAL OF THE MINUTES**

**Mr. Smith moved to approve the August 1, 2012 Minutes as submitted. Mr. Perricelli seconded the motion. Vote was called and the motion unanimously approved.**

**III. NEW BUSINESS**

**A. Case No. 12V-129: 200 John Anderson Drive, rear yard waterfront variance.**

Mr. Steven Spraker, Senior Planner, Planning Department, City of Ormond Beach, stated this is an application for a variance for 200 John Anderson Drive along the waterfront with the rear yard abutting the river. Mr. Spraker described the location, orientation, and characteristics of the subject property. Mr. Spraker explained that the structure was built approximately in 1963 and is currently nonconforming in terms of the rear waterfront setback. Mr. Spraker stated the waterfront setback is determined by finding the average setbacks for the properties 300' to the north and the south. Mr. Spraker continued the surveyor determined the average of 71.4' for the subject property, and therefore some of the existing structure is already in the waterfront setback. Mr. Spraker stated the applicant is seeking the variance for two improvements: the first is a porch addition 3' from the existing building plane and wraps around, which requires a variance of 18.79' to the closest point of the structure. Mr. Spraker continued, the second variance is to add a second floor addition including a cantilever porch protruding 3' from the building plane

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of an addition which was built in the early 1980s, which would leave an approximate 18' setback to the property to the north, 210 John Anderson Drive. Mr. Spraker stated the applicant provided in the packet a floor plan of what the addition would be. Mr. Spraker explained that in applying the waterfront setback, it would slice through the proposed addition, addition as a nonfunctioning room, which is why the variance is being requested.

Mr. Spraker stated before the application was submitted, the applicant gave packets to the adjoining property owners. Mr. Spraker continued that he had an opportunity to speak with the adjoining property owners at 210 John Anderson Drive. Mr. Spraker stated staff is recommending approval.

Ms. Ruth Woodward, designer/contractor, for the applicant, stated the reason for the cantilever porch was to soften the look of the building, currently the building has a 30" overhang therefore the addition would only stick out an additional 6". Ms. Woodward continued that the views the neighbors have should not be impeded because the porch is open. Ms. Woodward clarified that the porch drawing contained in the packet showed an open roof, which will indeed have a flat roof on the rear porch. Ms. Woodward explained that she didn't show the roof in the drawing because she wanted to show how the house would look with the addition.

Mr. McNamara expressed his concern that there are no stairs on the plans to get to the addition.

Ms. Woodward responded there will be a stairwell, but it was not finalized pending the Board's decision.

Mr. Smith inquired if the roof was just being raised and remain a single story.

Ms. Woodward replied that the existing house would remain a single story, but raising all of the walls with an atrium space in the middle for light.

Don Rumph, 210 John Anderson Drive, Ormond Beach, stated he and his mother who reside at 210 John Anderson are mixed about the addition because of the information provided. Mr. Rumph explained that at first the addition was going to be a small variance and now it turns out an addition had previously been made to the home which is already past the setback line, which is a variance to a variance that was not previously known to the City. Mr. Rumph stated it was his understanding that Mr. Spraker found out about that the day before this meeting. Mr. Rumph expressed his other concern is what it would do to their property values in that a new owner of his property may not like what they see next door.

Mr. McNamara asked if the Rumphs were for or against the variance.

Mr. Rumph responded that they are opposed to the variance.

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Mr. McNamara asked for a clarification of the area that required the variance.  
Mr. Spraker replied that the addition is what is within the setback area.

Mr. Smith inquired if the variance was for the second story.

Mr. Spraker answered the variance is for the second story; the area highlighted on the plan provided to the Board is for the second story addition. Mr. Spraker explained that the 52.61' would provide a 18.79' variance and all the improvements past that point are included.

Mr. McNamara stated that in some instances you can cantilever up to 2' without a variance depending on whether it is fire proof to his recollection.

Mr. Spraker responded yes, as an overhang. Mr. Spraker explained that the issue is that the 12.5' area of the second floor that is within the waterfront setback area. Mr. Spraker stated it was at the Board's discretion to approve only a portion of the variance, deny the second floor variance, modify the second floor variance to pull back to the existing plane of the building, or approve the application as submitted.

