

The regular meeting of the
City of Ormond Beach

BOARD OF ADJUSTMENT AND APPEALS

(scheduled for September 5th)

has been [canceled](#).

The next scheduled meeting

Is September 13, 2012

at 6:00 p.m.

CITY OF ORMOND BEACH

FLORIDA

PLANNING

MEMORANDUM

TO: Chairman McNamara and members of the Board of Adjustment and Appeals

FROM: Steven Spraker, AICP, Senior Planner

DATE: August 15, 2012

SUBJECT: Miscellaneous Topics

The purpose of this memorandum is to discuss several miscellaneous topics:

1. **September Board of Adjustment and Appeals (BOAA) meeting.** There are no completed applications for the September BOAA meeting date and the meeting has been canceled.
2. **121 East Granada Boulevard variance and the Downtown form based code.** The July variance case regarding 121 East Granada Boulevard was discussed at the August BOAA meeting and there were questions regarding the application of the City's form based code. The following section was included in the July variance report for the property at 121 East Granada Boulevard:

The project is required to go through the Site Plan Review Committee (SPRC) as a change of use for a nonconforming developed site. The applicant did submit a conceptual plan that was reviewed by the SPRC and several issues were identified. One issue was the proposed setback encroachments. A second issue was the applicability of the form based code that is adopted as part of the Downtown Overlay District. The form based code requires vacant properties and buildings removed for redevelopment to be setback close to the right-of-way. The form based code (Section 2-70.K of the LDC) states:

“A Change of Use as defined by LDC §2-64D, building expansions and other improvements regardless of valuation or a use vacant for greater than six (6) months shall comply with the Design Guidelines only from Sections E, F, H and J. Compliance with the Design Guidelines shall make the property eligible for financial assistance.”

The form based code does permit building expansions as proposed. Staff requested that the applicant consider demolishing the existing building and re-building a structure closer to the Granada Boulevard right-of-way. The applicant did perform the analysis and discovered that the cost to demolish the building and re-build cost substantially more than expanding the existing

building. As part of the change of use, the project shall be required to provide site improvements to the landscape and parking areas.

In summary, the project at 121 East Granada Boulevard does not propose to demolish the existing structure but to expand the existing structure. The form based code allows the expansion of existing buildings. If the building were to be demolished or destroyed by any means, the form-based code would require moving the structure to the street right-of-way.

3. Advertising for variances. There was a question regarding the advertising requirements for variances at the August BOAA meeting. Variances are advertised as follows:

- a. Letters to abutting property owners sent 17 days prior to the meeting date;
- b. Site posting 17 days prior to the meeting date; and
- c. Legal newspaper advertisement 17 days prior to the meeting date.

For the case at 10 Oriole Circle B, staff noted that there were a number of out-of-town property owners and staff notified the address listed by the Volusia County Property Appraiser Office and the actual local address of the abutting unit. All advertising is performing by City staff and the cost is part of the application fee.

4. Variance summary. Attached is a summary of variances for each fiscal year dating back to 2006-2007 for informational purposes.

If there are any questions regarding the topics above, they can be discussed at the next BOAA meeting or you can contact me at (386) 676-3341 or by e-mail at Steven.Spraker@ormondbeach.org. Thank you

