



AGENDA

ORMOND BEACH BOARD OF ADJUSTMENT AND APPEALS

March 6, 2013

ORMOND BEACH CITY COMMISSION CHAMBERS

7:00 P.M.

I. ROLL CALL

II. APPROVAL OF THE MINUTES

A. February 6, 2013

III. NEW BUSINESS

A. Case No. 13V-043: 272 Putnam Avenue, waterfront yard variance.

This is a request from of Albert Jenkins, property owner, for a waterfront variance to allow the construction of a covered porch at 272 Putnam Avenue. The property at 272 Putnam Avenue is zoned R-3 (Single-Family Medium Density). Section 2-15.B.9.e of the Land Development Code requires a 30' waterbody setback. The applicant is requesting a waterbody setback of 15' to construct a covered porch as part of a renovation of a single-family house, requiring a variance of 15' to the required 30' waterbody yard setback.

B. Case No. 13V-045: 7 Oriole Circle A, rear and side yard variances.

This is a request for a front yard variance submitted by Robert J. Conner, Conner Construction, LLC (applicant) on behalf of the property owners, Remy Longpre and Ginette Latulippe for a variance at 7 Oriole Circle A to construction an addition (11' X 13') and a carport within the required rear and side yard setback. The property at 7 Oriole Circle A is zoned R-4 (Single-Family Cluster and Townhouse). The applicant is requesting two variances:

1. **Rear Yard:** Section 2-17.B.9.b of the Land Development Code requires a 20' rear yard setback. The applicant is requesting a rear yard setback of 0' to construct a room addition and carport, requiring a variance of 20' to the required 20' rear yard setback.
2. **Side Yard:** Section 2-17.B.9.c of the Land Development Code requires a 20' side yard setback. The applicant is requesting a side yard setback of 5' to construct a room addition and carport, requiring a variance of 15' to the required 20' side yard setback.

IV. OTHER BUSINESS

V. ADJOURNMENT

MINUTES
BOARD OF ADJUSTMENT

February 6, 2012

7:00 p.m.

Commission Chambers
22 South Beach Street
Ormond Beach, Florida

I. ROLL CALL

Members Present

Tony Perricelli
Dennis McNamara
Jean Jenner
Norman Lane
Ryck Hundredmark

Staff Present

Steven Spraker, AICP, Senior Planner
Ann-Margret Emery, Deputy City Attorney
Meggan Znorowski, Minutes Technician

II. ADMINISTRATIVE ITEMS

A. Election of Chairperson and Vice- Chair

Mr. Jenner nominated Mr. McNamara for Chairperson. Mr. Hundredmark seconded the nomination. Vote was called, and the nomination was unanimously approved.

Mr. Lane nominated Mr. Perricelli for Vice-Chair. Mr. Hundredmark seconded the nomination. Vote was called, and the nomination was unanimously approved.

B. Approval of the 2013 Rules of Procedures

Mr. Jenner moved to approve the 2013 Rules of Procedure. Mr. Lane seconded the motion. Vote was called, and the motion was unanimously approved.

C. Acceptance of 2013 BOAA Calendar

Mr. Hundredmark moved to approve the 2013 BOAA Calendar. Mr. Jenner seconded the motion. Vote was called, and the motion was unanimously approved.

III. APPROVAL OF THE MINUTES

A. December 5, 2012 Minutes

Mr. Lane moved to approve the December 5, 2012 Minutes as submitted. Mr. Perricelli seconded the motion. Vote was called, and the motion was unanimously approved.

IV. NEW BUSINESS

A. Case No. 13V-037: 1387 West Granada Boulevard, side yard and parking variances

Mr. Steven Spraker, Senior Planner, Planning Department, City of Ormond Beach, stated this is an application for two variances at 1387 West Granada Boulevard. Mr. Spraker explained the orientation, location, and configuration of the property. Mr. Spraker continued that the property has been on the market since 2000 and is an existing single family residence. The applicant is proposing to demolish the existing structure and rebuild a structure that meets the Land Development Code and all improvements a commercial site would need. Mr. Spraker explained that the site is challenging due to the small lot size in terms of the width and depth. Mr. Spraker stated the first request is to the side yard setback next to the Vinyard which is required to be 20', the requested setback is 10' for a variance of 10'. Mr. Spraker explained the zoning district applied to this property envisions large parcels and not on a 110' by 133' wide lot. Mr. Spraker stated the second request is to waive 1 parking space; there are 9 shown in the site plan while the requirement of the Land Development Code is 10. Mr. Spraker explained the applicant is doing a good job of meeting the Green Belt buffer. Ms. Spraker continued that the project was required to have a community meeting, and only two people attended and neither raised any objection. Staff is recommending approval of both variances.

Peter Solti, 44 Coquina Ridge Way, the contractor for the applicant stated they have attempted many configurations for this property and it was extremely difficult due to the size of the property.

Mr. Perricelli asked what the use was going to be for the office.

Mr. Solti responded it will be an office building, and at the present time a State Farm Insurance office.

There was discussion about the parking arrangements and whether the additional parking place could be accommodated.

There was discussion about the septic system and whether it would be a mound system or a flow system.

Mr. Spraker explained that another space cannot be physically fit on the site with the site restraints, and the issues regarding the septic system will be worked through as the project proceeds through the site plan review.

Mr. McNamara asked if there is currently a wall on the site.

Mr. Solti responded no, the 6' high block wall will have to be constructed to separate the residential from commercial.

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

IV. OTHER BUSINESS

None.

V. ADJOURNMENT

As there was no other business, the meeting was adjourned at 7:19 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: February 27, 2013

SUBJECT: 272 Putnam Avenue

APPLICANT: Albert Jenkins, property owner

FILE NUMBER: V13-43

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION:

This is a request from of Albert Jenkins, property owner, for a waterfront variance to allow the construction of a covered porch at 272 Putnam Avenue. The property at 272 Putnam Avenue is zoned R-3 (Single-Family Medium Density). Section 2-15.B.9.e of the Land Development Code requires a 30' waterbody setback. The applicant is requesting a waterbody setback of 15' to construct a covered porch as part of a renovation of a single-family house, requiring a variance of 15' to the required 30' waterbody yard setback.

BACKGROUND:

The subject property currently has a single-family residence that was constructed in 1964, per the Volusia County Property Appraiser website. The property owner is in process of a major redevelopment of the existing structure that involves the demolition of the majority of the house structure and is in the process of re-constructing the house. A permit was issued on February 1, 2013 for the re-construction of the house structure. The project was granted an administrative variance of 2.5' or 10% of the required front yard setback of 25' in order to construct a garage at a setback of 22.5'. The permit that was issued on February 1st shows the area that is subject to this variance as an open deck. The applicant is seeking a covered porch that is consistent with the remainder of the re-construction that is currently underway.

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 surrounding uses are as follows:

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

Site aerial:



Picture of house prior to re-construction:



Proposed house:

Covered porch in the side waterfront yard requires a 15' variance.



ANALYSIS:

The property at 272 Putnam Avenue is zoned R-3 (Single-Family Medium Density). Section 2-15.B.9.e of the Land Development Code requires a 30' waterbody setback. The applicant is requesting a waterbody setback of 15' to construct a covered porch as part of a renovation of a single-family house, requiring a variance of 15' to the required 30' waterbody yard setback. The typical side interior setback is a minimum of 8', totaling 20' between the two side yards.

The purpose of the waterfront setbacks is to preserve view corridors of the waterfront for abutting property owners. The subject property is unique based on the location of the canal along the rear and side property lines. The lots that abut the side yard of 272 Putnam Avenue front on North Yonge Street and have their rear yards abutting the canal. The applicant's request would not impact the view corridors of any lot owner to the canal. The applicant has also provided signatures of no objection from the abutting property owners.



Canal wraps around subject property. Note that abutting lots have the canal as part of their rear yard.

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."

Variance 1: Potential Alternatives, Side Yard Setback Encroachment:

1. Grant the applicant's request for a 15' variance for the covered porch with a resulting 15' setback from the required 30' waterfront yard setback.
2. Deny the request and require a 30' waterfront yard setback for the proposed building.

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 variance application:

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 property has two special conditions. The first special condition is the location of the 1964 structure. The location of the structure has created the need for the variance. The second special condition is the location of the canal along the rear and side property line. A majority of lots along Putnam Avenue have the canal located only along the rear lot line. The canal encompasses a portion of the subject property's rear and side lot lines.

Argument against the variance: None.

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 applicant recently purchased the property in 2012.

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: The application seeks to allow a covered porch rather than an open deck. Literal application of the waterfront building setback would create a hardship on the applicant and deprive them from a reasonable use of the property.

Argument against the variance: One could argue that an open deck is reasonable use of the yard and that the waterfront setback should be applied.

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: Staff and the applicant have analyzed several development scenarios and the proposed design is the best design to minimized variances and make reasonable use of the property. There are no other practical alternatives.

Argument against the variance: None. There is no alternatives for locating a covered porch in the waterfront yard.

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 previous home was constructed in 1964 and the property owner is performing a substantial redevelopment. Given the location of the existing house walls, there was not an opportunity to relocate the structure further from the waterfront setback. The canal itself acts a visual buffer to the lots abutting the side yard. The requested variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site. The applicant has provided signatures from all the abutting property owners and there have been no objections to the variance request.

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.

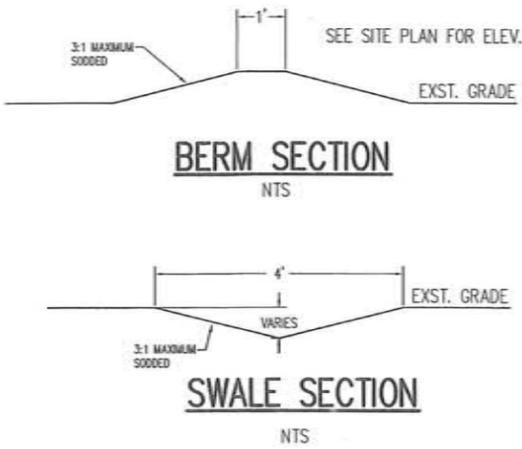
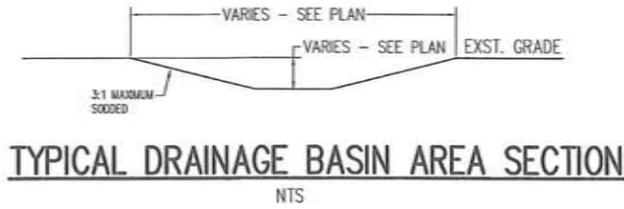
Argument against the variance: None. The proposed redevelopment is consistent with the Comprehensive Plan and Land Development Code.

RECOMMENDATION:

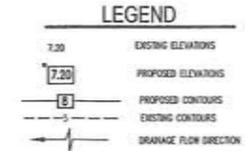
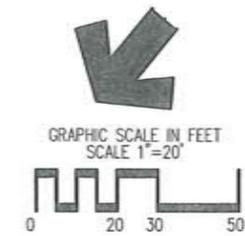
It is recommended that the Board of Adjustment and Appeals **APPROVE** a setback of 15' to construct a covered porch as part of a renovation of a single-family house, requiring a variance of 15' to the required 30' waterbody yard setback.

Exhibit A

Variance Exhibit



Required waterbody setback	Requested waterbody setback	Requested variance
30'	15'	15'



