AGENDA

ORMOND BEACH
BOARD OF ADJUSTMENT AND APPEALS

December 5, 2012

ORMOND BEACH CITY COMMISSION CHAMBERS 7:00 P.M.

I. ROLL CALL

II. APPROVAL OF THE MINUTES

A. November 7, 2012

III. NEW BUSINESS

A. <u>Case No. 13V-14: 305 Thackery Road, rear yard variance.</u>

This is a request for a rear yard variance submitted by Sonia M. Robey, property owner of 305 Thackery Road. The property is located at 305 Thackery Road and is zoned as R-3, Single Family Medium Density. Chapter 2, Article II of the Land Development Code, Section 2-15.H, allows for less restrictive setback standards provided that a less restrictive standard was in place at the time of recording the original plat. The rear yard setback in place at the time of the Ormond Forest Hills subdivision was 20'. The applicant is requesting a rear yard setback of 9' for the installation of a screen porch, requiring a rear yard variance of 11' from the required 20' setback.

B. <u>Case No. 13V-17: 1520 West Granada Boulevard, front yard variance.</u>

This is a request for a front yard variance submitted by the Larry Tolbert, Lane Supply Inc. (applicant) to replace the existing gas canopy structure for the property located at 1520 West Granada Boulevard. The property is zoned as B-7, Highway Tourist Commercial and is located within the Greenbelt and Gateway Preservation District. Chapter 2, Article VI of the Land Development Code, Section 2-73.C, requires a 40' front yard building setback for lots less than 200' in depth. The applicant is seeking to replace the existing gas canopy in the exact same location and is requesting a front yard setback of 0', requiring a front yard variance of 40' from the required 40' setback.

IV. OTHER BUSINESS: 2013 BOAA meeting dates.

V. ADJOURNMENT

M I N U T E S

BOARD OF ADJUSTMENT

November 7, 2012 **7:00 p.m.**

HR Training Room
22 South Beach Street
Ormond Beach, Florida

I. ROLL CALL

Members Present	Staff Present
Ryck Hundredmark	Steven Spraker, AICP, Senior Planner
Dennis McNamara	Ann-Margret Emery, Deputy City Attorney
Dana Smith	Meggan Znorowski, Minutes Technician
Norman Lane	
Jean Jenner	
Tony Perricelli (Excused)	

II. APPROVAL OF THE MINUTES

Mr. Hundredmark moved to approve the October 10, 2012 Minutes as submitted. Mr. McNamara seconded the motion. Vote was called and the motion unanimously approved.

III. NEW BUSINESS

A. Case No. 12V-139: 21 Ocean Shore Blvd., Birthplace of Speed Park, front yard variance

Mr. Steven Spraker, Senior Planner, Planning Department, City of Ormond Beach, stated this is an application for a variance for the Birthplace of Speed Park located at 21 Ocean Shore Boulevard. Mr. Spraker explained the park is owned by the City and the applicant, The Motor Racing Heritage Association, went through the process to gain authorization by the City Commission to apply for the variance. Mr. Spraker stated that the applicant seeks to place a replica building of the Ormond Garage on the park where the two replica cars were previously located. Mr. Spraker explained the orientation, location, and positioning of the proposed replica building. Mr. Spraker stated the required front yard setback is 30’, and when the structure is placed, the setback is 14.5’ from the right of way line which requires as 15.5’ variance. Mr. Spraker explained another factor in the park design is the placement of the Coastal Control Construction Line (CCCL) with any structures east of the CCCL requires a state permit and additional design. Mr. Spraker stated there are no City funds dedicated to this project, and it is solely through the applicant. Mr. Spraker explained staff reviewed the criteria and is recommending approval.

Mr. Dan Smith, Director, Motor Racing Heritage Association, stated he has been involved with the park since it began and had volunteered to wash the cars until it was apparent the salt area was getting the best of them. Mr. Smith explained the cars are being restored, and once the building is complete they will be giving the building to the City, but they need the variance to complete the building.

Mr. Hundredmark moved to approve the variance as submitted. Mr. Lane seconded the motion. Vote was called, and the motion unanimously approved.

IV. OTHER BUSINESS

V. ADJOURNMENT

As there was no other business, the meeting was adjourned at 7:17 p.m.

Respectfully submitted,

_____
Steven Spraker, AICP, Senior Planner

ATTEST:

_____
Dennis McNamara, Chair

Minutes prepared by Meggan Znorowski.

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: November 28, 2012
SUBJECT: 305 Thackery Road
APPLICANT: Sonia M. Robey, property owner
FILE NUMBER: V-13-14
PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION:

This is a request for a rear yard variance submitted by Sonia M. Robey, property owner of 305 Thackery Road. The property is located at 305 Thackery Road and is zoned as R-3, Single Family Medium Density. Chapter 2, Article II of the Land Development Code, Section 2-15.H, allows for less restrictive setback standards provided that a less restrictive standard was in place at the time of recording the original plat. The rear yard setback in place at the time of the Ormond Forest Hills subdivision was 20'. The applicant is requesting a rear yard setback of 9' for the installation of a screen porch, requiring a rear yard variance of 11' from the required 20' 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. The adjacent land uses and zoning for the surrounding properties are that of the subject property.

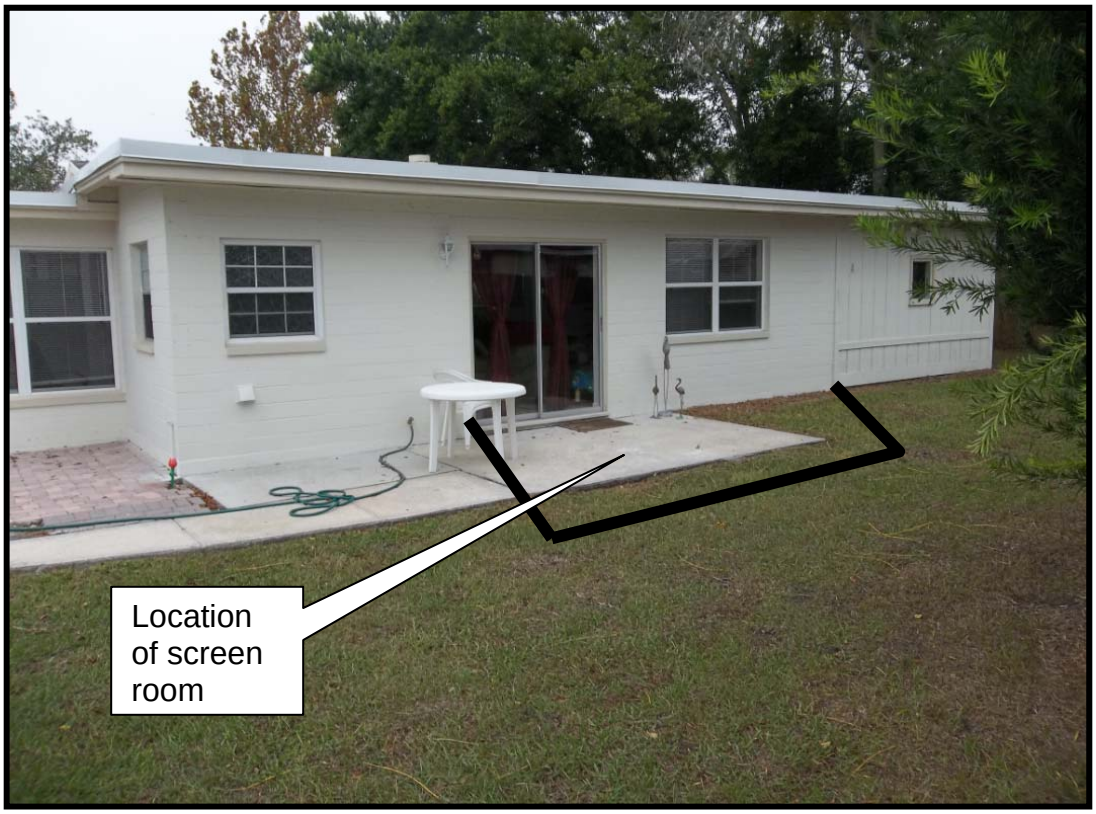
Adjacent land uses and zoning:

	Current Land Uses	Future Land Use Designation	Zoning
North	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)

The applicant is a screen room addition of 8' by 22' at the rear of the existing house. The existing house was constructed in 1959 and is located at an angle on the lot. The angle of the existing structure is a limiting factor in allowing the required 20' rear yard setback to be met.

Aerial location:

Area of proposed addition:



ANALYSIS:

Chapter 2, Article II of the Land Development Code, Section 2-15.H, allows for less restrictive setback standards provided that a less restrictive standard was in place at the time of recording the original plat. The rear yard setback in place at the time of the Ormond Forest Hills subdivision was 20'. The Ormond Forest Hills subdivision was platted in 1959 in unincorporated Volusia County and annexed into the City of Ormond Beach.

Rear Yard Potential Alternatives:

1. Grant the applicant's request and allow a 9' setback on the rear yard, granting a 11' variance.
2. Deny the request as presented and not allow the construction of the screen room.

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 R-3 zoning classification requires a minimum lot area of 8,625 square feet and allows 7,500 square feet for older developed neighborhoods. The property was platted in 1959 a 70' by 103' lot, totaling 7,210. The lot was platted in Volusia County and annexed into the City of Ormond Beach. The lack of lot area further demonstrates that the redevelopment of this area did not consider the zoning designation and required setbacks.

   Argument against the variance: The lot is below the minimum lot area of the R-3 zoning district and no variance should be granted.

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: There is no other practical alternative to add a screen room to the property given the location of the existing structure. The property has obtained written no objection statements from the abutting property owners.

Argument against the variance: None, there are no other ways of altering the structure to meet the rear 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 single-family residential use is a permitted use in the R-3 zoning district and is consistent with the purpose of this zoning district.

   Argument against the variance: None, the property is zoned as R-3 and single-family uses are a permitted use.

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

   Argument for the variance: The proposed expansion extends beyond the existing building plane based on the location of the house. The screen room depth is the minimum (eight feet) that would make the room functional.

   Argument against the variance: The addition extends beyond the building plan and does not square off the building.

