

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

**March 3, 2010**

**7:00 p.m.**

**City Commission Chambers**

22 South Beach Street  
Ormond Beach, Florida

**I. ROLL CALL**

Members Present

Jean Jenner  
Norman Lane  
Dennis McNamara  
Tony Perricelli

Staff Present

Steven Spraker, AICP, Senior Planner  
Ann Margret Emery, Deputy City Attorney  
Chris Jarrell, Minutes Technician

Members Absent

Ron Walker

**II. APPROVAL OF MINUTES**

The minutes of the January 6, 2010 meeting were approved unanimous vote.

The minutes of the February 3, 2010 meeting were approved by unanimous vote.

**III. OLD BUSINESS**

There was no old business to be discussed.

**IV. NEW BUSINESS**

**A. Case No. 10V-64: 559 Sandy Oaks Boulevard**

Mr. Spraker advised the Board members that the application was for a four-foot (4') variance to allow an addition at the rear of the existing structure. He said that the subject was the last lot along Sandy Oaks Boulevard, in the Hammock Trace subdivision. He pointed out the unique features of the lot as being the area of water at the back of the platted lot, as well as the 20-foot drainage easement along the side property line used for a canal that drains into the lake.

Mr. Spraker said that the property to the north is owned by the city and used for a pump station; it is also leased to Bright House Networks. He said that the

applicant had approached staff about the possibility of an addition to his residence for a utility room, explaining that the alternative of adding a utility shed had not proved to be possible because of the existing water on the property, the downward slope of the land to the lake and the extent of the existing drainage easements on the lot.

Mr. Spraker stated that the only alternative appeared to be to connect a 12 x 20' addition at the rear of the garage, as shown on the diagram provided. He said that the addition would clip the existing side yard drainage and utility easement and that staff, as part of the application, had routed a companion amendment to public works staff to see if there would be any objection to releasing that portion of the easement. He reported that both the City's utilities manager and environmental systems manager had reviewed the request and had no objections, since the area in question is actually upland, as opposed to the canal area (shown in blue on the diagram).

Mr. Spraker pointed out that the addition was in line with the structures on the neighboring property and would be added in the lawn area, an area that would not have any flooding concerns. He said that the applicant had obtained the signatures of no objection from the surrounding property owners, and that there was no objection from city staff. He asked the Board to condition any approval of the 4-foot variance on the utility easement release, which would be a technical exercise of going through the release process with the city commission.

Property owner Mr. Pat Gavin, 559 Sandy Oaks Boulevard, stated that he and his family had built the house in 1989, and had lived there ever since. He said that they simply needed additional storage area. He felt that the additional square footage would add value to the property and assured the Board members that the addition would be finished in stucco and would blend in with the existing residence. He also explained that if they constructed a smaller addition of only 8-feet in depth (instead of the 12-foot depth), the addition would not encroach into the easement, but it would eliminate the use of the door into the garage; they therefore decided to try to obtain the variance.

Mr. Spraker said that the applicant should be able to obtain the easement release within the 30-day appeal period.

**Mr. Jenner made a motion to approve the request, conditioned on the release of the drainage easement.**

**Mr. Lane seconded the motion, which was approved by unanimous vote of the Board.**

Chair McNamara advised the applicant that he had one year in which to build the addition, at which time the variance order would expire.

#### IV. DISCUSSION

Chair McNamara thanked Mr. Spraker for providing the Board with the variance summary report.

Mr. Spraker said that in developing the Rules of Procedure, staff noticed that it was something that should be done to keep the Board abreast of where the variances were in the process. He said it also provided them an historical reference of what has and has not been approved. He said that there were a couple of properties that needed inspection to make sure the applicants actually did what they had said they were going to do.

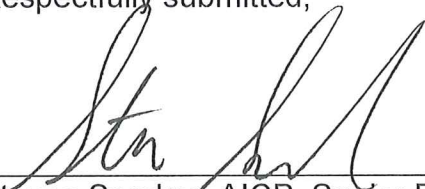
Chair McNamara expressed surprise by the number of variances that had expired.

Mr. Spraker surmised that it was perhaps because of the economy. He also confirmed for Mr. Jenner that there was no new variance request by the owners of Gaff's; he thought that they had not yet taken down the original posting sign. He said that he would remove the sign or ask them to do so.

#### ADJOURNMENT

As there was no other business, the meeting was adjourned at 7:10 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Steven Spraker, AICP, Senior Planner

ATTEST:

  
\_\_\_\_\_  
Dennis McNamara, Chair

*Minutes prepared by Betty Ruger.*

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.