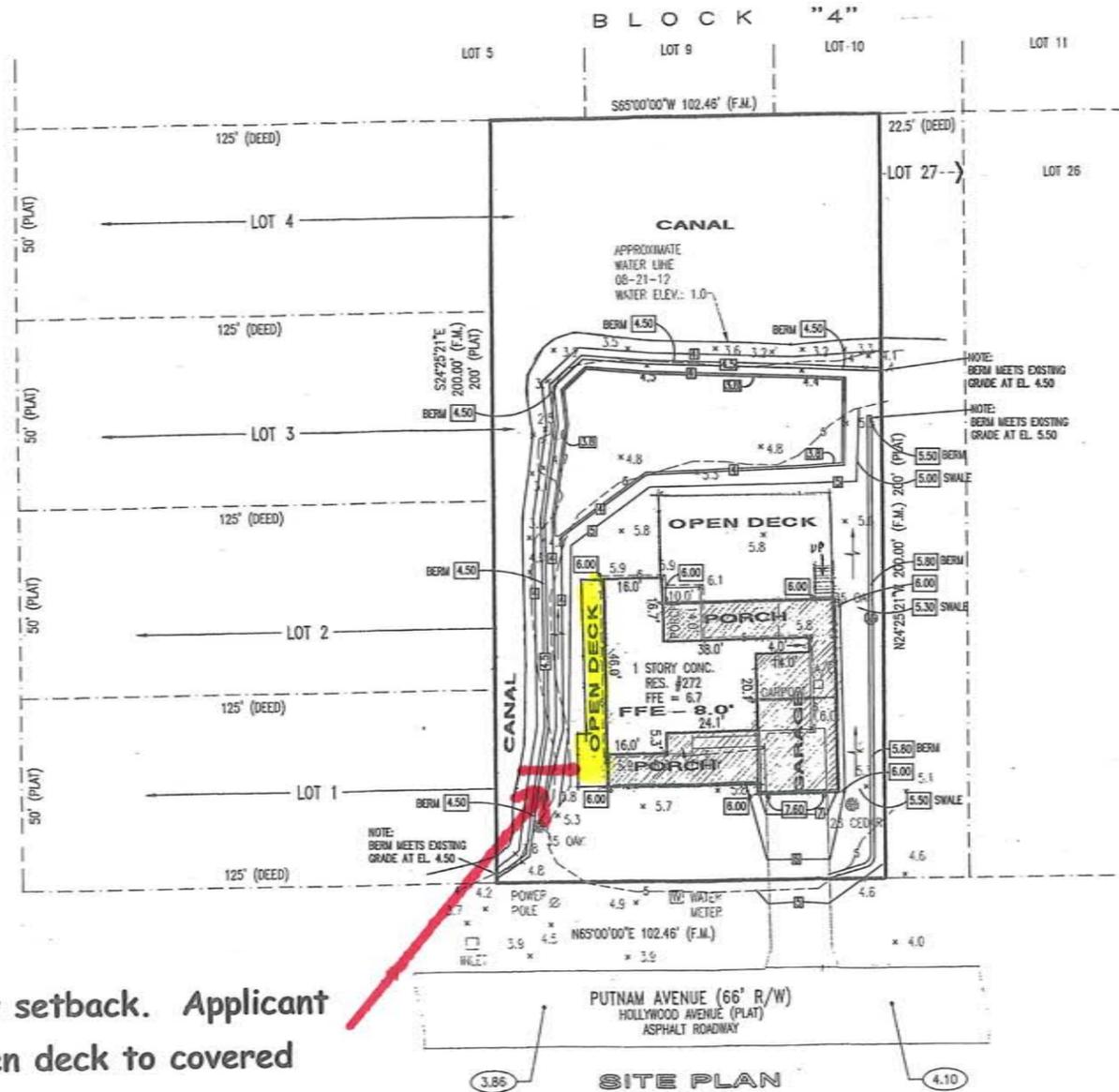
DRAINAGE DESIGN:
 PROVIDE 1" RETENTION OVER SITE
 13415 S.F. x 1" = 1118 C.F.
 RETENTION PROVIDED FROM EL. 3.80 TO 4.50
 AVERAGE AREA 1740 S.F. x 0.7' = 1218 C.F. PROVIDED

FLOOD PLAIN COMPENSATING STORAGE

EXISTING		
EL.	AREA S.F.	VOLUME C.F.
4	1075	0
5	4021	2548
6	10971	10044
6.7	10989	17730
7	13435	21393.6

PROPOSED		
EL.	AREA S.F.	VOLUME C.F.
3.8	1950	0
4	3983	593
5	4825	4997
6	9770	12295
7	10260	22310

LESS BERM 616 C.F. ———— AVG WIDTH 4'
 NET 21694 ———— AVG DEPTH 0.7'
 LENGTH 220'



Proposed 15' waterbody setback. Applicant proposes to convert open deck to covered porch. The covered porch is 21' to the side property line.

NOTE:
 SEE ARCHITECT PLANS FOR BUILDING DIMENSIONS AND SETBACKS

1-29-13 CITY COMMENTS

Daniel Johns, P.E.
 Professional Engineers
 3869 South Nova Road, Suite #4 Port Orange, Florida 32127
 phone 386-756-8582 e-mail danjohns@djengineers.com

GRADING/STORMWATER PLAN

272 PUTNAM AVENUE

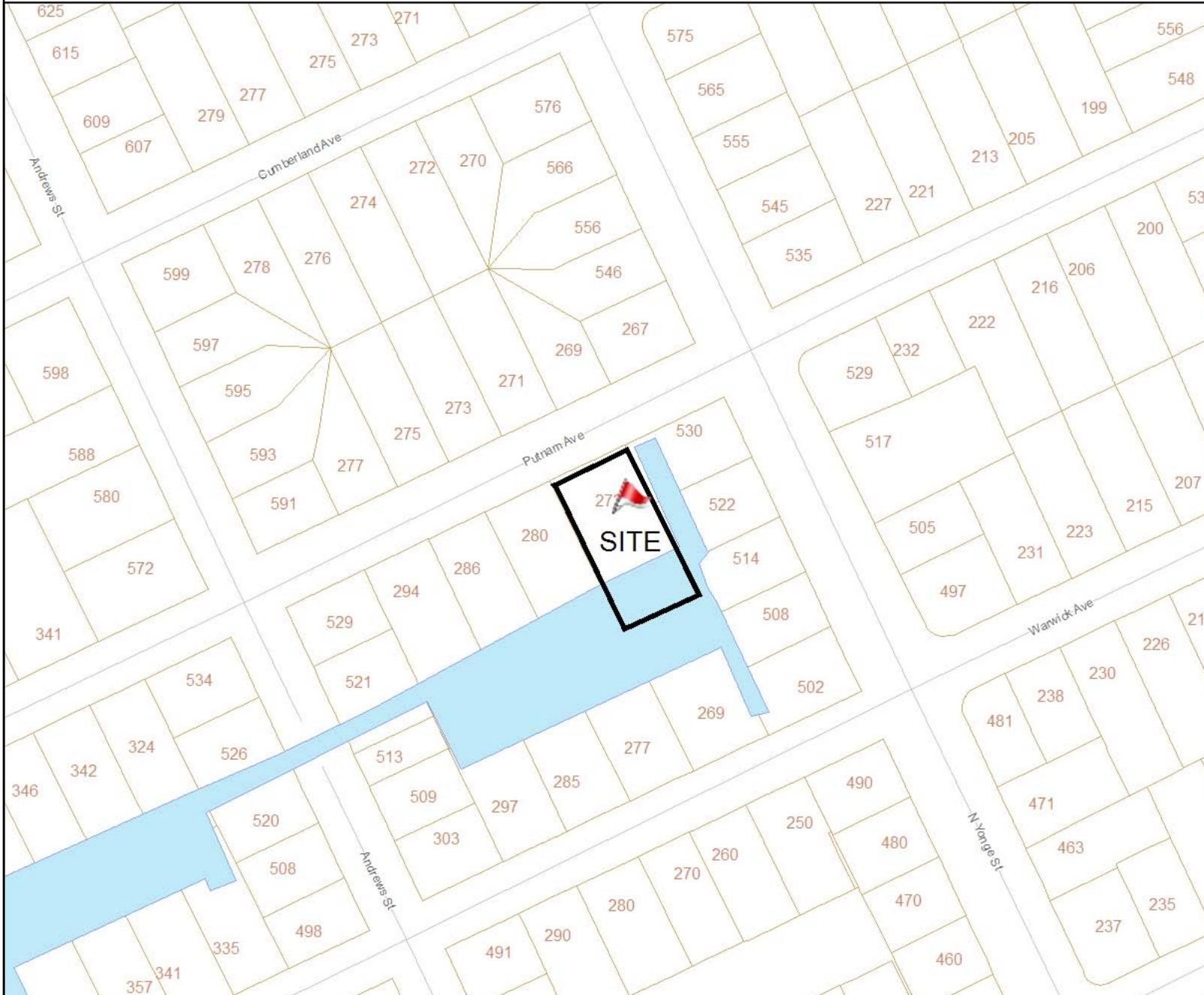
Ormond Beach, Volusia County, Florida

file: date: 1-30-13 scale: 1"=20'

Exhibit B

- Maps and Pictures

272 Putnam Avenue Location Map



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

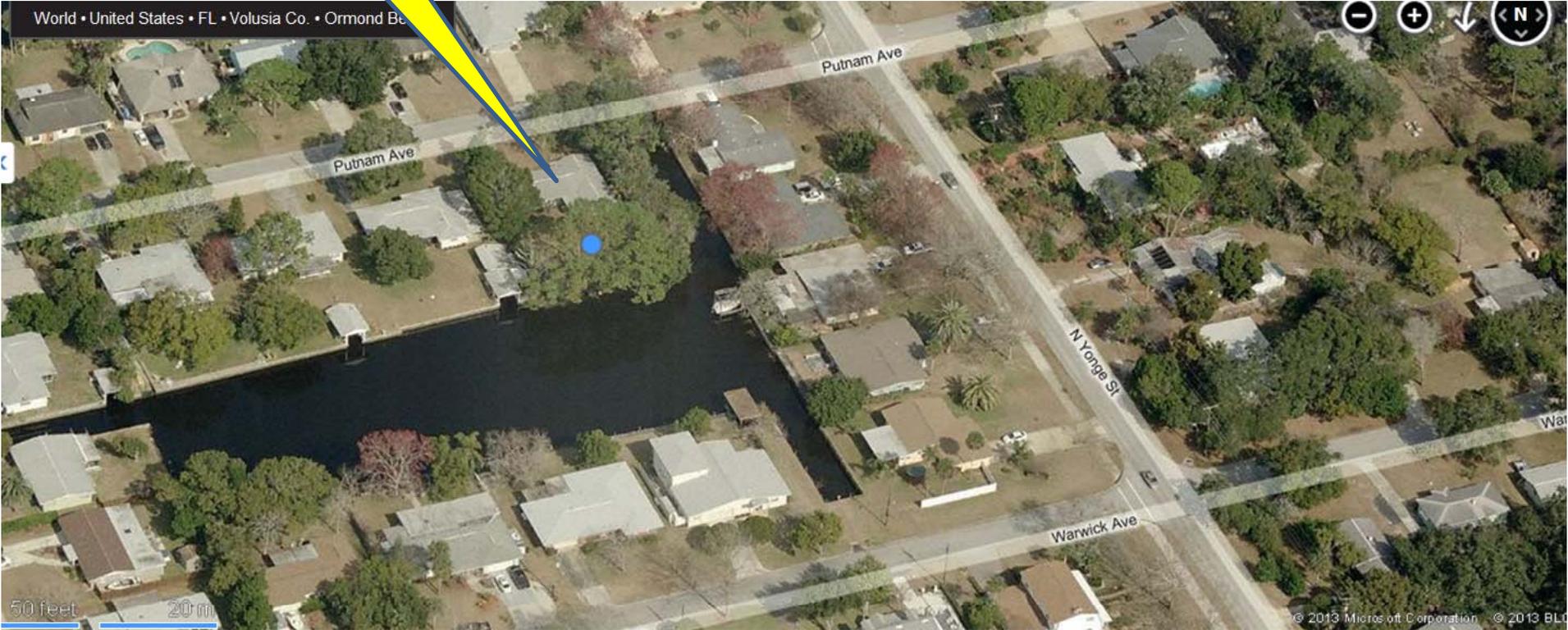
178 ft



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.



SITE



SITE

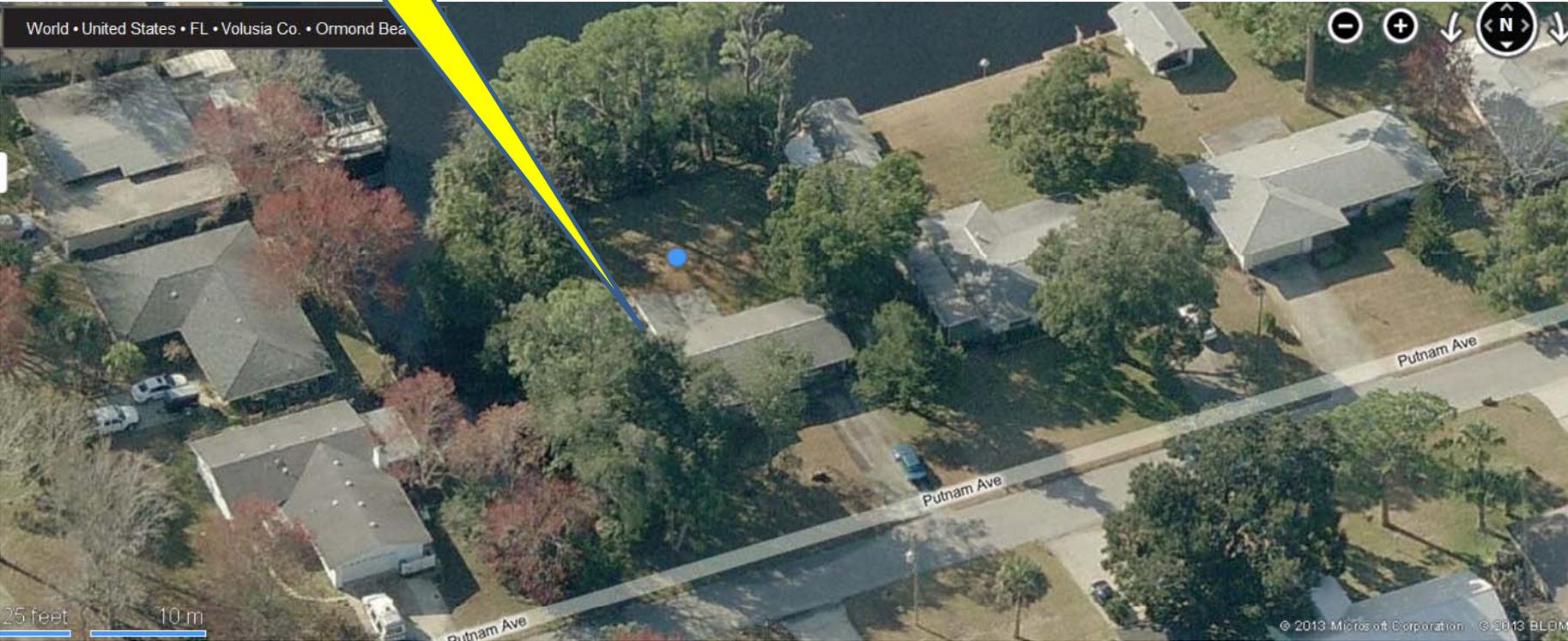






Exhibit C

Applicant Provided 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

Received
FEB 04 2019
By: AAR

VARIANCE - APPLICATION

For Planning Department Use

Application Number

Date Submitted

VARIANCE TYPE

Please select appropriate application type

FEES

	<u>Application</u>	<u>Advisory Board</u>	<u>Commission</u>	<u>Total*</u>
Residential and Commercial	350	354	N/A	704 <i>chk # 256</i>
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

Address

City, State, Zip Code

Telephone

Email Address

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

PROPERTY OWNER INFORMATION

Name: ALBERT E. JENKINS III
Address: 640 N. NOVA RD. UNIT 417
City, State, Zip Code: ORMOND BEACH, FL. 32174
Telephone: 386-405-2717
Email Address: AL@MARKETLEVERAGE.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: 272 PUTNAM AVENUE
Zip Code: 32174
Parcel I.D.: 4240-03-04-0280

Legal Description: THE WESTERLY 25 FEET OF LOTS 1 THROUGH 4, AND THE EASTERLY 27.5 FEET OF LOT 27 AND LOT 28, BLOCK 4, ACCORDING TO THE PLAT OF ORMOND TERRACE ANNEX, AS RECORDED IN MAP BOOK 10, PAGE 137, OF THE PUBLIC RECORDS OF VOLUNIA COUNTY, FLORIDA.

