

MINUTES
BOARD OF ADJUSTMENT

March 04, 2020

6:00 p.m.

Commission Chambers
22 South Beach Street
Ormond Beach, Florida

I. ROLL CALL

Members Present

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

Staff Present

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

II. APPROVAL OF THE MINUTES

A. February 5, 2020 Minutes

Mr. McNamara asked if there were any corrections to the February 5, 2020 minutes. Hearing none, vote was called, and the minutes were unanimously approved.

III. NEW BUSINESS

A. Case No. 2019-127: 113 Sawtooth Lane, Pool Enclosure Variances

Ms. Becky Weedo, Senior Planner, stated that Case No. 2019-127 is a request for two variances to allow a screen enclosure over an existing pool. Ms. Weedo explained the slide shown overhead of the aerial of the property showing the existing swimming pool and the variance exhibit that identifies the two variance requests. She explained that one of the variance requests is for a 7 foot variance to the rear yard setback of the required 10 foot setback. The other variance request is a .5 foot variance to the 7 ½ foot required interior side setback. Ms. Weedo continued that the swimming pool was constructed in 1987 per the property appraiser's records. The edge of the deck for swimming pools with no screen enclosure requires a rear yard setback of 5 feet. She commented that this particular pool has a rear yard setback of 3 feet from the pool deck. Ms. Weedo stated that the current property owners purchased the home in 2018 and desire to screen the pool for protection of environmental hazards and wildlife.

Ms. Weedo explained additional slides shown overhead of an aerial of the existing 3 foot pool rear setback, the existing 7 foot pool side setback, and other pools with screen enclosures that may not have the ten feet setback for various unknown reasons. Ms. Weedo showed other views and commented that the screen enclosure would not block any views. She added that the applicant provided signatures and a letter in favor of the variance from the abutting property owners. Planning staff

has not received any objections to the variance and recommends approval of the requested variance of 7 feet from the required rear yard setback of 10 feet for a final rear yard setback of 3 feet, and .5 feet from the required side yard setback of 7 ½ feet for a final side yard setback of 7 feet to construct a screen enclosure over an existing pool at 113 Sawtooth Lane. Ms. Weedo concluded that the applicant was in attendance for questions.

Mr. Driscoll asked why there are other homes in the neighborhood and in Ormond Beach that are non-conforming. Ms. Weedo replied that the residential building permit records are only kept for ten years and that dependent upon when the pool enclosures were built the Planning Department may not have the permit records to determine how the permit was issued. She continued that if the property backs up to a common area, 5 foot setbacks are permitted for pool enclosures. Ms. Weedo stated this could be the possible reason for them being closer than ten feet. She commented that she would need to look at when the other pool enclosures were built to determine the reasons. Ms. Weedo added that there was also a code change in 2004.

Mr. McNamara asked if the applicant was interested in addressing the board.

Mr. McNamara asked Ms. Weedo if the screen enclosure is going in at the edge of the pool deck and not in the textured simulated stone area. Ms. Weedo replied that he was correct. Mr. McNamara confirmed that there was room to repair the screen enclosure if need be.

Mr. Strcula expressed that he wants to be sure that the applicant understands the variance. He stated that when the homeowners purchased the house in December 2018 the survey that was performed at that time did not show the concrete pavers outside the pool deck. Mr. Strcula asked if the pavers were added later. Kathy Blomquist, 113 Sawtooth Lane, replied that the pavers were there. Mr. Strcula commented that it does not show on the survey because it shows a gap from the concrete pool deck to the fence line. He added that the screen enclosure will need to be put at the end of the pool deck and not on the concrete pavers. Mr. Strcula concluded that the PVC fence will still remain. Ms. Blomquist stated that she understood.

Mr. McNamara closed the public hearing and asked for comments from the board.

Mr. Driscoll asked Mr. Strcula if the survey the homeowners received at the time of closing on the house would pick up a non-conformity. Mr. Strcula answered that the surveyor would not likely know. He continued that the surveyor would only locate evidence that is of survey matter related like a fence encroachment or driveway, and would not be aware if there was a non-conforming issue. Mr. Driscoll commented that FHA and GI loans are not approved for non-conforming homes.

Mr. McNamara advised the homeowners that the variances will be on record. Ms. Weedo confirmed that the variances are recorded and stay with the property if the property is ever transferred in the future.

Mr. Driscoll moved to approve both the rear and side yard variances for the Pool Enclosure requested in Case 2019-127:113 Sawtooth Lane. Mr. Strcula seconded the motion. Vote was called, and the motion was approved (4-0).

Mr. McNamara stated that the variance was approved, and directed for the homeowners to get with the Building Department after 30 days. The variance will expire in 1 year.

IV. OTHER BUSINESS

There was none.

V. PUBLIC COMMENTS

There were no public comments.

VI. ADJOURNMENT

The meeting was adjourned at 6:13 p.m.

Respectfully submitted,

Becky Weedon, 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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