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

   Argument for the variance: The proposed screen room is consistent with the character of the single-family neighborhood. Screen rooms are common improvements and are in scale with adjacent buildings.

   Argument against the variance: None, the building is not out of scale for the neighborhood.

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

   Argument for the variance: The proposed screen room addition will not impact adjacent properties by limiting view or increasing light or noise. Adjoining property owners have reviewed the proposed addition and have no objections.

   Argument against the variance: None, the expansion will not impact adjacent properties.

RECOMMENDATION: This lot was platted in Volusia County and annexed into the City of Ormond Beach with the R-3 zoning district assigned to the property. The house was constructed in 1959 and the property owner is seeking to make an improvement to increase the enjoyment of the structure. The surrounding property owners have provided written statements of no objection.

It is recommended that the Board of Adjustments and Appeals **APPROVE** an 11' rear yard variance to construct a screen room at a setback of 9'

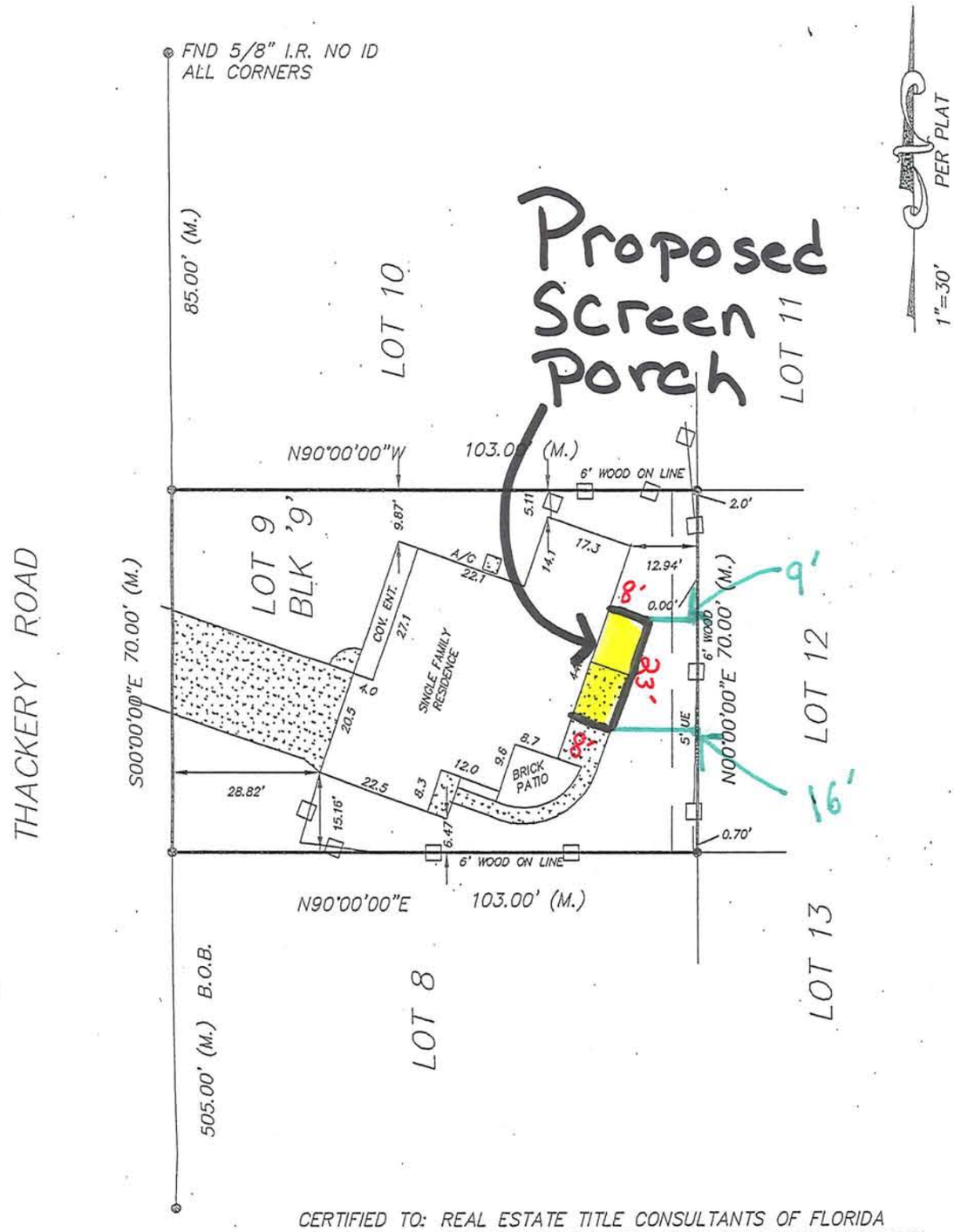
Exhibit A

Variance Exhibit

BOUNDARY SURVEY

LEGAL DESCRIPTION: LOT 9, BLOCK "9", ORMOND FOREST HILLS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 23, PAGE 240, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

THE ABOVE REFERENCED PROPERTY IS LOCATED IN ZONE 'X', AREA OF MINIMAL FLOODING, AS PER F.I.R.M. COMMUNITY PANEL NO. 12127C0214 H, VOLUSIA COUNTY, FLORIDA. MAP DATED FEBRUARY 19, 2003.



CERTIFIED TO: REAL ESTATE TITLE CONSULTANTS OF FLORIDA
COMMONWEALTH LAND TITLE INSURANCE COMPANY
FLAGSTAR BANK, N.A.
SONIA M. ROBEY

305 THACKERY ROAD

Required Setback	Requested Setback	Variance Requested
20'	9'	11'

Exhibit B

- Maps and Pictures

305 Thackery Road Location Map

Golf Courses

Address Points

Airport and Railroad

AIRPORT

RAILROAD

City Streets

DIRT

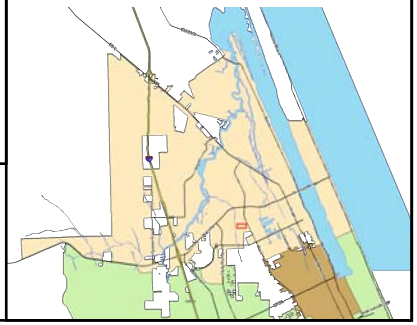
MAJOR

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 it's 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.

305 Thackery Road

Exhibit C

Applicant Provided Information

CITY OF ORMOND BEACH
Planning Department
22 South Beach Street, Ormond Beach, FL 32174
Tel: (386) 676-3238
www.ormondbeach.org comdev@ormondbeach.org

v5.3

VARIANCE - APPLICATION

For Planning Department Use

Application Number 13-14

Date Submitted

VARIANCE TYPE

Please select appropriate application type

FEES

	Application	Advisory Board	Commission	Total*
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: Sonia M Robey

Address: 305 Thackery Rd

City, State, Zip Code: Ormond Beach FL 32174

Telephone: 386 405-5780

Email Address: sonia.robey@aol.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	Sonia M Robey
Address	305 Thackery Rd
City, State, Zip Code	Ormond Beach FL 32174
Telephone	386-405-5780
Email Address	sonia.robey@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	
Zip Code	
Parcel I.D.	
Legal Description	

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

I am requesting an 11 foot variance off the back of my house to enable me to have a Screen Porch installed. The existing structure does not conform to the 20 foot setback. The screen porch will be 9 feet from the property line on the left side of the house.

ABUTTING PROPERTY OWNERS

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

Signature	Street Address	For	Against
attached EMail Gallego	301 Thackery Rd	☒	☐
attached EMail L.J. Vanhacker	306 Forest Hills Blvd	☒	☐
attached EMail Abercrombie A+W. Const.	311 Thackery Rd	☒	☐

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:

No it does not - this causes the need for variance and set back encroachment.

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:

True based on existing location of the structure there is no other way to expand the proposed screen porch

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:

single family house is allowed in the zoning district. the addition is to increase the enjoyment of the home.

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:

In order to have a functional screen room the 8' width the minimum distance needed

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

Screen rooms are common additions to single family homes in the area. the expansion is in scale with adjacent buildings.

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

I have communicated with adjacent property owners they do not object - the expansion will not impact the adjacent properties. Written email approvals - attached

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: Sonia M Robey Date: 10/18/12