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: EXISTING BUILDING SETBACK TO PROPERTY LINE IS 28.6' AND ± 20' TO CANAL. LDC REGULATION IS 30' TO CANAL. WE ARE REQUESTING ± 15' TO CANAL TO ALLOW A WRAP AROUND PORCH PARALLEL TO THE CANAL.

ABUTTING PROPERTY OWNERS

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

Signature	Street Address	For	Against
<i>[Signature]</i>	514 N Yonge St.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>[Signature]</i>	522 N. Yonge St	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. Harry A. Berney	269 Warwick Ave.	<input checked="" 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:

THE SPECIAL CONDITION IS THE LOCATION OF THE EXISTING BUILDING, AND THE DESIRE TO RECONSTRUCT THIS HOUSE BY USING THE EXISTING WALLS. BASED ON THE LOCATION OF THE EXISTING WALLS, THERE IS INSUFFICIENT WIDTH TO THE EXISTING WATER LINE ON THE EAST SIDE,

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

THE SPECIAL CONDITION OCCURRED AT THE TIME OF CONSTRUCTION OF THE ORIGINAL HOUSE AND IS NOT THE RESULT 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:

LITERAL INTERPRETATION PREVENT THE PLACEMENT OF THE WRAP AROUND COVERED PORCH ALONG THE EXISTING CANAL AND WOULD PROVIDE PROTECTION FROM THE ELEMENTS FOR THE GUEST ROOMS. THIS WOULD BE AN UNDUHARDSHIP.

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 EXISTING HOUSE WALL. THE VARIANCE IS THE MINIMUM TO MAKE REASONABLE USE OF THE WRAP AROUND COVERED PORCH.

ABUTTING PROPERTY OWNERS

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

Signature	Street Address	For	Against
<i>Omar Khalil Albreidat</i>			
<i>Bank Khalil Albreidat</i>	530 N. Zenger St	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>TO</i>	271 Putnam Ave	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Rouf Albreidat</i>	280 Putnam St	<input checked="" 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).

- 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:

THE SPECIAL CONDITION IS THE LOCATION OF THE EXISTING BUILDING AND THE DESIRE TO RECONSTRUCT THIS HOUSE BY USING THE EXISTING WALLS. BASED ON THE LOCATION OF THE EXISTING WALLS, THERE IS INSUFFICIENT WIDTH TO THE EXISTING WATER LINE ON THE EAST SIDE.

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

THE SPECIAL CONDITION OCCURRED AT THE TIME OF CONSTRUCTION OF THE ORIGINAL HOUSE AND IS NOT THE RESULT OF THE APPLICANT.

- 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:

LITERAL INTERPRETATION PREVENT THE PLACEMENT OF THE WRAP AROUND COVERED PORCH ALONG THE EXISTING CANAL AND WOULD PROVIDE PROTECTION FROM THE ELEMENTS FOR THE GUEST ROOMS. THIS WOULD BE AN UNDUHARDSHIP.

- 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 EXISTING HOUSE WALL. THE VARIANCE IS THE MINIMUM TO MAKE REASONABLE USE OF THE WRAP AROUND COVERED PORCH.

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 VARIANCE REQUEST IS NOT BASED EXCLUSIVELY UPON A DESIRE TO REDUCE THE COST OF DEVELOPING THE SITE, ON THE CONTRARY, THE APPLICANT REDEVELOPING THE PROPERTY IS MAKING A SUBSTANTIAL IMPROVEMENT.

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

THE VARIANCE WILL NOT SUBSTANTIALLY INCREASE CONGESTION ON SURROUNDING PUBLIC STREETS, OR THE DANGER OF FIRE, OR OTHER HAZARD TO THE PUBLIC AND MEETS ALL BUILDING CODES.

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:

THE REQUEST 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:

GRANTING THE VARIANCE WILL NOT CONFER ON THE APPLICANT ANY SPECIAL PRIVILEGE, BUT ALLOW THE REASONABLE USE OF THIS LAND, BUILDING OR STRUCTURE AS OTHERS IN THE SAME ZONING DISTRICT.

CRITERIA: NONCONFORMING

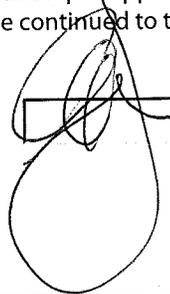
Section 1-16.D.4 of the Land Development Code establishes separate criteria for the expansion of an existing nonconforming structure or portion of that structure. The Code requires that the Board of Adjustment and Appeals make a finding based on substantial competent evidence on each of the following 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:

[Empty rectangular box for providing evidence or details for criterion 1.]

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: 1/31/13

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.

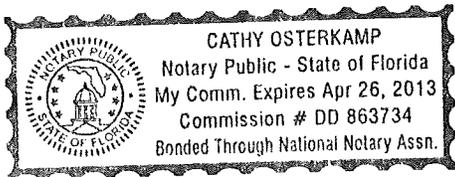
Notary Public
State of Florida
My Commission Expires:

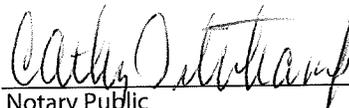
ATTEST: _____

Individual

STATE OF FLORIDA)
COUNTY OF VOLUSIA) SS

The foregoing instrument was acknowledged before me this 31st day of January, 2013, by Albert Jenkins, who provided FLDL as identification or is personally known to me.





Notary Public
State of Florida
My Commission Expires:

Prepared by and return to:
WILLIAM AKERS, III, P.A.
120 E. Granada Blvd.
Ormond Beach, FL 32176

SPECIAL WARRANTY DEED

THIS INDENTURE, made this September 7, 2012, BETWEEN **Jeanne M. Nonnenmacher**, as **Successor Trustee of the Kathleen Virginia Nonnenmacher Revocable Trust dated July 26, 1999**, Grantor, and **Albert E. Jenkins, III and Paula Jenkins, husband and wife**, Grantee, whose post office address is 272 Putnam Avenue, Ormond Beach, FL 32174. The terms Grantor and Grantee are used for singular or plural, as the context requires.

WITNESSETH, that said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable considerations in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the Grantee, the Grantee's heirs and assigns forever, the following described land situate, lying and being in Volusia County, Florida, to-wit:

The Easterly 27.5 feet of Lot 27, all of Lot 28, and the Westerly 25 feet of Lots 1, 2, 3 and 4, subject to a canal easement on the Southerly 50 feet thereof and on the Easterly 15 feet thereof, all being in Block 4, ORMOND TERRACE ANNEX, as per map in Map Book 10, Page 137, Public Records of Volusia County, Florida.

Subject to: (a) a City of Ormond Beach, Florida canal easement recorded in OR Book 278, Page 236, (b) mineral reservations in Deed Book 440, Page 277 and (c) all matters shown on the plat of Ormond Terrace Annex in Map Book 10, Page 137, all being recorded in the Public Records of Volusia County, Florida. Also subject to real property taxes for 2012 and subsequent years.

Tax Parcel No. 4240-03-04-0280

The Grantor warrants that she is a resident of the State of Illinois and that the above described real property is not her homestead property as the same is defined by the laws of Florida.

TO HAVE AND TO HOLD the same to the Grantee, the Grantee's heirs and assigns, in as full and ample manner as the same was possessed or enjoyed by the said Grantor.

The Grantor further covenants with said Grantee that Grantor is lawfully seized of the above described real property, that Grantor has the lawful right and authority to sell the above described property and that Grantor warrants the title to the above described real property and will defend the same against the lawful claims of all persons, claiming by, through or under the Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Marsha E. Evans
Witness

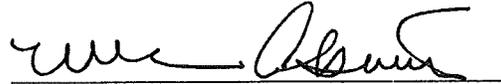
Jeanne M. Nonnenmacher
Jeanne M. Nonnenmacher, Successor Trustee
of the Kathleen Virginia Nonnenmacher
Revocable Trust dated July 26, 1999

Marilyn Taylor
Witness

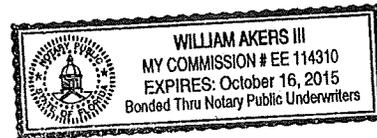
Instrument# 2012-164496 # 2
Book: 6758
Page: 223
Diane M. Matousek
Volusia County, Clerk of Court

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this September 7, 2012 by, Jeanne M. Nonnenmacher, Successor Trustee of the Kathleen Virginia Nonnenmacher Revocable Trust dated July 26, 1999, who is personally known to me.



Notary Public, State of Florida



World • United States • FL • Volusia Co. • Ormond Beach



272 Putnam Ave, Ormond Beach, FL 32174

[Directions](#) [Send](#) [Save](#) [Zoom](#)



25 feet

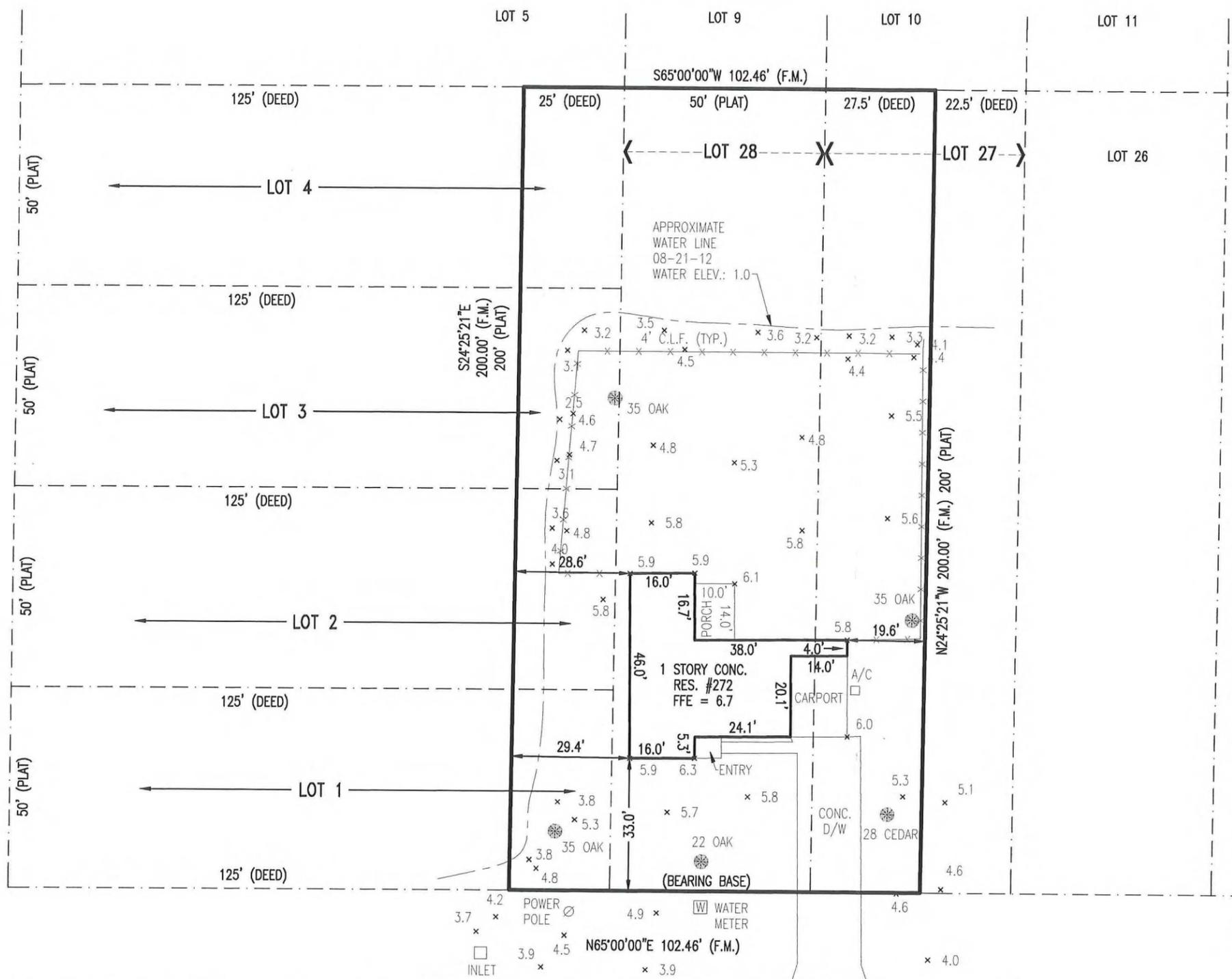
10 m

© 2013 Microsoft Corporation © 2013 BLOM



House structure, prior to re-construction

B L O C K " 4 "



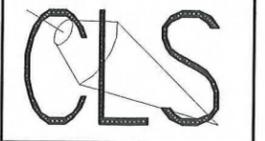
LEGAL DESCRIPTION AS FURNISHED:
 THE WESTERLY 25 FEET OF LOTS 1 THROUGH 4, AND THE
 EASTERLY 27.5 FEET OF LOT 27 AND LOT 28, BLOCK 4,
 ACCORDING TO THE PLAT OF ORMOND TERRACE ANNEX,
 AS RECORDED IN MAP BOOK 10, PAGE 137, OF THE PUBLIC
 RECORDS OF VOLUSIA COUNTY, FLORIDA.

