

MINUTES
BOARD OF ADJUSTMENT

August 1, 2018

7:00 p.m.

Commission Chambers
22 South Beach Street
Ormond Beach, Florida

I. ROLL CALL

Members Present

Frank Ganz
Brian Nave
Tony Perricelli
Roger Strcula
Dennis McNamara
Stan Driscoll (excused)

Staff Present

Steven Spraker, Planning Director
Becky Weedo, Senior Planner
Ann-Margret Emery, Deputy City Attorney
Melanie Nagel, Minutes Technician

II. APPROVAL OF THE MINUTES

A. There were no minutes to approve

III. NEW BUSINESS

A. Case No. 2018-084: 1190 North US Hwy 1, Energizer-Playtex Manufacturing, Inc. Side Corner Yard Setback Variance

This variance request was withdrawn until the September meeting.

B. Case No. 2018-079: 776 Riverside Drive, Dock Variance

Ms. Becky Weedo, Senior Planner, stated the applicant is requesting a north side variance to reconstruct a destroyed walkway to the existing boathouse and terminal platform. A minimum setback of 25 feet from the riparian lines of the adjacent owners is required, if the length of the shoreline is 65 feet or more. The shoreline is almost 100 feet. The walkway has a current setback of 15 feet; however, the new walkway will reconnect to an existing, non-conforming boathouse and terminal platform with a setback of 0 feet. In order to bring the entire dock into compliance, the variance requested is for 25 feet to reconstruct the walkway in the same footprint.

Ms. Weedo continued by displaying a slide showing the existing dock and location of the stormwater pipe. Moving the dock could potentially impede the stormwater drainage flow. Another photo shows the aquatic vegetation and existing stormwater pipe. Moving the dock would disturb the vegetation, which currently prevents erosion of the shoreline and provides habitat for marine life. The existing dock was originally built in 1982. And since the entire walkway is being reconstructed with

new pilings, a permit is required. In order to reconnect to the existing terminal platform and boathouse, the variance is obviously being requested. Since the dock has been in the same location for over 35 years, there are no river view concerns. Both abutting neighbors have provided signed letters in favor of the variance request.

Ms. Weedo stated that Planning Department staff reviewed the application and believe the project has satisfied the variance criteria, as follows: 1. the lot meets the minimum lot area, 2. the applicant is not increasing the cubic content of the walkway, 3. the dock is a permitted use in the zoning district, 4. the walkway will reconnect in the exact footprint; 5. the walkway and dock are in scale with the neighbors, and will not impede views, and 6. the variance will allow continued use with no impacts to the abutting neighbors. Staff recommends approval of the north side variance to reconstruct the walkway to reconnect to the existing boathouse and terminal platform. The applicant is here to answer any of the board's questions.

Mr. Nave stated that if you look on page two of the pictures and you look at one, two, three lots up, their dock is also offset to the side of their property. And it also looks like there's also a drainage pipe there. Was that dock put off to the side because the drainage pipe was there? Or was this a big lot that they split into two small lots? Ms. Weedo stated that is the drainage pipe that is city-owned, and it's servicing that entire area for stormwater drainage. Mr. Nave stated that he was just wondering if this was common practice to offset the dock when there is a drain.

Mr. Strcula stated that the board is not talking at all about the non-conformed boathouse. That's just staying as is. This is just for the dock replacement. Ms. Weedo stated that was correct. Mr. Strcula stated that there was an old CMP pipe there, and he thinks this is the one that the city replaced some years back. So they put it in the same location where it was previously.

Mr. McNamara asked if there were any other questions from the board. If not, he asked if the applicant was in attendance and would like to speak.

Ms. Betty Davis, 776 Riverside Drive, stated that the walkway, at present time, goes underwater when there is a high tide. And those who live on the river feel it's a real privilege, but it's also a responsibility to maintain that riverside embankment. So to go and try and do any more disturbing of the riverbank by moving anything other than just by keeping the present footprint becomes a concern of theirs, in terms of the ecology of the foliage that's growing there and so forth. With the recent storms, they always worry about the erosion factor. So just being able to put in a few pilings and lift that walkway enough to keep it out of the water and hazards of any future storms would be all they're attempting to do. And the neighbors agree since their dock has actually become unsightly because it's so old that it's not in compliance with the looks of the docks on either side of them. So it's just a matter of putting in new pilings and lifting that dock and the walkway enough to just get it out of the water hazard when the tides get high.

Mr. McNamara asked if the boathouse is staying where it is at. Ms. Davis stated that the boathouse seemed to survive the past two storms just fine, and the terminal

platform didn't have any damage. They did some minor repair work to it after Hurricane Matthew. But Irma gave us a whole new look, so it's just the walkway that really is the part needing to be replaced.

Mr. McNamara stated that they are just replacing what's already there. Ms. Davis stated that they don't think the integrity of the old pilings can be relied on. So putting the new pilings in will give them the factor that if there is another storm, they won't be back in front of the board asking again to rebuild this. It'll have the integrity we need going forward. It's an old dock. They have tried to repair it to keep it going after Matthew, but Irma taught them a lesson. The other two docks, the ones to the north and the one to the south, didn't have any damage after Irma. But theirs, because it's so low, just looks like a roller coaster now.

Mr. McNamara stated that the public hearing was closed and asked for any further discussion from the board. Hearing none, he called for a motion.

Mr. Strcula moved to approve the variance for the dock, as submitted. Mr. Nave seconded the motion. Vote was called, and the motion unanimously approved (5-0).

