



AGENDA

ORMOND BEACH BOARD OF ADJUSTMENT AND APPEALS

September 7, 2011

ORMOND BEACH CITY COMMISSION CHAMBERS

7:00 P.M.

I. ROLL CALL

II. APPROVAL OF THE MINUTES

A. August 8, 2011

III. NEW BUSINESS

A. Case No. 11V-103: 831 East Lindenwood Circle, playhouse, side yard variance.

This is a request submitted by Christina Remigio, property owner of 831 East Lindenwood Circle to permit a 4.5' side yard variance to allow a playhouse at a setback of 3' from the north side property line, abutting 841 East Lindenwood Circle, where the Land Development Code requires a 7.5' setback.

B. Case No. 11V-100: 198 South Atlantic Avenue (Souvenir City), building addition- side yard variance.

This is a request for a side yard setback variance submitted by Richard Dixon, P.E., Anderson-Dixon, LLC, on behalf of the property owner John Paspalakis of 198 South Atlantic Avenue. The property at 198 South Atlantic Avenue is zoned as B-7 (Highway Tourist Commercial) and Chapter 2, Article II of the Land Development Code, Section 2-28.B.9.c., requires a side yard setback of 10' to the property line. The existing building at 198 South Atlantic Avenue has an existing north side yard setback of 1.3'. The applicant is requesting a 8.7' side yard variance to allow the construction of a building addition with a resulting setback of 1.3' to match the existing building plane.

IV. OTHER BUSINESS

V. ADJOURNMENT

MINUTES

BOARD OF ADJUSTMENT

August 8, 2011

7:00 p.m.

City Commission Chambers

22 South Beach Street

Ormond Beach, Florida

I. ROLL CALL

Members Present

Ryck Hundredmark

Dana Smith

Norman Lane

Dennis McNamara

Tony Perricelli

Staff Present

Steven Spraker, AICP, Senior Planner

Ann-Margret Emery, Deputy City Attorney

Chris Jarrell, Minutes Technician

II. APPROVAL OF MINUTES

The minutes of the May 4, 2011 meeting were approved as presented. The minutes of July 6, 2011 meeting were approved as presented.

III. OLD BUSINESS

There was no old business to be discussed.

IV. NEW BUSINESS

A. Case No. 11V-094: 103 Ocean Shore Boulevard – Oceanfront Yard Setback

Mr. Spraker stated that this was a request for an ocean yard setback variance at 103 Ocean Shore Boulevard. Mr. Spraker presented the staff report and indicated that the parcel south of the property is vacant. Mr. Spraker stated that the variance request was to square off the existing building plan with a hard roof porch addition. Mr. Spraker said the required ocean yard setback was calculated as 39.70' per the survey and the applicant is requesting a 7.02' ocean yard variance to allow a hard roof porch addition to square off the existing house at a setback of 32.68' to match the building setback line. Mr. Spraker stated that the applicant has provided letters of no objection from the abutting property owners.

Mr. Spraker concluded that staff is recommending approval of the variance request based on the non-conforming criteria of the Land Development Code.

Robert A. Merrell III, Esquire, of Cobb and Cole, 150 Magnolia Avenue, Daytona Beach stated that the property owner and architect were available to answer any questions. Mr. Merrell stated that the adjoining property owners did not object to the variance request. Mr. Merrell said that the averaging of the oceanfront yard was designed to protect neighboring property views and that their neighbors had no issue with the variance.

Mr. Merrell made the following points:

1. As he experienced with other oceanfront development, the shoreline along the beach was not always straight, but the intent of the Ordinance is to ensure that view lines are maintained.
2. The application fits well into the squaring off provision of the Land Development Code.
3. The covered porch would assist to provide temperature control and shade for the house and its residents during the sunrise.

Mr. Lane inquired if it were a vacant lot, the average setback would be approximately 40'. Mr. Merrell stated that the calculation would need to include houses that were not a part of this survey, but that it is an approximate average.

Mr. Lane inquired to the impact of the vacant lot if the variance were to be approved and if the porch addition would block the abutting property owner's viewing angle. Mr. Merrell responded that the future resident would see the exact same structure that is present today and that the addition is an open porch and does not block the viewing angle.

Mr. McNamara asked for verification that the LDC specifically allows the squaring off of non-conforming buildings. Mr. Spraker verified that the LDC did allow for the squaring off of non-conforming structures.

Mr. Perricelli made a motion to approve the variance, as presented.

Mr. Hundredmark seconded the motion, which was approved by unanimous vote.

Chair McNamara advised the applicant that the variance approval would expire in one year.

IV. DISCUSSION

V. ADJOURNMENT

As there was no other business, the meeting was adjourned at 7:13 p.m.

Respectfully submitted,

Steven Spraker, AICP, Senior Planner

ATTEST:

Dennis McNamara, Chairman

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.

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: August 31, 2011

SUBJECT: 831 East Lindenwood Circle, playhouse, side yard variance

APPLICANT: Christina Remigio, property owner of 831 East Lindenwood Circle

FILE NUMBER: 11-103

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION:

This is a request submitted by Christina Remigio, property owner of 831 East Lindenwood Circle, to permit a 4.5' side yard variance to allow a playhouse at a setback of 3' from the north side property line, abutting 841 East Lindenwood Circle, where the Land Development Code requires a 7.5' setback.

BACKGROUND:

The property is designated as "Low Density Residential" on the City's Future Land Use Map (FLUM) and is zoned R-3 (Single Family Medium Density) on the City's Official Zoning Map. The existing use of the property is consistent with the FLUM designation and zoning district.

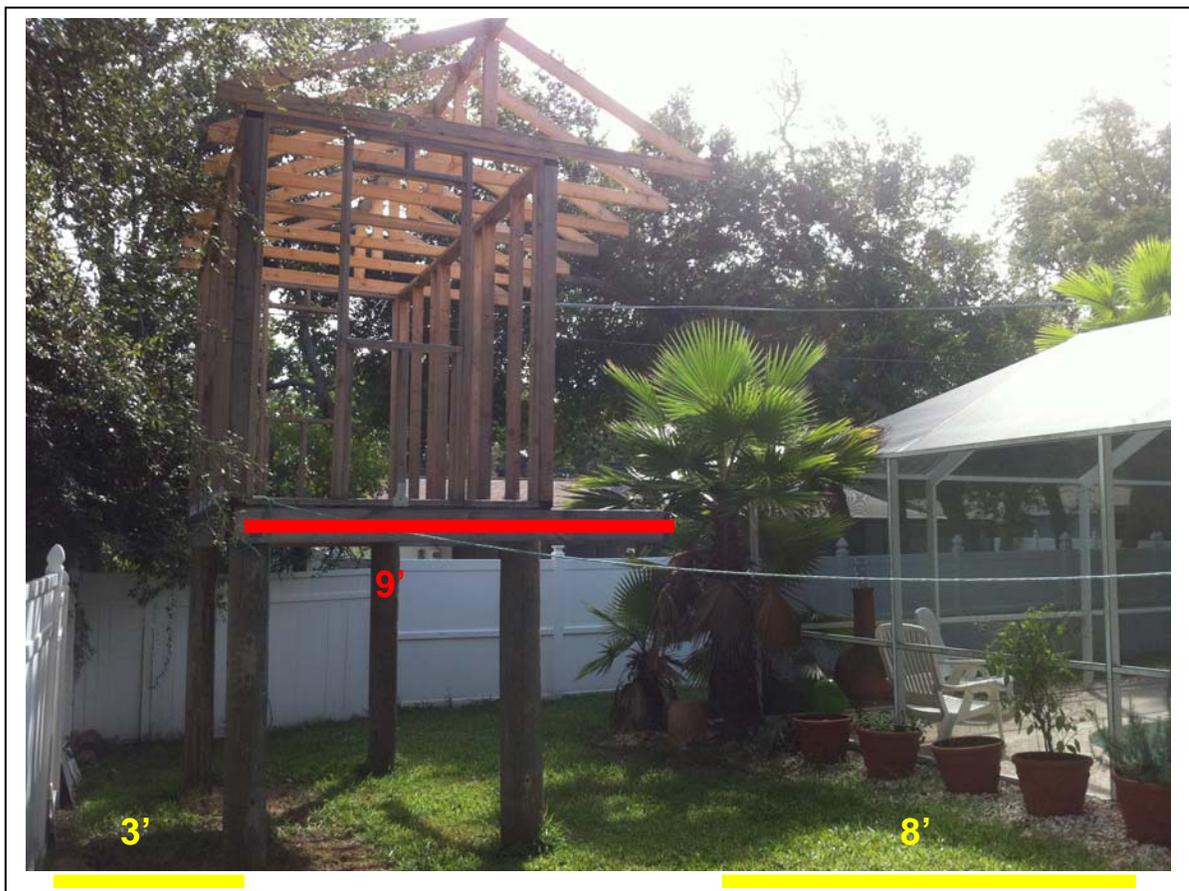
Adjacent land uses and zoning:

	Current Land Uses	Future Land Use Designation	Zoning
North	Single-Family House	"Low Density Residential"	R-3 (Single Family Medium Density)
South	Single-Family House	"Low Density Residential"	R-3 (Single Family Medium Density)
East	Single-Family House	"Low Density Residential"	R-3 (Single Family Medium Density)
West	Single-Family House	"Low Density Residential"	R-3 (Single Family Medium Density)

Site Aerial



Picture of Playhouse



The variance application seeks to allow a playhouse at a 3' side yard setback. The general regulations of the Land Development Code, Section 2-50.A.2., requires accessory uses to be setback 7.5' to the side property line. The construction of the playhouse began in 2010 without a building permit. The property owner has stated that they were unaware that a playhouse would require a building permit. Once notified by the code enforcement department that a permit was required, the property owner applied for and was granted a building permit in November 2010 for the playhouse at a 3' setback. The permit was granted a 90-day extension in May 2011 and a second extension in August 2011 pending the outcome of the variance application.

Playhouses have presented a challenge to regulate and when building permits are required. Certain playhouses, such as can be bought at Toys R US, would not require a permit because they are not anchored and do not require footings. Planning staff acknowledges that the permit issued in May 2010 was done in error and the permit should have not been issued with a 3' setback based on the size and scope of the proposed playhouse. The side yard setback should be the 7.5' as required in the general regulations for accessory structures.

The City received a complaint regarding the subject playhouse. On July 29, 2011 staff conducted a site visit to adjacent properties. The neighbor to the north side of the property at 841 East Lindenwood Circle is where the setback encroachment has occurred. The property owner indicated that they had no objection to the playhouse. As part of the variance application, the property owner has provided a letter of no objection.

The property owner at 838 North Ridgewood Avenue is the rear yard neighbor. The property owner of 838 North Ridgewood Avenue stated that they have concerns regarding the height of the structure and the ability of individuals to see into their backyard and pool. The playhouse exceeds the required 7.5 setback along this property line. Staff inquired if a board with no windows that acted as a wall along the east side of the playhouse would resolve the neighbors concern. The applicant has agreed that the playhouse east wall would have no windows. The neighbor at 838 North Ridgewood Avenue stated this would help, but the height and impact to their privacy was their primary concern.

ANALYSIS:

The Land Development Code requires a 7.5' side and rear yard setback for playhouses. Based on a review of the permit, Planning staff made an error in allowing a permit to be issued with a 3' setback for the playhouse. While the property owner has applied for the variance, the City has incurred the cost of the application. There are two potential alternatives:

Potential Alternatives:

1. Grant the applicant's request for a 4.5' variance with a resulting 3' setback from the required 7.5' side yard setback.
2. Deny the variance request and require the playhouse structure to be moved to meet the 7.5' side yard setback.

CONCLUSION:

Chapter 1, Article II, Section 1-16.D.2, of the Land Development Code states, "The Board of Adjustment and Appeals shall first determine whether the need for the proposed variance arises out of the physical surroundings, shape, topographical condition, or other physical or environmental conditions that are unique to the specific property involved and are not the result of the actions of the applicant. If the basis for the request is the unique quality of the site, the Board shall make the following required findings based on the granting of the variance for that site alone. If, however, the condition is common to numerous sites so that requests for similar variances are likely to be received, the Board shall base its findings on the cumulative effect of granting the variance to all who may apply."

The Board must consider the following criteria established in Chapter 1, Article II, Section 1-16.D.4, of the Land Development Code for the expansion of the non-conforming structure:

1. **Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.**

Argument for the variance: The special condition is that the location of the house and pool limits the area available for the playhouse, slide and ladder.

Argument against the variance: The playhouse could be shifted 4.5' and would leave 3.5' between the playhouse and screen enclosure for the pool. The area between the house and pool would be limited.

2. **The special conditions and circumstances do not result from the actions of the applicant.**

Argument for the variance: The house and pool were in place prior to the construction of the playhouse. In addition, a permit was issued by the City to allow a setback at 3' to the side yard and additional construction commenced. Once notified of the setback issue after the permit was issued, the property owner stopped work on the playhouse.

Argument against the variance: The property owner started the playhouse prior to obtaining a building permit. It has been stated that they did not realize that a playhouse would require a permit. The property owner did apply for a permit and was granted same with a 3' side yard setback shown.

3. **Literal interpretation of the provisions of these zoning regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these zoning regulations and would work unnecessary and undue hardship on the applicant.**

Argument for the variance: Playhouses are commonly enjoyed in residential districts and vary greatly in size and scope. The size and height of this playhouse is unique in terms of its height, but playhouses are permitted under the Land Development Code with a 7.5' side and rear yard setback. The

hardship is based on the location of the existing house and pool in relationship to the playhouse. Movement of the playhouse to meet the setback would actually put it in a location closer (more in the middle of the yard) to the rear yard neighbor who has expressed concerns regarding the playhouse.

Argument against the variance: While playhouses are a common accessory use, the height of this playhouse is 14' to the canopy roof or 15.5' to the top of the highest point of the roof. Based on the size of the playhouse it should be required to meet the 7.5' setbacks. While the distance between the pool and house are limited, a playhouse could still be located in the backyard.

4. **No practical alternative exists and the variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building, or structure.**

Argument for the variance: The requested setback variance is the minimum to allow the functional use of the playhouse structure. The adjoining neighbor at 841 East Lindenwood Circle does not object to the setback encroachment (see letter). It is understood that the rear neighbor has concerns with privacy and the size and height of the structure. The existing location is the furthest point away from their property line and meeting the setback would place the playhouse closer to the middle of their property.

Argument against the variance: The side and rear setbacks of 7.5' are minimal based on the total height of 15.5' and should be met. The relocation of the structure is possible and while relocation may limit access and the design of the play equipment, there should be at a side yard setback of 7.5'.

5. **The variance request is not based exclusively upon a desire to reduce the cost of developing the site. Financial disadvantages or physical inconvenience to the applicant shall not in and of themselves constitute conclusive proof of unnecessary hardship.**

Argument for the variance: The variance is not based exclusively on the desire to reduce the cost of the construction of the project. The location was selected prior to the property owners knowing a variance would be required and is the best location for this structure.

Argument against the variance: The variance is sought to allow the existing structure to stay in its current location. While there would be expenses incurred to move the structure, the variance is not sought exclusively upon a desire to reduce the cost of developing the site.

6. **The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.**

Argument for the variance: The request will not increase congestion, fire danger or public hazards. A 20' rear yard setback is commonplace in newer developments throughout the City, such as the Deer Creek and Creekside subdivision.

Argument against the variance: None. The variance will not create any hazards

to the public.

7. **The effect of the proposed variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code and will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.**

Argument for the variance: The request will not diminish property values or alter the residential character of the surrounding area. Playhouses are permitted within residential properties at a setback of 7.5' for the rear and side property line. The existing Land Development Code does not limit the height of playhouses other than what is the maximum height of the zoning district.