- GENERAL NOTES:
1. DATE OF FIELD SURVEY: 08/21/12.
 2. DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.
 3. THIS SURVEY IS BASED ON EXISTING FIELD MONUMENTATION.
 4. NO UNDERGROUND FOUNDATIONS WERE LOCATED.
 5. NO UNDERGROUND UTILITIES WERE LOCATED EXCEPT AS SHOWN.
 6. BEARINGS ASSUMED FOR THE SOUTH R/W LINE OF PUTNAM AVENUE, BEING N65°00'00"E.
 7. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER.
 8. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF AN ABSTRACT. THERE MAYBE ADDITIONAL EASEMENTS, RESTRICTIONS AND/OR OTHER MATTERS NOT SHOWN THAT COULD AFFECT THIS PROPERTY THAT MAYBE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
 9. LEGAL DESCRIPTION FURNISHED BY CLIENT.
 10. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
 11. FLOOD ZONE "AE" B.F.E. = 7, COMMUNITY #125136, PANEL #12127C0212H, 02/19/03.
 12. ELEVATIONS REFER TO N.G.V.D. 1929.

LEGEND / ABBREVIATIONS

R/W	RIGHT OF WAY
ASPH.	ASPHALT
PLAT	PLAT DATA
F.M.	FIELD MEASURED
FND.	FOUND
I.P.	IRON PIPE
I.R.	IRON ROD
CONC.	CONCRETE
TYP.	TYPICAL
S/W	SIDEWALK
F.F.E.	FINISHED FLOOR ELEVATION
NR	NON-RADIAL
N.D.	NAIL & DISC
OHE	AERIAL UTILITIES

CULLUM LAND SURVEYING INC.
 GREGG S. CULLUM
 PROFESSIONAL SURVEYOR & MAPPER #5095
 LICENSED BUSINESS #7129
 5889 S. WILLIAMSON BLVD.
 SUITE 205
 PORT ORANGE, FLORIDA 32128
 386-761-7666
 (FAX) 386-761-7909



PREPARED FOR: AL JENKINS

NOT VALID UNLESS SIGNED BY A PROFESSIONAL SURVEYOR AND MAPPER AND SEALED WITH AN EMBOSSED SEAL

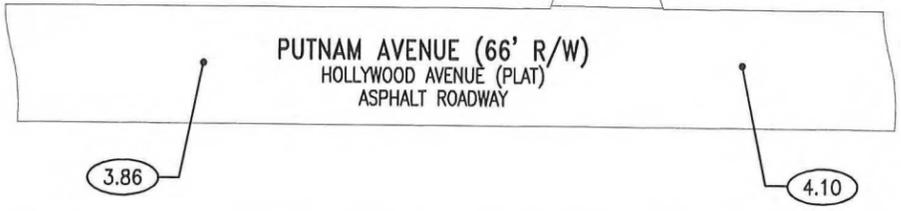
TOPOGRAPHIC & TREE LOCATION SURVEY

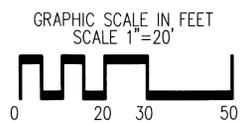
SURVEYOR'S CERTIFICATION:
 I HEREBY CERTIFY THAT THIS SURVEY OF THE SUBJECT PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, AS SURVEYED IN THE FIELD UNDER MY SUPERVISION ON THE DATES SHOWN HEREON. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN FLORIDA ADMINISTRATIVE CODE CHAPTER 5J17, ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS, PURSUANT TO FLORIDA STATUTES SECTION 472.027, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

GREGG S. CULLUM P.S.M. #5095
 DATE: 08/21/12

JOB #:	2012-205
DATE:	08/21/12
SCALE:	1" = 30'
DRAWN BY:	GSC
CHECKED BY:	GSC
FIELD BOOK/PAGE:	78-64
SHEET	1 OF 1

REVISIONS	
1	
2	
3	
4	





LEGEND

- 7.20 EXISTING ELEVATIONS
- 7.20 PROPOSED ELEVATIONS
- 8- PROPOSED CONTOURS
- 5- EXISTING CONTOURS
- ← DRAINAGE FLOW DIRECTION

DRAINAGE DESIGN:
 PROVIDE 1" RETENTION OVER SITE
 13415 S.F. x 1" = 1118 C.F.
 RETENTION PROVIDED FROM EL. 3.80 TO 4.50
 AVERAGE AREA 1740 S.F. x 0.7' = 1218 C.F. PROVIDED

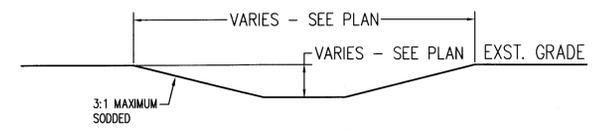
FLOOD PLAIN COMPENSATING STORAGE

EXISTING		
EL.	AREA S.F.	VOLUME C.F.
4	1075	0
5	4021	2548
6	10971	10044
6.7	10989	17730
7	13435	21393.6

PROPOSED		
EL.	AREA S.F.	VOLUME C.F.
3.8	1950	0
4	3983	593
5	4825	4997
6	9770	12295
7	10260	22310

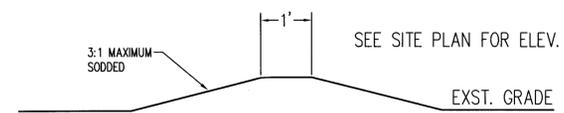
LESS BERM 616 C.F. ———— AVG WIDTH 4'
 NET 21694 ———— AVG DEPTH 0.7'
 LENGTH 220'

NOTE:
 SEE ARCHITECT PLANS FOR BUILDING
 DIMENSIONS AND SETBACKS



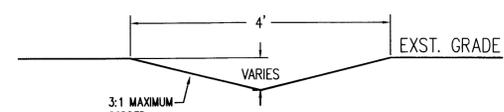
TYPICAL DRAINAGE BASIN AREA SECTION

NTS



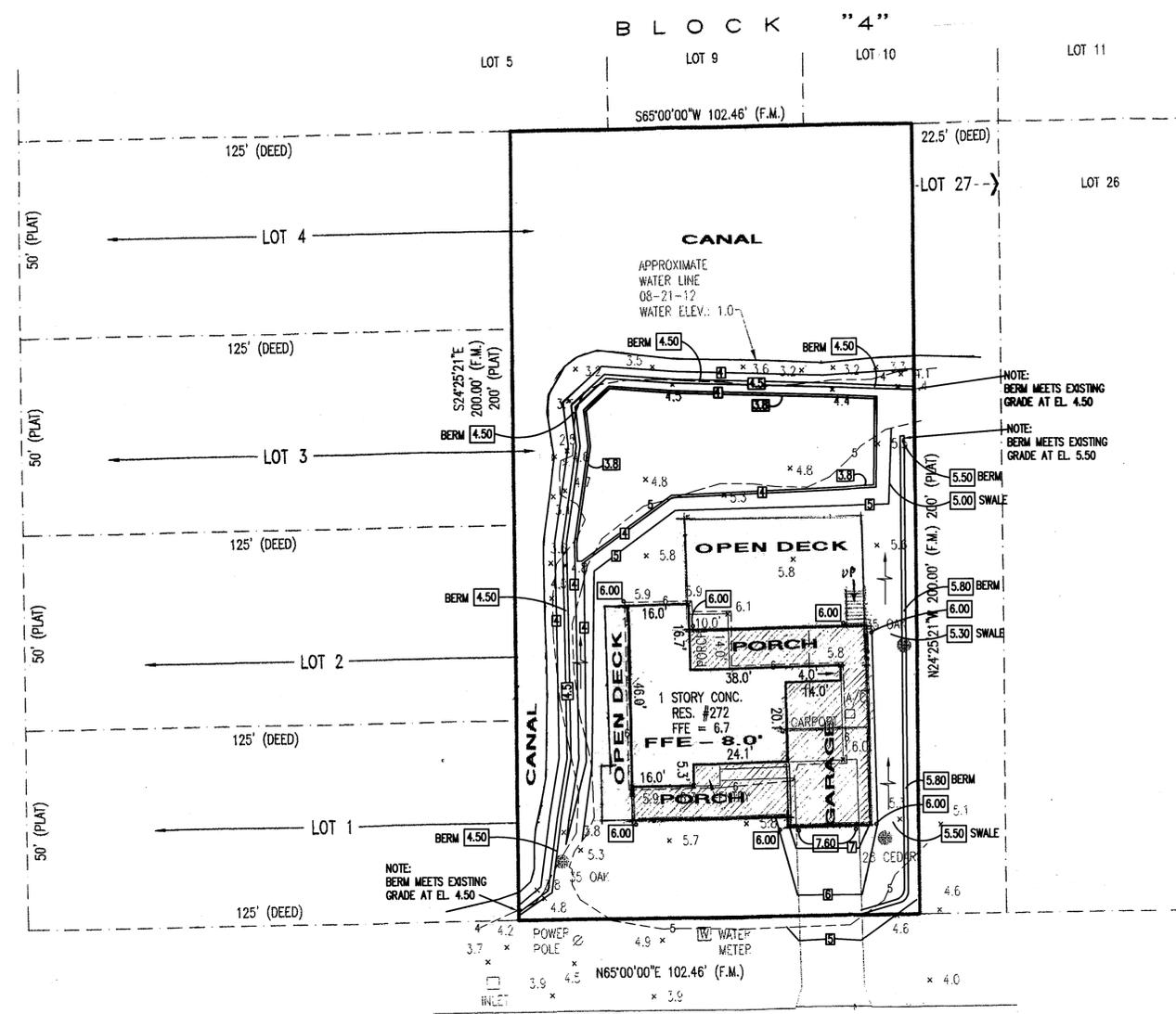
BERM SECTION

NTS



SWALE SECTION

NTS



PUTNAM AVENUE (66' R/W)
 HOLLYWOOD AVENUE (PLAT)
 ASPHALT ROADWAY

SITE PLAN

1-28-13 CITY COMMENTS

Daniel Johns, P.E.
 Professional Engineers
 3869 South Nova Road, Suite #4 Port Orange, Florida 32127
 phone 386-756-8582 e-mail danjohns@djengineers.com

GRADING/STORMWATER PLAN

272 PUTNAM AVENUE

Ormond Beach, Volusia County, Florida

file: * date: 1-2013 scale: 1"=20'



FRONT ELEVATION

REVISIONS	BY

JENKINS RESIDENCE
272 PUTNUM AVENUE

DRAWN SAH
CHECKED SAH
DATE 11-15-12
SCALE 1/4" = 1'-0"
JOB NO.
SHEET 1
OF 2 SHEETS

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: February 27, 2013

SUBJECT: 7 Oriole Circle A

APPLICANT: Robert J. Conner, Conner Construction, LLC. (applicant)
on behalf of the property owners, Remy Longpre and
Ginette Latulippe

FILE NUMBER: 13-45

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION:

This is a request for a front yard variance submitted by Robert J. Conner, Conner Construction, LLC (applicant) on behalf of the property owners, Remy Longpre and Ginette Latulippe for a variance at 7 Oriole Circle A to construction an addition (11' X 13') and a carport within the required rear and side yard setback. The property at 7 Oriole Circle A is zoned R-4 (Single-Family Cluster and Townhouse). The applicant is requesting two variances:

1. **Rear Yard:** Section 2-17.B.9.b of the Land Development Code requires a 20' rear yard setback. The applicant is requesting a rear yard setback of 0' to construct a room addition and carport, requiring a variance of 20' to the required 20' rear yard setback.
2. **Side Yard:** Section 2-17.B.9.c of the Land Development Code requires a 20' side yard setback. The applicant is requesting a side yard setback of 5' to construct a room addition and carport, requiring a variance of 15' to the required 20' side yard setback.