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: _____

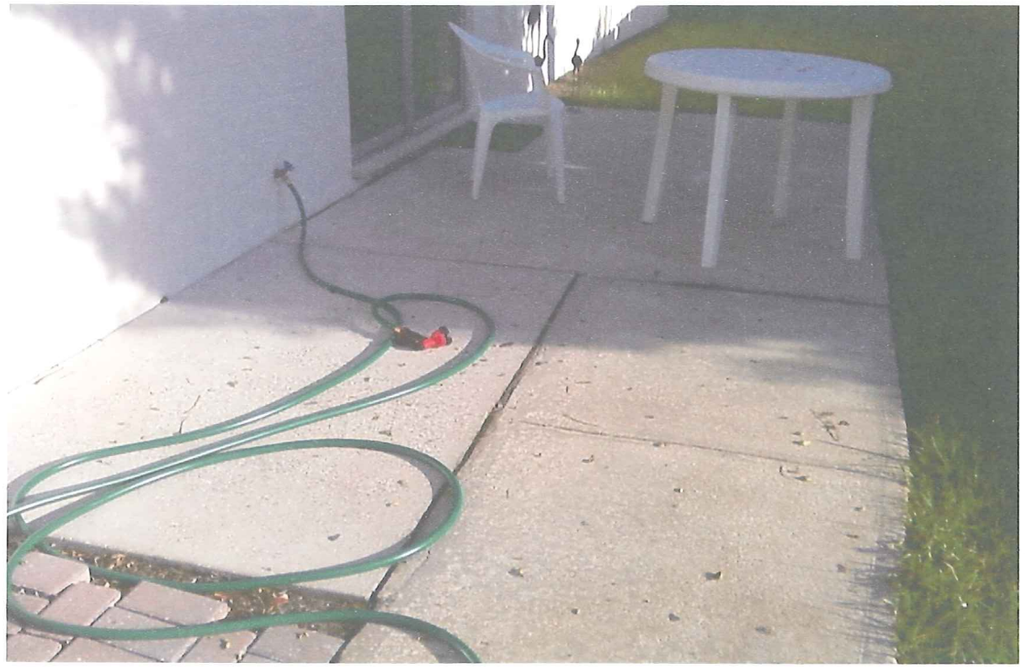
Individual

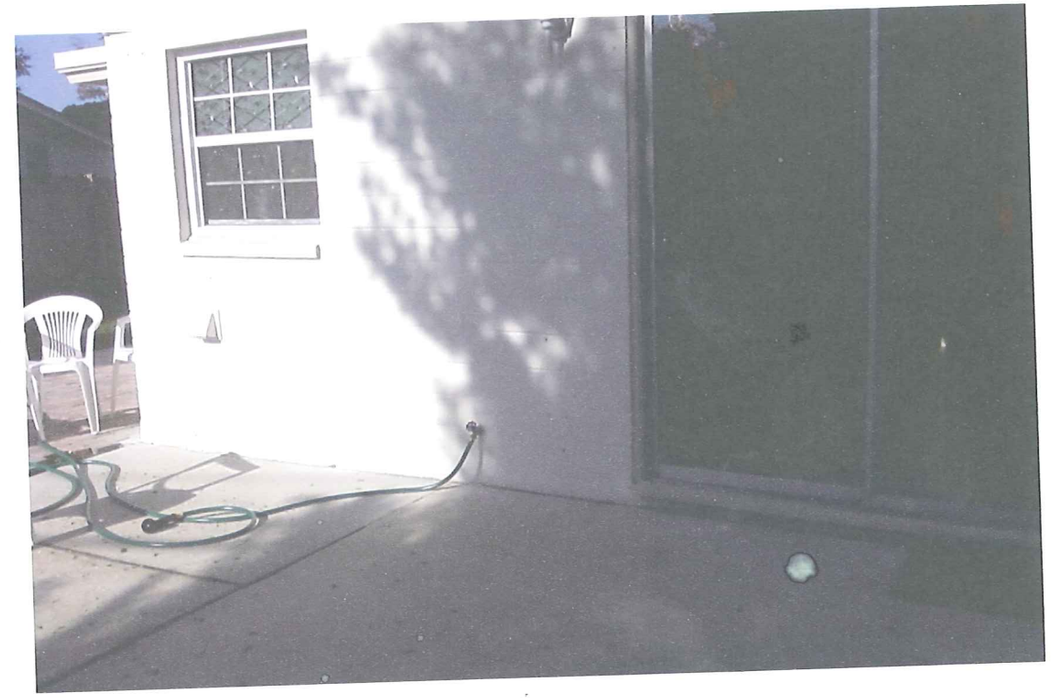
STATE OF FLORIDA)
COUNTY OF VOLUSIA) **SS**

The foregoing instrument was acknowledged before me this 18th day of October, 2012, by Sonia Robey, who provided Drivers license, as FL DL # R100-793-44-749-0 Identification or is personally known to me.

MEGGAN JOY ZNOROWSKI
MY COMMISSION # EE 126304
EXPIRES: September 15, 2013
Bonded Thru Notary Public Underwriters

Notary Public
State of Florida
My Commission Expires:





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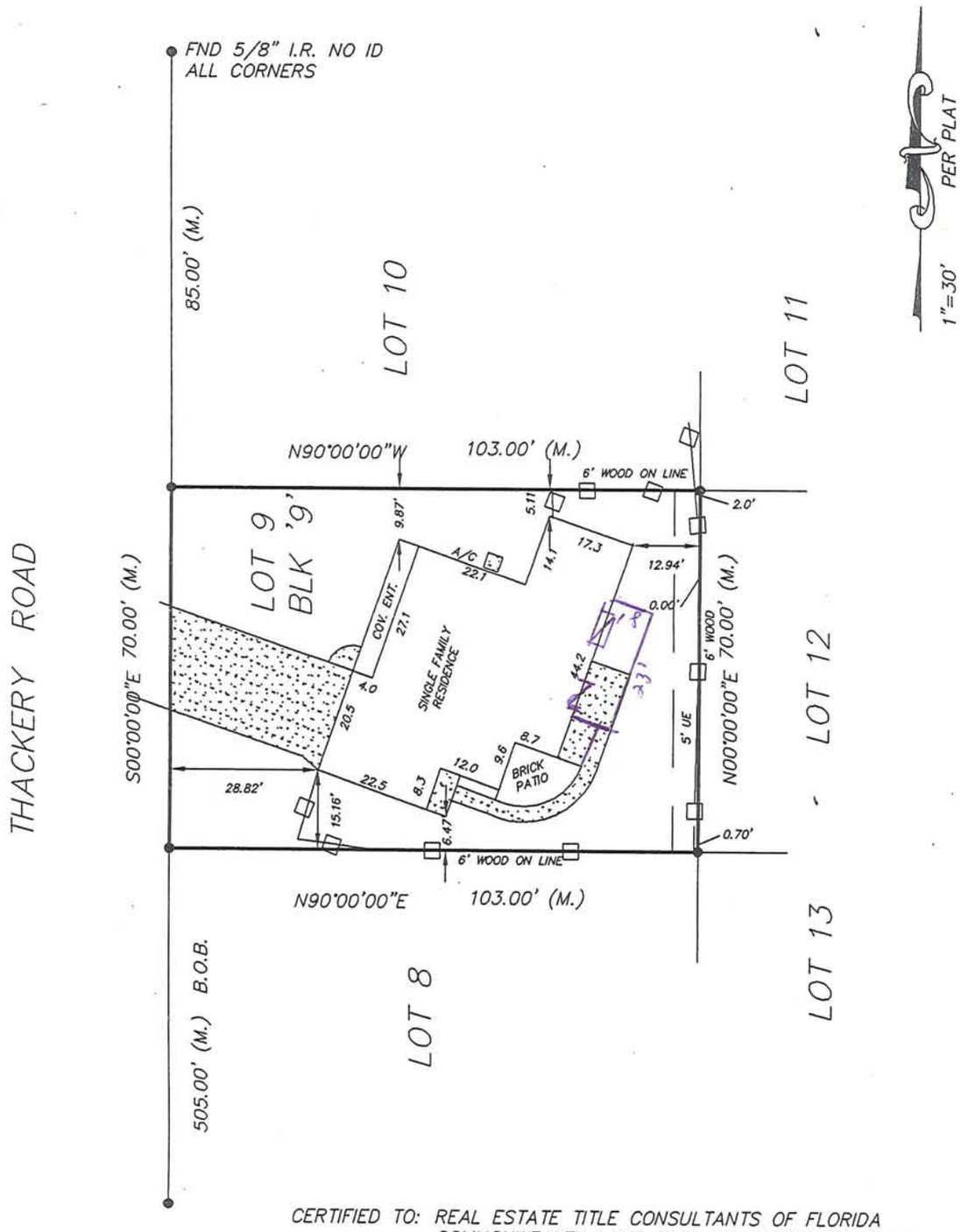

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COMMONWEALTH LAND TITLE INSURANCE COMPANY
FLAGSTAR BANK, N.A.
SONIA M. ROBEY

305 THACKERY ROAD

From: Victor Gallego <vgp1000@gmail.com>
To: Sonia Robey <sonia.robey@aol.com>
Subject: Re: Variance for Screen porch on 305 Thackery Rd
Date: Tue, Oct 16, 2012 11:17 am

Hi Sonia, I have no objections to the improvements that you want to do in your house. Good luck. Any question please call 917-3732871. Victor Gallego. (owner 301 Thackeray rd).

Sent from my iPhone

On Oct 16, 2012, at 11:04 AM, Sonia Robey <sonia.robey@aol.com> wrote:

Victor,

I own the property next door at 305 Thackery Rd. I am putting in for a variance to enable me to get a permit to have a Screen Porch installed on the back on my house. One of the requirements was to notify my adjoining property owners that I was doing so and to see if they approve or disapprove.

Thanks for you help.
Sonia Robey
sonia.robey@aol.com

From: L.J. VAN LANCKER <cartruckvan@hotmail.com>
To: sonia.robey <sonia.robey@aol.com>
Subject: RE: Varince for Screen porch at 305 Thackery Rd.
Date: Wed, Oct 17, 2012 10:13 am

---

i have no problem with this screen porch addition to your home behind my property - L J VAN LANCKER

To: cartruckvan@hotmail.com
Subject: Fwd: Varince for Screen porch at 305 Thackery Rd.
From: jmvansplash@aol.com
Date: Tue, 16 Oct 2012 16:04:15 -0400

-----Original Message-----
From: Sonia Robey <sonia.robey@aol.com>
To: jmvansplash <jmvansplash@aol.com>
Sent: Tue, Oct 16, 2012 11:46 am
Subject: Varince for Screen porch at 305 Thackery Rd.

I own the property at 305 Thackery Rd. which adjoins the back of your property at 306 Forest Hills Blvd. I am putting in for a variance to enable me to get a permit to have a Screen Porch installed on the back of my house. One of the requirements was to notify my adjoining property owners that I was doing so and to see if they approve or disapprove. The screen porch will come 9 feet at one corner from the fence line between our 2 properties.
Sonia Robey
sonia.robey@aol.com

From: Rick Abercrombie <rickabercrombie@gmail.com>
To: Sonia Robey <sonia.robey@aol.com>
Subject: Re: Variance for Screen porch 305 Thackery Rd.
Date: Tue, Oct 16, 2012 5:45 pm

Sonia,
I have no problem with your request.

Sincerely,
Rick Abercrombie ,
President, A&W Construction.

Sent from my iPhone

On Oct 16, 2012, at 3:14 PM, Sonia Robey <sonia.robey@aol.com> wrote:

I own the property at 305 Thackery Rd. which adjoins your property at 311 Thacker Rd. I am putting in for a variance to enable me to get a permit to have a Screen Porch installed on the back of my house. One of the requirements was to notify my adjoining property owners that I was doing so and to see if they approve or disapprove. The screen porch will come 9 feet at one corner from the back fence line.