Argument against the variance: In discussing the variance with the property owner abutting the rear yard, staff understands that they believe that the playhouse will diminish the value of their property and reduce the privacy of their backyard and pool. The variance is not to allow or not to allow the playhouse structure. The playhouse is allowed under the current Land Development Code regulation. There is separate research regarding land development regulations for playhouse structures ongoing. The sole issue for the variance is the location of the playhouse and whether or not the existing side yard setback of 3' should be allowed or if the structure should be required to move to the required 7.5' setback.

8. **Granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, buildings, or structures in the same zoning district.**

Argument for the variance: The purpose of the variance process is to confer rights that are denied to a particular applicant because of a special condition or unique circumstance for their property. Playhouses are commonly enjoyed in residential districts and are not a special privilege.

Argument against the variance: The playhouse can be relocated to a 7.5' setback or on the south side of the pool and the application would allow a special privilege.

RECOMMENDATION:

In reviewing the application, staff has arrived at the following conclusions:

1. The playhouse was started without a building permit. The building permit allowed a 3' setback that is in error based on the general regulations for all accessory structures requiring a 7.5' setback unless otherwise specially exempted.
2. The applicant has agreed to construct a wall along the east portion of the playhouse to provide a solid screen so that the view of any individuals using the playhouse is blocked from the property located at 838 North Ridgewood Avenue.
3. The neighbor at 841 East Lindenwood Circle, along the side yard where the encroachment has occurred has no objections to the variance. The neighbor to the east has objected to the playhouse structure based on the height and the lack of screening of the structure.

4. There is no encroachment to the rear property line and the playhouse exceeds the required setback of 7.5'.
5. The sole issue of the variance application is the placement of the structure, either at 3' as requested to the side lot line or 7.5' as required by the Land Development Code. The existing Land Development Code regulations allow a playhouse structure at 7.5' to the rear and side property lines.

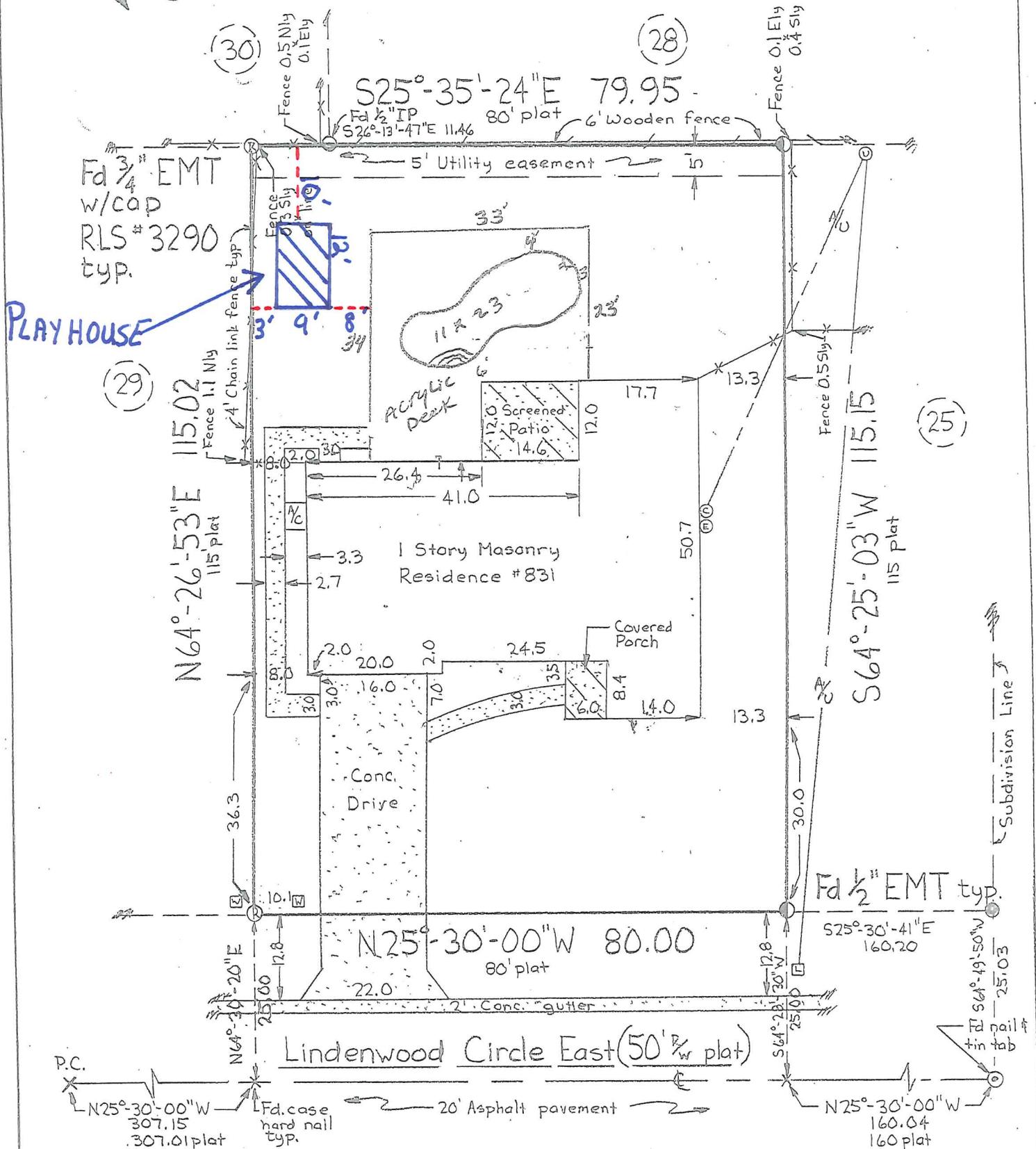
Based on the conclusions listed above, it is recommended that the Board of Adjustment and Appeals **APPROVE** a 4.5' side yard variance to allow a playhouse at a setback of 3' from the north side property line, abutting 841 East Lindenwood Circle, where the Land Development Code requires a 7.5' setback.

Exhibit A

- Variance Request

SCALE: 1" = 20'

BOUNDARY SURVEY
SHEET 1 OF 2



Required accessory use side yard setback	7.5'
Requested side yard setback	3'
Variance requested:	4.5'

MICHAEL M. MYER, F.P.L.S. #4006

Michael M. Myer
 (not valid unless signed, embossed with surveyor's seal and accompanied by Sheet 2)

Ref { FB 26 pp 32,33
 FB 37 pp 25,26
 FB 83 pp 26,27
 FB 102 pp 46,47

MYER LAND SURVEYING

MICHAEL M. MYER
 PROFESSIONAL LAND SURVEYOR
 BACHELOR OF LAND SURVEYING
 UNIVERSITY OF FLORIDA

92317

P.K.

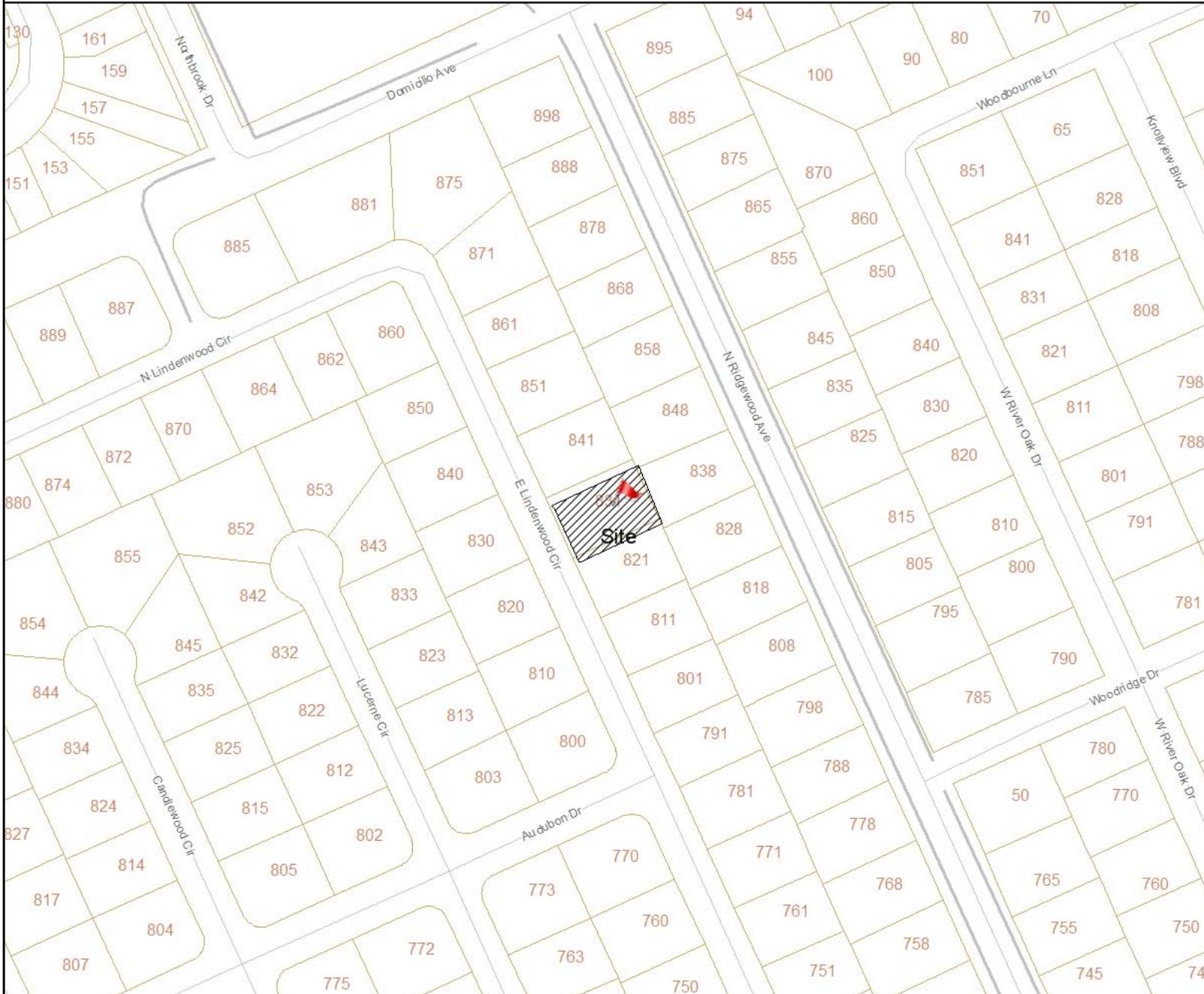
1702 BUENA VISTA AVE.
 HOLLY HILL, FLORIDA 32117

(904) 672-2600

Exhibit B

Location Map and Site
Pictures

831 East Lindenwood Circle Location Map



- Sidewalks
- Golf Courses
- Address Points
- Airport and Railroad
- AIRPORT
- RAILROAD
- City Streets
- DIRT
- MAJOR
- PAVED
- Water Features
- Property Lines

178 ft



GIS data is provided on an "as is" basis. The accuracy or reliability of the data is not guaranteed or warranted in any way. The City of Ormond Beach specifically disclaims any warranty either expressed or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular use. The entire risk as to quality and performance of the data is with the end user. In no event will the City, its staff or its representatives be liable for any direct, indirect, incidental, special, consequential, or other damages, including loss of profit, arising out of the use of this data even if the City has been advised of the possibility of such damages.

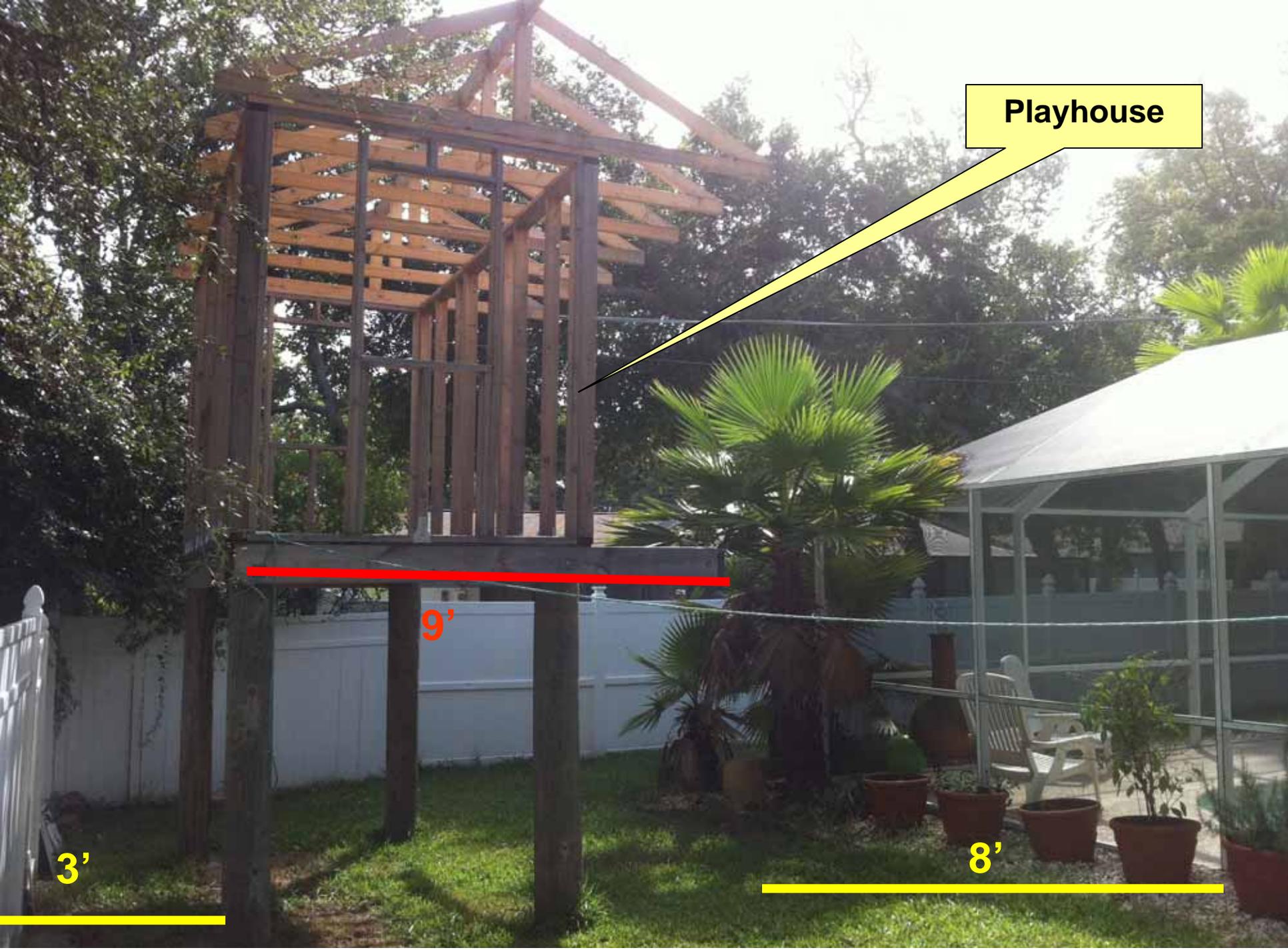


Playhouse

9'

3'

8'





