

OCALA BOARD OF ADJUSTMENT MINUTES
Monday, June 22, 2009

Public Notice

Public notice for this meeting was posted June 16, 2009, at 151 SE Osceola Avenue, City Hall, Second Floor, Ocala, Florida, 34471.

Meeting Statistics

A special meeting of the Ocala Board of Adjustment was held on Monday, June 22, 2009, in the Council Chambers at Ocala City Hall.

Attendance

The following members were present:

Irene T. Hancher, Chairperson
Richard Williamson, Vice Chairperson
Rusty Juergens
George Carrasco, Jr.
Thomas Dobbins
Joyce Johnson

Frederick Rodgers was excused.

Assistant City Manager (Community Services) John Zobler, Assistant City Attorney Jimmy Gooding, Planning and Development Director Tye Chighizola, Planning and Zoning Manager Mike Daniels, Neighborhood Planner Dorothy LeBlanc, Administrative Specialist I Carol McKeever, and others interested in the items for presentation attended the meeting.

Chairperson Hancher called the meeting to order at 5:30 p.m. and led the Pledge of Allegiance.

Approved/ VAR09-0001

Petitioner: Todd Scudder
Agent: Steve H. Gray

Project Planner: Dorothy LeBlanc

A request for a **variance** to reduce the east side yard set back from 8 feet to 1 foot and the west side yard set back from 8 feet to 9.5 inches, in a R-1, Low Density Residential, for property located at 1213 SE 3rd Street, approximately 0.37 acres.

Dorothy LeBlanc was sworn and presented staff comments and findings of fact:

The packets contain several letters from Mr. Gooding and Mr. Gray about the appropriateness of a variance in this case. Also included in the packets are the original plans that were submitted to OHPAB in 2001; the plans that were submitted to the Building Department in 2004 to obtain a

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building permit; the plans that were submitted back to the Ocala Historic Preservation Advisory Board (OHPAB) in 2009 to obtain an approval for “as built” conditions on the property; and a list of the variance cases that the Board of Adjustment (BOA) reviewed over the last five years. The variances in the historic district are for side yard setbacks and rear yard setbacks; and the other variances are for the replacement of a garage and carports. The closest variance for setback requirements approved by the BOA in the historic district is for a two-foot setback.

Factual support documentation:

The requested variance of the sideyard setback is not detrimental to the public interest as stated in Sec 122-93. Therefore staff recommended approval of VAR09-0001 with the following conditions:

1. A fully executed encroachment agreement shall be provided prior to approval of the request by the Board of Adjustment.
2. Owner is to install a channel/conduit on the east side of property as required by the Engineering Department within 30 days of approval.

Mr. Carrasco asked for a more detailed explanation of the site plans and the slabs. Ms. LeBlanc replied that the plans for a master bedroom addition submitted to the Building Department are different from those submitted to OHPAB for an approval. In 2001, the City did not have the controls in place to ensure that the original plans approved by OHPAB were the same ones submitted to the Building Department. Staff instituted a new process which requires that the plans are stamped “Approved by OHPAB” and then checked by Planning staff, and they they’re rechecked by Building staff to ensure that the same plans have been submitted before issuing permits. The original survey for the site does not show any existing slabs for the shed or screened-in porch but the plans Mr. Scudder submitted to the Building Department for the permit show the slabs as existing. The City cannot prove or disprove that the slabs existed when Mr. Scudder submitted the plans to the Building Department.

Mr. Steve Gray, 125 NE 1st Avenue, Suite 1, the agent addressed the board. Mr. Gray thanked the BOA for continuing the hearing to today. He explained that the original 2004 signed and stamped application showing the existing slab foundations are in his possession and available for review. The city said that there is no evidence that the slabs existed even though the City building official signed the plans and accepted that the slabs were in existence. Mr. Gray stated that a variance in the historic district is different than a general variance for properties not located in a historic district. Mr. Gray said he believes that Mr. Gooding accurately explained the confusion created by a code provision that refers to what must be included in an application for a variance, which is what created a lot of the discussion at the last BOA meeting. Mr. Gray stated that Section 122-94 of the City Code is just a list of what is to be included in a standard variance application. He said that the law in the City is that variances in a historic district must establish one element which is that the variance is not detrimental to the public interest. Historic District variances that have been granted in the past are frequently for side yard setbacks because there are smaller lots in the historic districts. Mr. Gray stated that according to the request and instructions of OHPAB Mr. Scudder negotiated and finalized an encroachment agreement with the Collins Trust which is the property owner adjacent to the western side of the property, which is the only party impacted by the side yard setbacks. The encroachment agreement provides an

