



AGENDA

ORMOND BEACH BOARD OF ADJUSTMENT AND APPEALS

December 4, 2013

ORMOND BEACH CITY COMMISSION CHAMBERS

7:00 P.M.

I. ROLL CALL

II. APPROVAL OF THE MINUTES

A. November 6, 2013

III. NEW BUSINESS

A. **Case No. 14-13: 51 Ocean Shore Boulevard, side yard and height variances.**

This is a request for side yard setback and height variances submitted by Dorian Burt (applicant), authorized agent of the property owners, William and Jan Jones of 51 Ocean Shore Boulevard. The property at 51 Ocean Shore Boulevard is zoned as R-2 (Single Family Low Density). The applicant requests two variances related to the construction of a new single-family house as follows:

Variance #1: Side yard setback. Section 2-13(B)(9)(c) of the Ormond Beach Land Development Code requires a minimum side yard setback of 8' on one side yard with a total of 20' between both side yards. The applicant is seeking to allow a 5' side yard setback, a 7' variance to the required 12', on the south property line and an 8' side yard setback on the north property line. The combined side yard setback is proposed at 13', a 7' variance to the required 20' combined side yard setback.

Variance #2: Building height. Section 2-13(B)(2) of the Ormond Beach Land Development Code regulates the maximum building height to 30' for all structures. The applicant is seeking a building height of 35.2', a 5.2' variance to the maximum building height of 30' for a flat roof new single family house.

B. **Case No. 14-17: 31 Amsden Road, fence height variance.**

This is a request from Dr. William T. Labonte (applicant), property owner, of 31 Amsden Road to construct a 6' high solid vinyl (PVC) fence in the front yard. Section 2-50(n)(3) of the Ormond Beach Land Development Code requires that solid fences, including PVC, be no more than 3' in height in the front yard. The applicant is seeking a fence height variance of 3' to allow a 6' PVC fence totaling approximately 495 linear feet in the front yard of the property at 31 Amsden Road.

IV. OTHER BUSINESS

V. ADJOURNMENT

MINUTES
BOARD OF ADJUSTMENT

November 6, 2013

7:00 p.m.

Commission Chambers
22 South Beach Street
Ormond Beach, Florida

I. ROLL CALL

Members Present

Jean Jenner
Dennis McNamara
Ryck Hundredmark
Tony Perricelli
Norman Lane

Staff Present

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

II. APPROVAL OF THE MINUTES

A. July 31, 2013 Minutes

Mr. Hundredmark moved to approve the July 31, 2012 Minutes as submitted. Mr. Perricelli seconded the motion. Vote was called, and the motion was unanimously approved.

III. NEW BUSINESS

A. Case No. 13-125: 11 Bridget Terrace, Pool Screen Enclosure variance

Mr. Spraker, Senior Planner, City of Ormond Beach stated this is an application for a variance 11 Bridget Terrace. Mr. Spraker explained the location, orientation, and characteristics of the property, and stated staff is recommending approval.

Mr. Joseph Eggers, 11 Bridget Terrace, stated that there is a maintenance problem with the pool if they cannot build the enclosure, and he is also the owner of the property directly behind 11 Bridget Terrace.

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

Mr. McNamara stated he commended staff for initiating the administrative variances as it saves everyone money and time.

Mr. Spraker added that they are typically very small variances that help a project work or resolve an issue without bringing it to the Board, and often time staff requires input from the neighbors via statements or “no objection” letters.

Mr. McNamara stated the history of variances is helpful because not everyone uses their variance once they are approved.

Mr. Spraker stated some have expired.

Mr. Jenner asked whatever became of the Hudson property.

Mr. Spraker responded that they came into compliance.

V. ADJOURNMENT

As there was no other business, the meeting was adjourned at 7:11 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 25, 2013

SUBJECT: 51 Ocean Shore Boulevard

APPLICANT: Dorian Burt (applicant), authorized agent of the property owners, William and Jan Jones

FILE NUMBER: V-14-13

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION:

This is a request for side yard setback and height variances submitted by Dorian Burt (applicant), authorized agent of the property owners, William and Jan Jones of 51 Ocean Shore Boulevard. The property at 51 Ocean Shore Boulevard is zoned as R-2 (Single Family Low Density). The applicant requests two variances related to the construction of a new single-family house as follows:

Variance #1: Side yard setback. Section 2-13(B)(9)(c) of the Ormond Beach Land Development Code requires a minimum side yard setback of 8' on one side yard with a total of 20' between both side yards. The applicant is seeking to allow a 5' side yard setback, a 7' variance to the required 12', on the south property line and an 8' side yard setback on the north property line. The combined side yard setback is proposed at 13', a 7' variance to the required 20' combined side yard setback.

Variance #2: Building height. Section 2-13(B)(2) of the Ormond Beach Land Development Code regulates the maximum building height to 30' for all structures. The applicant is seeking a building height of 35.2', a 5.2' variance to the maximum building height of 30' for a flat roof new single family house.

BACKGROUND:

The property is designated as "Low Density Residential" on the City's Future Land Use Map (FLUM) and is zoned R-2 (Single Family Low Density) on the City's Official Zoning Map. The proposed use of the property is consistent with the FLUM designation and zoning district. The property is currently vacant and the former structure was demolished in 2007. The subject property is 60'± in width and 150'± in depth. The Coastal Construction Control Line (CCCL) is approximately 42' from the Ocean Shore Boulevard right-of-way. Construction eastward of the CCCL is generally limited by the State Department of Environmental Protection and requires additional building construction review.

The R-2 zoning district, Section 2-13 of the Land Development Code, establishes a minimum lot width of 100' and a minimum lot size of 10,000 square feet. The

lot is a non-conforming lot of record. Section 2-61 of the Land Development Code discusses non-conforming lots of record and states:

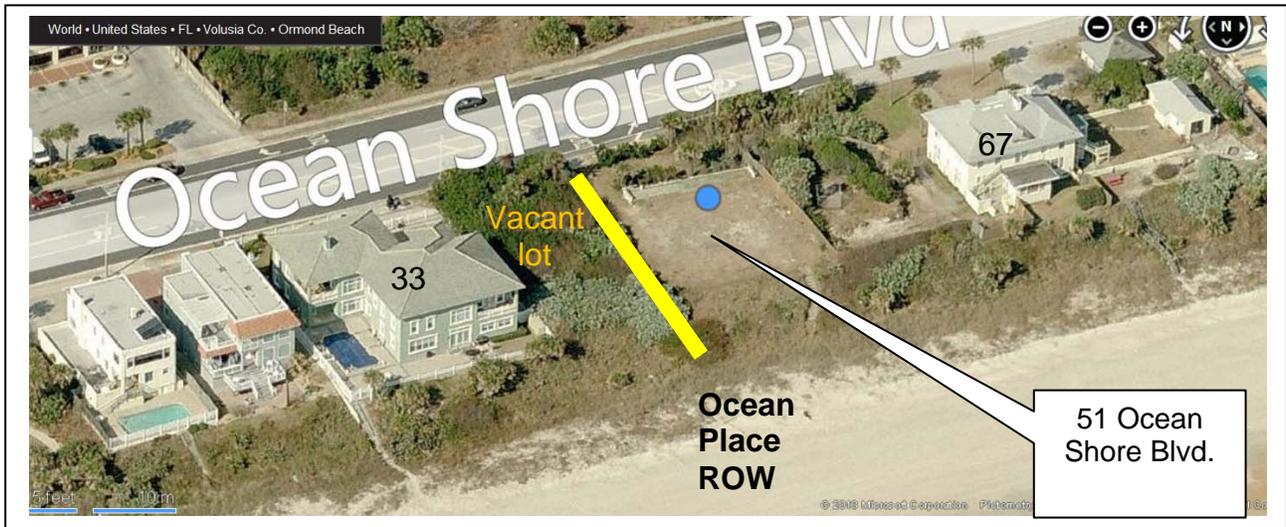
“Districts not permitting single-family homes. A nonconforming lot of record may be used for any use permitted within the district in which the lot is located provided that the development or use shall comply with all the district regulations in effect at the time of development order issuance. Nothing herein may preclude the award of a variance request meeting the standards for such requests under section 1-16, board of adjustment and appeals.”

In summary, the lot is non-conforming in terms of the required lot width and overall size, but a single family home is allowed to be constructed in accordance with adopted setbacks or with a variance.

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-2 (Single Family Low Density)
South	Ocean Place unimproved 25’ right-of way, and a vacant lot	“Low Density Residential”	R-2 (Single Family Low Density)
East	Beach and Atlantic Ocean	N/A	N/A
West	Golf course	“Low Density Residential”	R-2 (Single Family Low-Medium Density)



In June 2013, the applicant applied to vacate the 25' Ocean Place right-of-way (ROW) located to the south of the subject property in order to increase the width of the property to 72.5'. The application was later withdrawn based on information provided by Volusia County staff who stated there were policies in place against vacations of right-of-way that may provide beach access.

ANALYSIS:

Staff noted the following key attributes of the property during the preparation of this report:

1. The width of the property is 60'.
2. The depth of the property is 150'.
3. The rear yard setback is a calculated average of all structures, 800' to the north and south of the subject property.
4. Oceanfront lots have both the CCCL and the average setback pushing the house structure towards Ocean Shore Boulevard.
5. To the south of the property, there is a 25' right of way (Ocean Place) and a 50' vacant lot. Further south are three single family houses that are each three stories in height.
6. The 25' Ocean Place right-of-way is insufficient to provide vehicular beach access or parking, but could provide a pedestrian walkover to access the beach. The right-of-way would provide additional setback to the vacant 50' lot to the south of the subject property.
7. The project seeks to allow an Art Deco architectural style which incorporates a flat roof. The applicant has stated that the flat roof is proposed to:
 - a. Maintain consistency with several other homes along the Ocean Shore corridor.
 - b. Follow design elements that are used in the Art Deco style of architecture.
 - c. Locate mechanical equipment in order to better screen it from the adjacent properties and minimize encumbrances in the side yard.
 - d. Provide an opportunity to have similar building mass as the other homes within the R-2 zoning district.
8. The side yard setback is proposed to be 8' on the north property line and complies with the Land Development Code requirement.
9. The R-2 height limitation is 30'. The Land Development Code defines height as, "The vertical distance from finished grade to the highest finished roof surface in the case of flat roofs or the midpoint of the highest most continuous roofline between the eaves and ridge for gable, hip, and gambrel roofs, except that in no case shall any building exceed a maximum height of seventy-five (75') when measured from the average

median lot elevation to the highest point of any structure and/or attached services.”

10. Flat roofs are measured to the highest finished roof surface and pitched roofs (gable, hip or gambrel) are measured at a midpoint between the ridge and eave. The overall vertical height of pitched roofs can be 35’ to 40’ and conform to the 30’ height requirement.

The applicant is requesting two variances:

Variance #1: Side yard setback. Section 2-13(B)(9)(c) of the Ormond Beach Land Development Code requires a minimum side yard setback of 8’ on one side yard with a total of 20’ between both side yards. The applicant is seeking to allow a 5’ side yard setback, a 7’ variance to the required 12’, on the south property line and an 8’ side yard setback on the north property line. The combined side yard setback is proposed at 13’, a 7’ variance to the required 20’ combined side yard setback.

Variance #2: Building height. Section 2-13(B)(2) of the Ormond Beach Land Development Code regulates the maximum building height to 30’ for all structures. The applicant is seeking a building height of 35.2’, a 5.2’ variance to the maximum building height of 30’ for a flat roof new single family house.