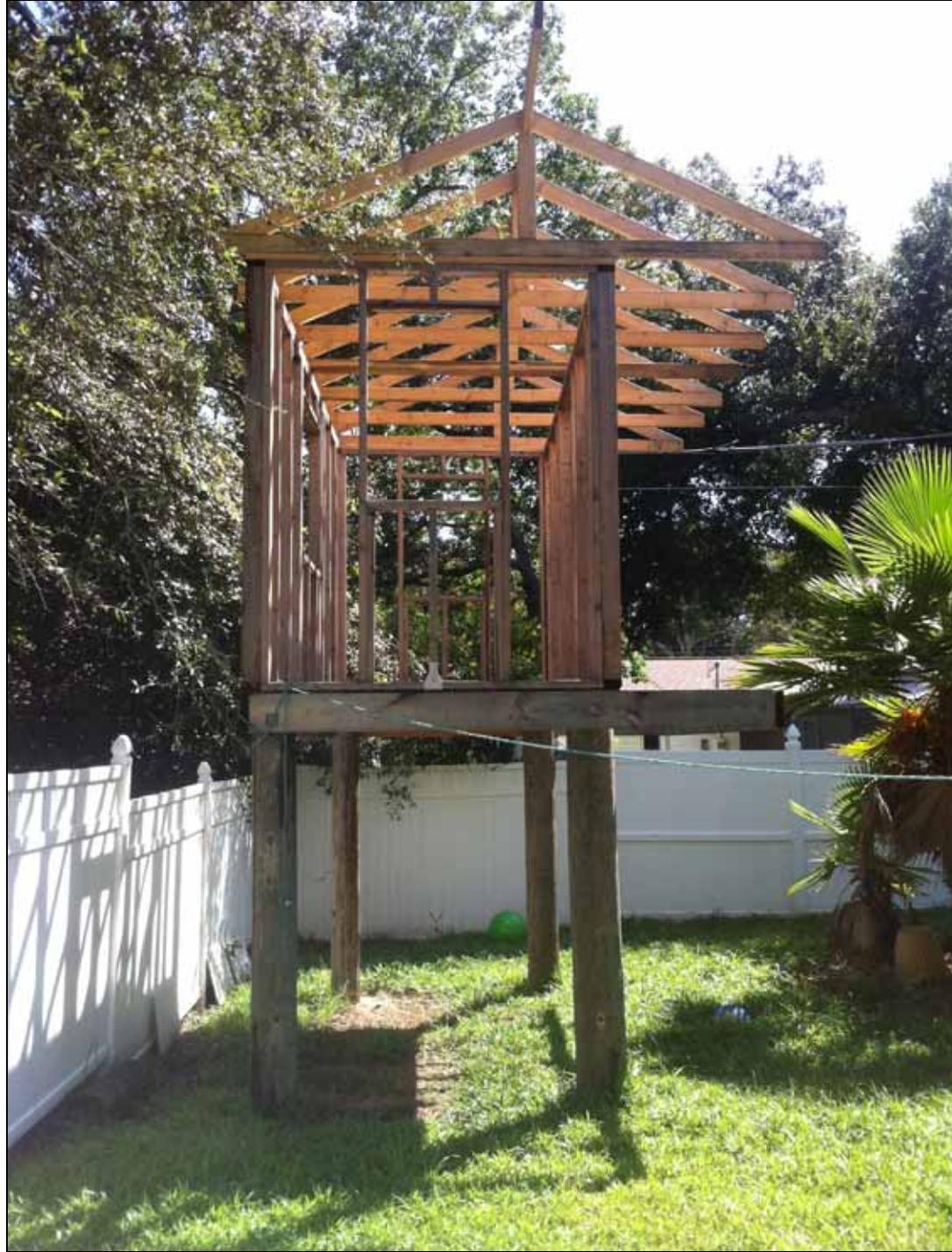




Exhibit C

Variance Application
and Permit information



CITY OF ORMOND BEACH

v5.3

Planning Department

22 South Beach Street, Ormond Beach, FL 32174

Tel: (386) 676-3238

www.ormondbeach.org

comdev@ormondbeach.org

VARIANCE - APPLICATION

For Planning Department Use

Application Number

Date Submitted

VARIANCE TYPE

Please select appropriate application type

Residential

FEES

	<u>Application</u>	<u>Advisory Board</u>	<u>Commission</u>	<u>Total*</u>
Residential and Commercial	350	354	N/A	704
After-the-Fact	700	354	N/A	1054

*The total is calculated as the Application plus approximate Advisory Board and Commission Public Notification Fees. Depending on the actual costs, Staff shall refund any remaining balance or require additional payment.

APPLICANT INFORMATION

This application is being submitted by

Property Owner

Agent, on behalf of Property Owner

Name

Christina & Thomas Remigio

Address

831 East Lindenwood Circle

City, State, Zip Code

Ormond Beach, FL 32174

Telephone

527-2143

Email Address

tremigio@cfl.rr.com

If this application is being submitted by person other than the property owner, please provide the following Property Owner Information.

PROPERTY OWNER INFORMATION

Name	<input type="text"/>
Address	<input type="text"/>
City, State, Zip Code	<input type="text"/>
Telephone	<input type="text"/>
Email Address	<input type="text"/>

If the property owner does not reside on the property for which the application refers, please provide the following Property Details.

PROPERTY DETAILS

Address	831 East Lindenwood Circle
Zip Code	Ormond Beach, FL 32174
Parcel I.D.	3242-15-06-0270
Legal Description	LOT 27 BLK 6 WOODMERE SOUTH UNIT 3 MB 32 PG 5 PER OR 4382 PG 2802

REQUEST

For the Board of Adjustment and Appeals to grant a variance, there must be special conditions or circumstances existing which are peculiar to a particular piece of land, structure or building. The variance should not request special privilege denied to other lands, buildings or structures, and must prove deprivation of rights commonly enjoyed by other property owners in the subject property area that results in an unnecessary hardship. The request should be the minimum possible to make reasonable use of the land and, if granted, should not be injurious to the area or materially diminish the value of the surrounding properties, alter the essential characteristics of the neighborhood or otherwise be detrimental to the public welfare or create a public nuisance. A purely financial hardship does not, except under extreme circumstances, constitute sufficient grounds for hardship.

Request

Reduction of side yard setback of 7.5' to 3' as shown on permit 11-603. The variance would be 4.5'.

ABUTTING PROPERTY OWNERS

Please provide abutting property owner signatures or provide letters indicating position toward the request.

Signature	Street Address	For	Against
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

CRITERIA: CONFORMING

Section 1-16.D.3 of the Land Development Code requires that the Board of Adjustment and Appeals make a finding based on substantial competent evidence on each of the following 8 criteria. Additional pages, photographs, surveys, plot plans or other materials may be attached as exhibits.

NOTE: If the existing structure or property is nonconforming, complete the nonconforming criteria (page 4).

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district:

When the playhouse was started, it was not realized that playhouses required a building permit. We submitted and were granted a building permit (#11-603) for a side yard setback of 3'. During construction we were informed by building staff that there was a setback issue and stopped construction. The playhouse needs area around the structure for the slide and ladder and this is the best location on the property based on the house and pool location.

2. The special conditions and circumstances do not result from the actions of the applicant:

As stated above, it was not realized that a building permit was required for a playhouse. We discussed the structure with our side yard neighbor and he had no objections. We applied for and were granted a permit with a 3' side yard setback. The location of the house and pool on the lot were existing and special conditions were not caused by us.

3. Literal interpretation of the provisions of these zoning regulations deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these zoning regulations and would work unnecessary and undue hardship on the applicant:

Playhouses are typical in residential and this is the only location on the property where it can be constructed with room to use it. Denying the location would limit the use of the playhouse and be a hardship on our family.

4. No practical alternative exists and the variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building or structure:

There is no practical alternative based on the location of the house and pool. The side yard neighbor has been contacted and they have no objections to 4.5' variance.

CRITERIA: CONFORMING (continued)

- 5. The variance request is not based exclusively upon a desire to reduce the cost of developing the site. Financial disadvantages or physical inconvenience to the applicant shall not in and of themselves constitute conclusive proof of unnecessary hardship:

The 4.5' variance is not sought to reduce the cost of playhouse.

- 6. The proposed variance will not substantially increase congestion on surrounding streets, or the danger of fire or other hazard to the public:

The playhouse is a small structure that is designed for the enjoyment of our family and would not be a hazard that would impact the neighbors.

- 7. The effect of the proposed variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code and will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site:

Playhouses are common throughout our neighborhood and the City and would not diminish property values or the character of the neighborhood.

- 8. Granting this variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, buildings or structures in the same zoning district:

When the playhouse was started it was not realized that it had to meet a setback for an accessory structure. When informed, we applied and obtained a building permit with a 3' side yard setback. Granting this variance would allow a playhouse and would not allow any special privilege.

CRITERIA: NONCONFORMING

Section 1-16.D.4 of the Land Development Code establishes separate criteria for the expansion of an existing nonconforming structure or portion of that structure. The Code requires that the Board of Adjustment and Appeals make a finding based on substantial competent evidence on each of the following 6 criteria. Additional pages, photographs, surveys, plot plans or any other materials may be attached as exhibits.

- 1. The property where the structure is located meets the minimum lot area standard for the zoning district, as specified in Chapter 2, Article II:

Not applicable.

CRITERIA: NONCONFORMING (continued)

2. There are no other ways of altering the structure that will not result in increasing the nonconforming cubic content of the structure:

Not applicable.

3. The proposed expansion will be consistent with the use of the structure and surrounding structures, given the use is permitted by right, conditional use or special exception in the zoning district within which the structure is located:

Not applicable.

4. The proposed expansion effectively "squares-off" an existing building, or does not extend beyond the furthest point of an adjacent building on the site:

Not applicable.

5. The proposed expansion is in scale with adjacent buildings:

Not applicable.

6. The proposed expansion will not impact adjacent properties by limiting views or increasing light and/or noise:

Not applicable.

CERTIFICATION

By submitting this application, I hereby certify that the information provided above is true and correct to the best of my knowledge and that I am aware of the application submittal requirements and review process for this application. I hereby authorize City of Ormond Beach Staff to place legal notice on my property and to take pictures pertaining to my request. I am aware of the required pre-application meeting and am aware that if all the submittal requirements are not provided, my application will be continued to the next regularly scheduled meeting.

Signed By: Christina M. Remigio

Date: 8/23/11

Corporation

STATE OF FLORIDA)
 COUNTY OF VOLUSIA) SS

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, in their capacity as the _____, of _____ who is personally known to me or has provided identification.

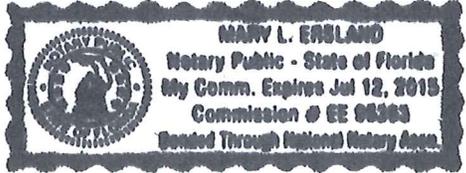
 Notary Public
 State of Florida
 My Commission Expires:

ATTEST: _____

Individual

STATE OF FLORIDA)
 COUNTY OF VOLUSIA) SS

The foregoing instrument was acknowledged before me this 23rd day of August, 2011, by Christina Remigio, who provided _____, as identification or is personally known to me.



Mary L. England
 Notary Public
 State of Florida
 My Commission Expires:

Re: Side Yard Varinace at 831 East Lindenwood Circle

To whom it may concern:

I have reviewed the variance application and plans for the playhouse structure and have no objections to it being located at a 3' side yard setback rather than 7.5' as required by the City's Land Development Code.

Sincerely,



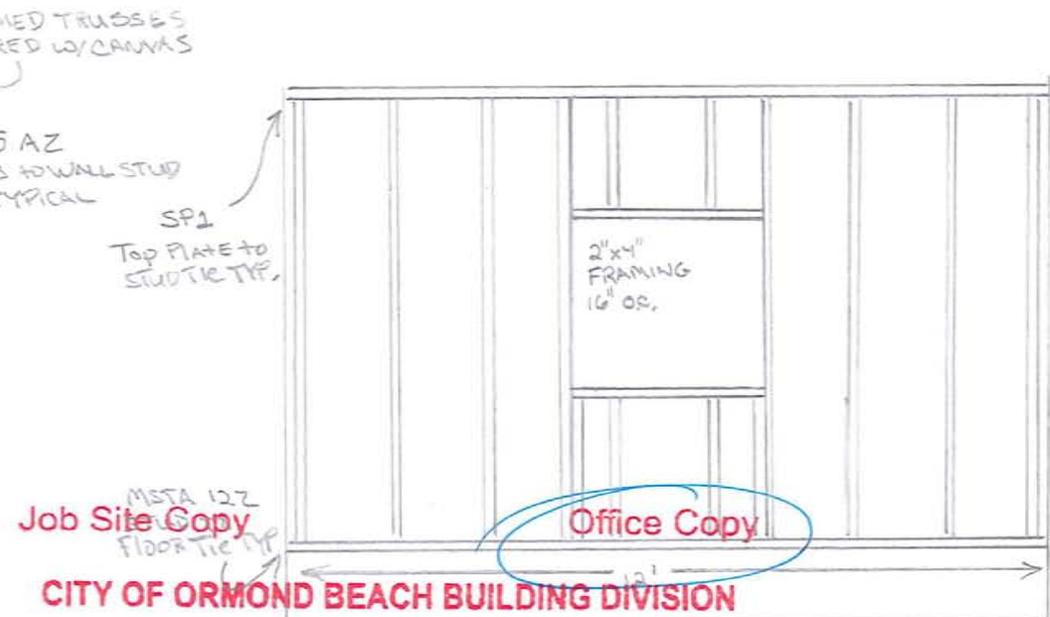
Lawrence Lemoncello



Barbara Lemoncello

SIDE ELEV.

FRONT & REAR ELEV.



MSTA 122
Job Site Copy
FLOOR TIE TYP

Office Copy

**CITY OF ORMOND BEACH BUILDING DIVISION
REVIEW FOR PERMIT**

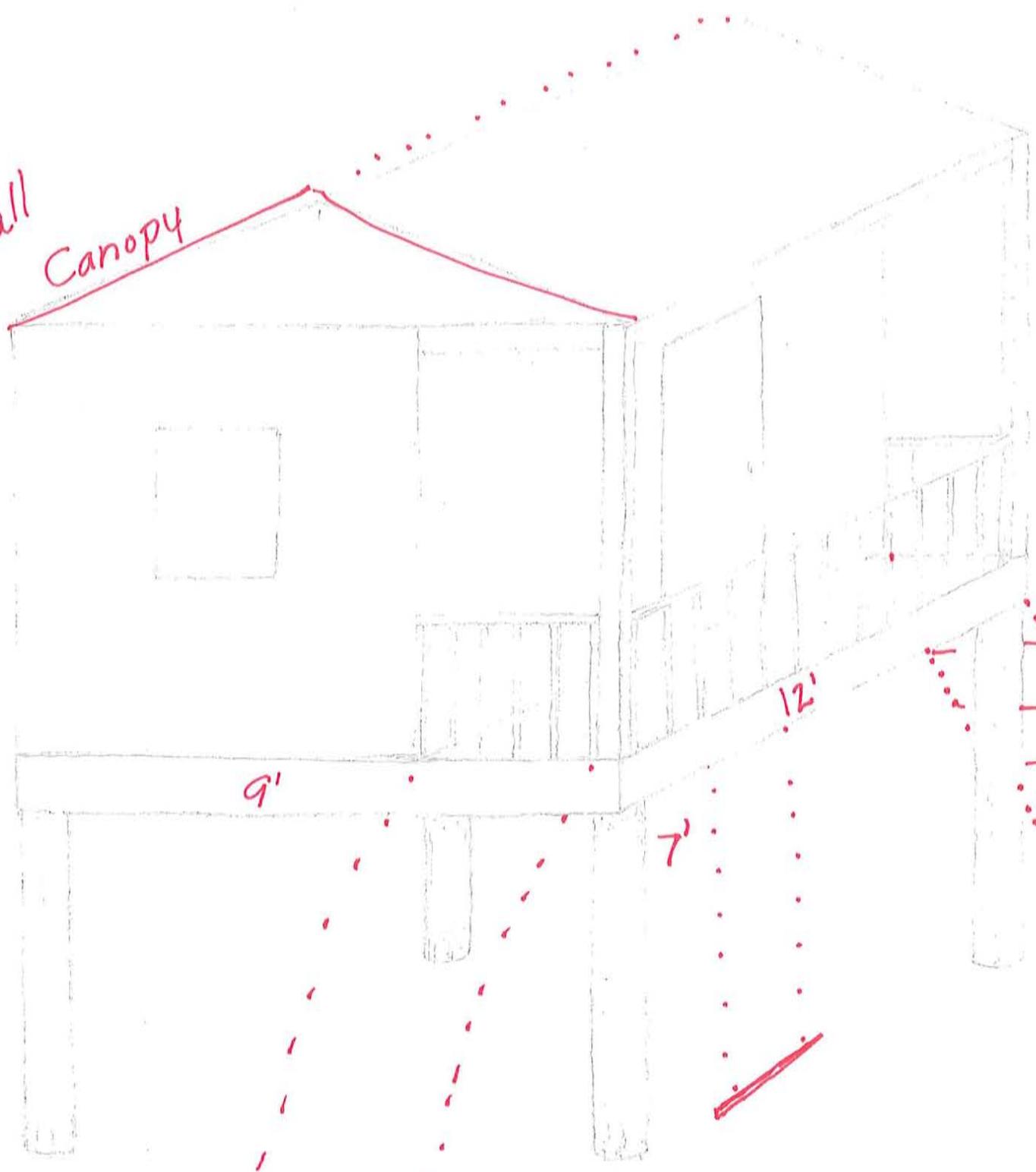
These plans are conditionally approved as reviewed for compliance with adopted building/fire codes and does not waive any code requirement not noted in review. Approval of these plans does not prevent field inspectors from ordering corrections to meet codes when issues are noted during inspections. Approved plans must be on job site for all scheduled inspections

