

CITY OF LYNN HAVEN
BOARD OF ADJUSTMENT
MARCH 20, 2014

A regular meeting of the Lynn Haven Board of Adjustment was held on Thursday, March 20, 2014, at 5:30 p.m. in the City Commission meeting room.

Present: Neil Jones, Chairperson
Eric Howell, Vice Chairperson
Ajay Patel
Frances Wittkopf
Marie Lombardi
Amanda Richard, City Planner
David & Connie Nash, Applicants
James McConnell, Contractor
Mike McQuaig, Building Inspector

Absent:

Mr. Neil Jones, Chairperson, called the meeting to order at 5:30 p.m.

Ms. Marie Lombardi made a motion to approve the February 20, 2014, Minutes.

Second to motion: Ajay Patel

Chairperson, Jones, asked that all those in favor so indicate by saying aye. He asked if anyone was opposed. Motion was approved unanimously (5-0).

#3. DAVID & CONNIE NASH VARIANCE (VAR-14-2): Ms. Amanda Richard, City Planner, addressed the Board and stated that the Applicants, David & Connie Nash, are the owners of property located at 703 Mississippi Avenue. The property has a land use designation of Low Density Residential. Ms. Richard stated that Table 5.01.03(B) of the City's Unified Land Development Code requires a 7 foot setback from the interior side property line for accessory structures. The Applicants are requesting a variance from this requirement to allow a 3.9 foot side setback, in order to bring a newly constructed detached garage into compliance with the City's Code.

Board member, Jones, asked what the distance was between the house and the garage.

Mr. James McConnell, owner of Tool Time and the contractor, stated that it was 7 feet.

Mr. Mike McQuaig, Lynn Haven Building Inspector, addressed the Board and stated that Tool Time had originally wanted to attach the garage to the house, but because of fire code requirements, it was decided to build a detached garage with a required 5 foot separation from the home. He stated that Mr. Al Wilson, Lynn Haven Building Official, did the initial inspection of the footer. At that time markers had been placed on the property by a palm tree (shown in pictures that were distributed to the Board) but Tool Time did not use these markers and the employee on site at the time of the inspection represented the wrong place as the property line. The error was not discovered until later when the property owners tried to erect a fence.

Board member, Lombardi, asked if a survey was necessary. Mr. McQuaig replied that a survey was necessary and an old one had been supplied.

Ms. Lombardi asked how old the survey was and Mr. McQuaig replied that it was done on 8/16/91. Ms. Lombardi asked who gave Tool Time the survey and Mr. McQuaig replied that the homeowners had given it to them. Mr. McQuaig pointed out that the owner of the house located to the right of Mr. and Mrs. Nash's property had previously been given a 4 foot variance off of the property line.

Mr. Roger Carter, owner of the house next door at 705 Mississippi, addressed the Board and stated that he has no problem with the garage being located that close to the property line. He stated that the houses are separated by a fence.

Mr. James McConnell, owner of Tool Time, addressed the Board and stated that it was his fault that the setback was wrong and the property lines had been misjudged. He saw that the land on the side of the house had been cleared up to a certain point and thought that was where the property line was.

Board member, Lombardi, asked Mr. McConnell if he had ever had this issue before with another building. Mr. McConnell replied that he did have this happen on a house in Parker, where the homeowner had made his own site plan and the measurements had been off 1 ft 8 inches.

Mr. David Nash, property owner, addressed the Board and stated that if the garage had to be torn down and rebuilt, he and his wife would never feel sure that the building was structurally sound because the foundation would have to be disturbed.

Board member, Jones, asked Mr. Nash why he didn't have his survey recertified. Mr. Nash replied that the builder had represented to him that the old survey would be sufficient.

Board member, Lombardi, asked who put in the stakes next to the palm tree. Mr. Nash replied that he had put them in and that their location is correct.

Board member, Lombardi, asked how the mistake had been made. Mr. McConnell stated that he pulled the footage from the house and not from the survey markers when measuring. He further stated that there would be no negative impact on the adjacent property from the garage in its current location.

Board member, Eric Howell, made a motion to approve the variance request.

Second to motion: Ajay Patel

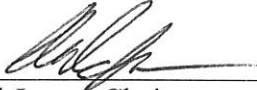
Chairperson, Jones, asked that all those in favor so indicate by saying aye. He asked if anyone was opposed.

On vote: Lombardi: nay
Wittkopf: aye
Patel: aye
Howell: aye

Jones: nay

Motion was approved by a 3-2 vote.

With there being no further business or discussion, the meeting was adjourned at 5:57 p.m.



Neil Jones, Chairperson