Side yard potential alternatives:

1. **Grant the applicant’s request and allow a 5’ setback on the south side yard for a total combined setback of 13’, granting a 7’ variance for south side yard and a combined total side yard variance of 13’.**

This alternative would allow the construction of the single-family house at a width of 47’ as designed by applicant.

2. **Deny the request as presented and require a setback of 8’ on one side yard and 12’ on the other.**

This option would reduce the building width of the single-family house to 40’ and require conformance to the zoning district setbacks.

3. **Approve a side yard setback more than the 5’ requested setback and less than the combined 20’ required by the zoning district but greater than the 13’ requested by the applicant.**

This option would allow the Board to negotiate the required setbacks based upon what is believed to be the minimum relief necessary to make a reasonable use of the property.

Height potential alternatives:

1. **Grant the applicant’s request and allow a 35.2’ maximum building height, granting a 5.2’ variance for the height of the structure.**

This alternative would allow the construction of a three story single family structure and the screening of roof top mechanical equipment, as designed by applicant.

2. **Deny the request as presented and require a height of 30’.**

This option would mandate a two story structure or require the conversion from the Art Deco flat roof style to a pitched roof.

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, of the Land Development Code. Each variance should be considered independently and the Board can approve both variances, approve one variance, or deny both variances. Staff’s review of the criteria is provided below:

SIDE YARD SETBACK REQUEST

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 applicant states in the submittal that the special condition is the non-conforming lot width of 60’ where the zoning district requires 100’. The applicant further states along other portions of Ocean Shore Boulevard, property owners have been able to combine lots to increase the lot width of parcels. In the applicant’s exhibits (Attachment 3) it is explained that a combined side yard setback on a 100’ lot would be 20’ or 20% of the lot width. The applicant is proposing to maintain the 20% lot width setback requirement as applied to a 60’ lot or a combined side yard total of 12’. The proposed house width is 47’ with an 8’ setback on the north property line and 5’ on the south property line.

Staff concurs that the lot width overall is a special condition and circumstance. Staff also concurs that oceanfront development is difficult based on the rear yard setback average and CCCL.

Argument against the variance: The City has a number of properties that have the condition of being non-conforming. The size of the lot width determines the width of the house structure and where there is a hardship, a variance is sought. Requiring the setback of 20’ would allow the construction of a house with a 40’ width.

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

Argument for the variance: The subject property was part of an 1888 plat when there were no zoning regulations in place. The applicant diligently attempted to add property to make the parcel larger in width but all attempts were unsuccessful. The lot width of the property was not a result of the actions of the applicant.

Argument against the variance: Once the buildings on a property are demolished, the width of a proposed single family structure is determined by the applicant. The proposed width of the structure is 47' with a 13' combined side yard setback. The zoning district would allow a 40' house width. It could be argued that the proposed variance is caused by the applicant's house design.

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 applicant has stated that the lot's legal non-conforming size causes the hardship and the side yard variances are needed to allow a reasonable use of the property in general character with the adjacent properties.

Another factor applicable to oceanfront lots is the Coastal Construction Control Line which seeks to place structures as far away from the beach/ocean as possible. On a non-oceanfront lot, a house could be made larger by extending the depth of the structure towards the beach/ocean which is not an option in this application.

Staff concurs with the applicant's analysis that the application of the 20' side yard setback requirements would cause an undue hardship. The Ocean Place right-of-way would provide an additional setback buffer.

Argument against the variance: A key decision point is what would be an undue hardship to the applicant related to the size of the proposed house. The proposed house would have a potential 2,800 square foot first floor building footprint. Reducing the size of the house could achieve a reasonable use of the property.

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 applicant has diligently attempted to purchase the abutting property and to vacate the Ocean Place right-of-way. Both alternatives have been unsuccessful, leaving a lot width of 60'. When considering which side yard to apply for the variance, the applicant sought the variance on the property line that abuts the unimproved right-of-way so as to lessen the impact to the existing home to the north. The proposed 5' setback would abut the 25' Ocean Place right-of-way, which

at best would be developed with a 6' walkover to the beach. The 5' on the subject property and the Ocean Place right-of-way would provide an adequate separation between houses.

Argument against the variance: One argument is that a building width of 40' is a reasonable use of an oceanfront lot and the additional 7' of building width is not necessary.

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

Argument for the variance: The variance is not based exclusively on the desire to reduce the cost of the construction of the project. The redevelopment project represents a substantial investment into the Ocean Shore Boulevard corridor.

Argument against the variance: None. The variance is not based on the desire to reduce the cost of the construction 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 applicant states that the variances are in harmony with the code and will not diminish surrounding property values. It is important to note the building characteristics of the existing single-family homes in this section of Ocean Shore Boulevard. The project would enhance the residential character of this section of Ocean Shore Boulevard.

Staff concurs with the applicant that the construction of a house with the variance shall allow the house to be of a similar scale, width, and proportion as existing structures along Ocean Shore Boulevard. There have been no objections to the requested variance.

Argument against the variance: The redevelopment of the property will be in character with the surrounding properties. Again, the key consideration is the additional building width of 7' that is being requested by the application.

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. The special condition is related to the property's width. Additionally, the public access beach walkover will minimize any impacts to the property owner to the north.

Argument against the variance: The width dimensions allowed by the zoning district setbacks are adequate to make reasonable use of the land and the variance should be denied.

Overall Summary, Side yard variance: The subject property is a non-conforming lot of record based on the limited lot width and overall size. In addition, specialized oceanfront setbacks and the CCCL have limited the depth of any structure. The applicants have made every attempt to expand the width of the property and have been unsuccessful. The proposed side yard variance abuts an unimproved 25' Volusia County controlled Ocean Place right-of-way that may be used for a pedestrian walk-over at some point in the future. The requested variance would make a better use of the property and would not negatively impact abutting property owners or the general public.

HEIGHT VARIANCE REQUEST

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 applicant states in the submittal that the special condition is the non-conforming lot width of 60' where the zoning district requires 100'. Along other portions of Ocean Shore Boulevard, property owners have been able to combine lots to increase the lot width of parcels. The limited lot width, along with the oceanfront setbacks and CCCL all limit the allowable house size. Additionally, the method in which building height is measured limits the mass of flat roofs while pitched roofs can achieve greater overall height and building mass.

Argument against the variance: The City has a number of properties that have the condition of the lot width being non-conforming. The size of the lot width and overall parcel size determines the maximum square footage of building area. The applicant has the ability to construct a pitched roof instead of a flat roof that would allow the desired building square footage.

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

Argument for the variance: The subject property was part of an 1888 plat when there were no zoning regulations in place. The applicant has diligently attempted to add property to make the parcel larger in width but all attempts were unsuccessful. The lot width of the property was not a result of the actions of the applicant.

Argument against the variance: The condition of the lot width was not caused by the applicant and staff would agree that they have made every attempt to expand the lot width of the property. The type of structure, flat roof versus a pitch roof, is an action 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 applicant states that the lot's legal non-conforming size causes the hardship and the height variance is needed to allow a reasonable use of the property in general character with the adjacent properties. Another factor applicable to oceanfront lots is the Coastal Construction Control Line which seeks to place structures as far away from the beach/ocean as possible. On a non-oceanfront lot, a house could be made larger by extending the depth of the structure towards the beach/ocean which is not an option in this application.

The applicant has provided examples of other properties in the immediate area that have similar characteristics as the height variance being sought, including 25 and 29 Ocean Shore Boulevard. Both of these structures are three story flat roof properties with the apparent building height over 30'. Staff believes the cumulative impacts of the lot size, character of the existing single-family homes, and development regulations create the hardship for the height variance.

Argument against the variance: A key decision point is what would be an undue hardship to the applicant related to the size of the proposed house. Reducing the size of the house could achieve a reasonable use of the lot with a two story building or providing a pitched roof instead of a flat roof to meet the 30' height requirement.

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 applicant has attempted to purchase abutting property and to vacate the Ocean Place right-of-way. Both alternatives have been unsuccessful, leaving a lot width of 60'. All other practical alternatives have been considered and the requested height variance is the minimum variance to screen the structure's mechanical equipment and implement the Art Deco architectural style.

Argument against the variance: One can argue that the applicant can reduce the house to a two story flat roof or construct a pitched roof to meet the 30' height requirement and make a reasonable use of the property.

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

Argument for the variance: The variance is not based exclusively on the desire to reduce the cost of the construction of the project. The redevelopment project represents a substantial investment into the Ocean Shore Boulevard corridor.

Argument against the variance: None. The variance is not based exclusively on the desire to reduce the cost of the construction 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 variance is in harmony with the code and will not diminish surrounding property values. It is important to note the building characteristics of the existing single-family homes in this section of Ocean Shore Boulevard. To the south of the subject property is a 25' unimproved right of way, a vacant lot, and three houses that are each three stories in height. The project would be in keeping with and enhance the residential character of this segment of Ocean Shore Boulevard. The construction of a house with the variance shall allow the house to be of a similar scale, width, and proportion as existing structures along Ocean Shore Boulevard.

Argument against the variance: The redevelopment of the property will be in keeping with the character of the surrounding properties. Again, the key is consideration to the additional building height that is being requested by the applicant.

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. The special condition is related to the property's width. Additionally, the public access beach walkover will minimize any impacts to the property owner to the north.

Argument against the variance: The width dimensions allowed by the zoning district setbacks are adequate to make reasonable use of the land and the variance should be denied.

Overall Summary: The request for a height variance is based on the desire and vision for a certain oceanfront home, similar to what has been constructed at 25 and 29 Ocean Shore Boulevard. The Art Deco architectural requires a flat roof and the City's Land Development Code measures these types of roofs at their highest point. The applicant does have the ability to modify the style to a pitched roof or reduce the number of stories to two. However, based on the existing development patterns and uniqueness of this lot, staff is supportive of the height variance. Staff does believe this is a unique area of the City within 200' of the Downtown redevelopment area and the Art Deco style will add to the character of this portion of the City.

RECOMMENDATION: Each variance should be considered independently and the Board can approve both variances, approve one variance, or deny both variances. It is recommended that the Board of Adjustments and Appeals **APPROVE** the variances as follows:

Variance #1: Side yard setback. Allow a 5' side yard setback, a 7' variance to the required 12', on the south property line and a 8' side yard setback on the north property line. The combined side yard setback is proposed at 13', a 7' variance to the required 20' combined side yard setback.

Variance #2: Building height. Allow a building height of 35.2', a 5.2' variance to the maximum building height of 30' for a flat roof new single family house.