Building:
Fire:

Date: 11/11/10
Date:

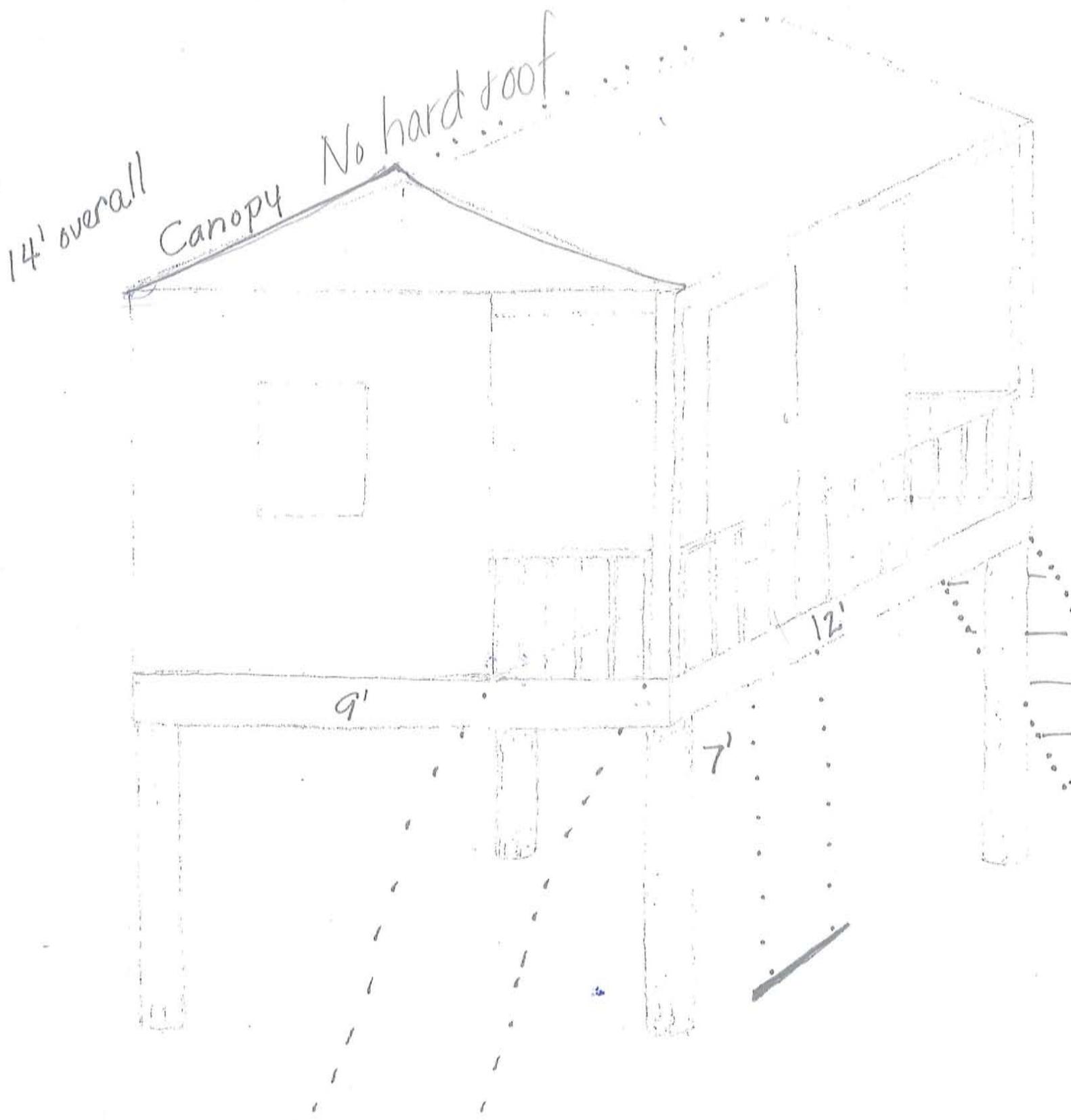
14' overall

Canopy



Playhouse
831 Lindenwood Cir.
Tom Remigio 3345669

Current
18' R.
3' S.



Playhouse
831 Lindenwood Cir.
Tom Remigio 3345669

Current
10' R.
3' S.



3'

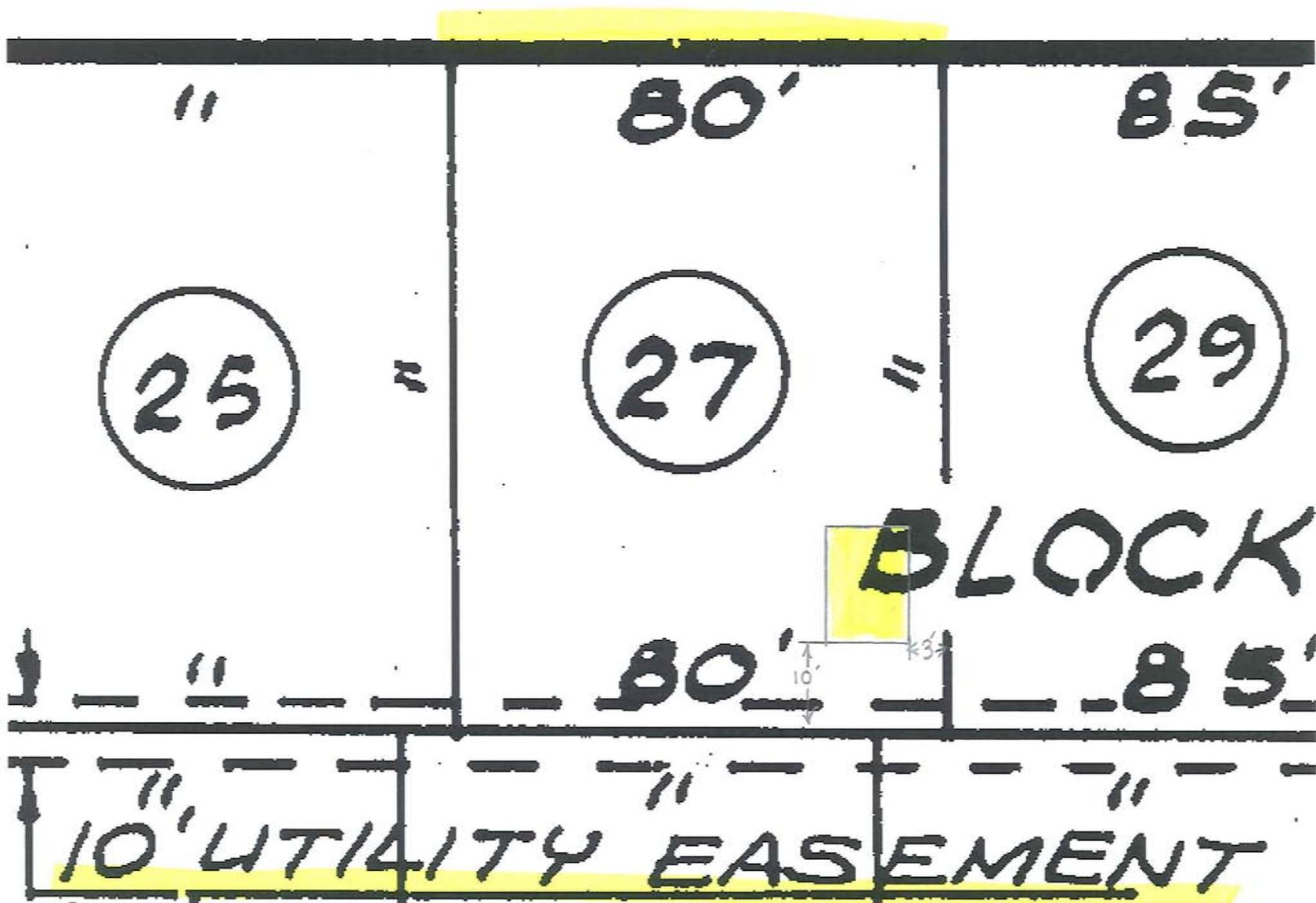
6'

07/19/2011



10'

07/19/2011



25

27

29

BLOCK

10' UTILITY EASEMENT

Woodmere South - Unit 3

ORLANDO BEACH, VOLUSIA COUNTY, FLORIDA.

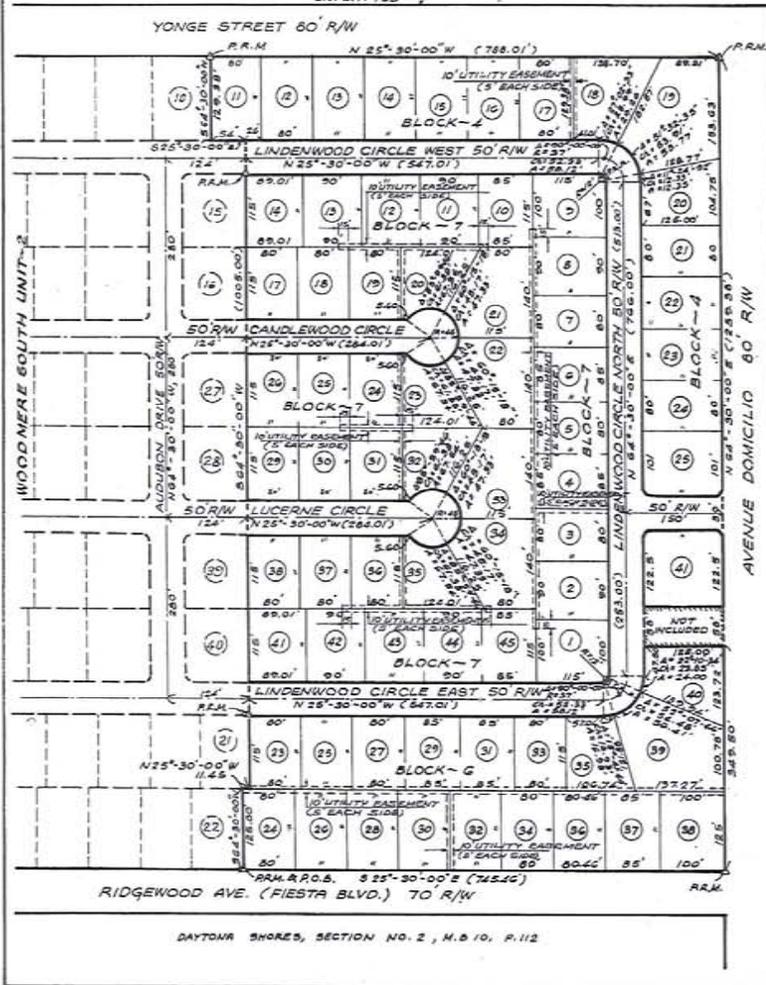
A RESUBDIVISION OF PART OF THE THOMAS FITCH GRANT, SECTION 39, T.4S, R.32E, ALSO PART OF DAYTONA SHORES, SECTION 102, MAP BOOK 32, PAGE 5, AS RECORDED IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

STAPP & UPHAM, INC.
REGISTERED ENGINEERS & SURVEYORS
DAYTONA BEACH, FLORIDA.
AUGUST, 1972

GRAPHIC SCALE 1"=100'

PERMANENT REFERENCE MONUMENT

UNPLATTED



DAYTONA SHORES, SECTION NO. 2, M.B. 10, P. 112

STATE OF FLORIDA
COUNTY OF VOLUSIA 55.

MAP BOOK 32 PAGE 5

JOHN E. VEDDER, SR., ROSE K. VEDDER HIS WIFE, N. BROOKS HANSHARD ELIZABETH R. HANSHARD HIS WIFE, DO HEREBY CERTIFY THAT THEY ARE THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

PART OF THE THOMAS FITCH GRANT, SECTION 39, T.4S, R.32E; ALSO PART OF LOT 4 AND ALL OF LOTS 5 THROUGH 11 AND 16 THROUGH 22, BLOCK 8; LOTS 5 THROUGH 11 AND 16 THROUGH 22, BLOCK 9; LOT 5 THROUGH 11 AND 16 THROUGH 22, BLOCK 10; ALL OF BLOCK 7; LOTS 1 THROUGH 11 AND 13 THROUGH 18, BLOCK 8; PART OF THE EASTERLY ONE-HALF OF JUBILO BOULEVARD, A 70'-FT. STREET, PART OF HANATO AND PALERIN STREET SOUTH, 50 FT. STREETS; PART OF MALITO BOULEVARD SOUTH, A 70 FT. STREET; PART OF AVENUE DUCUNA, A 70 FT. STREET; ALL OF SAID STREETS, BOULEVARD SOUTH, AND ALL OF THE APPLICABLE LOTS, BLOCKS, STREETS, BOULEVARDS AND AVENUES AS SHOWN ON THE PLAT OF RECORD OF DAYTONA SHORES, SECTION 2, RECORDED IN MAP BOOK 10, PAGE 112, ALL OF THE APPLICABLE BEING RECORDED IN THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE POINT OF BEGINNING, SAID POINT BEING THE NORTHEAST CORNER OF WOODMERE SOUTH UNIT NO. 2 AS RECORDED IN MAP BOOK 31 PAGE 101, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, RUN THENCE S 62°-30'-00" W A DISTANCE OF 125.0 FT. TO A POINT; THENCE N 25°-30'-00" W A DISTANCE OF 112.5 FT. TO A POINT; THENCE S 64°-30'-00" W A DISTANCE OF 100.0 FT. TO A POINT; THENCE S 25°-30'-00" E A DISTANCE OF 84.0 FT. TO A POINT; THENCE S 64°-30'-00" W A DISTANCE OF 125.38 FT. TO A POINT IN THE EASTERLY RIGHT OF WAY OF NORTH YONGE STREET, AN 80-FT. STREET EXTENDED NORTHERLY; THENCE N 25°-30'-00" W ALONG SAID RIGHT OF WAY LINE OF NORTH YONGE STREET A DISTANCE OF 280.0 FT. TO A POINT IN THE SOUTH RIGHT OF WAY LINE OF AVENUE DOMICILIO AN 80 FT. STREET; THENCE N 64°-30'-00" E ALONG SAID SOUTH RIGHT OF WAY LINE OF AVENUE DOMICILIO A DISTANCE OF 188.5 FT. TO A POINT; THENCE S 25°-30'-00" E A DISTANCE OF 25.0 FT. TO A POINT; THENCE N 64°-30'-00" E A DISTANCE OF 58.0 FT. TO A POINT; THENCE N 25°-30'-00" W A DISTANCE OF 28.0 FT. TO A POINT IN THE APPLICABLE SOUTH RIGHT-OF-WAY LINE OF AVENUE DOMICILIO; THENCE N 64°-30'-00" E ALONG SAID SOUTH RIGHT-OF-WAY LINE OF AVENUE DOMICILIO A DISTANCE OF 58.50 FT. TO A POINT; SAID POINT BEING THE SOUTHWEST INTERSECTION OF THE RIGHT-OF-WAY OF APPLICABLE AVENUE DOMICILIO AND RIDGEWOOD AVENUE (FIESTA BLVD.); A 70 FT. STREET; THENCE S 25°-30'-00" E ALONG THE WEST RIGHT-OF-WAY LINE OF SAID RIDGEWOOD AVENUE (FIESTA BLVD.) A DISTANCE OF 745.46 FT. TO A POINT OF BEGINNING;

