



AGENDA

ORMOND BEACH BOARD OF ADJUSTMENT AND APPEALS

August 7, 2019

ORMOND BEACH CITY HR TRAINING ROOM

7:00 P.M.

I. ROLL CALL

II. APPROVAL OF THE MINUTES

A. July 3, 2019.

III. NEW BUSINESS

A. Case 2019-093: 171 Oak Grove rear yard setback variance

This is a request for a rear yard variance submitted by Peter Jansen, property owner of 171 Oak Grove Street. The property owner seeks to construct an 11' x 28' hard roof structure over an existing concrete patio requiring a variance of 4.7' to the required 20' rear yard setback for a final rear yard setback of 15.3'.

IV. OTHER BUSINESS

V. PUBLIC COMMENTS

VI. ADJOURNMENT

MINUTES
BOARD OF ADJUSTMENT

July 03, 2019

7:00 p.m.

Commission Chambers
22 South Beach Street
Ormond Beach, Florida

I. ROLL CALL

Members Present

Stan Driscoll
Fred Heyne
Brian Nave
Roger Strcula
Dennis McNamara

Staff Present

Becky Weedo, Senior Planner
Ann-Margret Emery, Deputy City Attorney
Marcella Miller, Minutes Technician

II. APPROVAL OF THE MINUTES

A. May 1, 2019

Mr. McNamara asked if there were any corrections to the May 1, 2019 minutes. Hearing none, vote was called, and the minutes were unanimously approved.

III. NEW BUSINESS

A. Case No. 2019-088: 53 Wilmette Avenue, Side Yard Setback Variances

Ms. Becky Weedo, Senior Planner, stated that case number 2019-088: 53 Wilmette Avenue, is a variance request to allow the construction of a new single family home requiring two variances. One variance is a 5-foot variance from the required west side yard setback of 10 feet, for a final west side yard setback of 5 feet. The second variance is a 5-foot variance from the required combined yard setbacks of 20 feet for a final combined side yard setback of 15 feet. She continued that the lot is 50 feet wide, by 200 feet deep and is part of the Ormond Terrace subdivision, originally platted in 1924. In the R-3 zoning district, the minimum lot width is 75 feet, and the minimum side setback is 8 feet on one side, with a combined total side setback of 20 feet. Ms. Weedo added that per the property appraiser's records the original house was built in 1924, approximately 1,136 square feet. The home has been found unsafe so the owner has been in the process of demolishing the dilapidated structure. Ms. Weedo stated that the new home is proposed to be approximately 2,450 square feet, one-story with a two-car garage. The minimum square footage in the R-3 zoning district for one-story type C homes is 1,150 square feet, therefore the home will be meeting the minimum floor area requirements. The new home will be located in line with the abutting homes. The east side setback will not change, maintaining 10 feet, and the west side setback is proposed to be 5 feet instead of the previous 9.2 feet. Ms. Weedo explained that the lot is deep and

the property owner has an option of building a longer home, however there are several mature trees that the owners are interested in preserving. The house on the east of 47 Wilmette Avenue is a two-story house with a building width of 35 feet as well. The owner has obtained signatures in favor of the variance requests from the abutting neighbors to the north (rear). The abutting neighbors on the east and west sides of the house signed against the variance request. Ms. Weedo stated that staff recommends approval of the requested west side setback of 5 feet and the combined side yard setback of 15 feet.

Mr. Nave asked Ms. Weedo about the property mentioned prior that is also 35 feet wide and if their lots are the same width, with 15 feet on one side and 5 feet on the other side. Ms. Weedo replied she wasn't sure of the exact side setback dimensions but the combined side yard setback would be the same since most of the neighborhood has 50 foot wide platted lots.

Mr. Driscoll asked Ms. Weedo about the current Land Development Code and how it contemplates a 20 foot combined setback, based on a 75 foot lot width. He asked if all of the homes in the Ormond Terrace subdivision are in a similar situation to Eleanor Village, and if the Planning Commission can fix being that there are a lot of 50 foot lots that came into the City and from there change the setback requirements for them. He continued that this would save all of the homeowners the expense of coming to the BOAA Board. Ms. Weedo replied that she was not sure but that they are considered legal, non-conforming if they were constructed prior to the current setback requirements. Mr. Driscoll asked what the correct procedures are to ask the Planning Commission to review. Mr. McNamara commented that at one time setbacks were a percentage of the road frontage for smaller lots. He added that the purpose of the Board is to make adjustments as the Board sees fit. Ms. Ann-Margret Emery, Deputy City Attorney, stated that the first step would be for Planning Department staff to take a look at the matter and research the issue.