Attachments

Attachment 1: Variance exhibit

Attachment 2: Maps and pictures

Attachment 3: Applicant's submittal

Attachment 1:

Variance exhibit

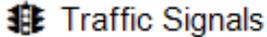
Attachment 2:

Maps and pictures

51 Oceanshore Boulevard location map



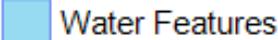
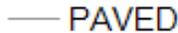
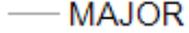
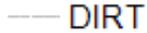
Address Points



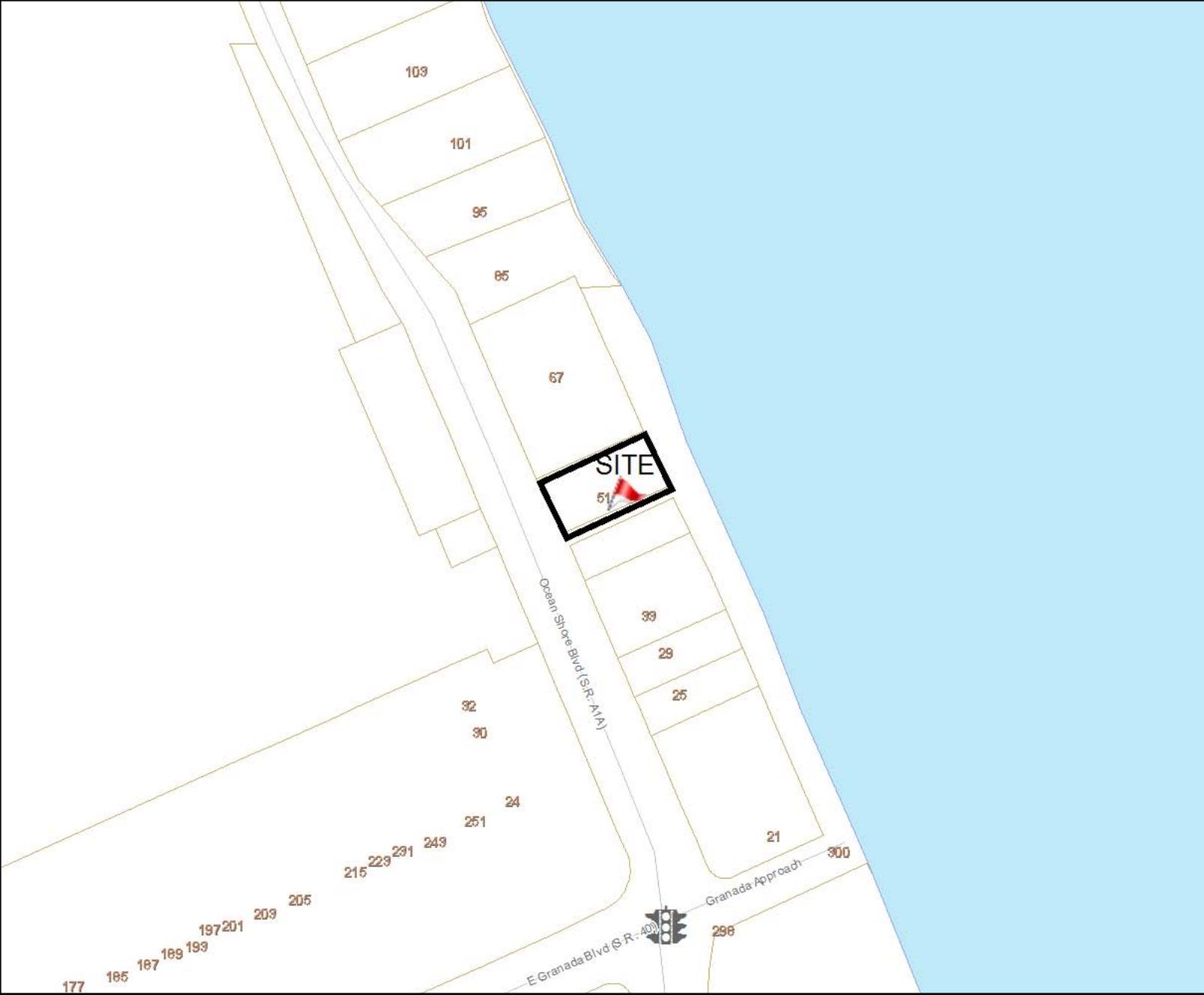
Airport and Railroad



City Streets



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.



Site aerial



Ocean Place
ROW



51 Ocean Shore Boulevard
Previous single family house was demolished



51 Ocean Shore Boulevard
Look west at lot



**51 Ocean Shore
Boulevard**

**25' Ocean Place
right-of-way**



51 Ocean Shore Boulevard
Look north to 67 Ocean Shore Boulevard



67 Ocean Shore Boulevard

**51 Ocean
Shore
Boulevard**

**50' vacant
lot**

**25' Ocean
Place right-
of-way**





33 Ocean Shore Boulevard



29 Ocean Shore Boulevard



25 Ocean Shore Boulevard



33

29

25

Attachment 3:

Applicant's submittal



CITY OF ORMOND BEACH

v3.2013

Planning Department

22 South Beach Street, Ormond Beach, FL 32174

Tel: (386) 676-3238

www.ormondbeach.org

comdev@ormondbeach.org

VARIANCE - APPLICATION

For Planning Department Use

Application Number

Date Submitted

APPLICATION TYPE AND FEES

	Application	Advertising Deposit for Advisory Board	Advertising Deposit for Commission	Total*
<input checked="" type="checkbox"/> Residential or Commercial	350	350	N/A	700
<input type="checkbox"/> After the Fact Residential or Commercial	700	350	N/A	1050

*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

Full Address

Telephone Email

* If this application is being submitted by a person other than the property owner, please provide the following Property Owner Information as well as a notarized letter designating you as agent.

PROPERTY OWNER INFORMATION***

Name

Full Address

Telephone Email

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

PROPERTY DETAILS

Full Address

Parcel ID Number

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:

The applicants request a variance to the minimum side yard setback and maximum building height in order to construct a single-family home on an ocean-front lot with a zoning of R-2, Low Density Single-Family. The requested side yard setback is 5-feet (required yard is 12 so the variance is a reduction of 7-feet). The height variance is to allow the flat roof and parapet to exceed the maximum height so that the top of the parapet wall will be 35.2-feet above finished grade (a variance of 5.2-feet). Please see the attached documentation for additional information pertaining to the requested variances.

ABUTTING PROPERTY OWNERS

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

Signature	Street Address	For	Against
	43 Ocean Shore Boulevard	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	67 Ocean Shore Boulevard	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

CRITERIA: CONFORMING

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

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 subject property is a legal non-conforming lot of record created in 1888 as part of the "Ormond Beach" plat. At the time that the subdivision plat was approved there were not any specific zoning or minimum lot requirements. There are other parcels and lots nearby this property that have been aggregated or unified to increase the lot area. This lot is unique in that there are limitations in the adopted comprehensive plans of the City of Ormond Beach and Volusia County that limit expansion to the south. Also expansion to the north is equally restricted so there are no opportunities to expand or otherwise come into compliance.

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

The applicant purchased the land and home as it was originally subdivided and developed. The issues pertaining to lot size and area are not a result of any actions by the applicant. In fact, the applicant has attempted to minimize the amount of non-conformity by demolishing a non-conforming structure that was constructed over the southern property line.

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:

Comparing the amount of minimum yard requirements, building coverage and building area it is clear that applying the dimensional standards for the R-2 zoning district would dramatically reduce the proportional size of the home that could be constructed. When compared to the other homes along Ocean Shore with an R-2 zoning it is clear that the applicant will not be able to construct a home of similar size or area unless the requested variance are approved.

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:

The applicant has attempted through a variety of means to address the issues facing the development of the lot for a single-family home. The applicant has sought a vacation of the antiquated ROW along the southern property line, but that is prohibited based on adopted policies in the City of Ormond Beach and Volusia County Comprehensive Plan. Attempts to aggregate or purchase lands have not been successful. There are only two variances requested. All other aspects of the proposed building comply with the R-2 standards. The variances are the minimum needed to ensure consistency and compatibility with other homes along Ocean Shore Boulevard.

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 opposite is true in this situation. The applicant seeks the height variance in order to build a flat roof and place the mechanical equipment on the roof and screen it with a parapet. This will limit noise impacts on adjoining properties and improve the aesthetics of the building. The applicant also seeks approval of a side yard variance in order to improve the overall appearance of the building facade. The requested variances increase the costs of construction, strive to prevent impacts on adjacent properties and ensure compatibility with the other homes along the Ocean Shore corridor.

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

The property will be redeveloped for a single-family home to replace the one that was demolished in 2007. The requested variance will not result in an increase of congestion on the surrounding public streets, increase the danger of fire or create any 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:

It is expected that the proposed home will increase the value of the subject property. Over time this will help raise the value of adjoining properties. The requested variances allow the proposed home to have open space and building mass that is consistent with other homes within the R-2 zoning district, as well as the Ocean Shore corridor. This will ensure compatibility and maintain the sense of neighborhood along the Ocean Shore corridor.

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:

The granting of the variance will not confer any special privilege that is denied by the LDC to other lands, buildings or structures in the R-2 zoning district. If approved, the variance will permit the construction of a home that is compatible and similar to other homes developed in the R-2 zoning district along the Ocean Shore corridor.

CRITERIA: NONCONFORMING

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

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

The application does not apply to variances for an existing structure. This and the following criteria do not apply to the requested variances.

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

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:

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

Not Applicable

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

Not Applicable

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

Not Applicable

CERTIFICATION

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

Signature: *Dorian Burt*

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 30th day of October, 2013, by DORIAN BURT as PROJECT COORDINATOR (title*) for M/M WILLIAM JONES (name of corporation*), who provided _____ as identification, or who is personally known to me.



WILLIAM FORNINO
MY COMMISSION # FF 005181
EXPIRES: August 4, 2017
Bonded Thru Budget Notary Services

William Fornino
Notary Public, State of Florida
My Commission Expires:

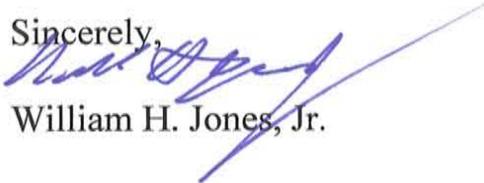
* If you are executing this document on behalf of a corporation please complete the spaces with your title and the name of your company as indicated.

Mr. and Mrs. William H. Jones, Jr.
8 Twelve Oaks Trail
Ormond Beach, Fl 32174

October 28, 2013

By this letter we hereby give authority to Dorian Burt to act as our agent in connection with the variance process to the Board of Adjustments and Appeals in connection with our property located at 51 Oceanshore Blvd., Ormond Beach, Fl 32176.

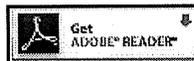
Sincerely,


William H. Jones, Jr.



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



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Last Updated: 10-29-2013 Today's Date: 10-31-2013		Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID	14-14-32-09-01-0060	Mill Group	201 Ormond Beach		
Short Parcel ID	4214-09-01-0060				
Alternate Key	3045050	2013 Final Millage Rate	20.71670		
Parcel Status	Active Parcel	PC Code	00		
Date Created	23 DEC 1981				
Owner Name	JONES WILLIAM H JR & JAN		<input type="button" value="GO TO ADD'L OWNERS"/>		
Owner Name/Address 1			<input type="button" value="ESTIMATE TAXES"/>		
Owner Address 2	460 WALKER ST				
Owner Address 3	HOLLY HILL FL				
Owner Zip Code	32117				
Location Address	51 OCEAN SHORE BLVD ORMOND BEACH 32176				

LEGAL DESCRIPTION

LOT 6 BLK 1 ORMOND BEACH MB 1 PG 94 PER OR 4406 PG 1624 PER
OR 5912 PGS 3637-3641 INC PER OR 6430 PG 2278

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6430	2278	10/2009	Quit Claim Deed	Affiliated Parties	Yes	490,000
2	5912	3637	8/2006	Warranty Deed	Qualified Sale	Yes	1,225,000
3	4406	1624	2/1999	Personal Representative	Affiliated Parties	Yes	10

HISTORY OF VALUES

YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2013	314,999	0	0	314,999	314,999	314,999	314,999	0	314,999	314,999	0	314,999
2012	321,749	0	0	321,749	321,749	321,749	321,749	0	321,749	321,749	0	321,749

LAND DATA

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

0030	STRIP N HALIF	60.0	150.0	60.00	FEET	7000.01	83	90	100	100	314,999
NEIGHBORHOOD CODE	3788	OCEAN FRONT LOTS--STANDSH SHR									
TOTAL LAND CLASSIFIED										0	
TOTAL LAND JUST										314,999	

BUILDING CHARACTERISTICS

MISCELLANEOUS IMPROVEMENTS

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

PLANNING AND BUILDING

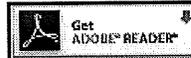
PERMIT NUMBER	PERMIT AMOUNT	DATE ISSUED	DATE COMPLETED	DESCRIPTION	OCCUPANCY NBR	OCCUPANCY BLDG
19970619059	0.00	6-20-1997	12-12-1997	WELL/PUMP/IRRIGATION		0
4497	0.00	9-14-2007	Unknown			0

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 <u>History of Values</u> section above.
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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	314,999	New Construction Value	0
Building Value	0	City Econ Dev/Historic Taxable	0
Miscellaneous	0		
Total Just Value	314,999	Previous Total Just Value	314,999
School Assessed Value	314,999	Previous School Assessed	314,999
Non-School Assessed Value	314,999	Previous Non-School Assessed	314,999
Exemption Value	0	Previous Exemption Value	0
Additional Exemption Value	0	Previous Add'l Exempt Value	0
School Taxable Value	314,999	Previous School Taxable	314,999
Non-School Taxable Value	314,999	Previous Non-School Taxable	314,999

Notice of Proposed Property Tax



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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.