Thanks for your help,

Sonia Robey
sonia.robey@aol.com

Volusia County Appraiser's Office

The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Notice of Proposed Property Tax

Get the latest Adobe Reader

Requires Adobe Reader

Last Updated: 10-16-2012 Today's Date: 10-18-2012	**Volusia County Property Appraiser's Office** Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser		Volusia County FLORIDA
Full Parcel ID Short Parcel ID	20-14-32-03-09-0090 4220-03-09-0090	Mill Group	201 Ormond Beach
Alternate Key	3068831	2012 Final Millage Rate	21.01180
Parcel Status	Active Parcel	PC Code	01
Date Created	23 DEC 1981		
Owner Name	ROBEY SONIA M		GO TO ADD'L OWNERS
Owner Name/Address 1			ESTIMATE TAXES
Owner Address 2	305 THACKERY RD		
Owner Address 3	ORMOND BEACH FL		
Owner Zip Code	32174		
Location Address	305 THACKERY RD ORMOND BEACH 32174		

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
LOT 9 BLK 9 ORMOND FOREST HILLS MB 23 PG 240 PER OR 4999 PG	
2771 PER OR 6650 PGS 3955-3956 PER OR 6707 PG 1295 PER OR 67	

SALES HISTORY — GO TO ADD'L SALES

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6762	2993	9/2012	Warranty Deed	Qualified Sale	Yes	82,500
2	6707	1295	5/2012	Certificate of Title	Unqualified Sale	Yes	20,500
3	6650	3955	11/2011	Final Judgement of Divorce	Unqualified Sale	Yes	100

HISTORY OF VALUES — GO TO ADD'L HISTORY

YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2012	13,014	62,220	0	75,234	75,234	75,234	75,234	0	75,234	75,234	0	75,234
2011	19,522	61,520	0	81,042	81,042	81,042	81,042	25,000	56,042	56,042	25,000	31,042

LAND DATA

CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL

0101	IMP PVD THRU .49 AC	70.0	103.0	70.00	FRONT FEET	199.99	93	100	100	100	13,014

NEIGHBORHOOD CODE	3217	ORMOND FOREST HILLS SUB

TOTAL LAND CLASSIFIED	0
TOTAL LAND JUST	13,014

BUILDING CHARACTERISTICS

BUILDING 1 OF 1

GO TO BLDG SKETCH

Physical Depreciation %	23	Next Review	2009	Obsolescence	Functional	0%
		Year Built	1959		Locational	0%
Quality Grade	300	Architecture			Base Perimeter	162

Improvement Type	Single Family				
Roof Type	GABLE	Bedrooms	3	7FixBath	0
Roof Cover	Asphalt / Composition Shingle	Air Conditioned	Yes	6FixBath	0
Wall Type	Plastered	Fireplaces	0	5FixBath	0
Floor Type	Carpet	XFixture	0	4FixBath	0
Foundation	Concrete Slab	Heat Method 1	Forced Ducted	3FixBath	1
Heat Source 1	Electric	Heat Method 2		2FixBath	1
Heat Source 2		Year Remodeled			

SECTION #	AREA TYPE	EXTERIOR WALL TYPE	NUMBER OF STORIES	YEAR BUILT	ATTIC FINISH	% BSMT AREA	% BSMT FINISH	FLOOR AREA
3	Finished Enclosed Porch (FEP)	Non-Applicable	1.0	1959	N	0.00	0.00	238 Sq. Feet
4	Finished Open Porch (FOP)	Non-Applicable	1.0	1959	N	0.00	0.00	20 Sq. Feet
5	Finished Garage (FGR)	Non-Applicable	1.0	1959	N	0.00	0.00	440 Sq. Feet
6	Patio (PTO)	Non-Applicable	1.0	1999	N	0.00	0.00	100 Sq. Feet
7	Heated Living Area (BAS)	CONCRETE OR CINDER BLOCK	1.0	1959	N	0.00	0.00	1266 Sq. Feet
8	Unfinished Utility (UST)	Non-Applicable	1.0	1959	N	0.00	0.00	48 Sq. Feet

MISCELLANEOUS IMPROVEMENTS

TYPE	NUMBER UNITS	UNIT TYPE	LIFE	YEAR IN	GRADE	LENGTH	WIDTH	DEPR. VALUE

PLANNING AND BUILDING

PERMIT NUMBER	PERMIT AMOUNT	DATE ISSUED	DATE COMPLETED	DESCRIPTION	OCCUPANCY NBR	OCCUPANCY BLDG
NONE						

TOTAL VALUES	The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section above.

The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Land Value	13,014		New Construction Value	0
Building Value	62,220		City Econ Dev/Historic Taxable	0
Miscellaneous	0			
Total Just Value	75,234		Previous Total Just Value	75,234
School Assessed Value	75,234		Previous School Assessed	75,234
Non-School Assessed Value	75,234		Previous Non-School Assessed	75,234
Exemption Value	0		Previous Exemption Value	0
Additional Exemption Value	0		Previous Add'l Exempt Value	0
School Taxable Value	75,234		Previous School Taxable	75,234
Non-School Taxable Value	75,234		Previous Non-School Taxable	75,234

Notice of Proposed Property Tax **Get the latest Adobe Reader**

Requires Adobe Reader

MapIT | PALMS | Map Kiosk

Parcel Notes

MapIT: Your basic parcel record search including sales.

PALMS: Basic parcel record searches with enhanced features.

Map Kiosk: More advanced tools for custom searches on several layers including parcels.

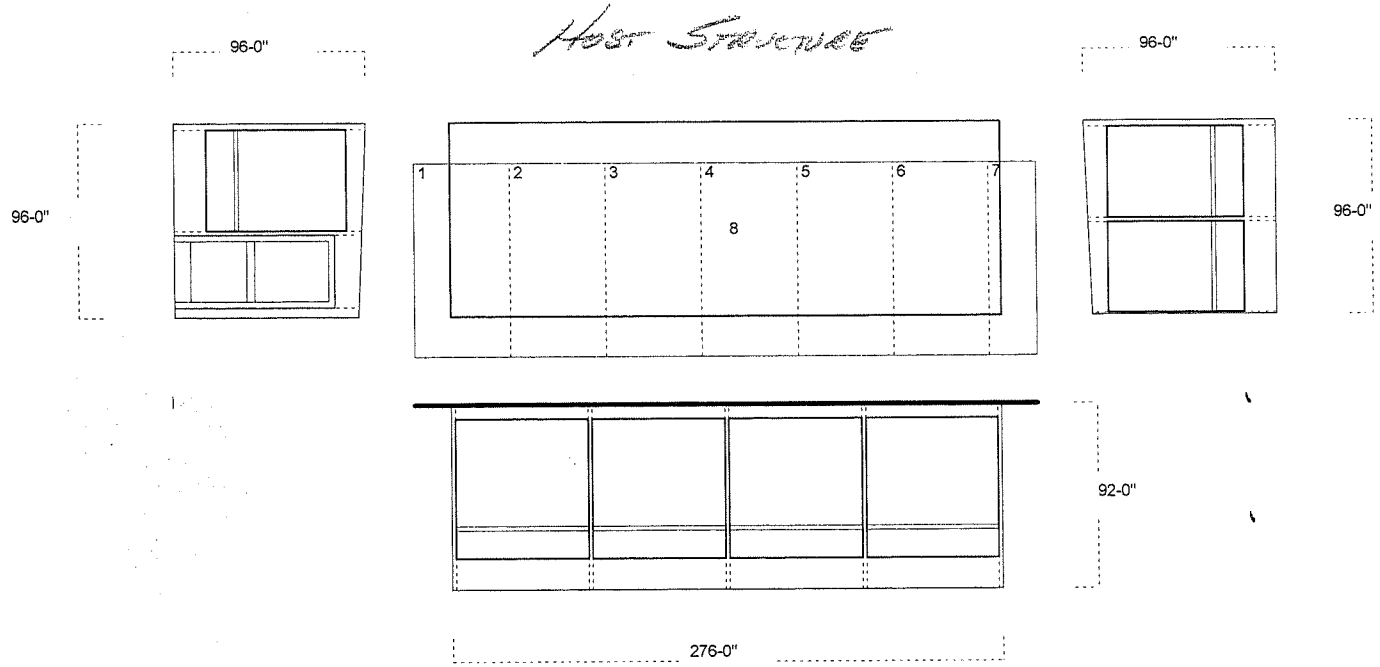
Click Here for Tax Bill Info

09-25-2012 CopyRight 1994 AL-1, Inc. Venice Fl. U.S.A.

2191 Advanced Home Exteriors, Inc.

Job Number: 120925-02
1/8" = 1'

Aluminum frame screen enclosure with
3# Composite Roof on extended concrete slab
Sonia Robey
305 Thackey Rd OB
Budd Severino Advanced Home Exteriors
Ph 386-253-1943 FAX 386-238-0139



STAFF REPORT

City of Ormond Beach
Department of Planning

DATE: November 28, 2012

SUBJECT: 1520 West Granada Boulevard, The Pantry

APPLICANT: Larry Tolbert, Lane Supply Inc.

FILE NUMBER: V13-17

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION:

This is a request for a front yard variance submitted by the Larry Tolbert, Lane Supply Inc. (applicant) to replace the existing gas canopy structure for the property located at 1520 West Granada Boulevard. The property is zoned as B-7, Highway Tourist Commercial and is located within the Greenbelt and Gateway Preservation District. Chapter 2, Article VI of the Land Development Code, Section 2-73.C, requires a 40' front yard building setback for lots less than 200' in depth. The applicant is seeking to replace the existing gas canopy in the exact same location and is requesting a front yard setback of 0', requiring a front yard variance of 40' from the required 40' setback.

BACKGROUND:

The subject property currently operates as a convenience store with gas pumps and is located at the intersection of West Granada Boulevard and Williamson Boulevard. The Volusia County Property Appraiser lists the construction date of the building and canopy as 1984. The applicant filed a building permit to replace the underground gas tanks and the existing canopy. Based on the review of the Land Development Code, the permit for the canopy was denied based on an encroachment into the required front yard setback. The applicant is seeking a front yard variance to replace the existing canopy in the exact same location as it exists today.