IT IS FURTHER CERTIFIED THAT JOHN E. VEDDER, SR. AND N. BROOKS HANSHARD, DEVELOPERS JOINED BY THEIR RESPECTIVE WIVES CAUSED THE ABOVE DESCRIBED PROPERTY TO BE PLATTED AS WOODMERE SOUTH UNIT NO. 3 AND DO, TOGETHER WITH THE MORTGAGEE OF THE ABOVE DESCRIBED PROPERTY, WHO HAS JOINED IN THE EXECUTION HEREOF FOR THE PURPOSE OF COMPLIANCE WITH FLORIDA STATUTES, SECTION 171.061, HEREBY DEDICATE SAID STREETS SHOWN ON THE ACCOMPANYING PLAT FOR USE AS STREETS BY THE GENERAL PUBLIC.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:
Reta Curran
Lola McComick
Shirley Chandler
Gloria Miller
AS TO DEVELOPERS AND MORTGAGEE

John E. Vedder, Sr. (SEAL)
Rose K. Vedder (SEAL)
N. Brooks Hanshard (SEAL)
Elizabeth R. Hanshard (SEAL)

DEVELOPERS
DAYTONA BEACH FEDERAL SAVINGS AND LOAN ASSOCIATION
BY *Alfred W. Hamilton* VICE PRESIDENT
ATTEST *Bertha Hamilton* SECRETARY

STATE OF FLORIDA 55.
COUNTY OF VOLUSIA

ON THIS DAY, BEFORE ME, AN OFFICER AUTHORIZED IN THE STATE AND COUNTY AFORESAID TO TAKE ACKNOWLEDGMENTS, PERSONALLY APPEARED JOHN E. VEDDER, SR., ROSE K. VEDDER, HIS WIFE, N. BROOKS HANSHARD, ELIZABETH R. HANSHARD HIS WIFE, ALFRED W. HAMILTON AND BERTHA HAMILTON, AS VICE PRESIDENT AND SECRETARY, RESPECTIVELY, OF DAYTONA BEACH FEDERAL SAVINGS AND LOAN ASSOCIATION, A CORPORATION, KNOWN TO ME TO BE THE INDIVIDUALS AND THE OFFICERS OF THE CORPORATION DESCRIBED ABOVE AS DEVELOPERS AND MORTGAGEE, RESPECTIVELY, AND THEY SEVERALLY ACKNOWLEDGED EXECUTING THE FOREGOING IN THE PRESENCE OF TWO SUBSCRIBING WITNESSES, RESPECTIVELY, AS INDIVIDUALS AND UNDER AUTHORITY VESTED IN THEM AS CORPORATE OFFICERS OF SAID MORTGAGEE.

WITNESS MY HAND AND OFFICIAL SEAL IN THE STATE AND COUNTY AFORESAID THIS 22 DAY OF *November*, A.D., 1972

Reta Curran
NOTARY PUBLIC
STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES: *11-18-73*

APPROVED AND ACCEPTED BY THE PLANNING BOARD OF THE CITY OF ORLANDO BEACH, FLORIDA

DATE 14 Dec 1972

Raymond H. Moore
CHAIRMAN

APPROVED AND ACCEPTED BY THE CITY OF ORLANDO BEACH, FLORIDA

DATED *14 Dec 1972*
CITY AUDITOR AND CLERK *[Signature]* ENGINEER *[Signature]* MAYOR *[Signature]* CITY AT-LARGE *[Signature]*

FILED FOR RECORD BY THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF VOLUSIA COUNTY, FLORIDA

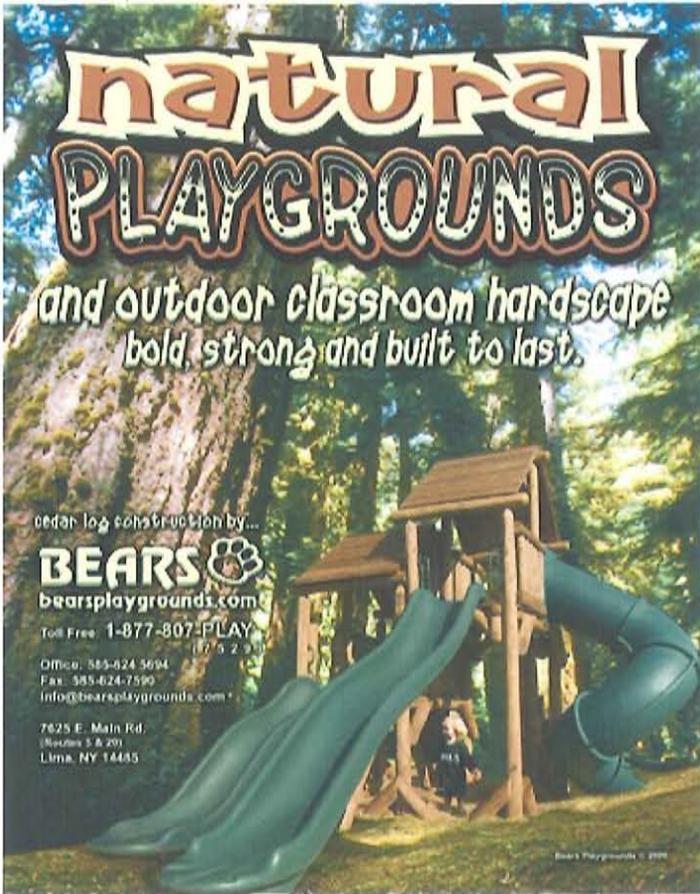
DATE _____ AUTHORIZED REPRESENTATIVE _____

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS FOREGOING PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LAND SURVEYED AND THAT THIS SURVEY WAS PREPARED UNDER MY RESPONSIBLE SUPERVISION AND DIRECTION, AND THAT THE SURVEY DATA COMPLIED WITH ALL REQUIREMENTS OF CHAPTER 171, FLORIDA STATUTES, AND THAT PERMANENT REFERENCE MONUMENTS HAVE BEEN PLACED AS REQUIRED BY THE SURVEY LAWS OF THE STATE OF FLORIDA

Alfred W. Hamilton
REGISTERED SURVEYOR #2251





**natural
PLAYGROUNDS**

*and outdoor classroom hardscape
bold, strong and built to last.*

cedar log construction by...

BEARS 
bearsplaygrounds.com
Toll Free 1-877-807-PLAY
1-752-2900

Office: 585-624-5694
Fax: 585-624-7590
info@bearsplaygrounds.com

7625 E. Main Rd.
Route 5 & 200
Lima, NY 14485

Bears Playgrounds © 2008







CITY OF ORMOND BEACH
 BUILDING PERMITS & INSPECTIONS
 PO BOX 277
 ORMOND BEACH, FL 32175-0277

Construction Permit

#11-00000603

SHED RES DETACHED

Application Number 11-00000603 Date 11/12/10
 Property Address 831 E LINDENWOOD CIR
 Parcel Number: 3242-15-06-0270
 ALTERNATE PARCEL KEY: 3004795
 Application type description SHED RES DETACHED
 Subdivision Name WOODMERE SOUTH
 Property Use RESIDENTIAL SINGLE FAMILY
 Property Zoning GENERAL
 Application valuation 500

Application desc
 Install 6' x 12' playhouse-CODE

Owner	Contractor
-----	-----
REMIGIO THOMAS J & CHRISTINA M 831 E LINDENWOOD CIR ORMOND BEACH FL 321744622	SELF - HOMEOWNER HOMEOWNERS ADDRESS ORMOND BEACH FL 32174

----- Structure Information 000 000 -----

Construction Type NO TYPE NECESSARY
 Occupancy Type RESIDENTIAL
 Roof Type NOT APPLICABLE
 Flood Zone NONE
 Other struct info GREEN PROJECT? UNKNOWN

Permit SHED RES DETACHED
 Additional desc INSTALL PLAYHOUSE 6' X 12'
 Permit pin number 746321
 Permit Fee 30.00 Plan Check Fee 15.00
 Issue Date 11/12/10 Valuation 500
 Expiration Date 5/11/11

Qty	Unit Charge	Per	Extension
		BASE FEE	30.00

Special Notes and Comments

*
 *
 *
 *

Pursuant to Florida Building Code, section 105.4 in part, this permit will expire if work has not commenced 180 days after permit issuance or if work has been suspended or abandoned for more than 180 days. This provision shall not be applicable in case of civil commotion or strike or when the building work is halted due directly to judicial

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

CALL 386-676-3588 TO SCHEDULE INSPECTIONS



CITY OF ORMOND BEACH
 BUILDING PERMITS & INSPECTIONS
 PO BOX 277
 ORMOND BEACH, FL 32175-0277

Construction Permit

#11-00000603

SHED RES DETACHED

Application Number 11-00000603

Page 2
 Date 11/12/10

Special Notes and Comments

injunction, order, or similar process. The Building Official may grant up to 180 day extensions provided the extension is in writing and requested BEFORE the permit is due to expire. Any requests to extend a permit that has EXPIRED will be denied and the permit holder will have to reapply for the permit and pay the required fees.

*
 If applicable, I understand that I may be required to obtain written permission from my HOA for this permit.

*
 Initial here: 

*
 NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other governmental entities such as water management districts, state agencies or federal agencies.

*
 OUTLINED IN LDC 2.09 (D)
 THE PROPERTY OWNER/AGENT ASSUMES ALL LIABILITY AND OR COSTS ASSOC. W/THE REMOVAL OR REPLACEMENT OF FENCE IF ACCESS TO ANY EASEMENT OF RECORD IS REQUIRED. FENCE TO BE CONSTRUCTED AS PER SUBMITTED PLAN. FENCE MAY NOT PROTRUDE BEYOND OWNER'S PROPERTY LINES.
 PER LDC 8.05 (B) (2) ALL FENCING AND WALLS SHALL BE ERECTED WITH THE FINISH SIDE FACING THE ADJACENT LOT. THE FACE OF ANY FENCE OR WALL VISIBLE TO THE PUBLIC SHALL ALSO BE FINISHED. THE ISSUANCE OF THIS FENCE PERMIT DOES INCLUDE A REVIEW FOR SCREENING REQUIREMENTS FOR RECREATIONAL VEHICLES AS

Other Fees	APP-PLAN SUBMITTAL FEE	30.00
	BLDG SURCHARGE - DCA	2.00
	BLDG SURCHARGE - DBPR	2.00

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

CALL 386-676-3588 TO SCHEDULE INSPECTIONS



CITY OF ORMOND BEACH
 BUILDING PERMITS & INSPECTIONS
 PO BOX 277
 ORMOND BEACH, FL 32175-0277

Construction Permit

#11-00000603

SHED RES DETACHED

Application Number 11-00000603 Page 3
Date 11/12/10

Fee summary	Charged	Paid	Credited	Due
Permit Fee Total	30.00	30.00	.00	.00
Plan Check Total	15.00	15.00	.00	.00
Other Fee Total	34.00	34.00	.00	.00
Grand Total	79.00	79.00	.00	.00

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

CALL 386-676-3588 TO SCHEDULE INSPECTIONS



CITY OF ORMOND BEACH
 BUILDING PERMITS & INSPECTIONS
 PO BOX 277
 ORMOND BEACH, FL 32175-0277

Construction Permit

#11-00000603

SHED RES DETACHED

Application Number	11-00000603	Page	4
Property Address	831 E LINDENWOOD CIR	Date	11/12/10
Parcel Number:	3242-15-06-0270		
ALTERNATE PARCEL KEY:	3004795		
Application description . . .	SHED RES DETACHED		
Subdivision Name	WOODMERE SOUTH		
Property Use	RESIDENTIAL SINGLE FAMILY		
Property Zoning	GENERAL		
Permit	SHED RES DETACHED		
Additional desc . .	INSTALL PLAYHOUSE 6' X 12'		
Permit pin number .	746321		

Required Inspections

Seq	Insp Code	Description	Initials	Date	Time
1000	BFIN	BUILDING FINAL	_____	__/__/__	__:__

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

CALL 386-676-3588 TO SCHEDULE INSPECTIONS

ATTN: ALEXIS

CITY OF ORMOND BEACH
BUILDING DIVISION
RECEIVED



City of Ormond Beach
Building Division
22 S. Beach St. Room 104
Ormond Beach, FL 32174
(386) 676-3233 Phone / (386) 676-3361 Fax

MAY 10 2011

RECEIVED BY: 

Request To Extend an Active Permit

Project Name: REMIGIO PLAYHOUSE Date: 5/10/11

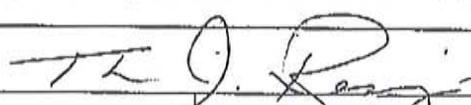
Project Address: 831 E LINDENWOODS CR ORMOND BEACH FL 32174

Name of Applicant: THOMAS J. REMIGIO

Permit Number: 11-00000603

Reason: WORKING OUT OF TOWN 4 days a week. NOT ABLE TO COMPLETE AS QUICKLY AS ORIGINALLY PLANNED. COMPLETE APPROX 2-3 MORE MONTHS

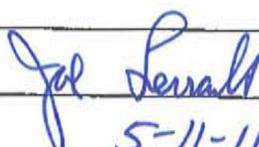
Pursuant to FBC § 105.4 permits will expire if work has not commenced 180 days after permit issuance or if work has been suspended or abandoned for more than 180 days. The Building Official may grant 180 days extensions. Extension requests must be submitted by completing this form. Please be advised that justifiable cause must be demonstrated.

Applicant Signature: 

Applicant Phone: 386-334-5669 Applicant Fax: 386-239-0968

BUILDING DIVISION USE ONLY

Comments: 90 Day extension granted \$30.00

Building Official Signature: 

Date Approved/Denied: 5-11-11



ATTN: Steve



City of Ormond Beach
Building Division
22 S. Beach St. Room 104
Ormond Beach, FL 32174
(386) 676-3233 Phone / (386) 676-3361 Fax

Request To Extend an Active Permit

Project Name: 831 East Lindenwood Circle Date: 08.08.2011

Project Address: 831 East Lindenwood Circle

Name of Applicant: Mr. and Mrs. Remigio

Permit Number: #11-603

Reason: Contacted by City staff who stated that the side yard setback needs to be 7.5' and not 3' as approved on permit.