Dorian Burt
203 Pine Cone Trail
Ormond Beach, FL 32174

October 29, 2013

Mr. Bill Jennings by email
bill@billjenningscpa.com
re: Variance application

Dear Mr. Jennings,

You may recall that I previously wrote to you regarding the property at 51 Ocean Shore Blvd. and a possible ROW vacation application.

The owners of the property, Mr. and Mrs. William H. Jones, Jr., have decided to go the route of a variance application through the City of Ormond Beach's Board of Adjustment and Appeals.

This application seeks a variance on the South side setback and the height requirements for the proposed home to be built on that property. To explain about the height request in more detail: The owners seek to build a home compatible with those within the R-2 zoning district that are located north of Granada Boulevard. In doing so, we need to seek a variance to the maximum height standards by requesting a building height of 35.2 feet. This means that we seek an additional 5.2 feet. Please be aware that the relative height of this building will be consistent with the adjacent homes, but changes to how the City measures building height caused us to seek this variance. Also please note that we are locating the mechanical equipment, such as the air-conditioning units, on the roof to minimize impacts on the adjoining properties and we seek to have a raised parapet wall to screen the equipment.

We are requesting a setback variance from the southern property line to reduce the setback by 7-feet (required is 12-feet and we request a setback of 5 feet). Please be aware that we are following the setback standards for the remainder of the front, side and rear yards. This means that we will not be seeking a variance along the north property line, which we share with you. The setback is needed to ensure a home that is compatible in regard to size and appearance of surrounding homes. We chose the south side since it abuts public right-of-way and there will not be any visual impacts on adjoining properties developed for single-family homes.

The application process requires us to give notice to the abutting property owners. If you have any questions please do not hesitate to contact me and I will be happy to try to answer them for you.

Sincerely,

Dorian Burt
Agent for Mr and Mrs. William H. Jones, Jr.
386 295-4610
db

Dorian Burt
386 295-4610
386 672-8047 fax

The information transmitted contains confidential information that is legally privileged. The information is intended only for the use of the recipient named above. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or an entity other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer

**Dorian Burt
203 Pine Cone Trail
Ormond Beach, Fl 32174**

October 29, 2013

**Mr. David Crosby
63 Ocean Shore Blvd.
Ormond Beach, Fl 32176**

re: Variance application

Dear Mr. Crosby,

You may recall that I previously wrote to you regarding the property at 51 Ocean Shore Blvd. and a possible ROW vacation application.

The owners of the property, Mr. and Mrs. William H. Jones, Jr., have decided to go the route of a variance application through the City of Ormond Beach's Board of Adjustment and Appeals.

This application seeks a variance on the South side setback and the height requirements for the proposed home to be built on that property. To explain about the height request in more detail:

The owners seek to build a home compatible with those within the R-2 zoning district that are located north of Granada Boulevard. In doing so, we need to seek a variance to the maximum height standards by requesting a building height of 35.2 feet. This means that we seek an additional 5.2 feet. Please be aware that the relative height of this building will be consistent with the adjacent homes, but changes to how the City measures building height caused us to seek this variance. Also please note that we are locating the mechanical equipment, such as the air-conditioning units, on the roof to minimize impacts on the adjoining properties and we seek to have a raise parapet wall to screen the equipment.

We are requesting a setback variance from the southern property line to reduce the setback by 7-feet (required is 12-feet and we request a setback of 5 feet). Please be aware that we are following the setback standards for the remainder of the front, side and rear yards. This means that we will not be seeking a variance along the north property line, which we share with you. The setback is needed to ensure a home that is compatible in regard to size and appearance of surrounding homes. We chose the south side since it abuts public right-of-way and there will not be any visual impacts on adjoining properties developed for single-family homes.

The application process requires us to give notice to the abutting property owners. If you have any questions please do not hesitate to contact me and I will be happy to try to answer them for you.

Sincerely,



Dorian Burt

Agent for Mr and Mrs. William H. Jones, Jr.

386 295-4610

db

Ref: 3878.01

November 1, 2013

Ms. Steven Spraker, AICP, Senior Planner
City of Ormond Beach
22 South Beach Street
Ormond Beach, FL 32176

Subject: Variance Requests for 51 Ocean Shore Boulevard

Dear Mr. Spraker:

Lassiter Transportation Group, Inc. (LTG) has been retained by Ms. Dorian Burt to assist in the preparation and presentation of the variance application for 51 Ocean Shore Boulevard. The following letter provides background information and justification for the requested variances. This letter also addresses the review criteria contained in Chapter 1, Article II, Section 1-16(d) (3) of the City of Ormond Beach Land Development Code (LDC).

Current conditions and standards

The subject property is located north of Granada Boulevard, on the east side of SR A1A (Ocean Shore Boulevard) and has a zoning designation of R-2, Single-Family Low Density. The R-2 zoning district spans approximately 1,350 linear feet from 21 Ocean Shore Boulevard (Birthplace of Speed Park) to 103 Ocean Shore Boulevard. There are 10 lots within this area with varying lot widths and building designs. The attached exhibits provide a graphic showing the location of the zoning districts and the existing homes in this area.

The R-2 zoning district dimensional standards include a minimum lot width of 100-feet and a total lot area of 10,000 square feet. The subject property does not comply with these standards since the lot is 60-feet in width and has a total lot area of 9,000 square feet. The lot was created prior to the adoption of the City of Ormond Beach Zoning Ordinance and is considered to be a legal non-conforming lot of record.

The subject property is located on the east side of Ocean Shore Boulevard and fronts on the Atlantic Ocean. The location of the lot means that the construction of a single-family home is subject to the requirements of the Coastal Construction Control Line (CCCL). According to the Florida department of Environmental Protection, the CCCL is:

.....an area of jurisdiction in which special siting and design criteria are applied for construction and related activities. These standards may be more stringent than those already applied in the rest of the coastal building zone because of the greater forces expected to occur in the more seaward zone of the beach during a storm event.

History and justifications for variances

Mr. and Mrs. Jones purchased the property in 2006 with the intention of using the existing home. Unfortunately, the home was in disrepair and was being used by vagrants. In 2007 Mr. Jones determined that it was best to demolish the house to improve the safety on the property, as well as the surrounding properties. Mr. and Mrs. Jones are now ready to improve the property by constructing a

new single-family home on the property. They are diligently working with their design and construction professionals, who discovered that there were considerable hardships facing the development of the now-vacant lot for a single-family home.

One of the first issues pertains to setbacks. The currently required setbacks for the R-2 zoning district for a new home constructed on the site would be greater than the setbacks applied to the original home. If Mr. and Mrs. Jones did not demolish the original home in 2007, then it would be closer than the required setbacks of the R-2 zoning. The application of the minimum side yard setbacks creates a hardship in developing the lot for a home with building mass that is consistent with the other homes in the neighborhood. This is important when reviewing the requirements contained in Chapter 2, Article II, Section 2-42 of the City of Ormond Beach Land Development Code (LDC) which states that:

Infill compatibility with nearby housing. Dwellings shall be compared to existing housing in the neighborhood within the same zoning district. Approval for a dwelling shall not be granted unless it is found that the proposed infill unit is substantially similar in size, siding, material, roof pitch, roof material, foundation and general appearance to existing housing in the neighborhood in the same zoning district.

The applicant faces additional difficulties since there are special rear yard setback requirements for ocean-front properties that result in a rear yard setback of 47-feet. This is almost double the required 25-foot setback that is applied to standard lots within the R-2 zoning district. The special rear setback coupled with the requirements of constructing within the CCCL, limits opportunities to design a home to match the size and massing of other homes within the Ocean Shore Boulevard corridor that are zoned R-2. Lastly, the lot configuration and area limits the width of the building footprint and restricts the building area that could otherwise be built on a standard lot within the R-2 zoning district.

The issue with the setbacks is that there is not any proportional compatibility between standard lots that meet the currently adopted standards and those older, legal non-conforming lots of record. If the point of setbacks is to establish minimum open space based on the size of the lot, then setbacks that provide for the same proportional open area should be acceptable. The side yard setbacks account for 20% of the width on conforming lots within the R-2 zoning. The requested variances also account for 20% of the width of the legal non-conforming structure. It is important to note that if half of the vacant right-of-way along the south property line is included in the calculation there will be over 35% of visual open area along the frontage of the property.

In addition, the reduced width of the legally non-conforming lot prevents the development of the same building mass and area allowed for a standard lot. The theoretical maximum building allowed on a lot is based on the setbacks, building height and maximum building coverage. The application of the R-2 regulations on a standard lot results in a 2-story home with a floor to area ratio of .7 or 70%. The reduced width and lot area of the subject property results in a 2-story home with a floor to area ratio of .63 or 63%. In order to realize similar massing and area of other homes in the same area with the same zoning, the applicant has requested a variance to allow for a 3.2-foot building and 2-feet of parapet in to the maximum height.

Lastly, the building is proposed to use "Art Deco" architecture and incorporate a flat roof. The applicant is proposing a flat roof to:

1. Maintain consistency with several other homes along the Ocean Shore corridor.
2. Follow design elements that are used in the Art Deco style of architecture.

3. Locate mechanical equipment in order to better screen it from the adjacent properties and minimize encumbrances in the side yard.
4. Provide an opportunity to have similar building mass as the other homes within the R-2 zoning district.

The primary concern is that the building height of a flat roof height is measure differently from a pitched roof. According to the LDC building height is, "the vertical distance from finished grade to the highest finished roof surface in the case of flat roofs or to a point at the highest level between eaves and ridge for gable, hip and gambrel roofs." This means that pitched roofs may exceed the 30-foot maximum height, but a flat roof and associated embellishments (parapets, etc.) are restricted. When the proposed home is compared to the two homes immediately north and south of the subject property it is clear that the relative height of the existing homes and proposed home are the same. In other words, the requested variance allows for an aesthetically pleasing method of reducing impacts on adjoining properties without increasing the relative height of the building.

Options other than a variance

The Jones investigated a series of different scenarios in order to develop plans that comply with the LDC standards. One option involved vacating the unused, vacant right-of-way (ROW) along the southern property line of the subject property. The Jones hoped to vacate the 25-foot wide ROW and provide a 12-foot wide access easement. This would allow for greater lot width without eliminating opportunities for pedestrian and bicycle access to the beach. This effort was presented to both City of Ormond Beach and Volusia County staff, who informed the applicant that the County has sole discretion on beach access and there are policies in the adopted comprehensive plan that prohibit vacating ROW that provides access to the beach without equivalent access being provided in lieu of the ROW. Based on the information provided by the staff, Mr. Jones chose not to pursue the vacation/easement option. Other scenarios included land swaps, purchase of lands and similar methods of aggregating property to gain additional width. Unfortunately, these were also unsuccessful.