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 existing use of the property is consistent with the FLUM designation and zoning district. The surrounding uses are as follows:

	Current Land Uses	Future Land Use Designation	Zoning
North	Wal-Mart	"Tourist Commercial"	Planned Business Development (PBD)
South	Taco Bell	"Tourist Commercial"	B-7 (Highway Tourist Commercial)

	Current Land Uses	Future Land Use Designation	Zoning
East	Ormond Town Square	"Tourist Commercial"	Planned Business Development (PBD)
West	Vacant - planned as a Sunoco gas station	"Tourist Commercial"	B-7 (Highway Tourist Commercial)

Site aerial:

Existing canopy picture:

ANALYSIS:

The property is located at 1520 West Granada Boulevard and is zoned as B-7, Highway Tourist Commercial and is located within the Greenbelt and Gateway Preservation District. Chapter 2, Article VI of the Land Development Code, Section 2-73.C, requires a 40' front yard building setback for lots less than 200' in depth. The applicant is seeking to replace the existing gas canopy in the exact same location and is requesting a front yard setback of 0', requiring a front yard variance of 40' from the required 40' setback.

The property is considered an existing non-conforming developed site. The non-conformities would include the lack of landscaping buffers, building setback encroachment, and no stormwater management. The property has been impacted over time by right-of-way taking to expand Granada Boulevard. The right-of-way taking have reduced the building setback. Staff is also aware of a SR40 Planning, Design and Engineering Study (PD&E) that may attempt to take additional right-of-way from this property in the future.

Potential Alternatives:

1. Grant the applicant's request for a 40' variance for the gas canopy with a resulting 0' setback from the required 40' front yard setback.
2. Deny the request and require a 40' front yard setback for the gas canopy.

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 existing site is developed and the right-of-way takings have led to the existing condition of the canopy structure at a 0' setback.

   Argument against the variance: None. The right-of-way takings have impacted the developed site and there are no other locations possible for a gas canopy.

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

   Argument for the variance: The special conditions and circumstances are not the actions of the applicant. The location of the gas canopy and the right-of-way takings are existing conditions prevent the structure from meeting the front yard setback.

   Argument against the variance: None. The special conditions and circumstances are not the actions of the applicant.

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: Literal interpretation of the front yard setback of the Greenbelt and Gateway Preservation would prevent the construction of a gas canopy. The property is developed with a convenience store building and parking. There is no other location for a gas canopy on-site.

   Argument against the variance: The sole argument against the variance would be to not re-construct the gas canopy. Staff is not aware of any other gas station in the City without a gas canopy.

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 subject property is a small lot with an existing building, parking and traffic circulation pattern. There is no other alternative that would allow the construction of a gas canopy other than the requested 0' setback to replace the existing structure.

   Argument against the variance: None. There is no alternative location for the canopy structure. The sole alternative is not to allow a gas canopy structure.

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 sought solely to reduce the cost of the construction of the project.

   Argument against the variance: None. The variance is not sought to reduce the construction cost of the project.

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.

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 convenience store with gas canopy is a conditional use in the B-7 zoning district. The site is located in close proximity to Interstate 95 and at the corner of a high traffic volume of Granada Boulevard and Williamson Boulevard. The variance would not diminish property values and would allow the replacement of the gas canopy in the same location.

Argument against the variance: None. The variance will not diminish property values or negatively impact adjoining properties.

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. Staff believes that this request is appropriate based on the existing developed site.

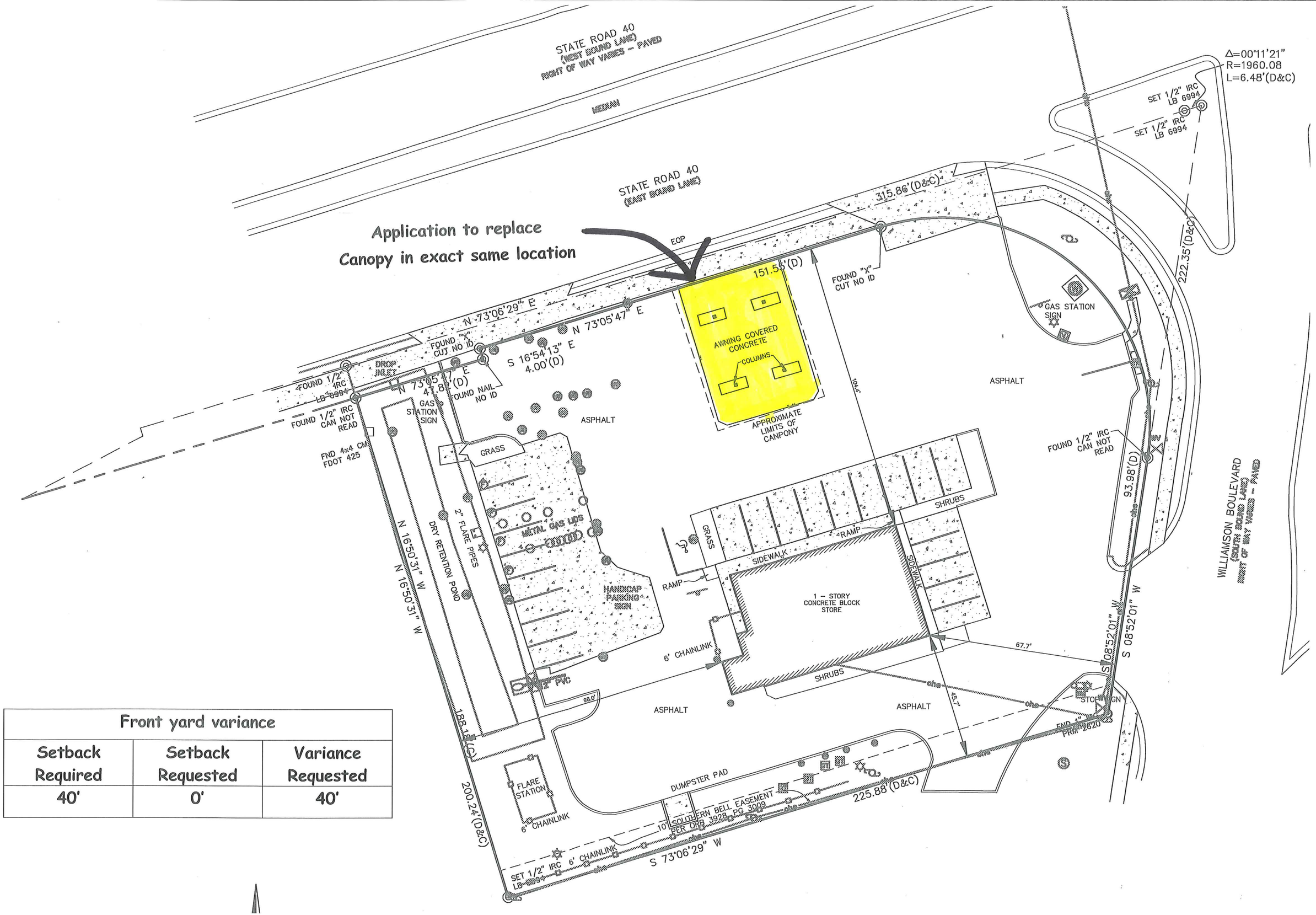
Argument against the variance: Denial of the variance would not allow a gas canopy structure.

RECOMMENDATION:

The purpose of the Greenbelt and Gateway Preservation district is to create a boulevard appearance along major transportation roadways with landscaping. The subject property was constructed in 1984 and there has been a gradual eroding of the front property with right-of-way takings that has reduced the building setback for the gas canopy. It is recommended that the Board of Adjustment and Appeals **APPROVE** a variance of 40’ to the required 40’ front yard setback, allowing the construction of a gas canopy with a front yard setback of 0’.

Exhibit A

Variance Exhibit

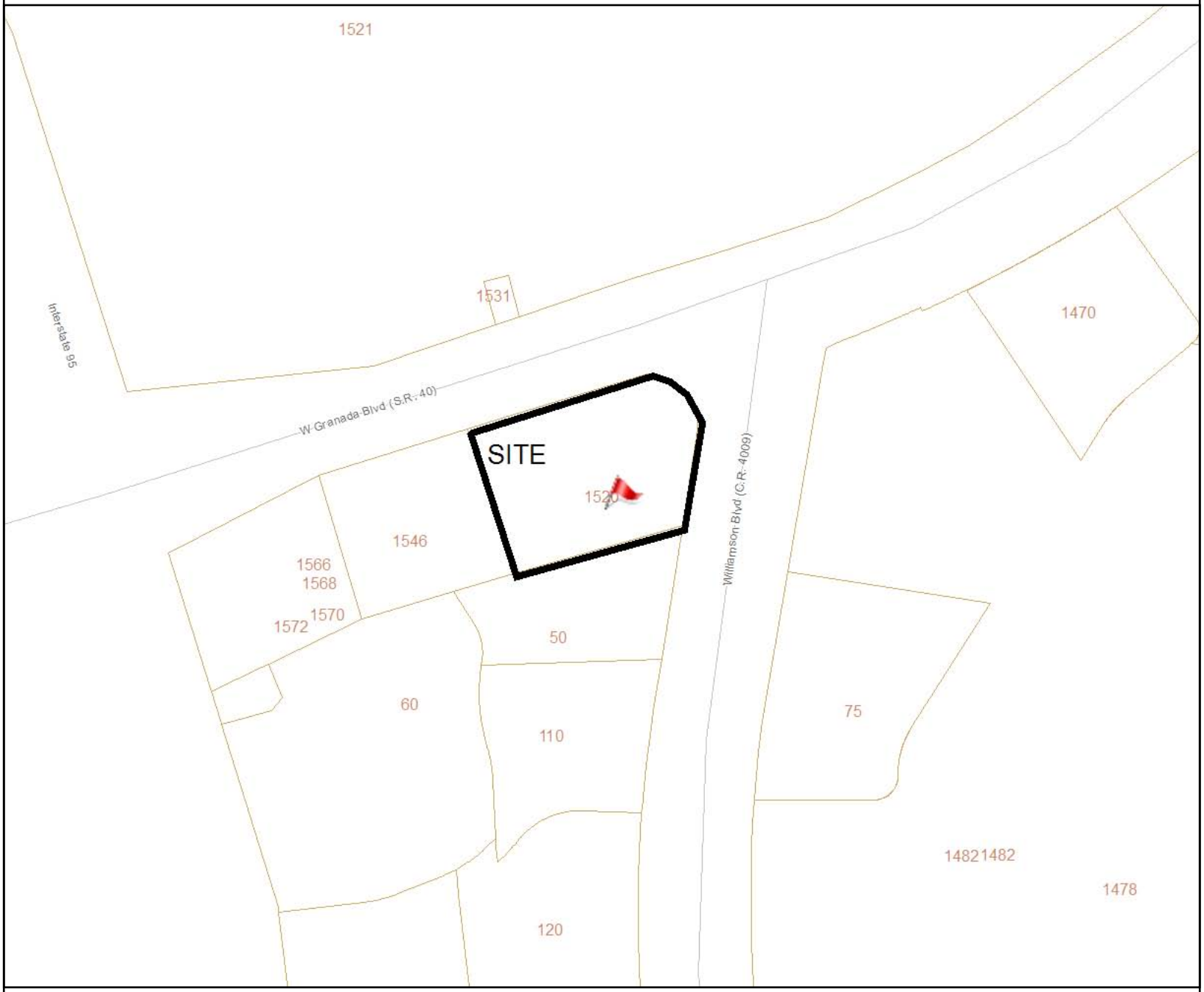


Front yard variance		
Setback Required	Setback Requested	Variance Requested
40'	0'	40'