Mr. Nave clarified that the subject is a non-conforming lot and that a conforming lot in R-3 is considered 75 feet wide. Ms. Weedo agreed. Mr. Nave then asked how the lot got in the R-3 if it is non-conforming. Ms. Weedo answered that there are no zoning districts that have minimum lot requirements less than 75 feet. Mr. Nave asked if all of the lots are 50 feet. Ms. Weedo replied yes and that those in the Ormond Terrace subdivision are because they were all platted in the 1920's.

Mr. Heyne asked Ms. Weedo about the mature trees in the front yard and if approved if they would be protected. Mr. Josif Atanasoski, 651 Woodview Drive, co-owner of the said property answered that there would be no trees removed. Mr. Atanasoski expressed that it would be better for the City of Ormond Beach if the City looked at the older 50 foot lot homes and the fact that homeowners like to repair them as they age. Mr. McNamara asked the homeowner why he did not choose to repair the house instead. Mr. Atanasoski replied that the house was dilapidated. Ms. Weedo explained that the house was initially owned by a woman that passed away and went into foreclosure and was abandoned for a few years. She continued that when she spoke to the neighbors that objected to the variance, they were thrilled that the house was being demolished.

Mr. McNamara stated that this is a public meeting and asked if anyone was interested in addressing the Board.

Rick Kupchunas, 67 Wilmette Avenue, directed his comment to the homeowner, expressing that the home was historical. He explained that the entire area is historical as well and worthwhile to be saved. He expressed his concern is that tearing down the home, rebuilding a new “cookie-cutter” home, in a location with older homes on both sides of it. Mr. Kupchunas stated that he follows the rules of Ormond Beach and the setbacks and believes that everyone else should as well. Mr. McNamara replied that the City and Planning Department does thorough research and has rules for demolishing homes. Mr. Kupchunas explained that the issue with the adjoining neighbors being happy that the house was being torn down is due to the fact that both neighbors were each interested in bidding on the property to increase their property from 50 foot to 75 foot each, splitting the 50 foot, but it did not work out. Mr. Kupchunas commented that he is not sure if the new house will fit in aesthetically. Ms. Emery replied that even if the home is deemed historic due to the age of it, it was deemed unsafe due to a combination of experts inspections; the building official, and the City Engineer deemed it that way as it is in danger of collapse. Mr. Kupchunas agreed with Ms. Emery and asked if that means it is okay to rebuild something. He continued that he knows people that own pieces of property and stated that they have a right to build on it to a certain degree. Ms. Emery replied yes and stated that there is nothing in the code that requires them to build it to a specific character or to match nearby homes. Mr. Kupchunas agreed. Mr. Nave stated that the Board is here to determine if the homeowner can build a wider house than is allowed by the ordinance.

Mr. Driscoll reassured Mr. Kupchunas that he has a valid concern and the issue could be discussed with the Planning Department, and would require change to the Land Development Code.

Ms. Weedo referenced designated landmark properties and the voluntary Lincoln District historic designation. She continued that anyone in the City if interested in making their home a significant historical property, can request to be placed on the list.

Mr. Kupchunas inquired about historic designations and regulations. Mr. McNamara explained the current meeting is for working on setbacks and advised Mr. Kupchunas if he was interested that he could attend the Historic Landmark Preservation Board meetings to get more insight on his Historic District inquiries. Mr. McNamara asked if there were any other questions and asked if anyone would like to make a motion.

Mr. Driscoll moved to approve the variances for the side yard setbacks of 5 feet from the prescribed 10-foot on the west side, and secondarily 5-foot from the combined 20-foot requirement for Case No. 2019-088: 53 Wilmette Avenue. Mr. Strcula seconded the motion. Vote was called, and the motion was unanimously approved (5-0).

Mr. McNamara stated that the variances were approved and directed for the homeowner to get with the Building Department within 30 days for assistance. The variance will expire in 1 year.

IV. OTHER BUSINESS

There was no other business.

V. PUBLIC COMMENTS

There were no public comments.

VI. ADJOURNMENT

The meeting was adjourned at 7:25 p.m.

Respectfully submitted,

Becky Weedo, Senior Planner

ATTEST:

Dennis McNamara, Chairman

Minutes prepared by Marcella Miller.

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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