Variance Summary

Case Number	Address	Board Action	Hearing Date	Date Signed	Expiration Date	Permit		CO/CC Issued	Variance Request								
						Date Issued	Number		Request	Yard	Required	Setback Requested	Setback Granted	Variance Granted	Book	Page	
Fiscal Year 2011-2012																	
12	121	10 Oriole Circle B	Approved	08.01.12	08.15.12	08.01.13	appeal period	appeal period	appeal period	Building Addition	Front	25'	8.5'	8.5'	16.5'		
12	96	121 East Granada Boulevard	Approved	06.27.12	07.03.12	06.27.13	None	None	None	Building Addition	Rear	30'	22.75'	22.75'	7.25'	6731	2552
									Side		10'	6.2'	6.2'	3.8'			
									Side landscape		6'	0'	0'	6'			
12	79	90 Raintree Lane	Denied	05.02.12	05.09.12	Denied	Denied	Denied	Denied	Pool and deck	Waterfront (pool)	54.17'	2.9'	Denied	Denied	6712	2143
									Deck		5'	2.9'	Denied	Denied			
12	77	176 Woodland Avenue	Approved	05.02.12	05.09.12	05.02.13	None	None	None	Pool Screen Enclosure	Rear	10'	1.58'	1.58'	8.42'	6712	2138
									Side		7.5'	1.75'	1.75'	5.75'			
12	64	325 South Atlantic Avenue	Approved (4-1)	03.07.12	03.14.12	03.07.13	None	None	None	Accessory dwelling	Front	30'	15'	15'	15'	6693	2326
									New house	Sides	min 8' total 20'	7' north, 7' south, 14' combined	7' north, 7' south, 14' combined	5' north, 1' south, 6' combined			
12	58	26 Chippingwood Lane	Approved	03.07.12	03.14.12	03.07.13	None	None	None	Sun room addition	Rear	25'	15.44'	15.44'	9.56'	6693	2331
12	21	739 Alazcar	Approved	01.04.12	01.06.12	01.04.13	03.16.12	12-2049	05.02.12	Garage Addition	Sides	min 8' total 20'	5.68', 14.63' combined	5.68', 14.63' combined	2.32', 5.37' combined	6670	1156
Fiscal Year 2010-2011																	
11	103	831 East Lindenwood Circle	Denied (3-2)	09.07.11	09.16.11	NA	Denied	Denied	Denied	Playhouse	Side	7.5'	3'	7.5' required	Denied	6635	444
11	100	198 South Atlantic Avenue	Approved	09.07.11	09.16.11	09.07.12	12.15.11	12-823	02.20.12	Addition	Side	10'	1.3'	1.3'	8.7'	6635	448
11	94	103 Oceanshore Boulevard	Approved	08.08.11	08.08.11	08.08.12	04.03.11	12-1853	Under Con	Porch Addition	Oceanfront Yard	39.70'	32.68'	32.68'	7.02'	6620	3583
11	86	530 South Atlantic Avenue	Approved	07.06.11	07.14.11	07.06.12	08.29.11	11-4155	10.12.11	Enclose car wash	Rear	20'	5.1'	5.1'	14.9'	6612	2303
11	66	604 South Ridgewood Avenue	Approved	05.04.11	05.13.11	05.04.12	08.05.11	11-4336	09.01.11	Garage Addition	Side	8'	5.88'	5.88'	2.12'	6594	2080
11	8	46 Bluebird Lane	Approved	01.12.11	01.20.11	01.12.12	03.18.11	11-2263	No final	Screen Porch	Rear	25'	20'	20'	5'	6559	2682
11	5	301 Oak Drive	Approved	01.12.11	01.20.11	01.12.12	02.11.11	11-257	02.09.12	Addition	Side Corner	20'	16'	16'	4'	6559	2687
Fiscal Year 2009-2010																	
10	146	44 South Halifax Drive	Approved	12.01.10	01.20.11	12.01.10	01.02.11	11-1212	01.13.11	Shade Structure	Rear - Commercial	20'	15'	5'	15'	6559	2677
10	140	141 Country Club	Approved	10.06.10	10.25.10	10.06.11	11.10.11	10-3972	11.18.10	Pool Screen Enclosure	Rear -Pool	10'	5'	5'	5'	6532	361
									Side -Pool		7.5'	5'	5'	2.5'			
10	116	232 South Beach Street	Approved	07.07.10	07.14.10	07.07.11	10.25.10	10-4573	01.04.11	Dock	North Side	25'	17'	17'	8'	6496	4080
									South Side		25'	20'	20'	5'			
10	104	175 B Cardinal Drive	Approved	06.02.10	06.11.10	06.02.11	09.15.10	10-4595	03.23.11	Addition	Side Yard	20'	8'	8'	12'	6485	3724
10	103	175 A Cardinal Drive	Approved	06.02.10	06.11.10	06.02.11	09.15.10	10-4594	03.23.11	Addition	Side yard	20'	12.83'	12.83'	7.17'	6485	3720
10	83	16 Rio Pinar Trail	Approved	04.07.10	04.08.10	04.07.11	05.10.10	10-2527	05.11.10	Driveway	Driveway	40'	22'	22'	18'	6464	4760
10	75	116 Wildwood Avenue	Approved	04.07.10	04.08.10	04.07.11	08.20.10	10-4302	11.30.11	Addition	Rear Yard	25'	17.7'	17.7'	7.3'	6464	4756
10	72	494 Riverside Drive	Approved	04.07.10	04.08.10	04.07.11	05.11.10	10-1446	12.01.10	Addition	Waterfront Yard	47.5'	32.3'	32.3'	15.2'	6464	4752