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extension of the shadow box privacy fence to the front corner and various other elements that specifically allows and pre-approves any requests from the Collins Trust property to modify side yard setbacks. Mr. Gray stated that the encroachment agreement with the adjacent property owner is the best evidence that there is no impact on the public and that there is no detriment to the public. He noted that Mr. Scudder is technically in a position that if a variance is not granted he would have to tear down additions. Mr. Gray said that he believes Mr. Scudder did not intentionally create this situation; it was not his thought that it would be easier to ask for forgiveness rather than approval. He noted that case law and the analysis are pretty clear that this is not a situation where a self-created hardship applies. Mr. Gray stated that what is applicable is the standard that the Planning Department has been applying to variances in the historic district, which is that historic district property owners fall under Section 122-93 of the City Code.

Mr. Dobbins asked if Mr. Scudder maintains that the shed on the east side was built pursuant to the city's standards. Mr. Gray replied that Mr. Scudder will respond to his question. Mr. Gray noted that the adjoining property immediately to the east side also has an encroachment into the side yard setback requirement. Mr. Williamson asked when the east side property encroachment occurred. Ms. LeBlanc said it occurred in 1921. Mr. Williamson asked if there is a permit for the shed. Mr. Gray stated that Mr. Scudder would answer that question.

Mr. Chuck Collins, 1011 SE 5th Street, was sworn in and addressed the board. Mr. Collins stated that he represents the Martha T. Collins Revocable Trust. He advised that the encroachment issue was reviewed by the Martha T. Collins Revocable Trust and it was discussed with Mr. Scudder and Mr. Gray. An agreement was reached with Mr. Scudder that will allow the Martha T. Collins Revocable Trust the use of its property and the agreement includes visual barriers in the form of a fence. Mr. Collins stated that the Martha T. Collins Revocable Trust has no objections to the issuance of a variance because the impact has been alleviated by the terms of the agreement.

Mr. Carrasco asked what considerations the Martha T. Collins Revocable Trust received from the encroachment agreement. Mr. Collins said that a fence is included in the agreement. Mr. Carrasco asked if the encroachment agreement mentions a curb cut. Mr. Collins replied that the right-of-way on SE 3rd Street is the access for the property. Improvements were made to the curb so that water could be directed to a city-installed drain pipe; this limited access to the Collins property. Mr. Collins stated that part of the agreement is that when the Collins' need access to the property for development, the curb will be removed. Mr. Carrasco asked where the curb was located. Mr. Collins replied that the curb is in the right-of-way. Mr. Carrasco asked who agreed to remove the improvements. Mr. Gray replied that Mr. Scudder signed documents releasing and discharging any claim of ownership to the right-of-way because the right-of-way is public property, and he agreed to remove the improvements. The improvements are solely a top curb about four inches high that sweeps around the radius. If you drive past the property a lot of the grassy area in the front yard is really SE 3rd Street right-of-way. The curb is out to almost the mid point of the actual right-of-way. The Collins were concerned about not being able to get full access to SE 3rd Street from the city and also did not want Mr. Scudder's successor to claim ownership of the right-of-way. Mr. Carrasco wanted to know who from the city agreed to the improvements and removal of the right-of-way. Mr. Gray stated that the right-of way was

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discussed with Bruce Phillips from the City Engineering Department. Mr. Carrasco asked if a permit was pulled to do the improvement. Mr. Gray replied that he did not know if Mr. Scudder pulled a permit to do the improvement. Mr. Carrasco noted that there is a drain and curb on the city right-of-way but it does not belong to the city. Mr. Gray replied that the drain is in the City's right-of-way and Mr. Scudder's curb extends out from within the front yard of his lot and sweeps around the radius. The curb channels all the water down to the drain. He said that SE 3rd Street is not a typical street and the right-of-way has extended into the roadway for many years. Mr. Gray stated that the site plan submitted to the Building Department has a notation that says rebuild shed on existing slab. Ms. LeBlanc stated that Mr. Scudder provided a copy of these plans to the Planning Department but the plans were not in the historic district files nor were they in the Building Department files.