Mr. Perricelli asked if this would be the second variance this house has received.

Mr. Spraker responded no; after talking to the neighboring property owners, it was discovered that in 1980 there was a permit issued for the original addition. Mr. Spraker explained that all he had was a permit card and he did not know if they were granted a variance, but there was a permit that authorized the construction of the first floor. Mr. Spraker continued that the addition is proportional to the adjacent properties.

Mr. Smith asked Mr. Rumph if he thought that his property value would suffer because of the proposed improvement.

Mr. Rumph replied that they did not know that it would; their concern was that when they first received the notice from the applicant, the variance was for 4', but when they got the official notice from the City, the variance was for 18.79'. Mr. Rumph stated they did not know where it was going to end because there seems to be some confusion about the setback line and whether or not the Wheelers had a permit to build the addition when they did in 1980. Mr. Rumph continued that when they received their notification it was addressed to the residents in the vicinity of 200 John Anderson Drive, there is reference to a 494 Riverside Drive, nothing about 210 John Anderson Drive or the property requesting the variance; therefore they have been confused all along.

Mr. Smith stated that he believes, should the variance be granted, that the improvements would be advantageous of the next owners to the Rumphs' property. Mr. Smith explained that the variance process wasn't quite as hard in the past as it is now.

Mr. Spraker clarified that when the packet was given to the adjacent property owner by the applicant, she had not yet submitted to the City. Mr. Spraker explained that staff

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encourages people to talk with the neighbors prior to submitting. Mr. Spraker continued that he believed the applicant referenced was coming out above the existing structure which is approximately 3' from the existing building plane, which is a true statement, but the waterfront setback is further back cutting through the existing structure; therefore the actual variance is the 18.79.'. Mr. Spraker stated that what is before the Board is what would appear on the actual development order, which would permit 52.61' setback for the porch addition and 58.88' for the second floor addition.

Mr. Rumph stated when the applicant purchased the property they knew what they were buying and now they need a variance. Mr. Rumph expressed that he does not quite understand the process, and he doesn't understand why someone would buy a property knowing they need a variance.

Mr. McNamara stated what the applicant is proposing to add from what is currently there is approximately 3' from the back porch and a second floor on the previous addition. Mr. McNamara asked Mr. Rumph if it is the second floor that is bothering him.

Mr. Rumph responded that they are concerned about the 3' because now it is 18'.

Mr. McNamara explained that the blue line representing the waterfront setback line is where the measurement starts from; therefore the highlight addition is only 4' from the existing building, but the actual measurement has to come from the waterfront setback line, which is why the measurement becomes 18', but the applicant is not truly adding 18'.

Mr. Rumph replied that became clear yesterday afternoon.

Mr. McNamara stated his opinion is that it would improve the neighborhood.

Mr. Perricelli added that the addition is not extending 18' from the existing building line.

Mr. Rumph responded that he understands that.

Mr. Smith spoke to Mr. Rumph's concern about someone buying a house and then wanting a variance; they buy a house not thinking they will add on to it, but once living in it find that the house designed in the 1960s no longer meets their needs in terms of space, and they then look to see how they can improve it by going outward. Mr. Smith expressed his opinion that the addition would be a betterment to the neighborhood overall.

Mr. McNamara stated the addition is more to be pleasing to the eye.

Mr. Smith added they will be also gaining a better view by moving upward.

**Mr. Smith moved to approve the variance as submitted. Mr. Hundredmark seconded the motion. Vote was called, and the motion unanimously approved.**

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#### IV. OTHER BUSINESS

Mr. McNamara stated Mr. Spraker was kind enough to do some research, but since Mr. Lane is not present this item should be continued.

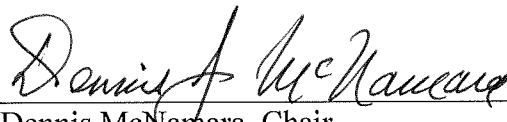
#### V. ADJOURNMENT

As there was no other business, the meeting was adjourned at 6:23 p.m.

Respectfully submitted,

  
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Steven Spraker, AICP, Senior Planner

ATTEST:

  
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Dennis McNamara, Chair

*Minutes prepared by Meggan Znorowski.*

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.

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