BACKGROUND:

The property is designated as "Medium Density Residential" on the City's Future Land Use Map (FLUM) and is zoned R-4 (Single Family Medium Residential) on the City's Official Zoning Map. The existing use of the property is consistent with the FLUM designation and zoning district.

The subject property is located within Ocean Village Villas which was originally constructed in 1948. In the late 1980's and early 1990's the Ocean Villas Village entered into a Development Agreement (Resolution 89-70) with the City and began the process of platting the existing structures into single family, duplexes, triplexes, and 4-plexes. The existing structures were typically between 400 to 700 square feet and were previously used as vacation cottages.

The Ocean Village Villas Development Agreement did not provide any modifications to the R-4 zoning setbacks. Beginning in 1992, there was a realization that the existing structures did not comply with R-4 zoning setbacks and that renovation, expansion, and repair of the existing structures would have setback conflicts (see Exhibit B). City staff had various correspondences with the Ocean Village Villas Homeowners Association and in 1999 encouraged the amendment of the 1989 Development Order. In 2000, the Planning Director stated that City staff would support setbacks of 15’ for the rear yard and 7’ for the side yards. Staff has met with the Ocean Village Villas Homeowners Association who are attempting to work toward a solution for the setbacks but require approval of the individual property owners of the project. There has been no Development Order amendment and property owners seeking expansions and renovations have done so through the variance process.

Table 1: Site Aerial



Table 2: Adjacent land uses and zoning:

	Current Land Uses	Future Land Use Designation	Zoning
North	Triplex	“Medium Density Residential”	R-4 (Single Family Medium Residential)
South	Duplex	“Medium Density Residential”	R-4 (Single Family Medium Residential)
East	Triplex	“Medium Density Residential”	R-4 (Single Family Medium Residential)
West	Triplex	“Medium Density Residential”	R-4 (Single Family Medium Residential)

of lot area further demonstrates that the redevelopment of this area did not consider the zoning designation and required setbacks.

Argument against the variance: One could argue since the minimum lot area is not met, no variances should be granted. It is important to view the entire history of this development and acknowledge that the existing setback standards are not appropriate for the built structures and the variance process is the only method to allow redevelopment and modernization.

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 for the construction of building addition and carport at 7 Oriole Circle A. The existing building configuration and the R-4 zoning district dimensions limit the ability to expand and meet the required setbacks.

Argument against the variance: None. Given the established lot lines, there is no ability to add addition building square footage.

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 triplex residential use is a permitted use in the R-4 zoning district and is consistent with the purpose of this zoning district.

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.**

Argument for the variance: The proposed addition will be in line with the existing structure at 7 Oriole Circle B and will not block any view corridors.

Argument against the variance: None.

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

Argument for the variance: The request is in scale with the adjacent structures and will be a one-story structure. The request is an investment into the Ocean Village Villas area. The Ocean Village Villas has architectural controls separate of the City Land Development Code that have approved the request and will ensure consistency of the proposed addition and carport. The proposed addition will make the existing unit more functional for the property owners.

Argument against the variance: None.

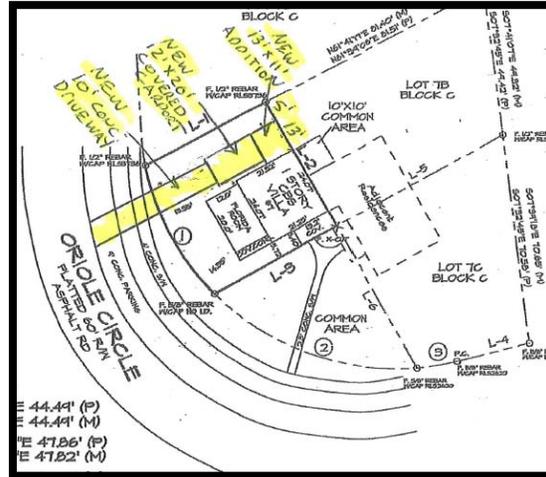
6. **The proposed expansion will not impact adjacent properties by limiting views or increasing light and/or noise.**

Argument for the variance: The proposed room addition will not impact adjacent properties by limiting view or increasing light or noise.

Argument against the variance: None.

SIDE YARD SETBACK

The proposed room addition encroaches 15' into the required 20' side yard setback. The resulting side yard setback would be 5'. The carport addition is located 5' from the side property line, requiring a 15' side yard variance from the required 20'. The resulting side yard setback would be 5'. 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.



- 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-4 zoning classification requires a minimum lot area of 15,000 square feet for triplexes. The property for all three units is approximately 9,800 square feet and does not meet the lot standards. 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: One could argue since the minimum lot area is not met, no variances should be granted. It is important to view the entire history of this development and acknowledge that the existing setback standards are not appropriate for the built structures and the variance process is the only method to allow redevelopment and modernization.

- 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 for the construction of the building addition and carport at 7 Oriole Circle A. The existing building configuration and the R-4 zoning district dimensions limit the ability to expand and meet the required setbacks.

Argument against the variance: None. Given the established lot lines, there is no ability to add addition building square footage.

- 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 triplex residential use is a permitted use in the R-4 zoning district and is consistent with the purpose of this zoning district.

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.**

Argument for the variance: The proposed building addition and carport will be in line with the existing structure at 7 Oriole Circle B and will not block any view corridors.

Argument against the variance: None.

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

Argument for the variance: The request is in scale with the adjacent structures and will be a one-story structure. The request is an investment into the Ocean Village Villas area. The Ocean Village Villas has architectural controls separate of the City Land Development Code that have approved the request and will ensure consistency of the proposed addition and carport. The proposed addition will make the existing unit more functional for the property owners.

Argument against the variance: None.

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

Argument for the variance: The proposed carport will not impact adjacent properties by limiting view or increasing light or noise.

Argument against the variance: None.

RECOMMENDATION: City Planning staff has, over time, indicated an acknowledgment that the R-4 zoning district setbacks are mis-applied to the Ocean Village Villas development and the Development Order should be amended. Beginning in 2000, the City Planning Director stated a willingness to amend the project setbacks. Staff believes that the variance allows the redevelopment, modernization, and is a necessary investment to maintain properties within the Ocean Village Villas.

It is recommended that the Board of Adjustments and Appeals **APPROVE** the following variances for a room addition and carport:

1. Rear Yard: Section 2-17.B.9.b of the Land Development Code requires a 20' rear yard setback. The applicant is requesting a rear yard setback of 0' to construct a room addition and carport, requiring a variance of 20' to the required 20' rear yard setback.
2. Side Yard: Section 2-17.B.9.c of the Land Development Code requires a 20' side yard setback. The applicant is requesting a side yard setback of 5' to construct a room addition and carport, requiring a variance of 15' to the required 20' side yard setback.

Exhibit A

Variance Exhibit

THIS SURVEY IS CERTIFIED TO:

DESJARDINS BANK, ISAO (IMA
REMY LONGPRE and GINE), LATULIPPE
ADAMS CAMERON TITLE SERVICES, INC.
FIRST AMERICAN TITLE INSURANCE COMPANY

PROPERTY ADDRESS:
7 Oriole Cir, Ormond Beach, FL 32176
PROPERTY SERVED BY CITY WATER

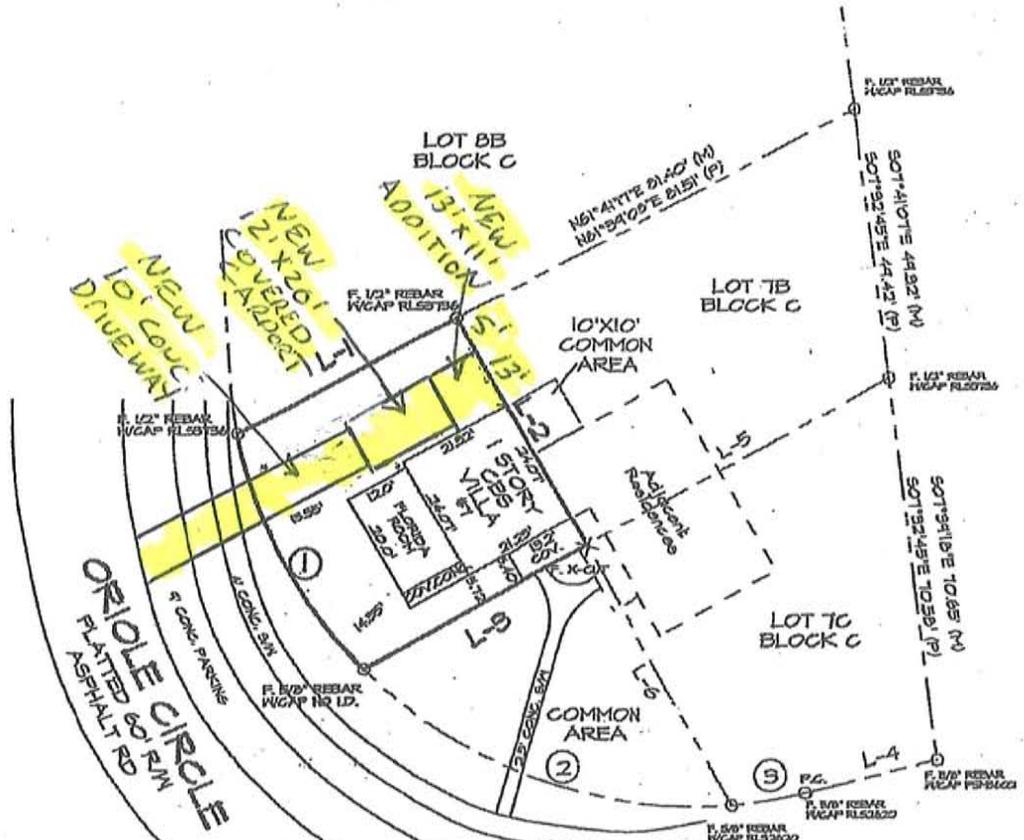
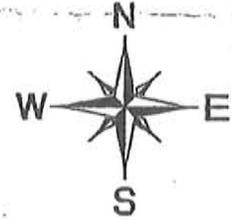
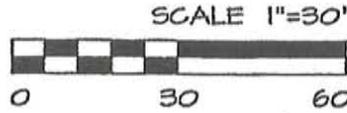
BEARINGS BASED ON PLAT--The Westerly Line of Lot-7A, Block-C-being-N-61°39'08"E.

NOTES:

- 1) Subject to restrictions, reservations, easements and rights-of-way, if any, appearing of record.
- 2) Survey performed without the benefit of a title search.
- 3) Underground utilities and other below ground features, not located, other than shown.

LEGEND:

- U.G.-Utility Easement
- D.E.-Drainage Easement
- U.G.D.E.-Utility & Drainage Easement
- PL-Plat
- CD-Contour Data
- FD-Field measured data
- CL-Calculated data
- F-Fence
- F.C.-Fence corner
- P.O.-Point of Origin
- P.O.T.-Point of Tangency
- P.O.C.-Point of Compound Curve
- P.O.S.-Point of Reverse Curve
- W-Height of eye
- L-Load Survey
- L-Load Survey
- PL-Professional Surveyor & Mapper
- C/S-Concrete Slab
- W-Food Primary Fence
- W-Food Ball Fence
- W-Terraced Fire Fence
- W-Gra Fence
- W-Metal Ball Fence
- W-Chain Link Fence
- W-Privacy Fence
- W-Gravel Area
- W-Electric Transformer Pad
- W-Telephone Pole
- W-Table IV Marker
- W-Concrete Monument
- W-Concrete Block Wall
- W-E-Pool Enclosure
- W-Post Pole



- L-1) N61°39'08"E 44.44' (P)
- L-1) N61°39'08"E 44.44' (M)
- L-2) S29°48'27"E 47.86' (P)
- L-2) S29°39'57"E 47.82' (M)
- L-3) S60°11'33"W 45.89' (P)
- L-3) S60°12'47"W 45.91' (M)

- L-4) N75°48'20"E 24.66' (M)
- L-4) N75°48'56"E 24.75' (P)
- L-5) S60°11'14"W 62.92' (M)
- L-5) S60°11'33"W 62.90' (P)
- L-6) S29°41'23"E 54.22' (M)
- L-6) S29°48'27"E 54.14' (P)

Radius=84.00'(P)
Delta angle=88°54'53"(P)
Chord=S28°11'34"E 44.12'(P)
Chord=S28°05'32"E 48.45'(M)

Radius=84.00'(P)
Delta angle=50°07'45"(P)
Chord=S10°15'23"E 11.17'(P)
Chord=S64°54'23"E 10.41'(M)

Radius=84.00'(P)
Delta angle=8°51'45"(P)
Chord=N80°14'50"E 12.48'(P)
Chord=N80°14'50"E 15.45'(M)

7/16/2011 REVISE LENDER CERT. JPL

This survey is certified to and prepared for the exclusive benefit of the parties and/or individuals named herein, valid on the most current data shown, and shall not be valid upon any other entity or individual whatsoever.

There may be additional restrictions and/or other matters of record not shown on this survey that may be found in the public records of the county or contained within the title commitment.

This survey is the sole property of Langford Surveying, Inc. and shall not be used for any other purpose without the written consent of Langford Surveying, Inc. Any use of this survey for any other purpose without the written consent of Langford Surveying, Inc. shall be void and the user shall be liable for all damages and costs incurred.