Mr. Todd Scudder, 1213 SE 3rd Street, the applicant was sworn in and addressed the board. Mr. Carrasco asked if Mr. Scudder had agreed to remove the curb from the city's right-of-way if it interferes with the development of the Collins' property. Mr. Scudder replied that it is city property and he added the curb because people would turn into the Reeds' driveway and back all the way up into his yard to turn around, and there is only a standing curb encroaching 12 feet. Mr. Carrasco said that he wants to have a clear understanding because if Mr. Collins sells the property three or four years from now the new owner will need to know who owns the curb. Mr. Scudder said that he does not have any claim to city property. He noted that there is an inlet in the center line of the dead end road and there is no asphalt under the portion of his yard that has been encroaching into the city's right-of-way. Mr. Scudder stated that if the city gives Mr. Collins access, the lime rock and asphalt will have to be removed with heavy equipment and the curb can be removed at the same time.

Mr. Scudder stated that the problem started eight years ago. This past September he got a phone call from the city and at first he thought the city was under the impression that contractors were at his house working without a permit. It has just been one misunderstanding after another and he wants to straighten everything out and is hopeful that he won't have to tear down a part of his house. Mr. Juergens commented that it seems like there is a lot of confusion on both sides and asked if Mr. Scudder believes that a permit was issued. Mr. Scudder replied that a long time ago applicants just took the site plans to OHPAB for approval; no plans were sent to the Building Department. The Building Department looked up and verified the CA number in order to issue the applicant a permit. Back then elaborate plans were not required in order to get an approval and plans are still not required for certain items now. Mr. Scudder said that he believes that is how the mix up happened. Mr. Scudder said he was shocked by the phone call in September. The city is very easy to work with; pulling a permit is not hard and going through the proper procedures is not hard if you know all the codes. Mr. Williamson pointed out that the cement slabs are shown on one set of plans but not on the other plans. Mr. Scudder stated that he drew the slabs on the plans as a point of reference. Mr. Williamson noted that the slabs were not on the survey or the other set of plans and the permit does not appear in the city's files. Mr. Scudder commented that there was no willful intent to pull the wool over anyone's eyes.

Mr. Jimmy Gooding, Assistant City Attorney, addressed the board. Mr. Williamson asked for the definition of a variance to be explained. Mr. Juergens asked if it mattered whether the property was in the city or the historic district. Mr. Gooding replied that it does matter whether

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the property is located in the historic district. He opined that the self-imposed or self-created hardship criteria is not applicable when the property is in the historic district. The self-imposed hardship language arises from the phrase in the Section 122-92 of the City Code where it states that “a variance is defined as a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, due to conditions peculiar to the property and not the result of the actions of the applicant. A literal enforcement of this chapter would result in practical difficulties.” Mr. Gooding said that in his opinion the variance definition has two requirements: the public interest and the practical difficulties requirement. The practical difficulty arises from two issues: conditions peculiar to the property and that those conditions are not the result of the applicant. He explained that just the position of the words make it clear that that the self-imposed hardship is part of the practical difficulty standard; because it is part of the practical difficulty standard the language in Section 122-93 is very important. Mr. Gooding didn’t believe that the self-created standard applies to the historic district, but the counter argument to that is in the procedure for approval in Section 122-94. He advised that an argument can be made that despite what Section 122-93 states, Section 122-94 requires that in order for a variance to be granted it must not be a self-created hardship. Mr. Gooding believed this to be incorrect because Section 122-94 merely talks about the procedure for approval and what an application must generally contain. Mr. Gooding commented that it would be wrong for the City to tell an applicant in Section 122-93 that the self-created hardship doesn’t apply and then say that it does apply in Section 122-94. Mr. Gooding said he believes there is a difference between variances for properties located in the historic districts and properties not located in historic districts. The self-created hardship does not apply in the historic districts. Mr. Williamson stated that Section 122-93 does not relieve the applicant from the responsibility of not creating a self-imposed hardship because if it does then the applicant can always create the problem and then relieve it. Nowhere in Section 122-93 does it say that the applicant is relieved of that responsibility. Mr. Gooding replied that he believes Section 122-93 does state that, because it states that the applicant need not demonstrate a practical difficulty. In Section 122-92 the practical difficulty has two parts; the first part is that the variance is due to conditions peculiar to the property. The second part is that those conditions are not the result of the actions of the applicant so those are incorporated as part of what a practical difficulty is and since the applicant doesn’t have to show a practical difficulty it doesn’t matter whether it was a self-created hardship. Mr. Gooding said he believes it is written in the City’s Code like this because a self-created hardship is when the owner knows the zoning requirements but chooses to buy and build on the property anyway, but in the historic district the owner knows there are specific requirements but because of the value of the historic district he chooses to live there knowing that the requirements are more intense. Therefore, the City Code states that because the owner knew about the requirements and still chose to buy property and live in the historic district the owner can seek a variance. Mr. Gooding said he believes that although the language in Section 122-92 does not specifically state that the applicant is relieved of responsibility if the hardship was self-created, the legal interpretation is that this does not apply in the historic district because of Section 122-93. Mr. Williamson stated that he didn’t recall any other case where the applicant built first and then asked for a variance. In the other cases, the applicants applied to the BOA prior to building on their property. Mr. Gooding stated that those cases are a self-created hardship because the owners knew ahead of time what they were purchasing. The classic variance is one where due to conditions peculiar to the property, i.e. unusually shaped parcel, there is a practical difficulty in using the site. Mr. Carrasco stated that the variance waiver was