Exhibit B

- Maps and Pictures

1520 West Granada Boulevard Location Map



Golf Courses

Address Points

Airport and Railroad

AIRPORT

RAILROAD

City Streets

DIRT

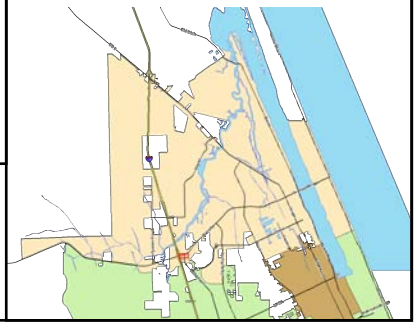
MAJOR

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 it's 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.

Looking east, canopy is on the property line.
RIGHT LANE
MUST
TURN RIGHT

Looking west from Williamson Boulevard

Front of canopy, looking south from Wal-Mart property

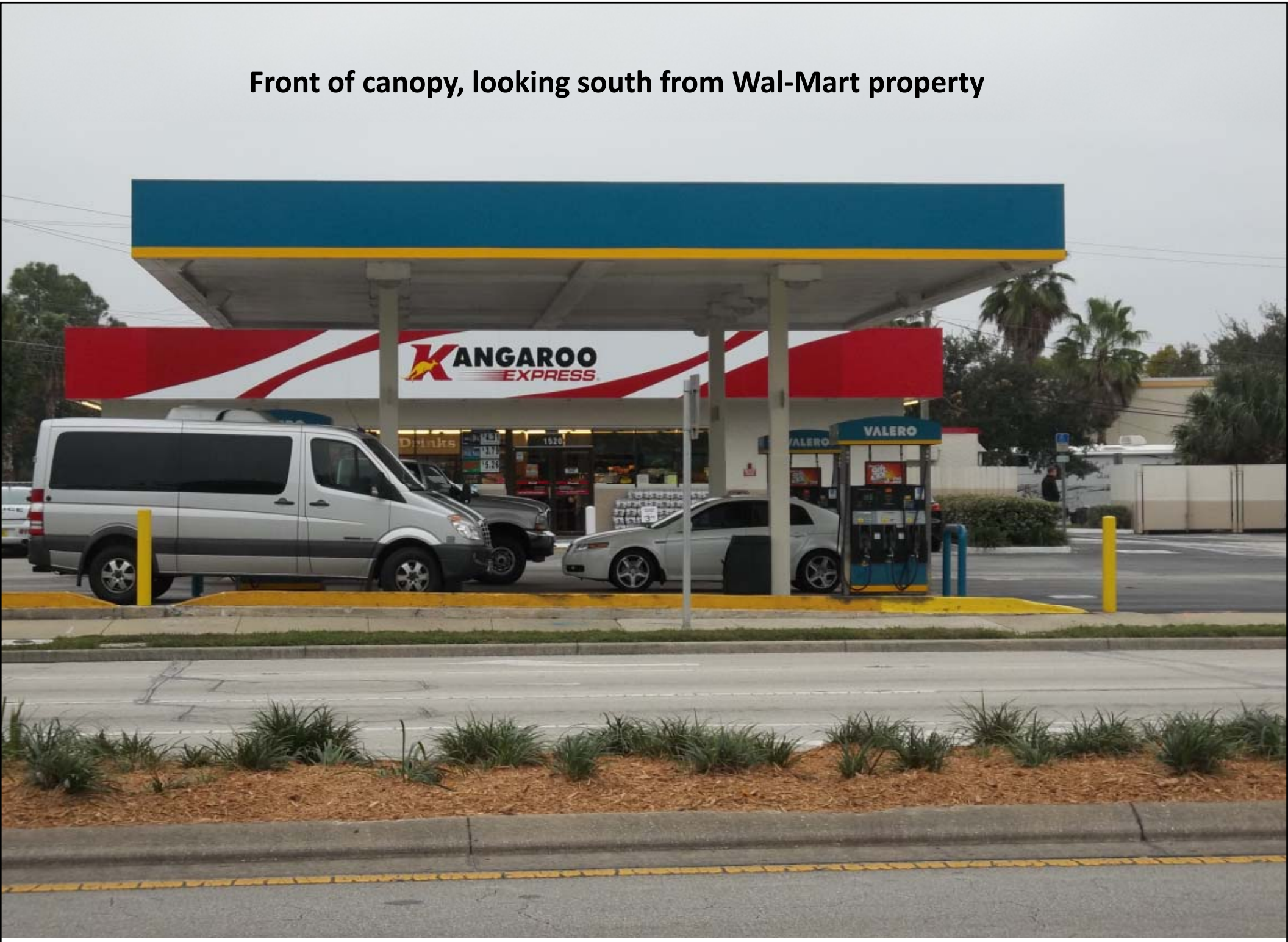


Exhibit C

Applicant Provided Information

10.30.12

To Board of Adjustments & Appeals:

The property at 1520 State Rd 40, Ormond Beach FL was developed as a convenience store by Miller Enterprises in 1982 under the name Handy Way Stores. In January 1999 Lil' Champ / The Pantry Inc purchased this location and is still serving the community as a convenience store. The gasoline canopy at time of construction was in compliance with all ordinance requirements. Due to an ongoing Pantry/ Kangaroo reimaging project, it has been determined the gasoline canopy is 30 years old and in need of repair. As a result of a past road widening project on Atlantic Blvd the canopy is now out of compliance with the 40' setback requirement. Since there is not enough space to move the canopy to a different location and due to the necessity of a gasoline canopy during inclement weather, The Pantry requests a Variance to install a new canopy in the same foot print as existing canopy. This new canopy will adhere to all local and state regulations.

The Pantry, Inc

305 Gregson Dr,

Cary NC.

CITY OF ORMOND BEACH
Planning Department
22 South Beach Street, Ormond Beach, FL 32174
Tel: (386) 676-3238
www.ormondbeach.org comdev@ormondbeach.org

v5.3

VARIANCE - APPLICATION

For Planning Department Use

Application Number _____ Date Submitted _____

VARIANCE TYPE

Please select appropriate application type: Commercial

FEES

	Application	Advisory Board	Commission	Total*
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	Lane Supply, Inc / Larry Tolbert
Address	120 Fairview St
City, State, Zip Code	Arlington TX 76010
Telephone	800.683.5726
Email Address	ltolbert@lanesupplyinc.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	The Pantry Inc
Address	305 Gregson Dr
City, State, Zip Code	Cary NC 27511
Telephone	800.476.7574
Email Address	Jason Schultz (jason.schultz@thepantry.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	Pantry # 2574, 1520 State Rd 40, Ormond Beach FL (@ Williamson Blvd)
Zip Code	32174-8298
Parcel I.D.	30-14-32-00-00-0433
Legal Description	Boundary Survey Attached

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	See attached:

ABUTTING PROPERTY OWNERS

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

Signature	Street Address	For	Against
N/A		☐	☐
		☐	☐
		☐	☐

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:

   Yes, The gasoline canopy is 30 years old, we are proposing to replace the canopy in the same footprint and the same size as the existing canopy.

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

   No, Land was utilized to widen Atlantic Blvd, thereby causing the canopy to become nonconforming.

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:

   Yes, A standard mode of operating a convenience store would include a Gasoline canopy

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:

   Correct: There is not enough room on site to move the canopy, we must use the existing footprint for the new canopy.

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:

Correct:
The Pantry will spend a considerable amount of money replacing the aging gasoline canopy

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

A Variance will not change or increase congestion in the surrounding streets at all.

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:

Correct: When this project is completed the public will not notice the newly constructed gasoline canopy from the street. The new canopy will serve to protect the motoring public from inclement weather for years to come with out much fan fair.

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:

Correct:
We are not asking for anything that is not reasonable with regards to operating a standard convenience store selling gasoline to the motoring public.

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:

N/A

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:

   N/A

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:

   N/A

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:

   N/A

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

   N/A

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

   N/A

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: 10.31.12

Corporation

STATE OF ~~FLORIDA~~) North Carolina
COUNTY OF ~~VOLUSIA)~~ **SS** mechlanburg

The foregoing instrument was acknowledged before me this 31 day of October, 2012, 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~~) North Carolina
COUNTY OF ~~VOLUSIA)~~ **SS** mechlanburg

The foregoing instrument was acknowledged before me this 31 day of October, 2012, by

Larry E Tolbert, who provided NC Drivers License, as

identification or is personally known to me.