Mr. and Mrs. Jones are seeking approval of this variance since it is the only way to allow the legal non-conforming lot to be developed in a manner consistent with all of the requirements of the LDC. The two variances requested by the Jones are the minimum needed to ensure compliance with the City's standards and to maintain consistency with appearance and quality with the adjoining properties along Ocean Shore Boulevard.

Variance review criteria

The following are the criteria specified by Chapter 1, Article II, Section 1-16(d)(3) of the LDC that need to be addressed in order for the Board of Adjustment and Appeal (BOAA) to approve the requested variance. Following the criteria is the applicant's response.

a. 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 subject property is a legal non-conforming lot of record created in 1888 as part of the "Ormond Beach" plat. At the time that the subdivision plat was approved there were not any specific zoning or minimum lot requirements. There are other parcels and lots nearby this property that have been aggregated or unified to increase the lot area. This lot is unique in that there are limitations in the adopted comprehensive plans of the City of Ormond Beach and Volusia County that limit expansion to the south. Also expansion to the north is equally restricted so there are no opportunities to expand or

otherwise come into compliance.

b. The special conditions and circumstances do not result from the actions of the applicant;
The applicant purchased the land and home as it was originally subdivided and developed. The issues pertaining to lot size and area are not a result of any actions by the applicant. In fact, the applicant has attempted to minimize the amount of non-conformity by demolishing a non-conforming structure that was constructed over the southern property line.

c. 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;

Comparing the amount of minimum yard requirements, building coverage and building area it is clear that applying the dimensional standards for the R-2 zoning district would dramatically reduce the proportional size of the home that could be constructed. When compared to the other homes along Ocean Shore with an R-2 zoning it is clear that the applicant will not be able to construct a home of similar size or area unless the requested variance are approved.

d. 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;

The applicant has attempted through a variety of means to address the issues facing the development of the lot for a single-family home. The applicant has sought a vacation of the antiquated ROW along the southern property line, but that is prohibited based on adopted policies in the City of Ormond Beach and Volusia County Comprehensive Plan. Attempts to aggregate or purchase lands have not been successful. There are only two variances requested. All other aspects of the proposed building comply with the R-2 standards. The variances are the minimum needed to ensure consistency and compatibility with other homes along Ocean Shore Boulevard.

e. 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 opposite is true in this situation. The applicant seeks the height variance in order to build a flat roof and place the mechanical equipment on the roof and screen it with a parapet. This will limit noise impacts on adjoining properties and improve the aesthetics of the building. The applicant also seeks approval of a side yard variance in order to improve the overall appearance of the building facade. The requested variances increase the costs of construction, strive to prevent impacts on adjacent properties and ensure compatibility with the other homes along the Ocean Shore corridor.

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

The property will be redeveloped for a single-family home to replace the one that was demolished in 2007. The requested variance will not result in an increase of congestion on the surrounding public streets, increase the danger of fire or create any other hazard to the public.

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

It is expected that the proposed home will increase the value of the subject property. Over time this will help raise the value of adjoining properties. It is important to note that the purpose of the requested variances allow the proposed home to have consistent open space and building mass. This will ensure compatibility and maintain the sense of neighborhood along the Ocean Shore corridor.

h. 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.

It is expected that the proposed home will increase the value of the subject property. Over time this will help raise the value of adjoining properties. The requested variances allow the proposed home to have open space and building mass that is consistent with other homes within the R-2 zoning district, as well as the Ocean Shore corridor. This will ensure compatibility and maintain the sense of neighborhood along the Ocean Shore corridor.

Please be aware that strict compliance with dimensional standards as they apply to legal, non-conforming lots of record often results in incompatible structures that do not blend into the neighborhood. The homes that are located along the Ocean Shore corridor have a variety of architectural styles and appearances. The consistent elements are the spacing of the buildings, building massing and the relative building height. The requested variance focuses on these elements and allows construction of a new home that is compatible with other homes in the corridor.

Please let me know if you have any questions regarding the application and supporting documentation.

Sincerely,

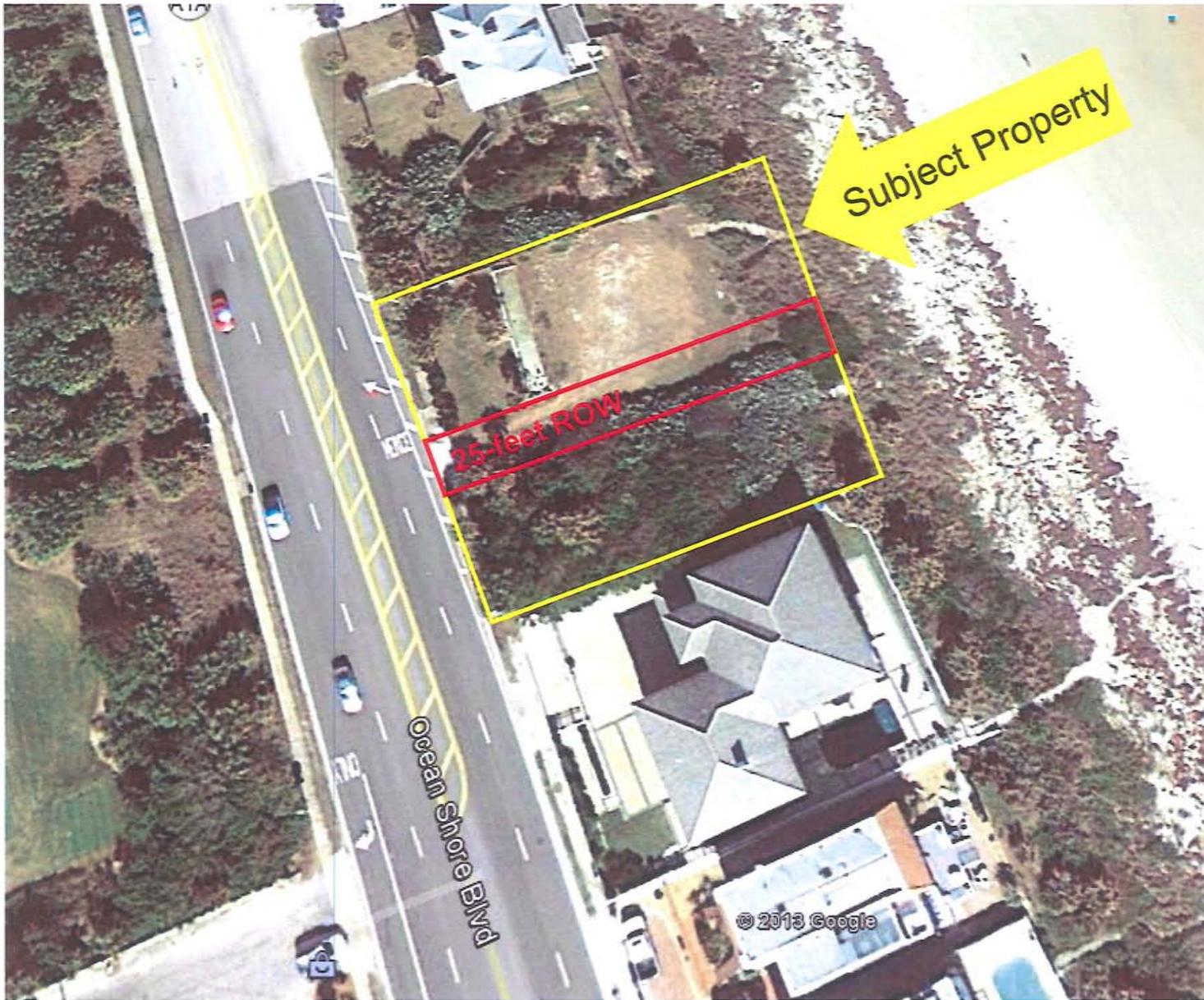
LASSITER TRANSPORTATION GROUP



Clay Ervin,
Planning Director



51 Ocean Shore Blvd



Property Line-ROW Location 51 Ocean Shore Blvd



View Looking East Across from 51 Ocean Shore Blvd



Homes (R-2 Zoning) Along Ocean Shore Blvd., North of Granada Blvd. (25, 29 and 33 Ocean Shore Blvd.)



Homes (R-2 Zoning) Along Ocean Shore Blvd., North of
Granada Blvd. (67 Ocean Shore Blvd.)



Homes (R-2 Zoning) Along Ocean Shore Blvd., North of
Granada Blvd. (85 Ocean Shore Blvd.)



Homes (R-2 Zoning) Along Ocean Shore Blvd., North of
Granada Blvd. (95 Ocean Shore Blvd.)



Homes (R-2 Zoning) Along Ocean Shore Blvd., North of
Granada Blvd. (103 Ocean Shore Blvd.)

The LDC defines building setback lines as “the required minimum horizontal distance between the front, rear or side lines of the lot and the front, rear or side lines of the building.”

Why do we have these standards?

“The purpose of this article is to promote the health, safety and general welfare of the city by promoting land use compatibility and regulating land use by district. The article also restricts the height, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied by structures, the size of yard and other open spaces, the density of population, and the location of building and structures.”

The setbacks are used to:

- 1.Ensure sufficient open space on a property;
- 2.Maintain consistent spacing of buildings on lots within the same zoning district; and
- 3.Maintain aesthetic and appearance of parcels within the same zoning district.

Dimensional Requirements for R-2 zoning

Dimensional Standards for R-2:

Minimum Width: 100'

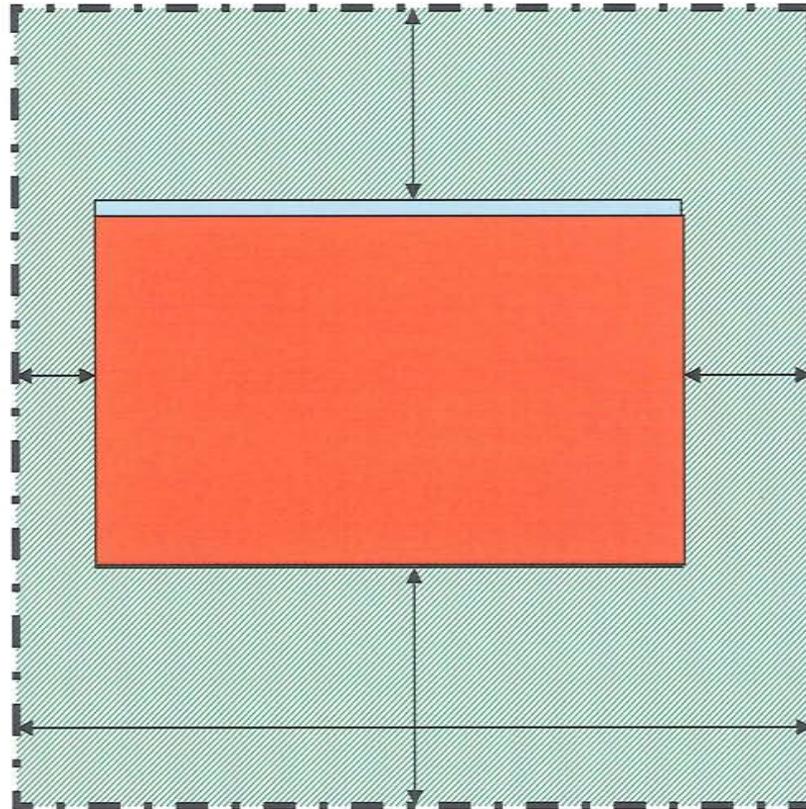
Side Yard Setback: 8'/12' for total of 20'