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created so that a property owner who knowingly purchases a 45-foot lot in a historic district, which could not be built on with existing setback requirements, could come to the BOA and have the setback requirements waived so that the owner would be allowed to build on his property.

Mr. Tye Chighizola, City of Ocala, Director of Planning and Development, was sworn in and stated that if it is a lot of record the owner can build on it but he still has to meet the setback requirements. If the property is in a historic district, the BOA can grant a variance because of the size of the lots. Mr. Carrasco asked how the rule applies to this case. Mr. Chighizola replied that this case is being treated the same as all other historic district variance cases. Mr. Carrasco asked if it was reasonable for the Board of Adjustment to grant a variance for a 9 inch setback. Mr. Gooding stated that the variance is not based on a reasonable standard it is based on a public interest standard. The standard is that the variance must not be detrimental to the public interest. Mr. Carrasco expressed concern with how a decision on this case will affect future cases. Mr. Williamson stated that just because the neighbors agree to a variance does not mean it is not detrimental to the public interest. Mr. Carrasco stated that the BOA must be careful not to set a precedent, but must continue to weigh each case on its own merits.

Mr. Dobbins stated that Section 122-92 could be construed to read that a variance shall not be contrary to public interest, due to conditions peculiar to property and not due to the actions of the applicant. The BOA, applicant, agent, and city staff all agree that the public interest standard is still there. There is a common law principle involved in public policy to prevent and not allow people to do things without getting the appropriate approvals first. There are different types of self-created hardship scenarios – the first is where the owner knows the requirements for the property and seeks a variance to alleviate the situation before building and the second is an owner who knows the requirements but chooses to build anyway expecting to get approval at a later date. Mr. Dobbins stated that the second scenario would be contrary to the public interest. He said that in this case, however, the Board can look further at the facts. VAR09-0001 is a fact specific case and the facts are that the BOA has seen various contradictory plans approved by different organizations. The BOA could approve the variance citing that it is not in the public's best interest to make someone tear something down or the BOA could deny the variance citing the case as a self created hardship because the applicant completed the project first and then asked for forgiveness. The reason why it could not be considered a self created hardship is because the applicant was in fact working with the city and OHPAB on the project. Mr. Dobbins advised that the BOA has a couple of different ways in which it can go in making the decision to approve or deny the case. He said the BOA can avoid trying to dissect the variance definition and base the decision just on the public interest aspect of this case which everyone would probably agree is the clear standard in this case regardless of the other language. Mr. Dobbins suggested that the BOA should consider this in making its decision.

Mr. Gooding stated that he believes City Council left “detrimental to public interest” somewhat broad to give the BOA some discretion in making decisions. He expressed concern with the BOA adopting a policy of no forgiveness and only permission, because unknown and unexpected situations do arise. Mr. Gooding remarked that the BOA can consider the fact that Mr. Scudder is asking for forgiveness. Mr. Dobbins stated the fact that a licensed contractor was involved in the work means that Mr. Scudder could not be completely ignorant to the fact that the house was practically built on the zero lot line. The BOA could certainly decide, however, that in this

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instance it is in the public interest to let it stay because the problem is not totally created by Mr. Scudder. Other city entities were involved in the project and that certainly excused to some extent Mr. Scudder's actions. This decision would not set any precedent unless there were more cases exactly like this in the future but since city staff has stated that a system is in place to prevent this from happening again hopefully there won't be anymore of these cases. Mr. Williamson asked if the shed and the driveway were built without a permit. Mr. Gray said they were not, but all the work was inspected and a CO was issued by the Building Department. Mr. Carrasco asked if there was a disclaimer on the document. Mr. Gray read the disclaimer: "If there are errors, omissions, or oversights made by the persons checking these plans this does not omit the enforcement of said codes and no CO will be issued until said violations have been corrected".