W BOYD DAVIS NOTARY PUBLIC MECKLENBURG CO., NC

_____
Notary Public
State of ~~Florida~~ north Carolina
My Commission Expires: 5-2-2016

The Pantry, Inc.
Jessica Faison
Construction Department
305 Gregson Dr
Cary, NC 27511
(919)774-6700 ext 6918

Date: 11/2/2012

To: City of Ormond Beach, FL

From: The Pantry, Inc.
C/O: Jessica Faison – Manager-Signs & Imaging
305 Gregson Drive
Cary, NC 27511
Ph: 919-774-6700 ext 6918

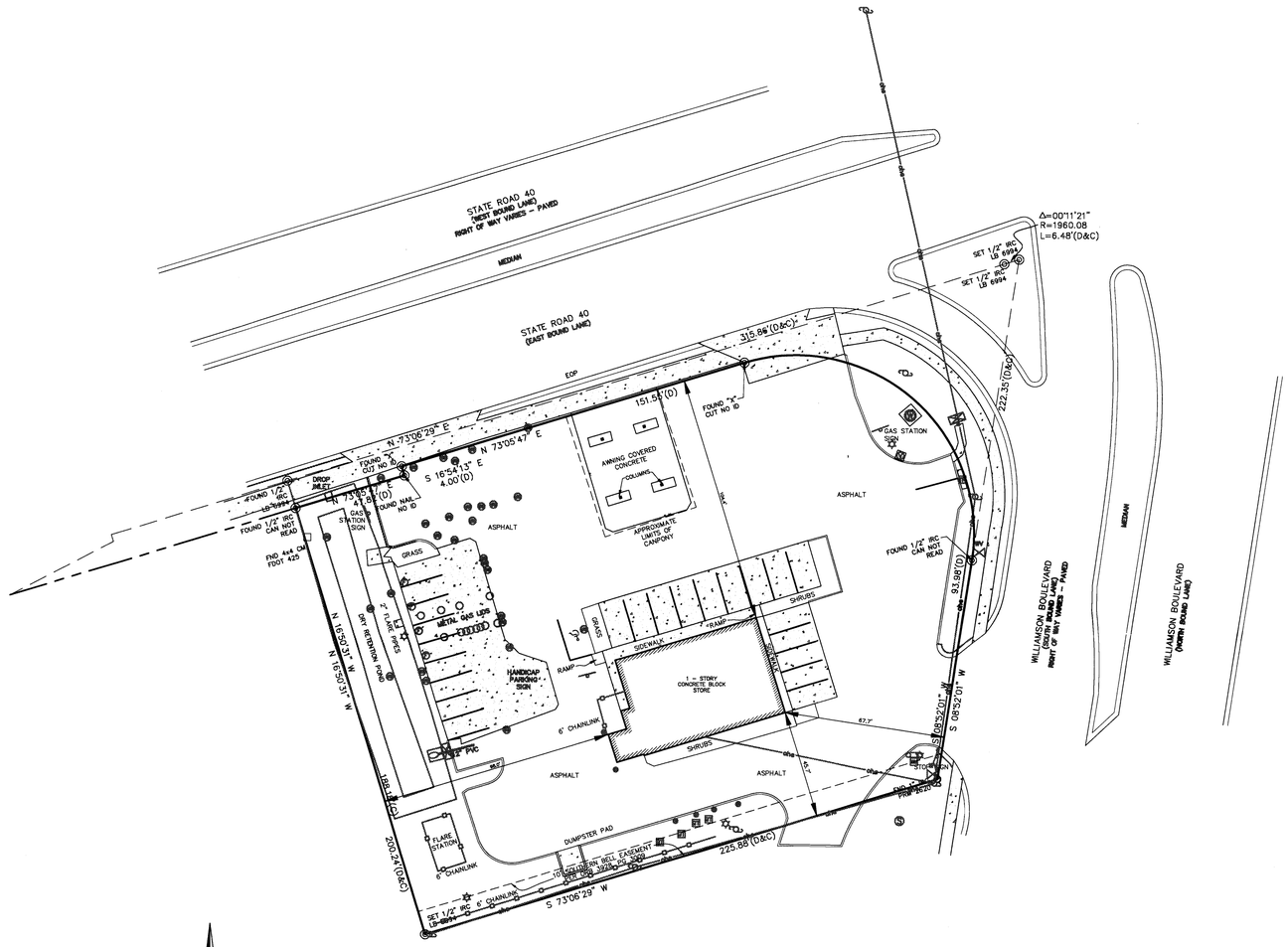
Re: #2574 Variance Application

Please be advised that Lane Supply, Inc. or a representative on their behalf is authorized to apply for a variance on our behalf for canopy work necessary at this location.

If you have any questions, issues or concerns please do not hesitate to contact us.

Thanks,

Jessica L. Faison
Manager-Signs & Imaging
The Pantry, Inc.



LEGAL DESCRIPTION:

A portion of the Southwest 1/4 of Section 30, Township 14 South, Range 32 East, Volusia County, Florida being more particularly described as follows:

Beginning at the Intersection of the Southerly right of way line of Florida State Road No.40, a 100 foot right of way as shown on State of Florida Department of Transportation right of way maps, Section 79100-2502, sheet number 2, Revision dated May 20, 1964, with the Westerly right of way line of Williamson Boulevard, a 100 foot right of way as described in right of way Deed recorded in Official Records Book 894, Pages 667 and 668, of the Public Records of Volusia County, Florida; thence run South 08°52'01" West (South 08°52'20"West, Deed) along the Westerly right of way line of said Williamson Boulevard a distance of 222.35 feet to a concrete monument; thence run South 73°06'29" West a distance of 225.88 feet to an iron rod marking the Southeasterly corner of that parcel of land leased to Gulf Oil Company as described in lease recorded in Official Records Book 915, Page 500, of the Public Records of Volusia County, Florida; thence run North 16°50'31" West (North 16°57'20" West, Lease) along the Easterly line of said Gulf Oil Company lease property, a distance of 200.24 feet (200 feet, Lease) to the Northeasterly corner thereof, said point lying in the Southerly right of way line of aforementioned State Road No.40; thence run North 73°06'29" East (North 73°02'40" East, D.O.T. right of way) along the Southerly right of way line of State Road No.40, a distance of 315.86 feet to the point of curvature of a curve to the left, said curve having a radius of 1960.08 feet; thence run Northerly and Easterly along said curve a distance of 6.48 feet, or through a central angle of 00°11'21" a chord of 6.48 feet, and a tangent of 3.24 feet, to the Point of Beginning.

Less that portion taken as additional right of way for State Road No. 40 as evidenced by instrument recorded in Official Records Book 3812, Page 291, Public Records of Volusia County, Florida.

SURVEY NOTES:

1. "NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER".

2. BEARINGS SHOWN HEREON ARE RELATIVE TO THE WEST RIGHT-OF-WAY LINE OF WILLIAMSON BOULEVARD AS BEING S 08°52'01" W AS SHOWN PER THE PLAT.

3. THE "LEGAL DESCRIPTION" HEREON PER THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

4. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OR OPINION OF TITLE. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS NOTED.

5. ALL BEARINGS AND DISTANCES SHOWN HEREON ARE PER THE DESCRIPTION AND ARE CORRECT AND IN AGREEMENT WITH THE FOUND AND SET MONUMENTS AS MEASURED IN THE FIELD UNLESS OTHERWSE NOTED.

6. NO UNDERGROUND UTILITIES, FOUNDATIONS OR IMPROVEMENTS, IF ANY, HAVE BEEN LOCATED EXCEPT AS SHOWN.

7. THIS BOUNDARY SURVEY MEETS OR EXCEEDS THE HORIZONTAL CONTROL ACCURACY OF 1/7500 BEING A SUBURBAN SURVEY.

N

GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.

ABBREVIATION & SYMBOL LEGEND:

1. C/L – DENOTES CENTERLINE
2. P.O.B. – DENOTES POINT OF BEGINNING
3. P.O.C. – DENOTES POINT OF COMMENCEMENT
4. O.R. – DENOTES OFFICIAL RECORDS BOOK
5. ELEV. – DENOTES ELEVATION
6. P.C. – DENOTES POINT OF CURVATURE
7. P.C.C. – DENOTES POINT OF COMPOUND CURVATURE
8. P.T. – DENOTES POINT OF TANGENCY
9. W.L. – DENOTES UNDERGROUND WATER LINE
10. R.W.L. – DENOTES UNDERGROUND RECLAIM WATER LINE
11. O.U.L. – DENOTES OVERHEAD UTILITY LINES
12. E.L. – DENOTES UNDERGROUND ELECTRICAL LINES
13. T.V.L. – DENOTES UNDERGROUND CABLE T.V. LINES
14. INV. – DENOTES INVERT
15. C – DENOTES CHORD
16. C.B. – DENOTES CHORD BEARING
17. EP – DENOTES EDGE OF PAVEMENT
18. (M) – DENOTES DISTANCE MEASURED IN THE FIELD
19. I.D. – DENOTES IDENTIFICATION
20. T24S – DENOTES TOWNSHIP 24 SOUTH
21. R28E – DENOTES RANGE 28 EAST
22. PGS. – DENOTES PAGES
23. PG. DENOTES PAGE
24. P.B. – DENOTES PLAT BOOK
25. (A) – DENOTES ACTUAL
26. (D) – DENOTES DESCRIPTION
27. F.D.O.T. – DENOTES FLORIDA DEPARTMENT OF TRANSPORTATION
28. – DENOTES FIRE HYDRANT
29. – DENOTES LIGHT POLE
30. – DENOTES HANDICAP PARKING SPACE
31. – DENOTES CONCRETE
32. – DENOTES SANITARY SEWER MANHOLE
33. – DENOTES FLOOD LIGHT
34. – DENOTES SIGN
35. GV – DENOTES GAS VALVE
36. WV – DENOTES WATER VALVE
37. – DENOTES STORM DRAINAGE MANHOLE
38. – DENOTES WOOD UTILITY POLE

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED BOUNDARY SURVEY OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF AS SURVEYED IN THE FIELD UNDER MY DIRECTION ON OCTOBER 8, 2012 . I FURTHER CERTIFY THAT THIS BOUNDARY SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN RULE 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE AS ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO FLORIDA STATUTES 472.027.

DATE: 10/18/12

W. C. ELMOTT, P.S.M.
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA REGISTRATION NO. 5599

Oct 19,2012 - 12:44pm
C:\JOBS\2010 STILLWATER TECHNOLOGIES INC\Pantry Kangaroo 1520 West State Road 40 Ormond Beach FL\SURVEY\2010-STI-016\Dwg\2010-STI-016.dwg

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REV.	DATE	DESCRIPTION	F.B./PG.	BY
△				
△				
△				
△				
△	10/08/12	BOUNDARY SURVEY	7/31-33	N.R.H.