Langford Surveying CFL, Inc.
5415 Lake Howell Rd. #160
Winter Park, FL 32792
407-332-7202 Fax 800-654-2339
www.langfordsurveying.com
jim@langfordsurveying.com

NOTE: Date of survey may differ from date of signature. If so, the date of survey is the applicable date.



DATE SIGNED: 7/16/2011
James P. Langford, P.L.S. 3992 LB7803
VALID ONLY WITH AN AUTHENTICATED ELECTRONIC OR EMBOSSED SURVEYOR'S SEAL & SIGNATURE

Date of Survey: 6/30/11	Drawn by: A.I	Checked by: JDI	Scale: 1"=30'	File name/no. 11-06/56
----------------------------	------------------	--------------------	------------------	---------------------------

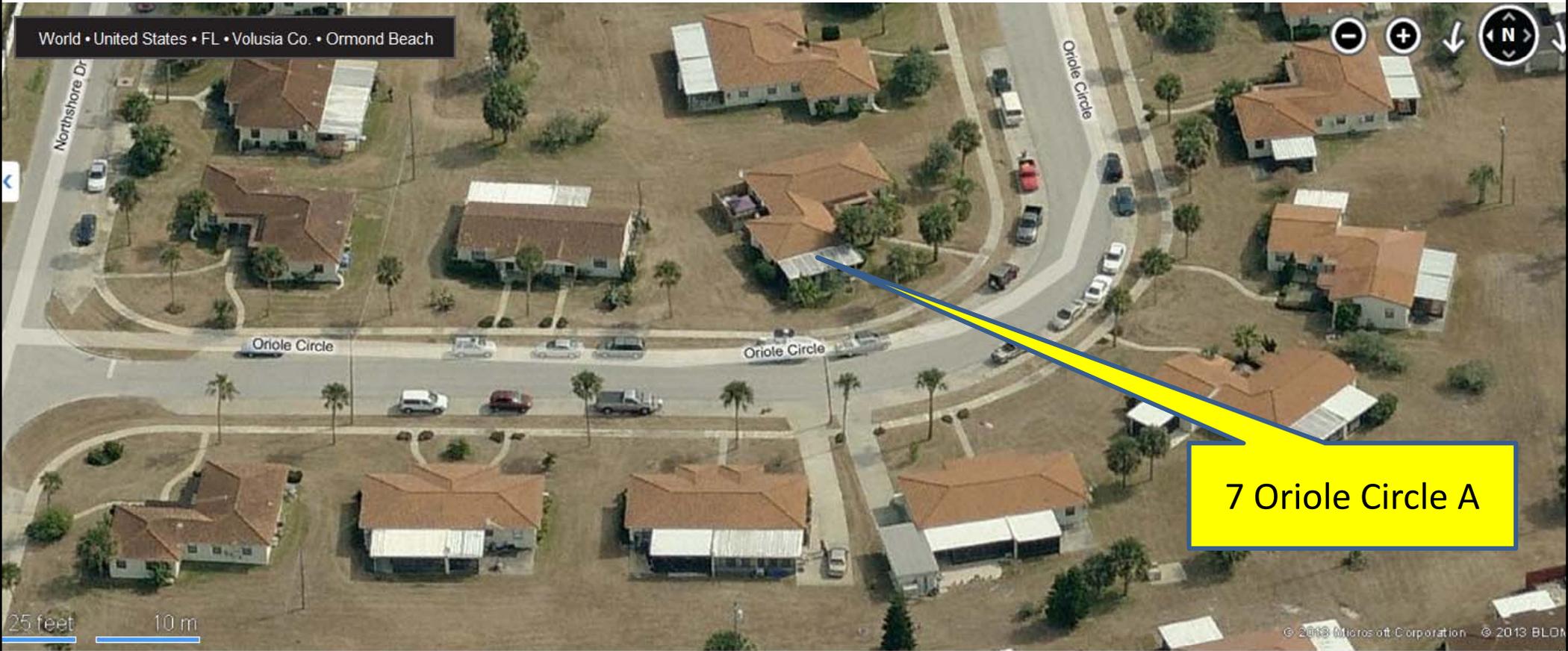
REAR YARD VARIANCE REQUEST		
Required rear yard setback	Requested rear yard setback	Requested rear yard variance
20'	0'	20'

SIDE YARD VARIANCE REQUEST		
Required side yard setback	Requested side yard setback	Requested side yard variance
20'	5'	15'

Exhibit B

- Maps and Pictures

World • United States • FL • Volusia Co. • Ormond Beach



7 Oriole Circle A

25 feet 10 m

© 2013 Microsoft Corporation © 2013 BLDN

**Area of proposed building
addition and carport**

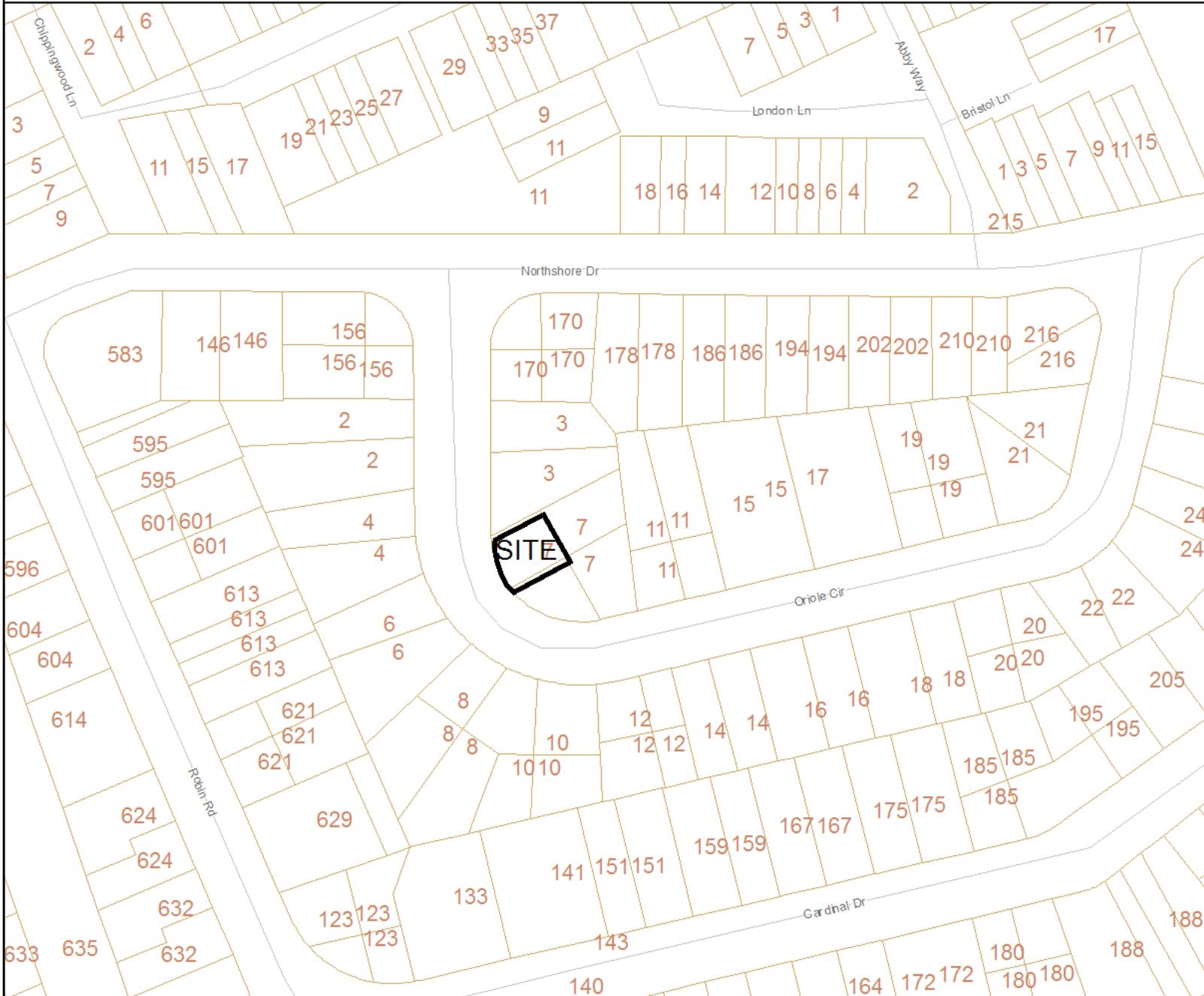






Unit 7 A

7 A Oriole Circle Location Map



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

130 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.



Exhibit C

Applicant Provided 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

13-45

Date Submitted

2.8.13

VARIANCE TYPE

Please select appropriate application type

[Empty selection box]

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

ROBERT J. CONNER - CONNER CONSTRUCTION LLC

Address

4041 ACOMA DRIVE

City, State, Zip Code

ORMOND BEACH FL 32174

Telephone

386-235-3425

Email Address

rconner5e@tt.net

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

PROPERTY OWNER INFORMATION

Name REMY LONGPRE AND GINETTE LATULIPPE
Address 7A ORIOLE CIRCLE
City, State, Zip Code ORMOND BEACH FL 32176
Telephone 386-236-8091
Email Address REMY.LONGPRE@SYMPATICO.CA

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

PROPERTY DETAILS

Address 7A ORIOLE CIRCLE
Zip Code ORMOND BEACH FL 32176
Parcel I.D. 3214232503007A
Legal Description LOT 7A, BLOCK C, OCEAN VILLAGE VILLAS
PLAT BOOK 42, PAGES 192-197
VOLUSIA COUNTY FLORIDA

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 ADD ADDITION TO EXISTING STRUCTURE THAT IS
LOCATED ON BACK PROPERTY LINE (0' SETBACK -
15' REQUIRED.) ADDITION TO EXTEND TO 5' FROM
SIDE PROPERTY LINE (7' SETBACK REQUIRED)

ABUTTING PROPERTY OWNERS

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

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

[Empty rectangular box for response to criterion 5]

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

[Empty rectangular box for response to criterion 6]

- 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:

[Empty rectangular box for response to criterion 7]

- 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:

[Empty rectangular box for response to criterion 8]

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:

LOT AREA IS APPROX. 2200 SF, NEEDS TO BE 5000 SF
PLATTED SETBACKS WERE NOT CONSIDERED IN THIS
DEVELOPMENT

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:

BASED ON LOCATION OF EXISTING STRUCTURE TO PROPERTY LINE, THERE IS NO OTHER AREA TO POSITION ADDITION TO CONFORM TO SETBACK REQUIREMENTS

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:

YES, ADDITION IS ALLOWED IN R4 ZONING DISTRICT.

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:

YES

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

YES, CONSISTENT WITH OTHER EXPANSIONS IN THIS DEVELOPMENT.

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

NO, ADDITION WILL NOT NEGATIVELY IMPACT SURROUNDING 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: Robert Comer

Date: 2-4-13

Corporation

STATE OF FLORIDA)
COUNTY OF VOLUSIA) SS

The foregoing instrument was acknowledged before me this 4th day of February, 2013 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 4th day of February, 2013 by Robert Comer, who provided FL/DL, as identification or is personally known to me.

 _____
 Notary Public
 State of Florida
 My Commission Expires:

07107 NOTICE OF COMMENCEMENT

State of Florida
County of Volusia

Permit No

Tax Parcel Number 3214 232503007A

The UNDERSIGNED hereby gives notice that improvement will be made to certain real property, and in accordance with Chapter 713, Florida Statutes, the following information is provided in this Notice of Commencement

1. Description of Property: (Legal description of the property, and street address if available.)

LOT 7A, BLOCK, OCEAN VILLAGE UNITS
PLAT BOOK 42, PAGES 192-197
VOLUSIA COUNTY FLORIDA

2. General description of improvement: ADD 11x13 UTILITY ROOM

ADD 12x20 COVERED CARPORT
ADD 10x34 DRIVEWAY

3. Owner information:

- a. Name and address Remy Longpre
b. Interest in property 7A Oriole Circle
Diamond Beach Fl
c. Name and address of fee simple titleholder (if other than owner) OWNER

FOR CLERK'S OFFICE USE ONLY

4. Contractor:

Name and address CONNER CONSTRUCTION LLC
4041 ACOMA DRIVE
DIAMOND BEACH FL 32174

a. Phone number (386) 235-3425
Fax number N/A

5. Surety: Name and address

a. Phone number ()
Fax number ()
b. Amount of bond \$.00

6. Lender: Name and address DESJARDINS BANK 1001 EAST

a. Phone number (954) 451-1001 HALLANDALE BLVD
Fax number (954) 457-7927 HALLANDALE
33009-442

7. Persons within the State of Florida designated by Owner upon whom notices or other documents may be served as provided by Section 713.13(1)(a)7., Florida Statutes:

a. Name and address
b. Phone number () N/A
Fax number () N/A

8. In addition to himself, Owner designates of to receive a copy of the Lienor's Notice as provided in Section 713.13(1)(b), Florida Statutes

a. Phone number ()
b. Fax number ()

9. Expiration date of Notice of Commencement (the expiration date is 1 year from the date of recording unless a different date is specified)

WARNING TO OWNER: ANY PAYMENTS MADE BY THE OWNER AFTER THE EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER PAYMENTS UNDER CHAPTER 713, PART I, SECTION 713.13, FLORIDA STATUTES, AND CAN RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.