Applying for variance which takes 60 days to complete.

Additional time is needed for variance and to complete construction.

Pursuant to FBC § 105.4 permits will expire if work has not commenced 180 days after permit issuance or if work has been suspended or abandoned for more than 180 days. The Building Official may grant 180 days extensions. Extension requests must be submitted by completing this form. Please be advised that justifiable cause must be demonstrated.

Applicant Signature: *Chris M. Remigio*

Applicant Phone: 527-2143 Applicant Fax: 386-239-0978

BUILDING DIVISION USE ONLY

Comments: *Extension granted for 90 days pending outcome of variance.*

Building Official Signature: *Joe Lennart*

Date Approved/Denied: *8-10-11*

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: August 31, 2011

SUBJECT: 198 South Atlantic Avenue, Souvenir City, side yard variance

APPLICANT: Richard Dixon, P.E., Anderson-Dixon, LLC, on behalf of the property owner John Paspalakis

FILE NUMBER: V-11-100

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION:

This is a request for a side yard setback variance submitted by Richard Dixon, P.E., Anderson-Dixon, LLC, on behalf of the property owner John Paspalakis of 198 South Atlantic Avenue. The property at 198 South Atlantic Avenue is zoned as B-7 (Highway Tourist Commercial) and Chapter 2, Article II of the Land Development Code, Section 2-28.B.9.c., requires a side yard setback of 10' to the property line. The existing building at 198 South Atlantic Avenue has an existing north side yard setback of 1.3'. The applicant is requesting a 8.7' side yard variance to allow the construction of a building addition with a resulting setback of 1.3' to match the existing building plane.

BACKGROUND:

The property is designated as "Tourist Commercial" on the City's Future Land Use Map (FLUM) and is zoned B-7 (Highway Tourist Commercial) on the City's Official Zoning Map. The adjacent land uses and zoning for the surrounding properties are that of the subject property.

Adjacent land uses and zoning:

	Current Land Uses	Future Land Use Designation	Zoning
North	Commercial – I-HOP	"Tourist Commercial"	B-7 (Highway Tourist Commercial)
South	Offices	"Tourist Commercial"	B-7 (Highway Tourist Commercial)
East	Hotel/Timeshare	"Tourist Commercial"	B-7 (Highway Tourist Commercial)
West	Single-Family House	"Low Density Residential"	R-3 (Single Family Medium Density)

The Volusia County Property Appraiser's website shows that the building at 198 South Atlantic Avenue was built in 1976. The Property Appraiser's website also shows that the current property owner purchased the property in 1995. The property owner is proposing a significant renovation of the building that will require compliance to one of the City's four adopted architectural styles.

ANALYSIS:

The property owner is seeking to renovate the existing structure and desires to extend the building by 9.75' to the front yard setback of 20'. The existing building is setback 1.3' from the north side property line and the expansion would be a side yard encroachment of 8.7'. During the application process there was discussion of constructing the building meeting the side yard setback but there was a conclusion that the building would be out of scale. There was a staff discussion at what point should the variance be required. One option was to perform the building renovation that complied with the setback and then come back to apply for the "squaring off" variance provision. In staff's analysis, this was not an efficient way to proceed with the building renovation or construction. Staff is viewing the application as the squaring off of a non-conforming structure based on the allowable buildable area between the existing building and front yard setback.

Potential Alternatives:

- 1. Grant the applicant's request and permit a 1.3' side yard setback, granting a 8.7' variance to the required 10' side yard setback for a 85 square foot building addition to square off the existing building.**

The existing structure has a 1.3' setback and abuts the parking area for the I-HOP restaurant.

- 2. Deny the request as presented and require the building expansion to meet the side yard setback.**

This option would allow a 390 square foot addition and would not allow the 85 square foot to square off the northeast corner of the building.

Neighbor Input:

Staff was contacted by a representative of the property owner to the south of 198 South Atlantic Avenue and they had no objection to the request. Staff has not received any other input on the variance request.

CONCLUSION:

Chapter 1, Article II, Section 1-16.D.2, of the Land Development Code states, "The Board of Adjustment and Appeals shall first determine whether the need for the proposed variance arises out of the physical surroundings, shape, topographical condition, or other physical or environmental conditions that are unique to the specific property involved and are not the result of the actions of the applicant. If the basis for the request is the unique quality of the site, the Board shall make the following required findings based on the granting of the variance for that site alone. If, however, the condition is common to numerous sites so that requests for similar variances are likely to be received, the Board

shall base its findings on the cumulative effect of granting the variance to all who may apply.”

The Board must consider the following criteria established in Chapter 1, Article II, Section 1-16.D.4, of the Land Development Code for the expansion of the non-conforming structure:

1. **The property where the structure is located meets the minimum lot area standards for the zoning district, as specified in Chapter 2, Article II.**

Argument for the variance: The B-7 zoning classification requires a total lot area of 20,000 square feet. The subject property is an older lot of record and has a property lot area of 15,753 square feet. The fact that the lot is below the minimum square footage requirements demonstrates that meeting the setbacks would be difficult.

Argument against the variance: The lot size is less than 20,000 square feet and the application should be denied.

2. **There are no other ways of altering the structure that will not result in increasing the nonconforming cubic content of the structure.**

Argument for the variance: Staff reviewed different locations and alternatives and is unable to find another method to create the front addition that would meet the required dimensional setbacks. There are no other methods of altering the structure and complying with the sided setbacks. Staff views the application as an investment in an older property in the South Atlantic Avenue corridor which the City is attempting to redevelop and seek private investment.

Argument against the variance: The building can be expanded up to the side and front yard setbacks up to 390 square feet. This would eliminate the 85 square feet located in the north side yard setback.

3. **The proposed expansion will be consistent with the use of the structure and surrounding structures, given that the use is permitted by right, conditional use or Special Exception in the zoning district within which the structure is located.**

Argument for the variance: The existing retail sales use as a permitted use and fits in well with the surrounding restaurant and transient lodging uses.

Argument against the variance: None.

4. **The proposed expansion effectively “squares-off” an existing building, or does not extend beyond the furthest point of an adjacent building on the site.**

Argument for the variance: The building expansion shall square off the front plane of the building and does not extend beyond the furthest point of a building on the site that meets the front yard setback.

Argument against the variance: None.

5. **The proposed expansion is in scale with adjacent buildings.**

Argument for the variance: The proposed addition has no impact to the scale with adjacent buildings and will provide an architectural upgrade to the existing building.

Argument against the variance: The existing building is already located in the side yard setback and should not be permitted to further encroach into the setback.

6. **The proposed expansion will not impact adjacent properties by limiting views or increasing light and/or noise.**

Argument for the variance: The expansion will not impact adjacent properties by limiting views or increasing light or noise.

Argument against the variance: None.

RECOMMENDATION:

It is recommended that the Board of Adjustments and Appeals **APPROVE** a 8.7' side yard variance to allow a setback of 1.3' along the side yard setback for a building addition to square off the proposed building plane at 198 South Atlantic Avenue.

The Volusia County Property Appraiser's website shows that the building at 198 South Atlantic Avenue was built in 1976. The Property Appraiser's website also shows that the current property owner purchased the property in 1995. The property owner is proposing a significant renovation of the building that will require compliance to one of the City's four adopted architectural styles.

ANALYSIS:

The property owner is seeking to renovate the existing structure and desires to extend the building by 9.75' to the front yard setback of 20'. The existing building is setback 1.3' from the north side property line and the expansion would be a side yard encroachment of 8.7'. During the application process there was discussion of constructing the building meeting the side yard setback but there was a conclusion that the building would be out of scale. There was a staff discussion at what point should the variance be required. One option was to perform the building renovation that complied with the setback and then come back to apply for the "squaring off" variance provision. In staff's analysis, this was not an efficient way to proceed with the building renovation or construction. Staff is viewing the application as the squaring off of a non-conforming structure based on the allowable buildable area between the existing building and front yard setback.

Potential Alternatives:

- 1. Grant the applicant's request and permit a 1.3' side yard setback, granting a 8.7' variance to the required 10' side yard setback for a 85 square foot building addition to square off the existing building.**

The existing structure has a 1.3' setback and abuts the parking area for the I-HOP restaurant.

- 2. Deny the request as presented and require the building expansion to meet the side yard setback.**

This option would allow a 390 square foot addition and would not allow the 85 square foot to square off the northeast corner of the building.

Neighbor Input:

Staff was contacted by a representative of the property owner to the south of 198 South Atlantic Avenue and they had no objection to the request. Staff has not received any other input on the variance request.

CONCLUSION:

Chapter 1, Article II, Section 1-16.D.2, of the Land Development Code states, "The Board of Adjustment and Appeals shall first determine whether the need for the proposed variance arises out of the physical surroundings, shape, topographical condition, or other physical or environmental conditions that are unique to the specific property involved and are not the result of the actions of the applicant. If the basis for the request is the unique quality of the site, the Board shall make the following required findings based on the granting of the variance for that site alone. If, however, the condition is common to numerous sites so that requests for similar variances are likely to be received, the Board

shall base its findings on the cumulative effect of granting the variance to all who may apply.”

The Board must consider the following criteria established in Chapter 1, Article II, Section 1-16.D.4, of the Land Development Code for the expansion of the non-conforming structure:

1. **The property where the structure is located meets the minimum lot area standards for the zoning district, as specified in Chapter 2, Article II.**

Argument for the variance: The B-7 zoning classification requires a total lot area of 20,000 square feet. The subject property is an older lot of record and has a property lot area of 15,753 square feet. The fact that the lot is below the minimum square footage requirements demonstrates that meeting the setbacks would be difficult.

Argument against the variance: The lot size is less than 20,000 square feet and the application should be denied.

2. **There are no other ways of altering the structure that will not result in increasing the nonconforming cubic content of the structure.**

Argument for the variance: Staff reviewed different locations and alternatives and is unable to find another method to create the front addition that would meet the required dimensional setbacks. There are no other methods of altering the structure and complying with the sided setbacks. Staff views the application as an investment in an older property in the South Atlantic Avenue corridor which the City is attempting to redevelop and seek private investment.

Argument against the variance: The building can be expanded up to the side and front yard setbacks up to 390 square feet. This would eliminate the 85 square feet located in the north side yard setback.

3. **The proposed expansion will be consistent with the use of the structure and surrounding structures, given that the use is permitted by right, conditional use or Special Exception in the zoning district within which the structure is located.**

Argument for the variance: The existing retail sales use as a permitted use and fits in well with the surrounding restaurant and transient lodging uses.

Argument against the variance: None.

4. **The proposed expansion effectively “squares-off” an existing building, or does not extend beyond the furthest point of an adjacent building on the site.**

Argument for the variance: The building expansion shall square off the front plane of the building and does not extend beyond the furthest point of a building on the site that meets the front yard setback.

Argument against the variance: None.

5. **The proposed expansion is in scale with adjacent buildings.**

Argument for the variance: The proposed addition has no impact to the scale with adjacent buildings and will provide an architectural upgrade to the existing building.

Argument against the variance: The existing building is already located in the side yard setback and should not be permitted to further encroach into the setback.

6. **The proposed expansion will not impact adjacent properties by limiting views or increasing light and/or noise.**

Argument for the variance: The expansion will not impact adjacent properties by limiting views or increasing light or noise.

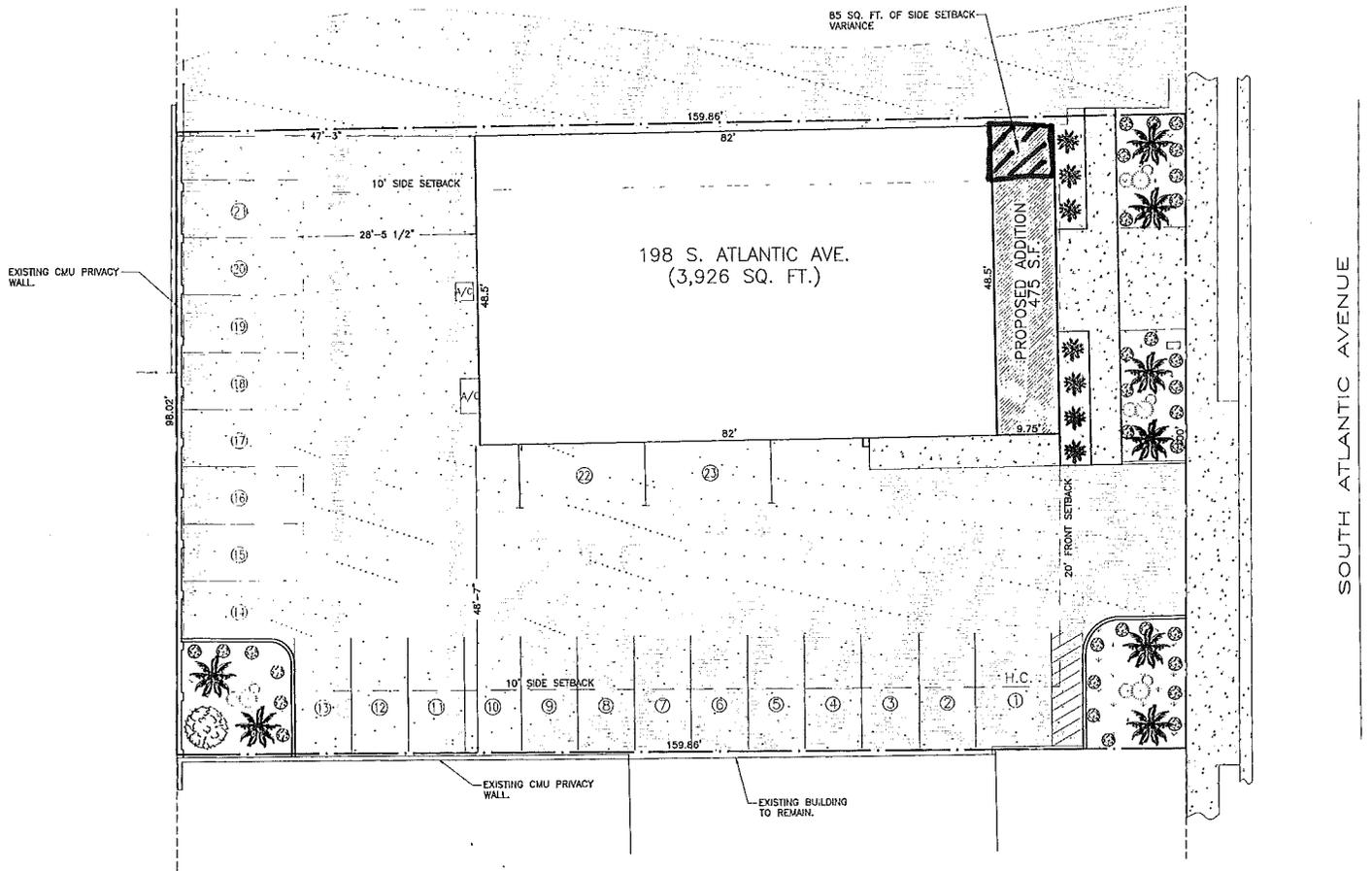
Argument against the variance: None.

RECOMMENDATION:

It is recommended that the Board of Adjustments and Appeals **APPROVE** a 8.7' side yard variance to allow a setback of 1.3' along the side yard setback for a building addition to square off the proposed building plane at 198 South Atlantic Avenue.