C. Case No. 2018-089: 67 Nicholas Court, Garage Variance

Ms. Becky Weedo, Senior Planner, stated that the applicant is requesting to construct a garage with a front yard setback of 18 feet, requiring a variance of 12 feet to the minimum 30-foot front yard setback. This variance request was previously approved on April 5, 2017 but it expired on April 5, 2018. The variance approval occurred between hurricanes Matthew and Irma, and the applicant was unable to obtain the services of a licensed contractor to submit the necessary permit application to vest the variance during the allowable one-year time frame. For this reason, the board is hearing this case again.

Ms. Weedo stated that the property owners plan to convert the existing garage into living space. Since the LDC requires a garage in all residential zoning districts, a new garage is proposed to be built. Ms. Weedo displayed a photo of the existing garage to be converted into living space. The proposed garage will effectively square off with the existing home. Since there is no sidewalk - existing or platted - the driveway will still have space to park two vehicles outside the new garage.

Ms. Weedo continued that the proposed garage is in scale with adjacent buildings across the street. The neighbors at 40 and 48 Nicholas Court also have less than 30 feet from their garages. Since the owners will be converting the existing garage into living area, they must replace the garage space. Even though the new garage will square off with the front of the home, the subject property is located on a cul-de-sac with the curve along the frontage, causing the new structure to extend into the front yard setback.

Ms. Weedo stated that planning staff reviewed the application and believes the project has satisfied the variance criteria. 1. The minimum allowed area is met. 2. Requiring a smaller garage would not be functional for two cars. 3. The proposed

expansion is consistent with the purpose of the R2 single-family zoning district. 4. The proposed garage will effectively square off the home. 5. The expansion is in scale with the other properties. 6. The proposed expansion will not impact adjacent properties. Adjacent owners have signed the application in favor of the request. There has been no change. It is recommended that the requested front yard variance of 12 feet be approved as detailed in the staff report.

Mr. McNamara asked the applicant if he would like to address the board.

Mr. William Krug, 67 Nicholas Court stated that the only comment he would have is, if the board is curious why it took so long to get a contractor engaged, it is a very tight building market, and they actually had a lot of difficulty finding an architect who shared their vision. They actually had to change architects through the process. So it took more than a year, and that's why they are asking for the variance to be extended.

Mr. McNamara stated that it is a public meeting if anyone else would like to speak. Hearing from no one, he closed the public meeting. Since this had already been before the board for approval, Mr. McNamara called for a motion.

Mr. Perricelli moved to approve the variance for the garage, as submitted. Mr. Nave seconded the motion. Vote was called, and the motion unanimously approved (5-0).

D. Case No. 2018-090: 66 Central Avenue, Front Porch Variance

Ms. Becky Weedo, Senior Planner, stated this is a variance to construct a front porch addition at a 16.98-foot front yard setback, consistent with the existing front setback of the 1950s built single-family house. When the home was damaged by hurricane Irma, the applicant decided to incorporate the covered porch improvement at the same time as the installation of the new roof. The porch addition is proposed at 22 feet across the front and 30 feet deep on the side, and will square up with the existing 8-foot by 18-foot sunroom. The front porch addition will encroach into the front yard setback by 8.02 feet but will be even with the existing front plane of the home. The addition meets the side corner yard setback. The proposed porch will effectively square off with the existing home, and there will be no site issues.

Ms. Weedo stated that planning staff reviewed the application and believe the project satisfies the criteria except that the lot is smaller than the minimum lot. There is no other practical alternative. The proposed expansion is consistent with the purpose of the zoning district. The proposed porch will effectively square off with the home. It's in scale with adjacent structures and won't block any views, and there won't be any impact to adjacent properties by limiting views or increasing light or noise. The applicant did receive a signature and letter in favor of their request, and staff has received no objections. It is recommended that the requested front yard variance of 8.02 feet be approved as detailed in the staff report. The applicant is here if the board has any questions.

Mr. McNamara asked the applicant if they would like to address the board.

Mr. Jamie Robinson, 66 Central Avenue stated that they just want to make the house look better. They have two driveways on that corner and they find that when people come to visit, they park in both of the driveways. They are small driveways. Adding this wraparound porch will allow people a place to enter into the front instead of trying to go around to the back. There's a gate. The house is also in the historic district. The house across the street from this is very old. Their house was built in 1950. They are due for a facelift. They want to go with Hardie board for siding. They are going to do a very nice southern style front porch with the columns and make it look right with the period, trying to help others maybe be inspired to do the same in the neighborhood and start looking a little better.

Mr. McNamara closed the public hearing and asked for discussion from the board. Hearing nothing, Mr. McNamara called for a motion.

Mr. Nave moved to approve the variance for the front porch, as submitted. Mr. Strcula seconded the motion. Vote was called, and the motion unanimously approved (5-0).

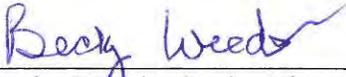
V. OTHER BUSINESS

Ms. Nagel stated that next month the city commission meeting was moved to Wednesday night. The City Commission meeting will be in this room on September 5th. The Board of Adjustments meeting will be held in the HR training room.

VI. ADJOURNMENT

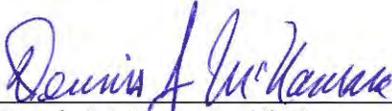
As there was no other business, the meeting was adjourned at 7:22 p.m.

Respectfully submitted,



Becky Weed, Senior Planner

ATTEST:



Dennis McNamara, Chairman

Minutes prepared by Melanie Nagel.

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.