Front Setback: 30'

Rear: 25' min.; Based on avg. of Homes within 800'

Minimum Lot Area: 10,000 square feet

Maximum Building Coverage: 35% or 3,500 sq. ft. building footprint



Justification for Side Yard Setback Variance

Dimensional Standards for R-2:

Minimum Width: 100' (Cannot be attained-existing lot width is 60')

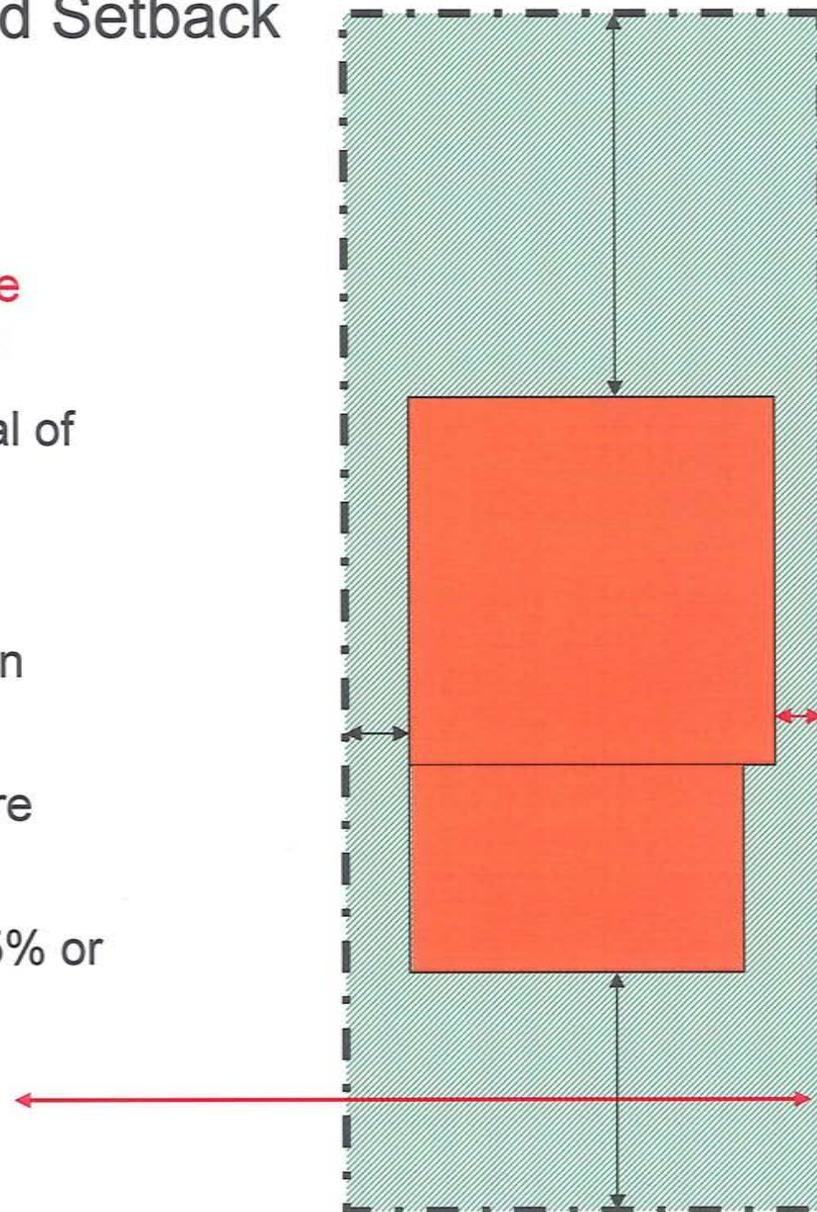
Side Yard Setback: 8'/12' for total of 20' (8'/5' total of 13')

Front Setback: 30'

Rear: 25' or Avg. of Homes within 800' (47')

Minimum Lot Area: 10,000 square feet (9,000 sq. ft. max.)

Maximum Building Coverage: 35% or 3,150 sq. ft. (3,119 sq. ft.)



Requested Variance to South Property Line at 51 North Oceanshore Blvd.

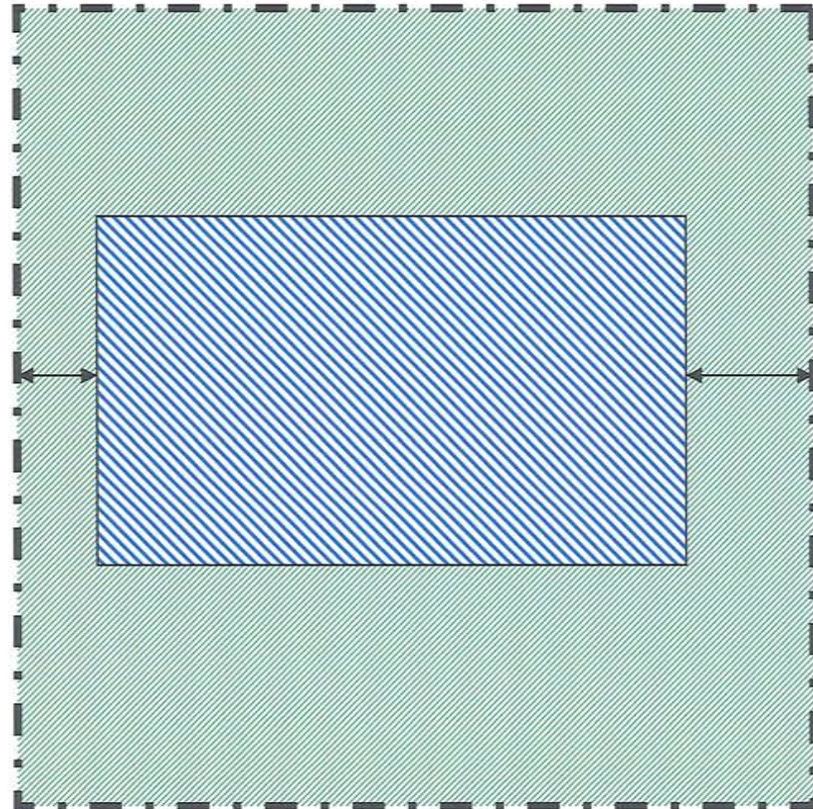
Justification for Side Yard Setback Variance

Side yard setbacks for standard lot in R-2:

$$8'/100' = 8\%$$

$$12'/100' = 12\%$$

Total of 20% of lot frontage must be used for setback OR 80% can be used for building.



Justification for Side Yard Setback Variance

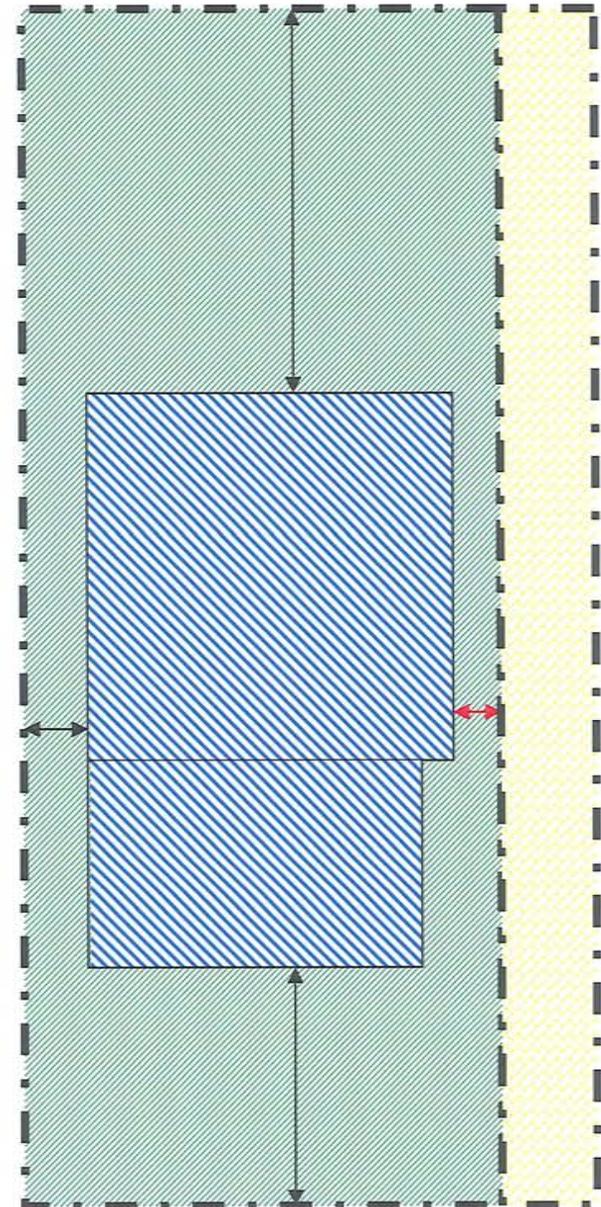
Apply these ratios to 51 Oceanshore:

8% of 60' = 4.8' (request is for 5')

12% of 60' = 7.2 (No variance requested-complying with 8' setback per the LDC)

Total of 21.7% of frontage is to be used for setback OR 78.3% can be used for building.

Note that including half of the ROW along the south side of the property increases open area along the frontage from 13' to 25.5' or 35% of the total frontage.

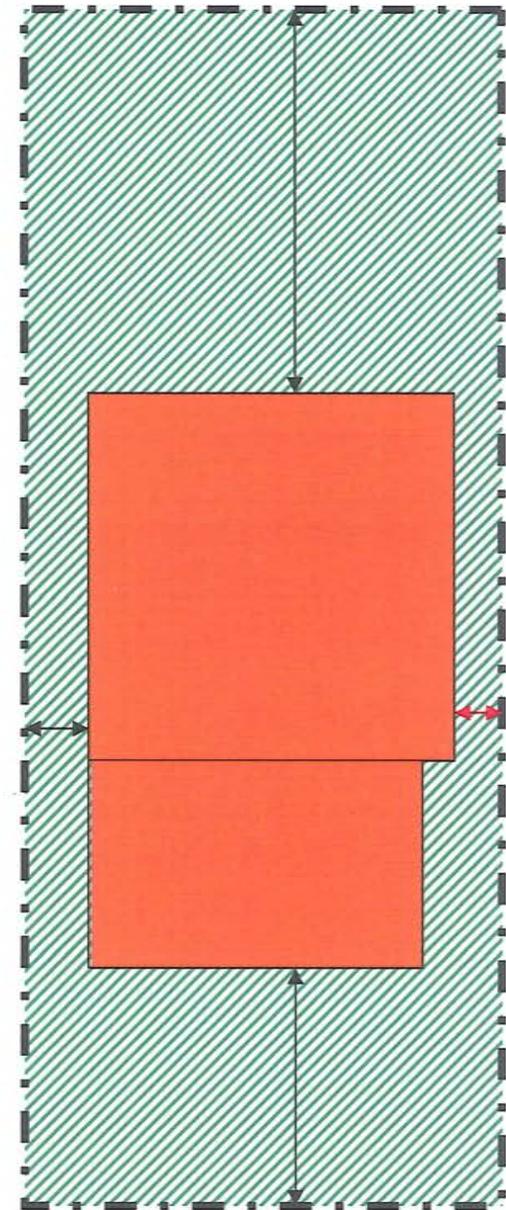


Relative Height. The methods of measuring height in the LDC do not factor in the relative height. The graphic below reflects that our building with a flat roof height at 33.2' above finished grade is at the relative same height as the adjoining homes. The top of parapet at 35.2' is generally consistent with the other homes and provides for screening of mechanical equipment.