Mr. Williamson stated that he still has not seen a permit for the work. Mr. Gray stated that it could be argued that the approved building plans could be construed as a permit. Mr. Dobbins asked how the city found out about Mr. Scudder's house. Ms. LeBlanc replied that the Planning Department received an anonymous complaint. Mr. Gray pointed out that there seems to be a lot of emphasis placed on permission versus forgiveness. The BOA is not the last step in the process for Mr. Scudder. There is still a pending code enforcement case against Mr. Scudder. Mr. Gray stated that he would argue that the Code Enforcement Board enforces and penalizes for the forgiveness versus permission because if the owner doesn't have permission, the owner is in violation of the code. Mr. Williamson asked if the Code Enforcement Board was the first step in Mr. Scudder's case. Mr. Gray replied yes, the Code Enforcement Board agreed to continue the case so that the whole scope of the case could be addressed and resolved. Mr. Williamson asked if the BOA approves the variance, then what code violation would the Code Enforcement Board cite Mr. Scudder for. Mr. Gray responded that Mr. Scudder would be in violation of the code for the number of days from the date of the initial construction to the date the variance was granted. Mr. Gray stated that variance cases are fact specific and on a case-by-case basis; each variance case is slightly different. Ms. LeBlanc stated that there was a permit issued for the foundation of the master bedroom addition on the rear of the house, and it was for the foundation only. Mr. Scudder came to the Building Department later and got a permit for the addition to the house. That is the only permit that the city has for the project. The city has the plans for the foundation, and only a permit and plans for just a bedroom addition. Mr. Williamson pointed out that the permit did not include the porch, the shed or the driveway. Ms. LeBlanc stated to the best of the city's knowledge that is correct. Mr. Williamson stated that the inspections would have been completed on what was shown on the drawings for the permits. Ms. LeBlanc replied that would be correct. City staff tried to get in touch with the building inspector who did the inspection on the site but he no longer works for the city. Mr. Ron Rowe, the building official, stated that because of the size of the fireplaces the Building Department would need structural documents to be able to inspect and give them a permit for the fireplaces. The city has no indication and no documentation showing that inspections were done on the two rooms, the fireplaces or the shed. Mr. Carrasco asked if the inspection was made a condition of the approval would the BOA be willing to approve the variance. Mr. Gooding stated that he did not believe Mr. Gray was right about the Code Enforcement Board being able to fine Mr. Scudder because the board can only fine when the applicant disobeys a code board order or if the case is a repeat violation. If Mr. Scudder's case is just being continued then the Code Enforcement Board cannot fine him. Mr. Williamson stated that the only thing that reflects that the slabs were already in existence is the

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paperwork that Mr. Gray and Mr. Scudder have presented. The slabs are not in the county records, the county survey dated October 15, 1998, or the Building Department records. Mr. Gray stated that Mr. Scudder told him that the slabs were already on the property.

Discussion

Mr. Dobbins stated that there is evidence in the record that the BOA could decide under a public interest standard that there is enough evidence to support that this was not just a matter of Mr. Scudder acting by himself. He believed that it would be in the public's interest for the BOA to grant the variance. The BOA is a finder of fact so it can also consider that Mr. Scudder acted on his own and deny the variance because it is not in the public's interest. The decision can be based on the public interest standard without getting into the definition part of the variance. Mr. Dobbins stated that he certainly believes that there is a public interest aspect because four years later after a CO was issued this case came forward.

Mr. Carrasco commented that the BOA does not want Mr. Scudder to tear a portion of his house down and is trying to figure out a way to let Mr. Scudder keep the improvements, but the BOA does have to follow the Code. Ms. Hancher commented that the historic district is different from the rest of the city and the BOA needs to keep this in mind as it discusses this case. Mr. Juergens stated that this is a peculiar case and a confusing situation. Mr. Scudder has jumped through some hoops and the city has approved, permitted and inspected the improvements. Mr. Carrasco and Mr. Williamson concurred that the city did not permit and inspect all the improvements on the property. Ms. Hancher pointed out that the city is recommending approval of the variance.