Exhibit A

- Variance Request

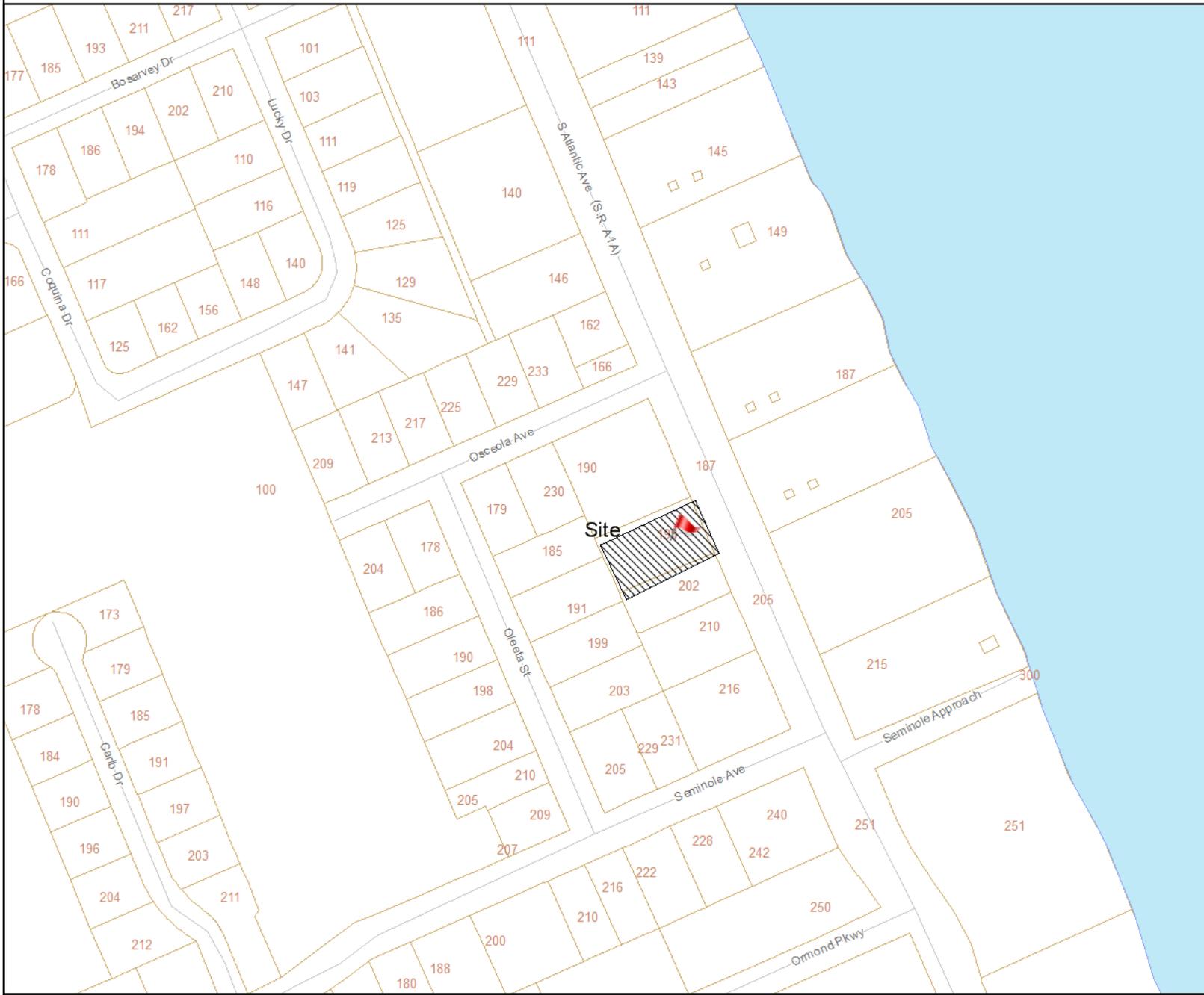


Required side yard setback	10'
Requested side yard setback	1.3'
Variance requested:	8.7'

Exhibit B

Location Map and Site
Pictures

198 South Atlantic Avenue Location Map



- Golf Courses
- Address Points
- City Streets
- DIRT
- MAJOR
- PAVED
- Water Features
- Property Lines

220 ft



GIS data is provided on an "as is" basis. The accuracy or reliability of the data is not guaranteed or warranted in any way. The City of Ormond Beach specifically disclaims any warranty either expressed or implied, but not limited to, the implied warranties of merchantability and fitness for a particular use. The entire risk as to quality and performance of the data is with the end user. In no event will the City, its staff or its representatives be liable for any direct, indirect, incidental, special, consequential, or other damages, including loss of profit, arising out of the use of this data even if the City has been advised of the possibility of such damages.





Side yard setback = 1.3'. Property owner desires building addition in front of existing building.



Souvenir City
BEACHWEAR
T-SHIRTS
GIFTS TOWELS

Variance area = 85
square feet



OPEN

BODYBOARD
\$9.99

TEE SHIRTS
\$3.99

27



Parking lot of I-HOP abuts side property line.



*Souvenir
City* 
BEACHWEAR
T-SHIRTS
GIFTS TOWELS

IHOP
RESTAURANT



Exhibit C

Variance Application
and Permit information



CITY OF ORMOND BEACH

v5.3

Planning Department

22 South Beach Street, Ormond Beach, FL 32174

Tel: (386) 676-3238

www.ormondbeach.org

comdev@ormondbeach.org

VARIANCE - APPLICATION

For Planning Department Use

Application Number

Date Submitted

VARIANCE TYPE

Please select appropriate application type

Commercial

FEES

	<u>Application</u>	<u>Advisory Board</u>	<u>Commission</u>	<u>Total*</u>
Residential and Commercial	350	354	N/A	704
After-the-Fact	700	354	N/A	1054

*The total is calculated as the Application plus approximate Advisory Board and Commission Public Notification Fees. Depending on the actual costs, Staff shall refund any remaining balance or require additional payment.

APPLICANT INFORMATION

This application is being submitted by Property Owner Agent, on behalf of Property Owner

Name

Richard Dixon, P.E./ Anderson-Dixon, LLC

Address

102 South Orange Street

City, State, Zip Code

New Smyrna Beach, FL 32168

Telephone

386-428-5834 ext.306

Email Address

rick@andersondixonllc.com

If this application is being submitted by person other than the property owner, please provide the following Property Owner Information.

PROPERTY OWNER INFORMATION

Name | John Paspalakis
Address | 133 Neptune Avenue
City, State, Zip Code | Ormond Beach, FL 32176
Telephone | 386-290-7769
Email Address | razorfish14@aol.com

If the property owner does not reside on the property for which the application refers, please provide the following Property Details.

PROPERTY DETAILS

Address | 198 South Atlantic Avenue
Zip Code | 32176
Parcel I.D. | 4214-17-03--0040
Legal Description | See attached survey.

REQUEST

For the Board of Adjustment and Appeals to grant a variance, there must be special conditions or circumstances existing which are peculiar to a particular piece of land, structure or building. The variance should not request special privilege denied to other lands, buildings or structures, and must prove deprivation of rights commonly enjoyed by other property owners in the subject property area that results in an unnecessary hardship. The request should be the minimum possible to make reasonable use of the land and, if granted, should not be injurious to the area or materially diminish the value of the surrounding properties, alter the essential characteristics of the neighborhood or otherwise be detrimental to the public welfare or create a public nuisance. A purely financial hardship does not, except under extreme circumstances, constitute sufficient grounds for hardship.

Request | Property owner wants to upgrade and add an addition to the front of his commercial building. The addition will extend the front of his building 9.75' to meet the front set back line. The existing building is approximately 2 feet from the north property line. This variance request is to extend the existing non-conforming side set back approximately 9.75' to accommodate the addition to the front of the building.

ABUTTING PROPERTY OWNERS

Please provide abutting property owner signatures or provide letters indicating position toward the request.

Signature	Street Address	For	Against
	190 South Atlantic Avenue	<input type="checkbox"/>	<input type="checkbox"/>
	202 South Atlantic Avenue	<input type="checkbox"/>	<input type="checkbox"/>
	185 Oleeta Street	<input type="checkbox"/>	<input type="checkbox"/>

CRITERIA: CONFORMING

Section 1-16.D.3 of the Land Development Code requires that the Board of Adjustment and Appeals make a finding based on substantial competent evidence on each of the following 8 criteria. Additional pages, photographs, surveys, plot plans or other materials may be attached as exhibits.

NOTE: If the existing structure or property is nonconforming, complete the nonconforming criteria (page 4).

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district:

2. The special conditions and circumstances do not result from the actions of the applicant:

3. Literal interpretation of the provisions of these zoning regulations deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these zoning regulations and would work unnecessary and undue hardship on the applicant:

4. No practical alternative exists and the variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building or structure:

CRITERIA: CONFORMING (continued)

- 5. The variance request is not based exclusively upon a desire to reduce the cost of developing the site. Financial disadvantages or physical inconvenience to the applicant shall not in and of themselves constitute conclusive proof of unnecessary hardship:

- 6. The proposed variance will not substantially increase congestion on surrounding streets, or the danger of fire or other hazard to the public:

- 7. The effect of the proposed variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code and will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site:

- 8. Granting this variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, buildings or structures in the same zoning district:

CRITERIA: NONCONFORMING

Section 1-16.D.4 of the Land Development Code establishes separate criteria for the expansion of an existing nonconforming structure or portion of that structure. The Code requires that the Board of Adjustment and Appeals make a finding based on substantial competent evidence on each of the following 6 criteria. Additional pages, photographs, surveys, plot plans or any other materials may be attached as exhibits.

- 1. The property where the structure is located meets the minimum lot area standard for the zoning district, as specified in Chapter 2, Article II:

The property in question is located in Zoning District B7, Highway Tourist Commercial. Minimum lot size is 20,000 sf area and 100 ft width. Property width is 100 ft. Property area is 15,753 sf.

CRITERIA: NONCONFORMING (continued)

2. There are no other ways of altering the structure that will not result in increasing the nonconforming cubic content of the structure:

The proposed addition to the front of the building is 9.75' deep. The lack of using the entire front of the building will make the front building elevation aesthetically unpleasing.

3. The proposed expansion will be consistent with the use of the structure and surrounding structures, given the use is permitted by right, conditional use or special exception in the zoning district within which the structure is located:

The proposed expansion will be consistent with adjacent properties. As part of this project, a front landscape buffer will be added and the building exterior will be renovated to meet the City architectural standards.

4. The proposed expansion effectively "squares-off" an existing building, or does not extend beyond the furthest point of an adjacent building on the site:

The proposed variance will effectively square off the proposed addition. Only 85 sf of the 475 sf addition will encroach in the side set back.

5. The proposed expansion is in scale with adjacent buildings:

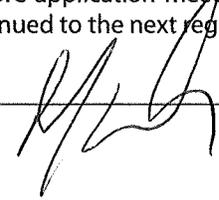
The proposed addition is 475 sf. The proposed building area will become 4,401 sf. This size is in scale with the properties in the area.

6. The proposed expansion will not impact adjacent properties by limiting views or increasing light and/or noise:

The proposed addition meets the front set back and buffer requirements and will not limit the views of - or impose light or noise on - adjacent properties.

CERTIFICATION

By submitting this application, I hereby certify that the information provided above is true and correct to the best of my knowledge and that I am aware of the application submittal requirements and review process for this application. I hereby authorize City of Ormond Beach Staff to place legal notice on my property and to take pictures pertaining to my request. I am aware of the required pre-application meeting and am aware that if all the submittal requirements are not provided, my application will be continued to the next regularly scheduled meeting.

Signed By: 

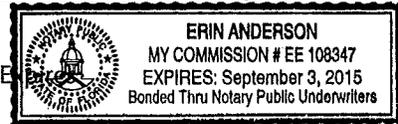
Date: 8/4/11

Corporation

STATE OF FLORIDA)
COUNTY OF VOLUSIA) SS

The foregoing instrument was acknowledged before me this 4th day of Aug, 2011, by Richard Dixon, in their capacity as the _____, of _____ who is personally known to me or has provided identification.

Erin Anderson
Notary Public
State of Florida
My Commission Expires: _____



ATTEST: _____

Individual

STATE OF FLORIDA)
COUNTY OF VOLUSIA) SS

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, who provided _____, as identification or is personally known to me.

Notary Public
State of Florida
My Commission Expires: _____

1995 JUN 16 11:47 AM
COUNTY CLERK
VOLUSIA COUNTY, FLORIDA
BOOK: 4014
PAGE: 1047

This instrument prepared by
and return after recording to:
William E. Loucks
P. O. Box 15200
Daytona Beach, FL 32115

WARRANTY DEED

THIS WARRANTY DEED, made this 16th day of June 1995, between Naresh Manek whose post office address is 198 S. Atlantic Ave., Ormond Beach, Florida 32176 (hereinafter the "Grantor") and John Paspalakis whose social security number is 262-31-2378, and whose post office address is 198 S. Atlantic Ave., Ormond Beach, Florida 32176, (hereinafter the "Grantee").

W I T N E S S E T H

For and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other valuable consideration paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged by the Grantor, the Grantor does hereby grant, bargain, sell and convey to the Grantee and Grantee's heirs, personal representatives and assigns forever, all of that certain property (hereinafter the "Property") situated in Volusia County, Florida and more particularly described as follows:

The Southerly 11 feet of Lot 3, all of Lot 4 and the Northerly 39 feet of Lot 5, Block C, SEMINOLE PARK, of record in Map Book 10, Page 94, Public Records of Volusia County, Florida, except that part of the Northerly 39 feet of Lot 5, described as follows:

From the Point of Beginning, said point being the Northeast corner of the Southerly 11 feet of said Lot 5; run thence a distance of 160.00 feet along the Northerly line of the Southerly 11 feet of said Lot 5 to a point in the Westerly line of said Lot 5; thence 2.00 feet Northerly along the Westerly line of said Lot 5 to a point; thence (Easterly) on a straight line, a distance of 159.98 feet to the Point of Beginning.

The Property Appraiser's Parcel Identification Number of the Property is: 4214-17-03-0040.

The property conveyed does not constitute the homestead of the grantor herein; and neither Grantor nor any member of Grantor's family resides

Book = 4014
Page = 1100

herein; the land and improvements conveyed are used for commercial purposes only.

SUBJECT TO that mortgage to First Union National Bank of Florida dated December 10, 1993 with a present principal balance of \$221,389.67 which the Grantee herein assumes and agrees to pay.

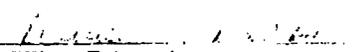
SUBJECT TO easements and restrictions of record, the mention of which shall not serve to reimpose the same.

SUBJECT TO real property taxes and special assessments, if any, for the year 1995 and thereafter.

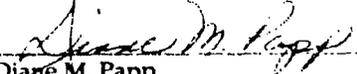
The Grantor hereby covenants with the Grantee (i) that Grantor is lawfully seized of the Property in Fee simple, (ii) that Grantor has good right and lawful authority to sell and convey the Property, (iii) that Grantor hereby fully warrants the title to the Property pursuant to Section 689.02, Florida Statutes, and (iv) that Grantor will defend the title to the Property against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has executed this Warranty Deed on the day and year stated above.

Signed and sealed in the presence of:

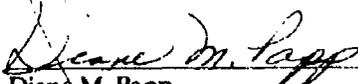

William E. Loucks


Naresh Manek

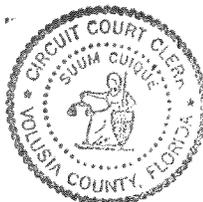

Diane M. Papp

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 16th day of June, 1995 by Naresh Manek who produced his Florida Driver's License as identification.

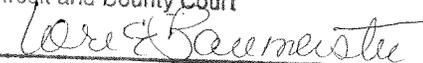

Diane M. Papp
Notary Public, State of Florida at Large

Warranty Deed
Page 2



STATE OF FLORIDA, VOLUSIA COUNTY
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office. This

087416
5 day of August 2011
Clerk of Circuit and County Court

By: 
Deputy Clerk

Letter of Authorization

I (we), the undersigned, owner(s) of the property located at:

198 S. ATLANTIC AVE

Authorize RICHARD DIXON, P.E.
to act as my (our) agent to submit variance application to the City of
Ormond Beach.