51 Oceanshore Blvd. Summary of Variances

- South side yard setback reduction from 12' to 5'
- Building height from 30' to 35.2'
- Complies with all other setback requirements
- Applicant seeks variance since it was the only way to reasonably comply with Chapter 2, Article II, Section 2-42



Conclusion

- ✓ Our request complies with the criteria established in Chapter 1, Article II, Section 1-16(d) of the Land Development Code.
- ✓ The proposed setbacks and building height are consistent with adjoining buildings and do not bestow any additional privileges or rights to the applicant.
- ✓ The requested variances maintain or exceed the proportionate amount of open space on the property.
- ✓ The requested variances are the minimum needed to provide the applicant with the same development capabilities available to other land owners along Oceanshore Boulevard with R-2 zoning.
- ✓ The applicant request the variances to construct a home that complies with Chapter 2, Article II, Section 2-42:

Infill compatibility with nearby housing. Dwellings shall be compared to existing housing in the neighborhood within the same zoning district. Approval for a dwelling shall not be granted unless it is found that the proposed infill unit is substantially similar in size, siding, material, roof pitch, roof material, foundation and general appearance to existing housing in the neighborhood in the same zoning district.

William F. Jennings, CPA
377 Williams Ave.
Daytona Beach, FL 32118
386.451.6300
email:bill@billjenningscpa.com

November 16, 2013

City of Ormond Beach
Planning Department and City Commission

Re: Request for Variances, 51 Ocean Shore Blvd

To Whom It May Concern:

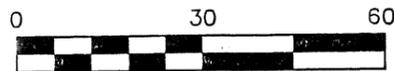
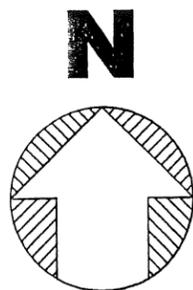
In my capacity as the Protector of the Rice 2012 Family Irrevocable Trust II, which owns Ocean Shore Properties, LLC, the owner of 43 Ocean Shore Blvd, I am writing this letter to express my full support for the variance application by William H. Jones to have the side yard setback reduced and the building height increased. The grantor of the Rice 2012 Family Irrevocable Trust II, Ron Rice, also fully supports Mr. Jones' application.

If either Mr. Rice or I can be of further assistance in the application process, please do not hesitate to contact us.

Kindest Regards,

A handwritten signature in black ink that reads "William F. Jennings". The signature is written in a cursive style with a large, stylized initial "W".

William F. Jennings



SCALE : 1" = 30'

LEGEND
 A/C = AIR CONDITION
 W\ = WITH
 MEAS = MEASURED
 R/W = RIGHT OF WAY
 CONC = CONCRETE
 COV = COVERED
 WM = WATER METER
 BSR = BELL SOUTH RISER

⊕ CONC POWER POLE

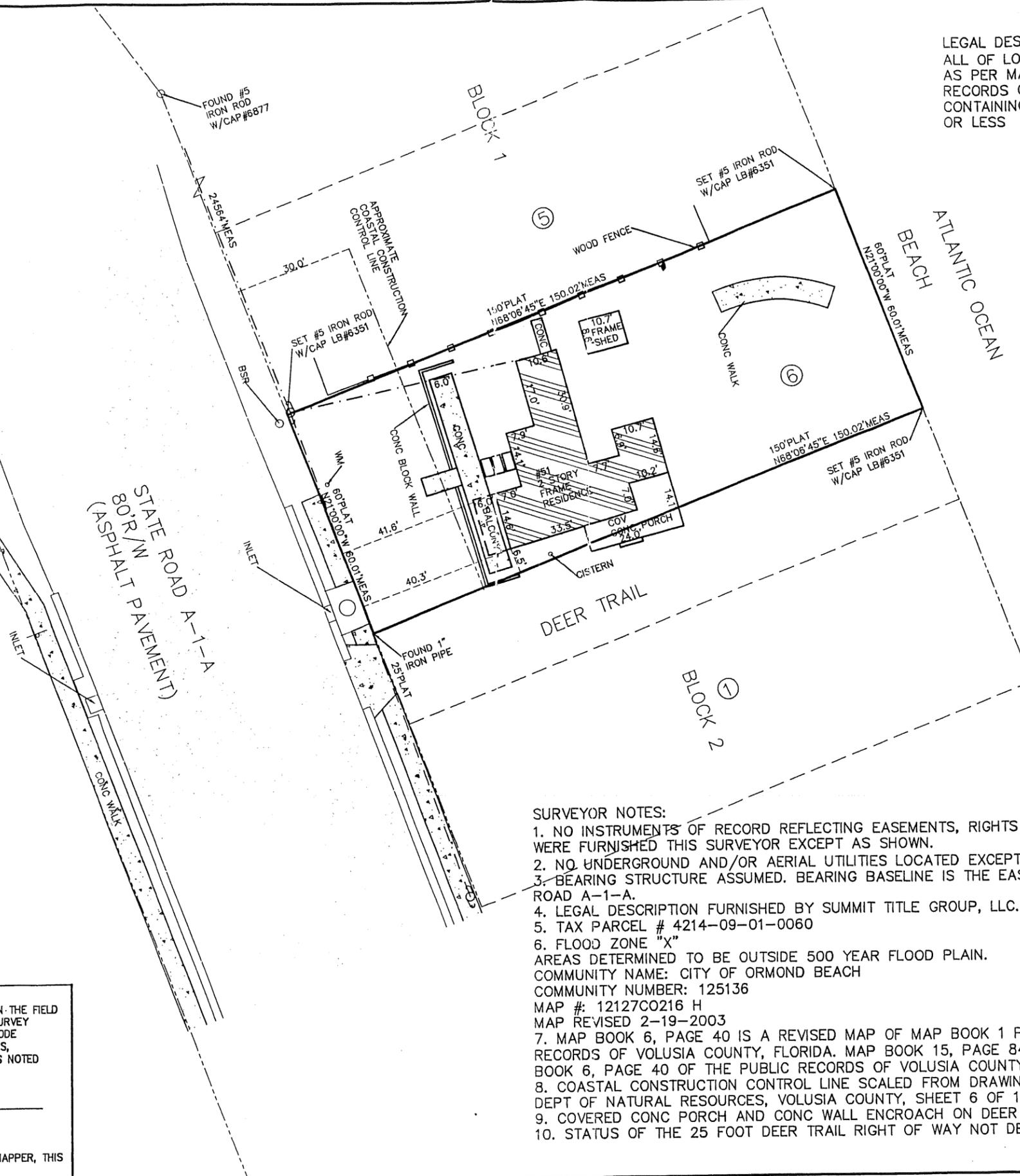
CERTIFIED TO:
 1. SUNTRUST MORTGAGE INC.
 2. WILLIAM H JONES, JR.
 3. CHOBEE EBBETS, ESQUIRE
 4. SUMMIT TITLE GROUP
 5. COMMONWEALTH LAND AND TITLE INSURANCE

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 THE DATES SHOWN HEREON. I FURTHER CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN FLORIDA ADMINISTRATIVE CODE CHAPTER 61G17, ADOPTED BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS, PURSUANT TO FLORIDA STATUTES SECTIONS 472.027. SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

M. Lisa Labree

FRED M. HARPSTER, P.E./P.S.M. #4724/#1127
 M. LISA LABREE, P.S.M. #5445
 SUSAN HARPSTER MCCOY, P.S.M. #6373
 UNLESS EMBOSSED WITH THE ORIGINAL RAISED SEAL OF A LICENSED SURVEYOR AND MAPPER, THIS SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

LEGAL DESCRIPTION
 ALL OF LOT SIX (6), BLOCK ONE (1), ORMOND BEACH,
 AS PER MAP IN MAP BOOK 1, PAGE 94, PUBLIC
 RECORDS OF VOLUSIA COUNTY, FLORIDA.
 CONTAINING 9001 SQUARE FEET = 0.21 ACRES MORE
 OR LESS



SURVEYOR NOTES:
 1. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS OF WAY, AND/OR OWNERSHIP WERE FURNISHED THIS SURVEYOR EXCEPT AS SHOWN.
 2. NO UNDERGROUND AND/OR AERIAL UTILITIES LOCATED EXCEPT AS SHOWN.
 3. BEARING STRUCTURE ASSUMED. BEARING BASELINE IS THE EAST RIGHT OF WAY OF STATE ROAD A-1-A.
 4. LEGAL DESCRIPTION FURNISHED BY SUMMIT TITLE GROUP, LLC.
 5. TAX PARCEL # 4214-09-01-0060
 6. FLOOD ZONE "X"
 AREAS DETERMINED TO BE OUTSIDE 500 YEAR FLOOD PLAIN.
 COMMUNITY NAME: CITY OF ORMOND BEACH
 COMMUNITY NUMBER: 125136
 MAP #: 12127CO216 H
 MAP REVISED 2-19-2003
 7. MAP BOOK 6, PAGE 40 IS A REVISED MAP OF MAP BOOK 1 PAGE 94 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. MAP BOOK 15, PAGE 84 IS A TRUE COPY OF MAP BOOK 6, PAGE 40 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
 8. COASTAL CONSTRUCTION CONTROL LINE SCALED FROM DRAWINGS PER STATE OF FLORIDA, DEPT OF NATURAL RESOURCES, VOLUSIA COUNTY, SHEET 6 OF 16, DATED JUNE 13, 1988.
 9. COVERED CONC PORCH AND CONC WALL ENCROACH ON DEER TRAIL RIGHT OF WAY.
 10. STATUS OF THE 25 FOOT DEER TRAIL RIGHT OF WAY NOT DETERMINED BY THIS SURVEYOR.