Case Number	Address	Board Action	Hearing Date	Date Signed	Expiration Date	Permit		CO/CC Issued	Variance Request								
						Date Issued	Number		Request	Yard	Required	Setback	Setback	Variance	Book	Page	
Fiscal Year 2009-2010 continued																	
10	64	559 Sandy Oaks Boulevard	Approved	03.02.10	03.03.10	03.02.11	07.20.10	10-3567	09.14.10	Addition	Rear Yard	20'	16'	16'	4'	6458	3139
10	59	901 North Beach Street	Approved	02.03.10	02.05.10	02.03.11	03.11.10	10-1111	09.12.11	Rear yard addition	Waterfront Yard	118'	81'	81'	37'	6445	2286
10	53	469 Druid Circle	Approved	02.03.10	02.05.10	02.03.11	03.24.10	10-1818	04.19.10	Screen room (hard roof)	Rear	25'	17'	17'	8'	6445	2277
10	43	Gaff's Sign (663 South Nova Road)	Approved	01.06.10	01.12.10	01.06.11	05.04.10	10-2521	06.10.10	Re-establish non-conforming sign	Sign square footage (S.F.)	28 S.F.	32 S.F.	32 S.F.	32 S.F.	6438	1687
											Setback	5'	1'	1'	1'		
											Reader Board color	white	yellow	yellow	yellow		
											% of reader board	50%	over 50%	over 50%	50%		
10	28	5 S YONGE ST - TEXACO	Approved	01.06.10	01.12.10	NA	Taking occurred				Landscape buffer	20%	1' to 10'	1' to 10'	10' to 19'	6438	1681
9	28000004	63 Carriage Creek	No variance required														
9	28000003	36 Twelve Oaks Trail	Approved	10.07.09	10.15.09	10.07.09	Expired	Expired	Expired	Rear yard Addition	Waterfront rear yard	62.5'	25.98'	30.99'	31.51'	6410	1906
Fiscal Year 2008-2009																	
9	28000002	5 Creeksbridge Court	Approved (3 requests), Denied (1 request)	06.03.09	06.23.09	06.03.10	06.03.10	10-3244	06.29.11	Front Yard addition	Front	20'	5.62'	5.62'	14.38'	6368	1872
										North Side Yard	Side	7.5'	0.59'	0.59'	6.91'		
										Rear yard addition	Rear	20'	10.29'	10.29'	9.71'		
										South Side Yard	Side	7.5'	1.32'	Denied	Denied		
9	28000001	587 North Beach Street	No variance required														
8	28000012	485 South Atlantic Avenue	Approved	03.11.09	03.13.09	Completed	04.23.09	9-1165	08.25.09	Canopy Encroachment	Front	30'	8'	8'	22'	6333	4821
8	28000011	75 Melrose Avenue	Denied	11.05.08	11.19.08	Denied	NA	NA	NA	Detached Garage	Rear	20'	10'	Denied	Denied	6298	4642
Fiscal Year 2007-2008																	
8	28000010	139 South Atlantic Avenue	Approved	09.03.08	09.10.08	Expired	10.10.08	08-4452	Expired	Building Addition	Side	8'	6.08'	6.08'	1.92'	6277	4337
8	28000009	2001 North Beach Street	Denied	08.06.08	08.22.08	Denied	NA	NA	NA	Building Addition	Side	8'	7.56'	7.56'	Denied	6270	3176
8	28000008	16 Reflection Village	Approved	08.06.08	08.22.08	NA	08.18.08	8-4393	08.27.08	Generator Placement	Side	7.5'	5.0'	5.0'	2.5'	6270	3179
8	28000007	2 Springwood Trail	Approved	06.04.08	06.10.08	NA	02.04.09	8-4360	05.06.09	Pool Screen Enclosure	Side Corner	20'	17'	17'	3'		
											Rear (pool screen)	5'	0'	0'	5'		
8	28000006	171 Rosewood Avenue	Approved	06.04.08	06.09.08	NA	07.22.08	8-2264	07.23.08	Carport	Side Street Corner	20'	15.65'	15.65'	4.35'		
8	28000005	25 Pine Valley Circle	Approved	05.07.08	05.07.08	NA	11.14.08	9-580	09.08.09	Building Addition	Rear	25'	15.25'	15.25'	9.75'	6231	4257
8	28000003	41 Herringbone Way	Withdrawn														
8	28000002	1245 West Granada Boulevard	Approved	05.07.08	05.07.08	Expired				Building addition	Side	20'	14'	14'	6'	6231	4261
8	28000001	11 Raintree Court	Approved	04.02.08	04.09.08	NA	10.03.08	8-4340	04.23.09	Building Addition	Front	20'	10.93'	10.93'	9.07'	6219	2389
											Rear	20'	14.90'	14.90'	5.10'		
											Side	7.5'	0.55'		0' - 34' from property line		
7	1224	229 Ann Rustin Drive	Denied	02.06.08	02.14.08	Denied	07.25.08	7-3834	07.28.08	After the fact - rear	Rear	25'	5'	Denied	Denied	6195	2175
7	1219	6 Old Canyon Way	Approved	12.05.07	12.12.07	NA	02.11.08	8-1404	07.14.08	Rear lanai	Rear	20'	12'	12'	8'	6171	1581
7	1218	5 Prairieview Lane	Approved	12.05.07	12.12.07	NA	02.27.08	8-1810	04.25.08	Pool Screen Enclosure	Rear	10'	3'	3'	7'	6171	1585
7	1213	6 Saddlers Run	Approved	11.07.07	11.20.07	NA	06.19.08	8-1508	01.06.09	Rear addition	Rear	20'	14.17'	14.17'	5.83'	6162	2061
7	1210	107 Driftwood Avenue	Approved	11.07.07	11.20.07	NA	12.07.07	8-642	06.04.08	Garage Addition	Front	30'	28.3'	28.3'	1.7'	6162	2065
7	1203	154 Warwick Avenue	Approved	10.03.07	10.08.07	NA	04.23.08	08-2432	06.04.10	Two-story Addition	Side	8'	4.06'	4.06'	3.94'	6167	1591

