
MINUTES
BOARD OF ADJUSTMENT

December 5, 2012

7:00 p.m.

Commission Chambers

22 South Beach Street
Ormond Beach, Florida

I. ROLL CALL

Members Present

Tony Perricelli
Dennis McNamara
Sue Parkerson
Norman Lane
Jean Jenner
Ryck Hundredmark (Excused)

Staff Present

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

II. APPROVAL OF THE MINUTES

Mr. Lane moved to approve the November 7, 2012 Minutes as submitted. Mr. Jenner seconded the motion. Vote was called: Mr. Perricelli abstained; Ms. Parkerson abstained; Mr. Jenner for; Mr. Lane for; Mr. McNamara for. The motion carried.

III. NEW BUSINESS

A. Case No. 13V-14: 305 Thackery Road, rear yard variance

Mr. Steven Spraker, Senior Planner, Planning Department, City of Ormond Beach, stated this is an application for an 8' by 23' screen room addition requesting a 11' foot variance for a 9' setback. Mr. Spraker explained that this property was platted in the 1950s and constructed in 1959 in Volusia County, and at some point was annexed into the City; the lot size does not meet the minimum lot size for the assigned zoning district as a function of being developed in the County and annexed into the City. Mr. Spraker continued that the building has unique characteristics in how it is angled, and due to that there will be a greater setback of 16' on the one side. Mr. Spraker stated the applicant obtained written statements from the abutting neighbors stating they had no objections. Mr. Spraker continued that he spoke to the neighbor behind the applicant who was extremely supportive of the application and felt that it would be an improvement and a chance for the property owner to more fully enjoy their property. Mr. Spraker stated staff is recommending approval.

Sonia Robey, 305 Thackery Road, stated she would like to have the variance approved so she can more fully enjoy her backyard.

Mr. Lane asked if Ms. Robey considered moving the addition to the beginning of the patio.

Ms. Robey responded that she did, but the issue is that the washer and dryer is on the other side which vents to the outer wall, which would require moving that as well as the only water spigot outside for watering is also in that area so the addition is located 6' to the side of the spigot.

Mr. Jenner moved to approve the variance as submitted. Mr. Perricelli seconded the motion. Vote was called, and the motion unanimously approved.

B. Case No. 13V-17: 1520 W. Granada Blvd., front yard variance

Mr. Spraker stated this is an application for a variance at 1520 West Granada Boulevard which is an existing gas station at the corner of Granada Boulevard and Williamson Boulevard. Mr. Spraker explained that over the years as Granada Boulevard has been expanded, the property has lost right-of-way and the existing canopy is at a 0' setback; the applicant is required to redo their underground gas tanks, and as part of that they would like to take down the existing canopy in order to facilitate the replacement and relocate the canopy in the same position at the end of the gas tank replacement project. Mr. Spraker continued that this property is located within the Greenbelt Gateway Corridor which requires landscaping and a greater setback; staff reviewed the project and could not find another location for the canopy that allowed reasonable use of the property. Mr. Spraker stated the only other option would be to not allow a canopy. Mr. Spraker stated staff is recommending approval.

Mr. Lane inquired about the taking mentioned in the staff report.

Mr. Spraker responded FDOT would attempt to have a cure plan to try to relocate the canopy if there was a taking or potential buy the site. Mr. Spraker explained Florida Hospital relocating on Williamson Boulevard has put pressure on the intersection of Granada Boulevard and Williamson Boulevard; the preliminary study by FDOT shows double rights going from Granada Boulevard heading east onto southbound Williamson Boulevard, which would require additional right-of-way along the applicant's frontage. Mr. Spraker stated the studies are 5-10 years out, but it is something to be aware of.

Mr. Perricelli stated after reviewing the packet it is a tight site, and he doesn't see how the canopy could go anywhere else, but where it is currently.

Mr. McNamara asked if they could perform the construction a stage at a time and keep the existing canopy.

Mr. Spraker replied that the applicant desires to have a newer canopy given the age of the canopy and the construction, which would follow some of the architectural design standards.

Mr. Perricelli stated if this was new construction, the site would not be large enough to accommodate this use pursuant to today's codes.

Mr. Spraker agreed without a rezoning and waivers.

Jason Schultz, applicant, stated the canopy structure is 28 years old and they want to replace it; if they have to move the canopy if the FDOT does another taking, it would inhibit them from even operating on this site.

Mr. Jenner moved to approve the variance as submitted. Mr. Perricelli seconded the motion. Vote was called, and the motion unanimously approved.

IV. OTHER BUSINESS

2013 BOAA Meeting Dates

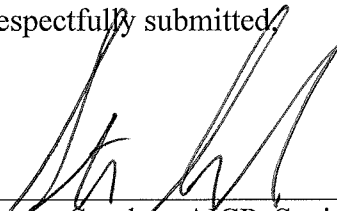
Mr. Spraker asked the Board if they would be willing to move the meeting to 5:30, the second Tuesday of the month followed by the Planning Board due to staff resources and to relieve some duplication of staff; it is purely at the Board's discretion.

It was the decision of the Board to keep the meetings on the first Wednesday of the month at 7:00 PM.

V. ADJOURNMENT

As there was no other business, the meeting was adjourned at 7:22 p.m.


Respectfully submitted,



Steven Spraker, AICP, Senior Planner

Steven Spraker, AICP, Senior Planner

ATTEST:



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.
