



**BOARD OF ADJUSTMENTS
3048 S. Atlantic Avenue
Daytona Beach Shores, Florida
Monday, November 28, 2005
9:00 a.m.
AGENDA**

CALL TO ORDER

OATH OF OFFICE TO NEW BOARD MEMBER

APPROVAL OF MINUTES:

Minutes of the Board of Adjustments, September 26, 2005.

VARIANCE REQUESTS - PUBLIC HEARING/BOARD DETERMINATION

1. ZV2005-8: single family residence – 3873 S. Atlantic Avenue
Variance for side setback of nine feet instead of the
minimum allowed, 10 feet

DISCUSSION

REMARKS OF BOARD MEMBERS

ADJOURNMENT

NOTICES: Notice is hereby given to all interested parties that if any person should decide to appeal any decision made at the aforementioned meeting of the Board Of Adjustments, such person will need a recording of the proceedings conducted at such meeting, and for such purpose he or she may need to ensure that a verbatim record of the proceedings was made; such record to include testimony and evidence upon which any appeal shall be based. Individuals covered by the Americans with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the City Clerk, City of Daytona Beach Shores, at least five working days prior to the meeting.



BOARD OF ADJUSTMENTS
3048 S. Atlantic Avenue Daytona Beach Shores, Florida
November 28, 2005

MINUTES

CALL TO ORDER: Chairperson Jill Trafton called the meeting to order at approximately 9:00 a.m. Board members present were: Gary Brown, Rita Whitman, Frederick Ehle and Norman Wnuk. Anne DiGaetano was absent (excused). City staff members present were: Fred Hiatt, Director, Community Services; Stewart Cruz, City Planner; and William Reischmann, City Attorney.

OATH OF OFFICE TO NEW BOARD MEMBER:

The City Attorney swore in Norman Wnuk as alternate member.

APPROVAL OF MINUTES:

Minutes of the Board of Adjustments, September 26, 2005.

Mr. Brown moved, seconded by Mr. Ehle to approve the minutes of September 26, 2005. The motion passed unanimously.

VARIANCE REQUESTS - PUBLIC HEARING/BOARD DETERMINATION

1. ZV2005-8: single family residence – 3873 S. Atlantic Avenue
Variance for side setback of nine feet instead of the
minimum allowed, 10 feet

The hearing opened at approximately 9:05 am. The City Attorney swore in all witnesses.

City Planner Stewart Cruz gave his staff report. He explained this was a variance for one foot of setback on the north side of the property. The existing structure is non-conforming due to the fact the house was built in 1952. Once the owner plans to make improvements to the structure it must now conform to the City's building codes. He explained that the applicant wishes to add a second story to the house while also extending the first floor. Pictures of the existing structure were passed around for the Board to view. Community Services Director Fred Hiatt discussed with the Board the 50% rule stating that if the proposed improvements extend beyond fifty percent of the fair market value of the structure, then the entire structure must conform to the City's codes. City Planner Cruz

reviewed the criteria used for granting a variance for the Board and stated staff did not recommend granting the variance due to the fact only one criteria item had been met.

Bill Mooney who is the applicant's contractor spoke. He stated that the proposed improvements would be the least intrusive for the property. He would keep the existing slab and walls.

In support: John Erslund stated he was neither for nor against the variance. He stated that side yard setbacks take away green space but that this is only inches of the existing lawn.

No one spoke against the project.

The hearing closed at 9:45 am.

Ms. Whitman moved, seconded by Mr. Ehle to approve the variance of one foot on the north side of the property subject to compliance with the 50% rule of the city. The motion passed 5-0 by roll call voice vote.

DISCUSSION

REMARKS OF BOARD MEMBERS

ADJOURNMENT: The meeting was adjourned at approximately 10:46 a.m.

ATTEST:

Cheri Schwab

Jill Trafton