Signed *John Paspalakis*

Printed Name John Paspalakis
Address 133 NEPTUNE AVE
ORMOND BEACH, FL 32176

Signed _____

Printed Name _____

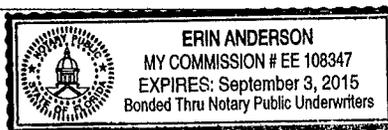
Address _____

Sworn to and subscribed before me, this 4th day of August, 2011.

Erin Anderson

Notary Public, State of Florida

My Commission Expires:



SURVEY REPORT
Sheet 2 of 2

LEGAL DESCRIPTION:

The Southerly 11 feet of Lot 3, all of Lot 4 and the Northerly 39 feet of Lot 5, Block "C", SEMINOLE PARK, as per map thereof, recorded in Map Book 10, Page 94, of the Public Records of Volusia County, Florida. Except that part of the Northerly 39 feet of Lot 5 described as follows: from the point of beginning, said point being the Northeast corner of the Southerly 11 feet of said Lot 5; run thence a distance of 160.00 feet along the Northerly line of the Southerly 11 feet of said Lot 5 to a point in the Westerly line of said Lot 5; thence 2.00 feet Northerly along the Westerly line of said Lot 5 to a point; thence (Easterly) on a straight line, a distance of 159.98 feet to the point of beginning.

GENERAL NOTES:

1. Resurvey with elevations completed 7/7/11.
2. Bearing basis assumed: S24°58'45"E along the westerly right-of-way of South Atlantic Avenue.
3. Underground utilities were not located, except as shown.
4. No title search has been performed by or provided to MYER LAND SURVEYING, INC.
5. Dimensions shown are feet and decimals thereof.
6. Underground foundation, if any, not located.
8. Elevations are based on N.G.V. Datum of 1929.

Flood Zone 'X' per Flood Insurance Program Community Name & Number: City of Ormond Beach 125136.
Map and Panel Number 12127C0216 H. Map revised 2/19/03.

GENERAL LEGEND:

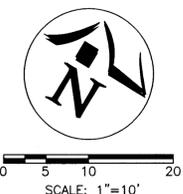
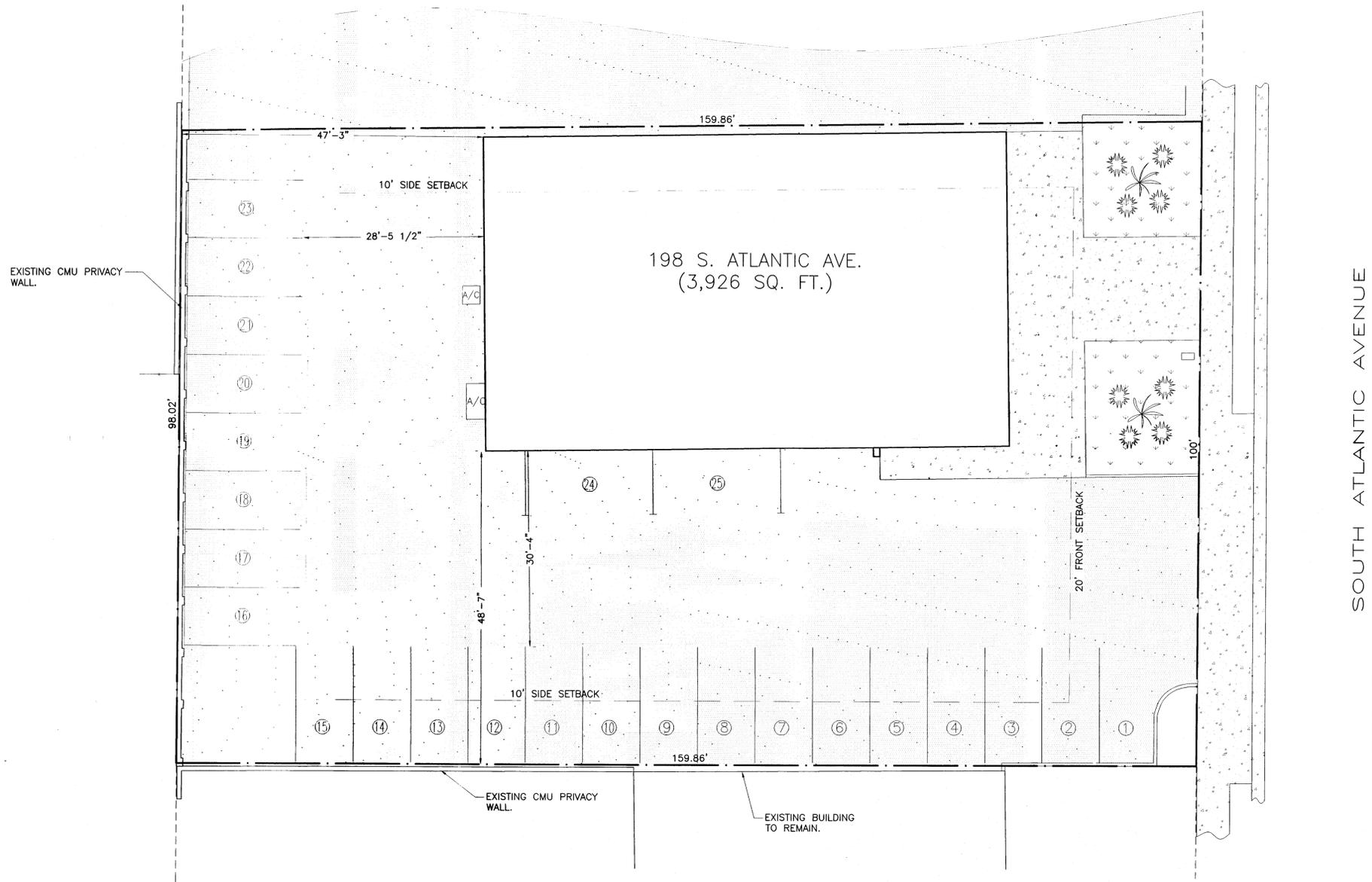
A	Arc length	OR	Official Records
A/C	Air conditioning pad	P	Pool pump
A/U	Aerial utilities	PC	Point of curve
BM	Benchmark	PCC	Point of compound curve
C	Cable TV service	PCP	Permanent control point
CALC	Calculation	PKND	Parker Kraylon Nail & Disk
CB	Catch basin	POB	Point of beginning
CL	Centerline	POC	Point of commencement
CLF	Chain link fence	PP	Pinched pipe
CM	Concrete monument	PRC	Point of reverse curve
CMP	Corrugated metal pipe	PT	Point of tangent
CONC	Concrete	PVC	Polyvinyl chloride
CR	Cable riser	R	Radius
Δ	Delta	R&C	Rod and cap
DESC	Description	RCP	Reinforced Concrete Pipe
ⓔ	Electric meter	REC	Recovered
E(LY)	East(erly)	RLS	Registered land surveyor
EMT	Electrical metal tubing	R/W	Right of Way
FD	Found	Ⓢ	Utility services
FFE	Finished Floor Elevation	S(LY)	South(erly)
FLD	Field	T	Telephone service
FPL	Florida Power and Light	TYP	Typical
FPLS	Florida Professional Land Surveyor	UG	Underground
ⓐ	Gas meter	Ⓤ	Utility pole
IP	Iron pipe	Ⓥ	Valve
L	Light pole	Ⓦ	Water meter
LB	Licensed business	W(LY)	Westerly
N(LY)	North(erly)	WF	Wooden fence
N&D	Nail and disk		
NGVD	National Geodetic Vertical Datum		

Michael M. Myer
(This Survey Report is not valid unless signed, embossed with signatory's seal and accompanied by Map of Boundary Survey, Job No. 11080)
MICHAEL M. MYER, PSM LS4006 (Copyright reserved)

Report and map of survey are exclusively prepared for the benefit of:
John Papalakis
198 S. Atlantic Ave
Ormond Beach, FL 32176

11080 FB 288 pp 35-36 CRD 92223

MYER LAND SURVEYING, INC.
LICENSED BUSINESS #6877
MICHAEL M. MYER #LS 4006
PROFESSIONAL LAND SURVEYOR
316 Ridgewood Ave, Holly Hill, Florida 32117
Telephone (386) 255-6304 * FAX (386) 255-6306



ZONING - B7	
FRONT BUILDING SETBACK	20'
REAR BUILDING SETBACK	20'
SIDE BUILDING SETBACK	10'
FRONT LANDSCAPE BUFFER	20'
REAR LANDSCAPE BUFFER	30'
SIDE LANDSCAPE BUFFER	10'
LOT SQUARE FOOTAGE	15,753
ALLOWABLE IMPERVIOUS (%)	75%
ALLOWABLE IMPERVIOUS (sq. ft.)	11,815
EXISTING IMPERVIOUS (sq. ft.)	14,997
ALLOWABLE BUILDING (%)	40%
ALLOWABLE BUILDING (sq.ft.)	6,301
EXISTING BUILDING (sq.ft.)	3,926
MAXIMUM BUILDING HEIGHT	50'
EXISTING BUILDING HEIGHT	20'±

PARKING CALCULATIONS	
REQUIRED PARKING (1/225 s.f.)	=19
EXISTING PARKING	=25

PERMITS REQUIRED	
- CITY OF ORMOND BEACH SITE PLAN PERMIT	

LEGEND	
	EXISTING PAVING
	EXISTING CONCRETE
	EXISTING LANDSCAPE AREA

©ANDERSON - DIXON, LLC. These documents and their contents are the property of ANDERSON - DIXON, LLC and are issued only for the specific project noted on these drawings. Any reproductions, revisions, or modifications of these documents without the expressed written consent of ANDERSON - DIXON, LLC is prohibited by law.

REV. _____ DATE: _____ NOTES: _____

DRAWN BY: dha CLIENT: JOHN PASPALAKIS
 CHECKED BY: RD 198 S. ATLANTIC AVE.
 PROJECT NO. 11-0838 ORMOND BEACH, FLORIDA

EXISTING SITE PLAN FOR:
SOUVENIR CITY
 198 S. ATLANTIC AVE.
 ORMOND BEACH, FL

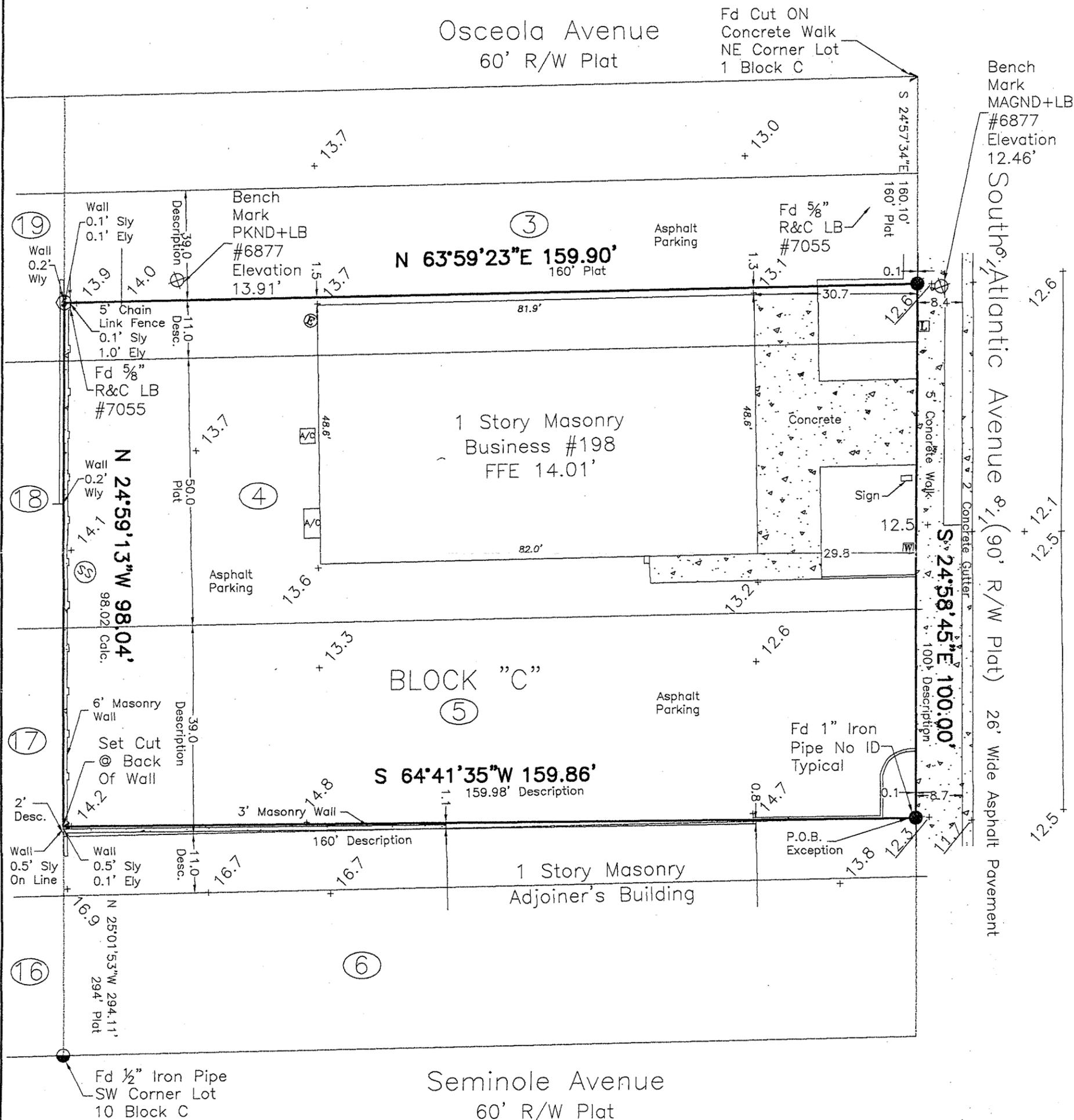
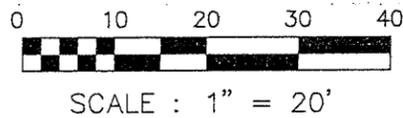
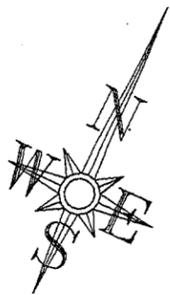
ANDERSON-DIXON, LLC
 ENGINEERING-PLANNING-DRAFTING
 PHONE: (386) 428-5834 · FAX: (386) 409-7781

RICHARD J. DIXON, P.E.
 PROFESSIONAL ENGINEER
 FL. REG # 47544
 102 SOUTH ORANGE STREET
 NEW SMYRNA BEACH, FL
 32168
 (386) 428-5834

DATE:
 08-02-11

SHEET NO.
 1 of 2

BOUNDARY SURVEY
Sheet 1 of 2



(Not valid unless accompanied by sheet 2, Survey Report)

MYER LAND SURVEYING, INC.
LICENSED BUSINESS #6877
MICHAEL M. MYER #LS 4006
PROFESSIONAL LAND SURVEYOR
316 RIDGEWOOD AVENUE HOLLY HILL, FLORIDA 32117
386 255-6304 Phone 386 255-6306 Fax

Job Number 11080 CRD #92223 REF #95132
FB 288 @ 57, 116 @ 35-36 & Loose Leaf Survey Sheet

SCALE	DESIGNED	DRAWN	CHECKED	DATE
1" = 20'		ALH	MMM	7/7/11