Case Number	Address	Board Action	Hearing Date	Date Signed	Expiration Date	Permit		CO/CC Issued	Variance Request								
						Date Issued	Number		Request	Yard	Required	Setback Requested	Setback Granted	Variance Granted	Book	Page	
Fiscal Year 2006-2007																	
7	1188	335 S. Atlantic Avenue	Approved	09.05.07	09.13.07	NA	02.15.08	8-1379	09.25.08	Detached Garage & Accessory Apt.	Front	30'	15'	15'	15'	6127	772
											Side	8'	4.8'	4.8'	3.2'		
7	1187	24 Queen Ann Court	Approved	09.05.07	09.13.07	Expired	09.08.08	8-4322	No Inspections - Expired	Pool Enclosure	Pool screen enclosure	10'	5'	5'	5'	6127	777
7	1182	116 Hilldale Avenue	Approved	08.01.07	08.07.07	Expired	11.13.07	8-388	No Inspections - Expired	Porch addition	Front	30'	22'	22'	8'	6111	4480
7	1179	93 Warwick Avenue	Denied	08.01.07	08.07.07	Denied	08.31.07	7-4317	Demo	Addition- After the fact	Rear	25'	8'	Denied	Denied	6111	4484
7	1173	749 B Flamingo Drive	Approved	07.11.07	07.18.07	NA	08.07.07	7-2806	09.25.07	Screen Room	Rear	25'	15'	15'	10'	6098	4223
7	1151	44 Briggs Drive	Approved	04.11.07	04.23.07	Constructed	05.29.07	6-5192	07.24.07	Dock	Setback	25'	10'	10'	15'	6050	690
											Dock Width	8.6'	19' wide	19' wide	10.4' width		
7	1145	907 N. Halifax Drive	Approved	02.07.07	02.20.07	Constructed	03.20.07	7-2003	07.25.07	In ground pool	Front	30'	10'	10'	20'	6014	1220
7	186	227 Putnam Avenue	Approved	02.07.07	02.20.07	Constructed	06.29.07	7-3422	05.08.08	Garage	Front	25'	18.46'	18.46'	6.54'	6014	1216
7	185	75 Wye Drive	Approved	01.07.07	01.31.07	Constructed	03.06.07	7-1651	07.31.07	Addition	Rear	25'	19'	19'	6'	6004	3693
7	173	559 Cameo Drive	Denied	02.07.07	02.20.07	Denied	NA	NA	NA	Addition	Rear	20'	5'	Denied	Denied		
6	165	403 Idlewood Drive	Approved	11.01.06	11.01.06	Constructed	03.12.07	6-3772	03.03.08	New house	Front	30'	24'	24'	6'	5959	2474
6	163	750 West Granada Blvd.	Denied	11.01.06	11.01.06	Denied	NA	NA	NA	Addition	Side	20'	10'	Denied	Denied	5959	2461
6	162	171 Country Club Drive	Approved	11.01.06	11.01.06	Constructed	05.25.07	7-2811	03.13.08	Garage	Front	30'	20'8"	20'8"	9'4"	5959	2469
6	161	153 Arroyo Parkway	Approved	11.01.06	11.01.06	Expired	None	None	Expired	Addition	Rear	25'	16'	16'	9'	5959	2463
											Side	20'	17'	17'	3'		
6	160	116 Fairview Avenue	Approved	11.01.06	11.01.06	Constructed	04.03.07	7-1316	08.24.07	New House	Rear	25'	16'	16'	9'	5959	2466

Summary	Total Cases	Approved	Denied	Expired	Completed	Open	Approval %
Fiscal Year 2011-2012	7	6	1	0	2	5	86%
Fiscal Year 2010-2011	7	6	1	0	5	1	86%
Fiscal Year 2009-2010	14	14	0	1	13	0	100%
Fiscal Year 2008-2009	3	2	1	0	2	0	67%
Fiscal Year 2007-2008	14	12	2	1	11	0	86%
Fiscal Year 2006-2007	15	12	3	3	9	0	80%