Signature of Owner: Remy Longpre & GINETTE LATULIPPE
Print Name of Owner: Remy Longpre & GINETTE LATULIPPE

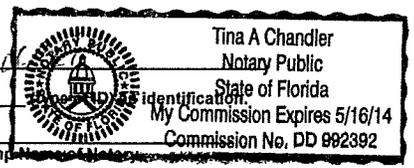
State of Florida County of Volusia

Affirmed and subscribed before me this 8 day of DECEMBER 2012 by Remy Longpre

who is personally known to me or who has produced PASSPORT

Signature of Notary Public State of Florida: Tina A. Chandler

Notarial Seal



13'4"

11'

31'

20'

Carport

12'

W/D

8'2"

10'8"

2'6"

7'2"

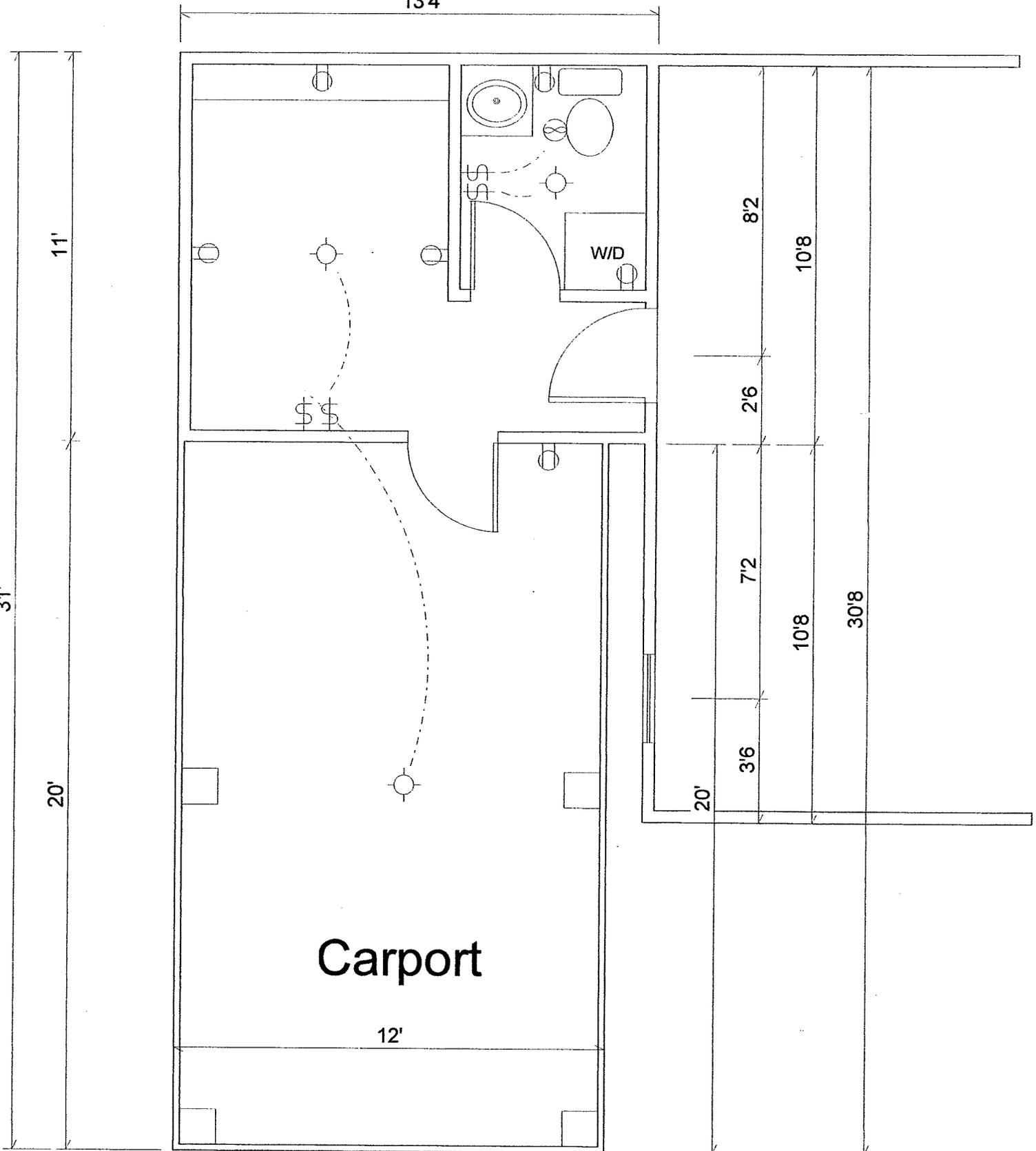
10'8"

30'8"

20'

3'6"

7A ORIOLE CIRCLE



THIS SURVEY IS CERTIFIED TO:

DESJARDINS BANK, ISAOA ATIMA
REMY LONGPRE and GINETTE LATULIPPE
ADAMS CAMERON TITLE SERVICES, INC.
FIRST AMERICAN TITLE INSURANCE COMPANY

PROPERTY ADDRESS:
7 Oriole Cir, Ormond Beach, FL 32176

PROPERTY SERVED BY CITY WATER

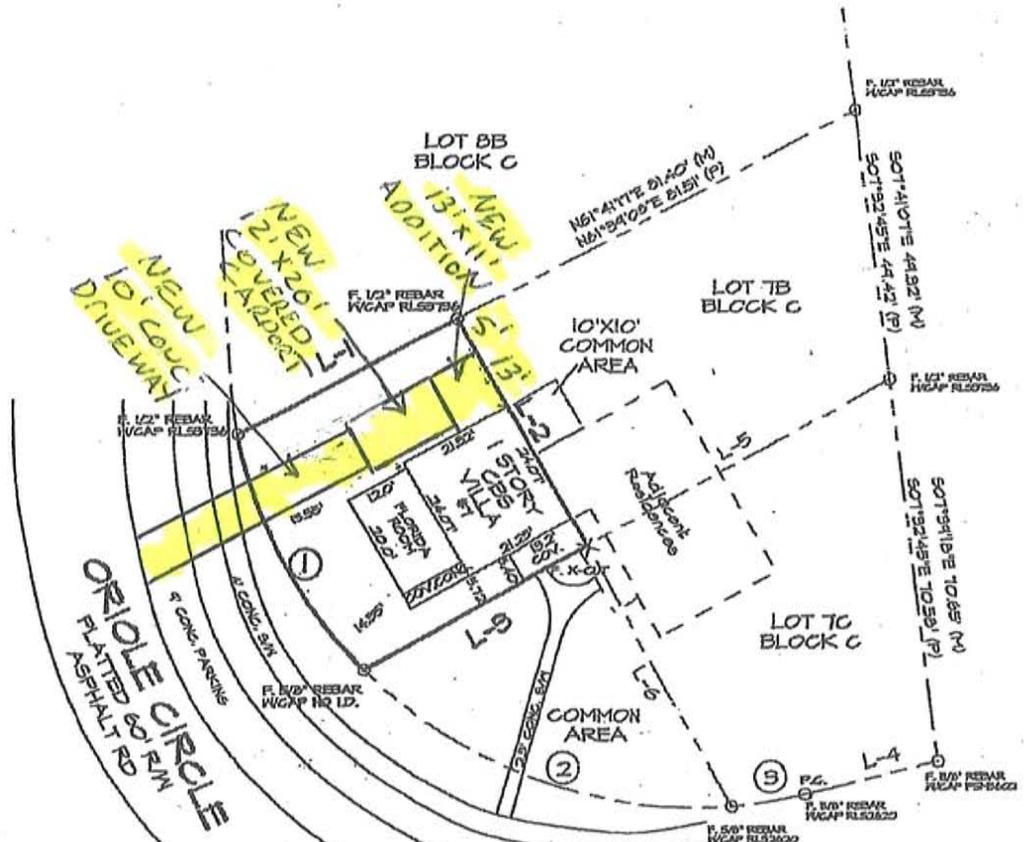
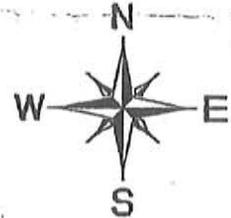
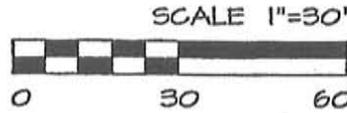
BEARINGS BASED ON PLAT--The Westerly line of Lot-7A, Block-C-being-N-61°39'08"-E.

NOTES:

- 1) Subject to restrictions, reservations, easements and rights-of-way, if any, appearing of record.
- 2) Survey performed without the benefit of a title search.
- 3) Underground utilities and other below ground features, not located, other than shown.

LEGEND:

- U.E.-Utility Easement
- D.E.-Driveway Easement
- U.E.D.E.-Utility & Driveway Easement
- P-Plat data
- D-Deed data
- M-Field measured data
- CL-Calculated data
- F-Found
- F.C.-Fence corner
- P.C.-Point of Curvature
- P.T.-Point of Tangency
- P.C.-Point of Compound Curve
- P.C.-Point of Reverse Curve
- P.R.-Right of way
- L-Land Survey
- L-License Boundary
- PL-Professional Surveyor's Map
- C/C-Concrete Slab
- W/W-Wood Privacy Fence
- W/W-Wood Post Fence
- W/W-Weathered Iron Fence
- W/W-Wire Fence
- W/W-Metal Post Fence
- W/W-Chain Link Fence
- W/W-Privacy Fence
- W/W-Electric Meter
- ETP-Electric Transformer Pad
- T-Telephone Pole
- T/D-Double IV Pole
- C-Concrete Monument
- C-Concrete Block Wall
- P/E-Pool Equipment
- P-Pearl Pole



- L-1) N61°39'08"E 44.44' (P)
- L-1) N61°39'08"E 44.44' (M)
- L-2) S29°48'27"E 47.86' (P)
- L-2) S29°39'57"E 47.82' (M)
- L-3) S60°11'33"W 45.89' (P)
- L-3) S60°12'47"W 45.91' (M)

- L-4) N15°48'20"E 24.66' (M)
- L-4) N15°48'56"E 24.73' (P)
- L-5) S60°11'14"W 62.42' (M)
- L-5) S60°11'33"W 62.40' (P)
- L-6) S29°41'23"E 54.22' (M)
- L-6) S29°48'27"E 54.14' (P)

Radius=84.00'(P)
Delta angle=38°54'55"(P)
Chord=S28°11'34"E 44.12'(P)
Chord=S28°05'32"E 48.99'(M)

Radius=84.00'(P)
Delta angle=50°01'45"(P)
Chord=S10°15'23"E 71.71'(P)
Chord=S64°54'23"E 10.41'(M)

Radius=84.00'(P)
Delta angle=51°51'45"(P)
Chord=N80°14'50"E 12.48'(P)
Chord=N80°14'50"E 15.45'(M)

7/16/2011 REVISE LEADER CERT. JPL

This survey is certified to and prepared for the enclosure subject of the plat and/or individual sheets hereon, valid on the most current date shown, and shall not be relied upon by any other entity or individual whatsoever.

There may be additional restrictions and/or other matters of record not shown on this survey that may be found in the public records of the county or contained within the title commitment.

This plat is the sole property of Langford Surveying, Inc. and shall not be used for any other purpose without the written consent of Langford Surveying, Inc. Any use of this plat for any other purpose without the written consent of Langford Surveying, Inc. shall be at the user's sole risk.

Langford Surveying CFL, Inc.
6415 Lake Howell Rd. #160
Winter Park, FL 32792
407-332-7202 Fax 800-654-2339
www.langfordsurveying.com
jim@langfordsurveying.com

NOTE: Date of survey may differ from date of signature. If so, the date of survey is the applicable date.



DATE SIGNED: 7/16/2011
James P. Langford, P.L.S. 3992 LB7803
VALID ONLY WITH AN AUTHENTICATED ELECTRONIC OR EMBOSSED SURVEYOR'S SEAL & SIGNATURE

Date of Survey: 6/30/11	Drawn by: A.I	Checked by: IDI	Scale: 1"=30'	File name/no. 11-06/56
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THIS SURVEY IS CERTIFIED TO.

DESJARDINS BANK, ISAOA ATIMA
REMY LONGPRE and GINETTE LATULIPPE
ADAMS CAMERON TITLE SERVICES, INC.
FIRST AMERICAN TITLE INSURANCE COMPANY

PROPERTY ADDRESS:
7 Oriole Cir, Ormond Beach, FL 32176
PROPERTY SERVED BY CITY WATER

BEARINGS BASED ON PLAT--The Westerly line of Lot-7A, Block-C-being-N.61°30'08"E.