Mr. Mike Daniels, City Planning and Development, Planning and Zoning Manager, was sworn in and addressed the board. Mr. Daniels said that the city is still recommending approval of VAR09-0001. There is no record that the porch was inspected. There is no record that the shed was permitted or inspected. The bedroom addition has a CO and is in compliance. Mr. Chighizola stated that everyone can agree that everything has probably not been done correctly. When this case first came up in September, City staff tried to put the facts together as best as possible. He believed that this case would not set a precedent and that this situation would not happen again. He said he urged Mr. Gray to have an agreement in place and go through this process. If this case is not handled correctly, the city will be setting a precedent for the future. If the city does this correctly, an approval will not destroy the value or the process but be an accomplishment, which is why the city is recommending approval of the variance. The city made mistakes and is not able to figure out how everything happened. Cases will continue to be handled on a case-by-case basis. Mr. Williamson asked if the city was aware that the improvements were not inspected or permitted. Mr. Chighizola stated that the city does not have a clear history as to what was or was not inspected and/or permitted. Mr. Williamson stated that it is in the public's best interest to have the improvements inspected to make sure they are safe and the city should want what is best for the public. Mr. Carrasco said that the city should immediately withdraw the code enforcement case because the paperwork was lost and that means the city does not have a case. Mr. Chighizola advised that when a complaint is made and a violation is found it goes to the code board. Mr. Williamson pointed out that there is a structure with no support, and it is a code violation. There was a permit, CO and inspection for

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the major addition to the site. Mr. Chighizola said that the fact that there was no permit might still go forward to the Code Enforcement Board.

Mr. Juergens made a motion to approve VAR09-0001 based on the findings of fact and staff recommendations and Mr. Dobbins seconded the motion, which failed by a 3 to 3 vote upon roll call. (Ms. Johnson, Mr. Carrasco and Mr. Williamson had dissenting votes.)

Mr. Williamson stated that the fact that a structure was built without an inspection is a detriment to public interest. The structure might be sound but there was no inspection completed on the slab or the structure. He believed there to be one other case in which the BOA denied a variance: he believed the end result might have been that the owner had to tear the house down. Mr. Williamson stated that the BOA has to protect the process.

Mr. Chighizola said that the building inspector who inspected the property might possibly be subpoenaed. Mr. Scudder noted that the plan signed by the Building Department is not a permit. However, a permit was pulled and the assumption is that the permit was for the plans he submitted to the Building Department. In 2004 changes could be made in the field. There was no requirement for the owner to go back to the Building Department. Mr. Scudder said that Dave Branum had a conversation with the Planning Department on the permit in September 2008. Mr. Scudder commented that the City and BOA members have continually stated that there was no permit for the structure, but Mr. Scudder said there was and there is no way for the City to prove that there wasn't a permit. Mr. Scudder pointed out there is no problem with his neighbors, the Building Department or the Planning Department. The Engineering Department and the Fire Department have both been out to the property as well. Mr. Scudder said that he is caught in the middle and it is costing him a fortune. He is unable to sell his home until this is resolved; he is just seeking closure. Mr. Scudder said that if he did anything wrong he is sorry and assured the BOA that the fireplace is not going to fall over. The building inspector looks at everything at an inspection. Mr. Gray commented that he was not planning to go this route to resolve Mr. Scudder's case. He said that he agreed with Mr. Williamson about it being in the public's interest to make sure that structural integrity is maintained. Mr. Gray asked that the BOA approve the variance subject to obtaining certification from an engineer. Mr. Gray stated that he and Mr. Scudder are confident that the structure is sound.

Mr. Carrasco made a motion to approve VAR09-0001 based on the findings of fact; staff recommendations; and the following conditions: (1) the structure must pass inspection by the City's Building Department which shall confirm that it is built in conformance with the structural requirements of the Florida building code; and (2) the inspection by the City's Building Department must be completed within 30 days. If the conditions are not met the variance will be denied. The motion was seconded by Ms. Johnson and was unanimously approved upon roll call vote.

Meeting Adjourned

The meeting was adjourned at 7:18 p.m.