PREPARED FOR:

STILLWATER TECHNOLOGIES, INC.

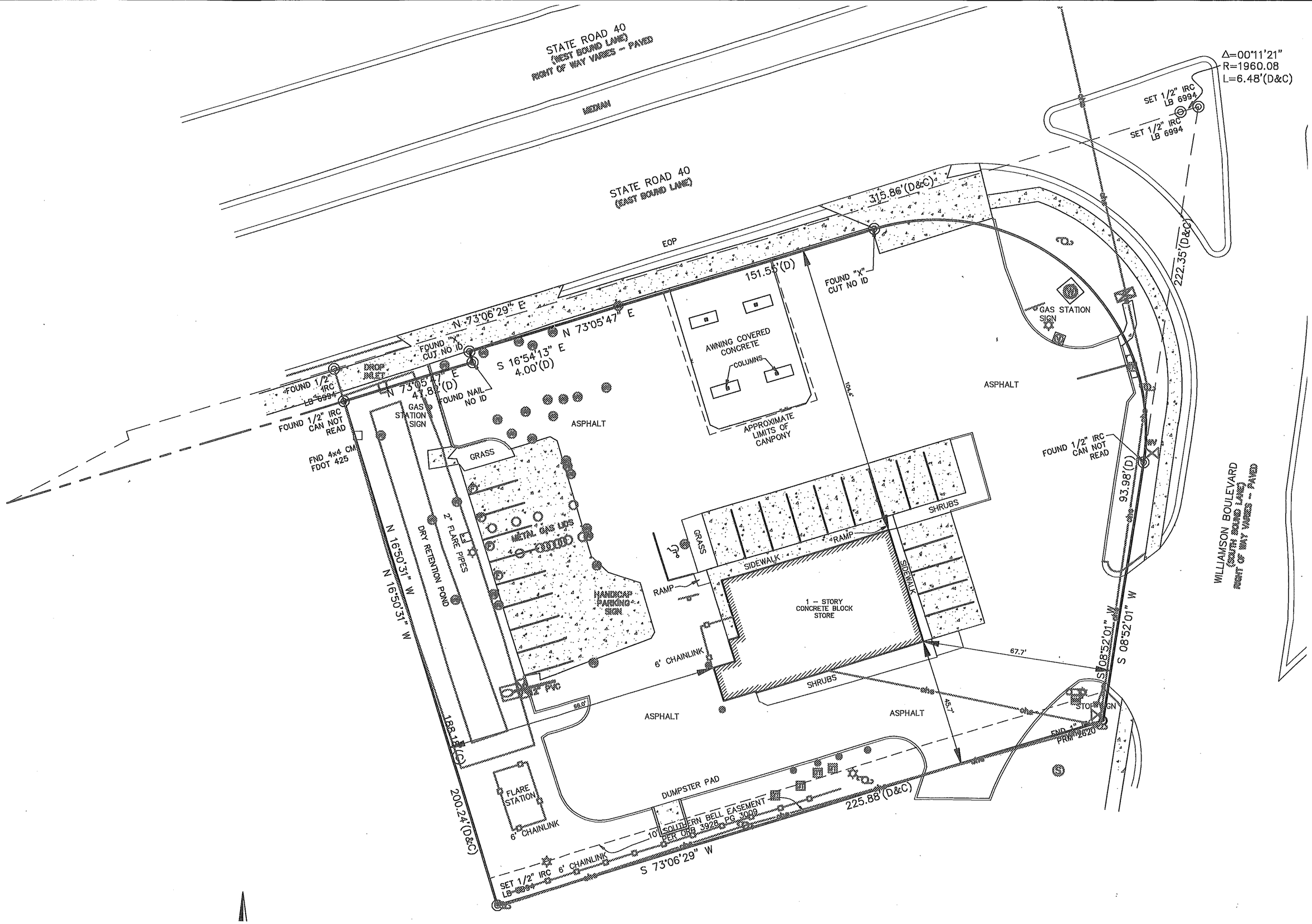
BOUNDARY SURVEY

PANTRY STORE # 2574 AT 1520 STATE ROAD 40
SECTION 30, TOWNSHIP 14 SOUTH, RANGE 32 EAST,
ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

K L E
Surveying and Mapping, Inc.
121 BURNS AVENUE
LONGWOOD, FLORIDA 32750
PH. No. (407) 402-2331
LICENSED BUSINESS REGISTRATION No. 7899

PROJECT No.:	010-STI-016
FIELD DATE:	10/08/12
DRAWN DATE:	10/10/12
SCALE:	1" = 30'
CHECKED BY:	W.C.E.
DRAWN BY:	W.C.E.

SHEET 1 OF 1


STATE ROAD 40
(WEST BOUND LANE)
RIGHT OF WAY VARIES -- PAVED
MEDIAN
STATE ROAD 40
(EAST BOUND LANE)
EOP
Δ=00°11'21"
R=1960.08
L=6.48'(D&C)
SET 1/2" IRC
LB 6994
SET 1/2" IRC
LB 6994
315.86'(D&C)
222.35'(D&C)
151.55'(D)
FOUND "X"
CUT NO ID
N 73°06'29" E
N 73°05'47" E
FOUND "X"
CUT NO ID
S 16°54'13" E
4.00'(D)
N 73°05'47" E
47.82'(D)
FOUND NAIL
NO ID
FOUND 1/2"
IRC
LB 6994
FOUND 1/2" IRC
CAN NOT
READ
DROP
INLET
GAS
STATION
SIGN
FND 4x4 CM
FDOT 425
GRASS
ASPHALT
AWNING COVERED
CONCRETE
COLUMNS
APPROXIMATE
LIMITS OF
CANPONY
10x4.5'
ASPHALT
GAS STATION
SIGN
FOUND 1/2" IRC
CAN NOT
READ
93.98'(D)
WILLIAMSON BOULEVARD
(SOUTH BOUND LANE)
RIGHT OF WAY VARIES -- PAVED
N 16°50'31" W
N 16°50'31" W
2" FLARE PIPES
DRY RETENTION POND
HANDICAP
PARKING
SIGN
RAMP
GRASS
SIDEWALK
RAMP
SIDEWALK
SHRUBS
1 - STORY
CONCRETE BLOCK
STORE
6' CHAINLINK
67.7'
SHRUBS
S 08°52'01" W
S 08°52'01" W
45.7'
98.0'
ASPHALT
ASPHALT
STOP SIGN
FND 1" IPC
PRM 2820
188.18'(C)
FLARE
STATION
6' CHAINLINK
DUMPSTER PAD
10' SOUTHERN BELL EASEMENT
PER ORB 3928, PG 3009
225.88'(D&C)
200.24'(D&C)
SET 1/2" IRC
LB 6994
6' CHAINLINK
S 73°06'29" W

CITY OF ORMOND BEACH

FLORIDA

PLANNING **M E M O R A N D U M**

TO: Board of Adjustement and Appeals (BOAA) members

FROM: Steven Spraker, AICP, Senior Planner

DATE: November 28, 2012

SUBJECT: 2013 BOAA meeting dates

With the January 2013 BOAA meeting staff will provide a Rules of Procedures and a calendar of the 2013 meeting dates. In reviewing past meetings and case load, staff is recommending that the Board consider moving the regularly scheduled meeting date and time from the first Wednesday of each month at 7:00 p.m. to the second Thursday of each month at 5:30 pm. This date would be the same as the Planning Board which meets at 7:00 pm on the second Thursday of each month.

In terms of efficiency, the proposed change in meeting date and time would allow the better use of City resources and staff time such that both the meetings would be held the same day. In reviewing BOAA meeting minutes for the past two years, there has not been a Board meeting that has exceeded one hour. The typical meeting time is between 20 and 30 minutes.

This item is presented as a discussion item for the Board to provide direction to staff to prepare the 2013 Rules of Procedure and 2013 meeting dates. If there are any questions, please contact me at (386) 676-3341 or by e-mail at Steven.Spraker@ormondbeach.org.

BOARD OF ADJUSTMENT AND APPEALS – 2013 CALENDAR (WEDNESDAY)		
Submittal Deadlines	**Legal Notification***	**Board Meeting Date**
December 6, 2011	December 23, 2011	**Wednesday, January 9**
January 6	January 20	**Wednesday, February 6**
February 3	February 17	**Wednesday, March 6**
March 1	March 17	**Wednesday, April 3**
April 1	April 14	**Wednesday, May 1**
May 1	May 19	**Wednesday, June 5**
June 7	June 21	**Wednesday, July 10**
July 1	July 21	**Wednesday, August 7**
August 1	August 16	**Wednesday, September 4**
September 2	September 13	**Wednesday, October 2**
October 1	October 18	**Wednesday, November 6**
November 1	November 15	**Wednesday, December 4**
December 2	December 20	**Wednesday, January 8, 2014**

Note: Legal Notification consists of a legal ad in the newspaper, certified letters to abutting property owners and posting the property with a public notice sign. City staff will prepare the legal ad, the certified letters, and post the property as part of the application fee.

BOARD OF ADJUSTMENT AND APPEALS – 2013 CALENDAR (THURSDAY)		
Submittal Deadlines	**Legal Notification***	**Board Meeting Date**
December 10, 2011	December 27, 2011	**Thursday, January 10**
January 14	January 28	**Thursday , February 14**
February 14	February 25	**Thursday, March 14**
March 11	March 25	**Thursday, April 11**
April 9	April 22	**Thursday, May 9**
May 13	May 27	**Thursday, June 13**
June 11	June 24	**Thursday, July 11**
July 8	July 22	**Thursday, August 8**
August 12	August 26	**Thursday, September 12**
September 10	September 23	**Thursday, October 10**
October 14	October 28	**Thursday, November 14**
November 12	November 25	**Thursday, December 12**
December 9	December 23	**Thursday, January 9, 2014**

Note: Legal Notification consists of a legal ad in the newspaper, certified letters to abutting property owners and posting the property with a public notice sign. City staff will prepare the legal ad, the certified letters, and post the property as part of the application fee.