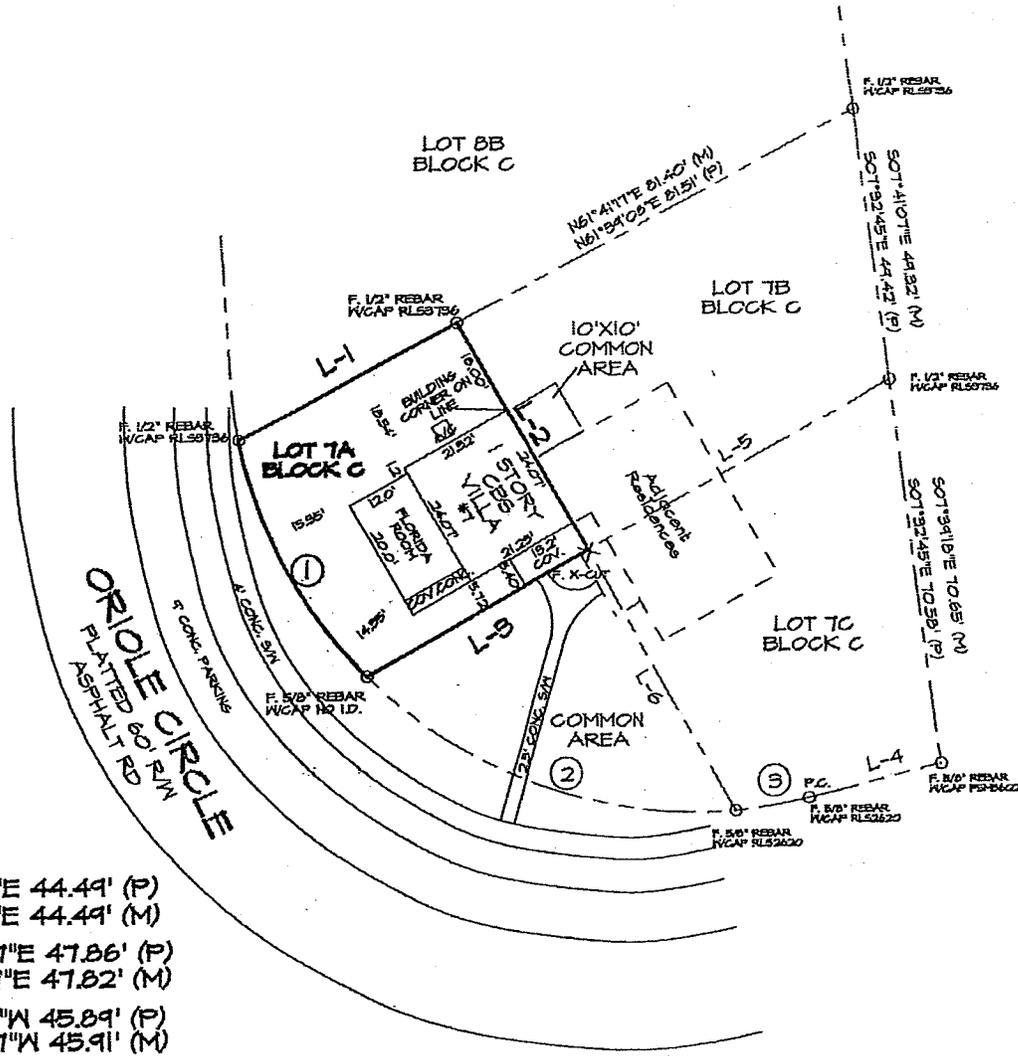
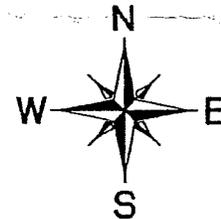
NOTES:

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- P.R.C.-Point of Reverse Curve
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- LS-Licensed Surveyor & Mapper
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- WP-Wood Privacy Fence
- WF-Wood Rail Fence
- MF-Metal Rail Fence
- CF-Chain Link Fence
- PF-Privacy Fence
- W-Metal Mesh
- ETP-Electric Transformer Pad
- TA-Telephone Alarm
- TV-Cable TV Alarm
- DC-Concrete Monument
- CC-Concrete Block Wall
- P/E-Pool Equipment
- PP-Pool Pits

SCALE 1"=30'



- L-1) N61°39'08"E 44.49' (P)
- L-1) N61°39'08"E 44.49' (M)
- L-2) S29°48'27"E 47.86' (P)
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- L-3) S60°11'33"W 45.89' (P)
- L-3) S60°12'47"W 45.91' (M)

- L-4) N75°48'20"E 24.66' (M)
- L-4) N75°48'56"E 24.75' (P)
- L-5) S60°11'14"W 62.42' (M)
- L-5) S60°11'33"W 62.90' (P)
- L-6) S29°41'25"E 54.22' (M)
- L-6) S29°48'27"E 54.14' (P)

Radius=64.00'(P)
Delta angle=88°54'53"(P)
Chord=S28°11'34"E 49.12'(P)

Radius=64.00'(P)
Delta angle=50°07'45"(P)
Chord=S70°15'23"E 71.17'(P)
Chord=S69°59'23"E 70.97'(M)

Radius=64.00'(P)
Delta angle=8°51'48"(P)
Chord=N80°14'50"E 13.48'(P)
Chord=N80°14'50"E 13.45'(M)

7/16/2011 REVISE LENDER CERT. JPL

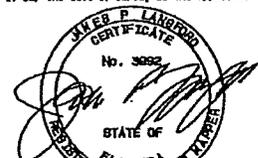
This survey is certified to and prepared for the exclusive benefit of the entities and/or individuals shown herein, valid on the date current data shown, and shall not be relied upon by any other entity or individual whatsoever.

There may be additional restrictions and/or other matters of record not shown on this survey that may be found in the public records of the county or contained within the title commitment.

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Langford Surveying CFL, Inc.
5415 Lake Howell Rd. #160
Winter Park, FL 32792
407-332-7202 Fax 800-654-2339
www.langfordsurveying.com
jim@langfordsurveying.com

NOTE: Date of survey may differ from date of signature. If so, the date of survey is the applicable date.



DATE SIGNED: 7/16/2011
James P. Langford, P.L.S. 3992
VALID ONLY WITH AN AUTHENTICATED ELECTRONIC OR EMBOSSED SURVEYOR'S SEAL & SIGNATURE

Date of Survey: 6/30/11	Drawn by: A.I	Checked by: JPL	Scale: 1"=30'	File name/no. 11-06/56
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OCEAN VILLAGE VILLAS HOMEOWNERS ASSOCIATION, INC.

635 FLAMINGO DR. ORMOND BEACH, FL 32176

Phone: 386-677-9013 FAX: 386-677-8078

Email: oceanvillagehoa@cfl.rr.com

February 7, 2013

Remi Longpre
501 Longpre Entrelacs
QC, Canada JOT-2EO

RE: Your property at 7A Oriole Circle, Ormond Beach, FL 32176

Dear Remi,

The ARC received your request, dated December 12, 2012 and received by the Ocean Village Villas HOA on February 6, 2013. The ARC approved your request to construct a permanent addition (11' X 13' utility room) at the north side of your property 7A Oriole Circle. They also approved the installation of a 10' X 34', 4" deep driveway and construction of a covered carport as illustrated in the drawing that was submitted. For assistance, the ARC provides the following from the ARC Guidelines:

QUOTE

1. **Permanent Additions:**

All additions to the original structure other than screened rooms or Florida glass enclosed rooms shall be constructed of brick when facing the front yard (Zone 1). Cement block construction may be used in place of brick for areas facing the side yard (Zone 2) and the rear yard (Zone 3). If cement block is used it must be stuccoed with sufficient thickness to conceal the mortar joints between the cement blocks. The stucco must have a smooth natural finish and be painted "colonial white" to match the existing buildings. If brick is used for the permanent addition, it must be painted "colonial white" as well. Under no circumstances is dryvit permitted as an exterior building material.

The maximum height of the addition must not exceed the height of the original structure.

The roof of a permanent addition must be covered with Mediterranean Style Tile colored Mission Red to match the existing roof. The roof on the addition must have the same pitch as the original roof. The new roof must be tied into the original structure in such a way as to look like a continuation of the original structure and not as an addition. The roof should have a minimum overhang of 12-inches with a 12-inch white aluminum soffit. There should be incorporated a 6-inch white vinyl or white aluminum fascia to provide scale to the roof edges.

Flat pan style house roofs are not permitted under any circumstances. The only approved flat roof style is for carports.

All windows for permanent additions in the front of the house (Zone 1) and the side of the house (Zone 2) shall be bronze framed with black screening if a screen is used. The windows in Zone 1 and Zone 2 shall be of the standard double-hung model used in the original building. Windows in the rear of the house (Zone 3) that are not visible from the street shall be bronze framed with black screening. Sliders may be used in Zone 3. Window glass shall be either clear or bronze tinted. Window treatments shall be uniform and shall be either off-white (almond) or white when viewed from the exterior. This means that window

treatments shall have an almond or white liner that faces the exterior of the property. The interior color may be any color the owner desires.

If gutters are installed they shall be white with white downspouts.

Landscaping for a permanent addition shall match the existing landscaping. Additional shrubs may be needed to extend existing flowerbeds in front and on the side. Please refer to paragraph 2, Landscaping, for guidance in planting trees, shrubs, bushes and other flora if extending the scope of the general landscaping around the house.

The Association must be notified before any heavy construction equipment is driven across the lawn so the Association can move or turn off the irrigation sprinkler heads located on every lawn. The thin walled pipe used in the irrigation system is easily damaged by these machines. Any damage done to the irrigation system will be repaired by the Association but at the Owner's expense. Any peripheral damage to abutting Association property will also be repaired by the Association at the owner's expense.

The building site should be kept as clean as possible. All rubbish or refuse shall be removed on a regular basis so it does not become an eyesore or interfere with regular lawn maintenance such as grass cutting and the watering of the lawn.

Pavers may be used around the house provided the color is consistent with existing driveway and walkways.

5. **Driveways:**

Concrete is the only approved pavement material for driveways.

A driveway shall be constructed of natural or off-white concrete at least 4-inches thick with scoring or construction joints to break up the expanse of the concrete. Concrete may be stamped.

Ribbon driveways constructed of concrete are permitted.

Gravel or dirt driveways are prohibited.

Circular driveways are prohibited.

Pavers are approved for the area between the inside of a ribbon driveway.

Driveways shall be maintained in good condition. Deteriorating driveways shall be repaired or replaced within six months of notification by the Association.

Driveways shall be kept free and clear of unsightly material and shall not be used as a storage area that creates a visible nuisance to other owners or residents.

Prior to construction the Association will survey the property and move sprinklers and sprinkler control boxes if necessary to a location away from the proposed driveway. Any Association property that has to be moved will be done so at the expense of the property owner.

7. **Carpports.**

Carpports shall be kept free and clear of unsightly material and shall not be used as a storage area that creates a visible nuisance to other owners or residents.

Carpports shall be constructed of brick or cinder block columns painted "colonial white" and, if required by local building code, anchored with steel rods to the footer. The top section of the roof must be standard tar and aggregate stone.

The underhang (underside) of the roof shall be finished in exterior plywood and painted "colonial white" or shall be finished with white or almond colored aluminum material. Soffit should be white aluminum and the fascia should be white aluminum or vinyl. Gutters and down spouts shall also be white.

Concrete strips are not permitted as a carport floor. The floor of a carport must be paved. The paved floor

of the carport shall be constructed of natural or off-white concrete at least 4-inches thick with scoring or construction joints to break up the expanse of the concrete. Although Florida does not suffer from frost heave, it is still an excellent idea to use wire mesh as reinforcement when the concrete is poured.

Gravel, dirt or asphalt carport floors are prohibited.

Driveways shall be maintained in good condition. Deteriorating driveways must be repaired or replaced within six (6) months of such notification by the Association.

Prior to construction of a carport, the Association will survey the property and move sprinklers and sprinkler control boxes if necessary to a location away from the proposed carport. Any association property moved will be done so at the property owner's expense.

24. **Conflicting Provisions.** Where any ARC guideline conflicts with any provisions of applicable federal, state, or local law, the ARC guidelines will control unless expressly prohibited by law. In case of any conflict between the ARC guidelines and the Amended and Restated Declaration, the Amended and Restated Declaration shall control, and in the case of any conflict between these ARC guidelines and the Articles of Incorporation and the Bylaws of the Association, the Articles of Incorporation and the Bylaws of the Association shall control.

END QUOTE

Any changes/deviations to the original plans/specifications submitted no matter how minor, will require additional approval by the ARC. Unless the work is being done by the owner, prior to the start of construction the Association requires a copy of the licenses, certificate of insurance and permits of all contractors who will be involved in the construction. Advise all construction workers that they **MUST NOT DRIVE OR PARK ON THE GRASS.**

A copy of the building permit issued by the City of Ormond Beach must be received by the office PRIOR to the START of construction. Nothing in this approval is valid unless all the necessary prerequisites established by the Association have been met. Upon receipt by the Association of your signed acceptance of the terms of this approval, a copy of your approval letter, with our corporate seal upon it, will be sent directly to the City of Ormond Beach to await your permit application. This approval is valid for six months from the date of issue. Thank you for applying to the ARC. We hope you will enjoy your new construction.

By signing below, you agree to accept the terms of this approval. You also agree to allow the Architectural Review Committee (ARC) and the Homeowners' Association (HOA) management to enter onto your property to inspect your new construction while in process as well as to make a final inspection of all work. Failure to sign and agree with approval letter in its entirety will nullify this approval and approval will be considered denied. A copy of this letter needs to go to the contractor to make sure all the specifications regarding materials, sizes, etc. are complied with.

SIGNATURE

DATE

Sincerely,
The Architectural Review Committee
Ocean Village Villas Homeowners Association

CC: Board of Directors, Ocean Village Villas Homeowners Association; Steven Spraker, Senior Planner, City of Ormond Beach Planning Department; ARC members