COPYRIGHT 2008

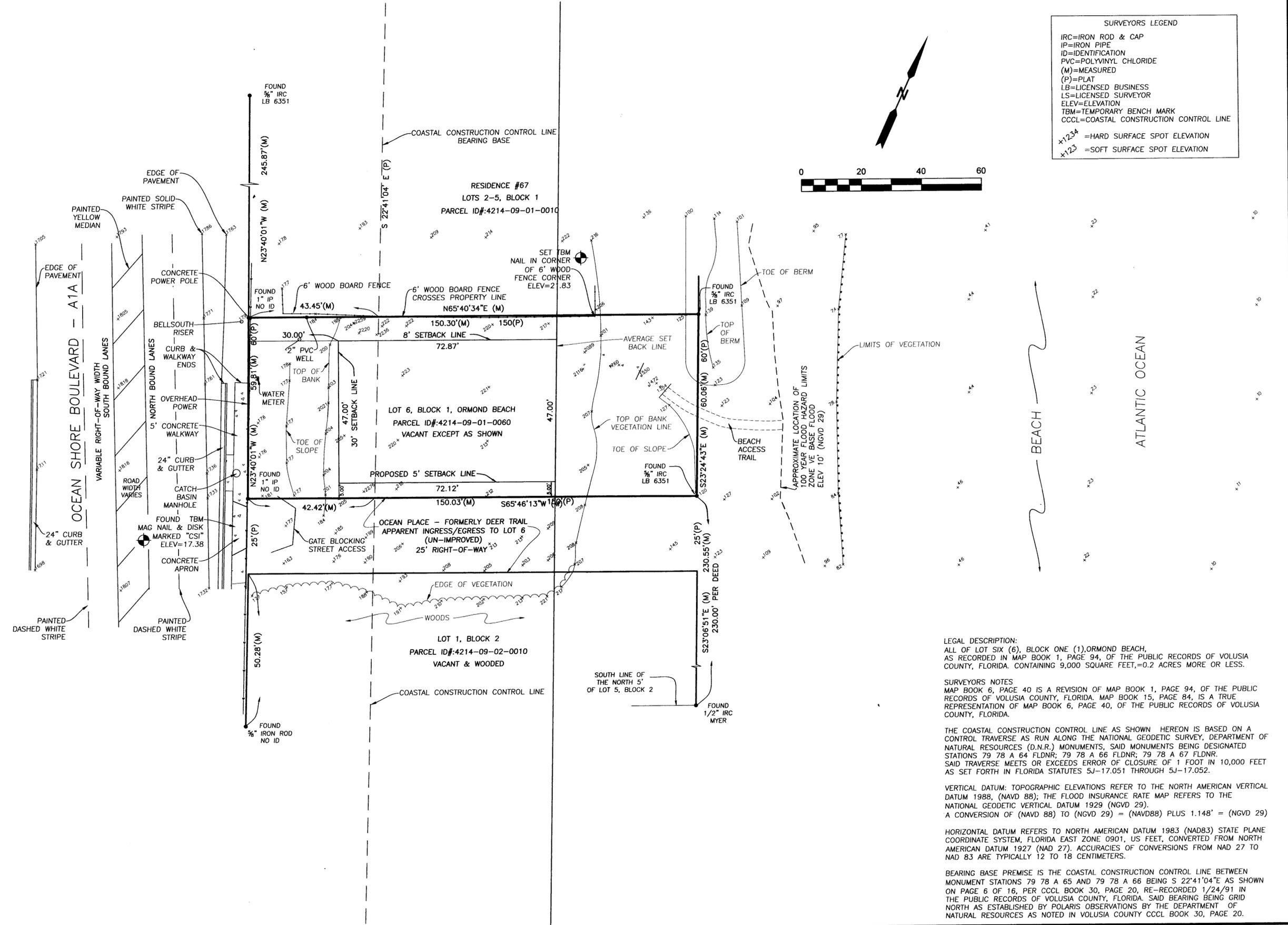
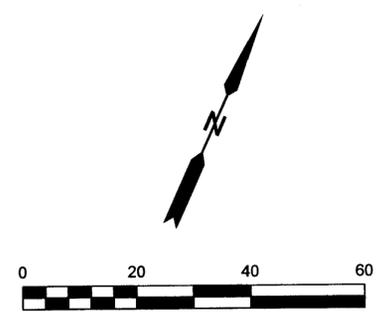
HARPSTER ENGINEERING & SURVEYING, INC.
 PLANNERS
 SURVEYORS
 CIVIL ENGINEERS

436 NORTH GRANDVIEW AVENUE
 DAYTONA BEACH, FL 32118
 PHONE: (386) 253-3241 FAX: (386) 253-2502
 E-MAIL: mail@harpstereng.com

51 OCEAN SHORE BLVD.
 BOUNDARY SURVEY

DRAWN BY: MLL
CHECKED BY: LAM
DATE: 08-03-06
SCALE: 1"=30'
JOB No.: 06-093
Dwg.: 06093-BNDY11x17.DWG
XREF: NONE
SHEET S1
OF 1 SHEETS

SURVEYORS LEGEND	
IRC	= IRON ROD & CAP
IP	= IRON PIPE
ID	= IDENTIFICATION
PVC	= POLYVINYL CHLORIDE
(M)	= MEASURED
(P)	= PLAT
LB	= LICENSED BUSINESS
LS	= LICENSED SURVEYOR
ELEV	= ELEVATION
TBM	= TEMPORARY BENCH MARK
CCCL	= COASTAL CONSTRUCTION CONTROL LINE
x123 ^h	= HARD SURFACE SPOT ELEVATION
x123 ^s	= SOFT SURFACE SPOT ELEVATION



LEGAL DESCRIPTION:
 ALL OF LOT SIX (6), BLOCK ONE (1), ORMOND BEACH,
 AS RECORDED IN MAP BOOK 1, PAGE 94, OF THE PUBLIC RECORDS OF VOLUSIA
 COUNTY, FLORIDA, CONTAINING 9,000 SQUARE FEET, = 0.2 ACRES MORE OR LESS.

SURVEYORS NOTES
 MAP BOOK 6, PAGE 40 IS A REVISION OF MAP BOOK 1, PAGE 94, OF THE PUBLIC
 RECORDS OF VOLUSIA COUNTY, FLORIDA. MAP BOOK 15, PAGE 84, IS A TRUE
 REPRESENTATION OF MAP BOOK 6, PAGE 40, OF THE PUBLIC RECORDS OF VOLUSIA
 COUNTY, FLORIDA.

THE COASTAL CONSTRUCTION CONTROL LINE AS SHOWN HEREON IS BASED ON A
 CONTROL TRAVERSE AS RUN ALONG THE NATIONAL GEODETIC SURVEY, DEPARTMENT OF
 NATURAL RESOURCES (D.N.R.) MONUMENTS, SAID MONUMENTS BEING DESIGNATED
 STATIONS 79 78 A 64 FLDNR; 79 78 A 66 FLDNR; 79 78 A 67 FLDNR.
 SAID TRAVERSE MEETS OR EXCEEDS ERROR OF CLOSURE OF 1 FOOT IN 10,000 FEET
 AS SET FORTH IN FLORIDA STATUTES 5J-17.051 THROUGH 5J-17.052.

VERTICAL DATUM: TOPOGRAPHIC ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL
 DATUM 1988, (NAVD 88); THE FLOOD INSURANCE RATE MAP REFERS TO THE
 NATIONAL GEODETIC VERTICAL DATUM 1929 (NGVD 29).
 A CONVERSION OF (NAVD 88) TO (NGVD 29) = (NAVD88) PLUS 1.148' = (NGVD 29)

HORIZONTAL DATUM REFERS TO NORTH AMERICAN DATUM 1983 (NAD83) STATE PLANE
 COORDINATE SYSTEM, FLORIDA EAST ZONE 0901, US FEET, CONVERTED FROM NORTH
 AMERICAN DATUM 1927 (NAD 27). ACCURACIES OF CONVERSIONS FROM NAD 27 TO
 NAD 83 ARE TYPICALLY 12 TO 18 CENTIMETERS.

BEARING BASE PREMISE IS THE COASTAL CONSTRUCTION CONTROL LINE BETWEEN
 MONUMENT STATIONS 79 78 A 65 AND 79 78 A 66 BEING S 22°41'04"E AS SHOWN
 ON PAGE 6 OF 16, PER CCCL BOOK 30, PAGE 20, RE-RECORDED 1/24/91 IN
 THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA. SAID BEARING BEING GRID
 NORTH AS ESTABLISHED BY POLARIS OBSERVATIONS BY THE DEPARTMENT OF
 NATURAL RESOURCES AS NOTED IN VOLUSIA COUNTY CCCL BOOK 30, PAGE 20.

SURVEYOR'S CERTIFICATE:
 UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL
 SURVEYOR AND MAPPER, THIS MAP/REPORT IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT
 VALID. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY
 OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING SURVEYOR. THE SURVEY AS
 SHOWN HEREON CONFORMS TO THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA
 BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.050-5J-17.052, FLORIDA
 ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

- NOTES:
1. THIS SKETCH WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND MAY BE SUBJECT TO EASEMENTS, RESTRICTIONS, RIGHTS-OF-WAY AND OTHER MATTERS OF RECORD.
 2. FIELD MEASURED BEARINGS ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, 901, NORTH AMERICAN DATUM 1983 (NAD83).
 3. VERTICAL MEASUREMENTS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM 1988 (NAVD88).
 4. UNDERGROUND ENCROACHMENTS SUCH AS UTILITIES AND FOUNDATIONS, THAT MAY EXIST, HAVE NOT BEEN LOCATED, EXCEPT AS SHOWN.
 5. RE-USE OF THIS SKETCH FOR PURPOSES OTHER THAN WHICH IT WAS INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE RE-USERS SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREIN SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE WHOM THE SURVEY WAS PREPARED FOR.
 6. THIS MAP CONSISTS OF 1 SHEET. WHEN MULTIPLE SHEETS ARE INCLUDED FOR THE MAP, NO SINGLE SHEET SHALL BE CONSIDERED AS A FULL AND COMPLETE SURVEY WITHOUT THE OTHERS.

PROPOSED BUILDING LOCATION EXHIBIT 61'X48'
SEABOARD CONSTRUCTION

SKETCH PREPARED BY:

2090 South Nova Road, Unit A-107
 South Daytona, Florida, 32119
 Phone: (386) 753-1130 Fax: (386) 753-1120

UTILITY NOTE: THESE SPOTS INDICATED ON THIS SURVEY HAVE BEEN LOCATED FROM VISIBLE EVIDENCE FOUND UNDERGROUND AND/OR EXISTING AS-BUILT DRAWINGS PROVIDED BY OTHERS. ALL SUCH UTILITIES IN THE AREA, MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA. UNDERGROUND UTILITIES SHOWN ARE IN THE PLAT LOCATION AS SHOWN. ONLY THAT OCEANSIDE LAND SURVEYING, LLC HAS THE EXACT LOCATION AND ELEVATION OF ALL SURROUNDING UTILITIES MUST BE VERIFIED BY THE OWNER OR DEVELOPER AND IT SHALL BE THEIR DUTY TO ASCERTAIN IF ANY UTILITIES OR FACILITIES OTHER THAN THESE SHOWN ON THE SURVEY ARE PRESENT.
THE SUBJECT PROPERTY APPEARS TO BE IN FLOOD ZONE "X" TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP. COMMUNITY: CITY OF ORMOND BEACH. PANEL: 0216; NUMBER: 120196; SUFFIX: H; MAP NUMBER: 1212700219H; MAP REVISED: FEBRUARY 19, 2003. BASE FLOOD ELEVATION-NOT APPLICABLE.
LAST DATE OF FIELD SURVEY: 7/7/13
DWG. DATE: 7/11/13
DRAWN BY: PKC CHECKED BY: CH
SCALE: 1"=20'
FIELD BOOK: RS 1, PAGE 11&12
COUNTY: VOLUSIA
SECTIONS: 14
TOWNSHIP: 32 E RANGE: 14 S
OCEANSIDE LAND SURVEYING, LLC PROJECT: 13-300
SHEET NUMBER 1 OF 2

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: November 25, 2013

SUBJECT: 31 Amsden Road, fence height in the front yard

APPLICANT: Dr. William T. Labonte

FILE NUMBER: 14-17

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION:

This is a request from Dr. William T. Labonte (applicant), property owner, of 31 Amsden Road to construct a 6' high solid vinyl (PVC) fence in the front yard. Section 2-50(n)(3) of the Ormond Beach Land Development Code requires that solid fences, including PVC, be no more than 3' in height in the front yard. The applicant is seeking a fence height variance of 3' to allow a 6' PVC fence totaling approximately 495 linear feet in the front yard of the property at 31 Amsden Road.

BACKGROUND:

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

Adjacent land uses and zoning:

	Current Land Uses	Future Land Use Designation	Zoning
North	Single Family House	"Low Density Residential"	R-1 (Residential Estate) R-2 (Single Family Low Density)
South	Single Family House	"Low Density Residential"	R-2 (Single Family Low Density)
East	Single Family House	"Low Density Residential"	R-2 (Single Family Low Density)
West	Single Family House	"Low Density Residential"	R-1 (Residential Estate)

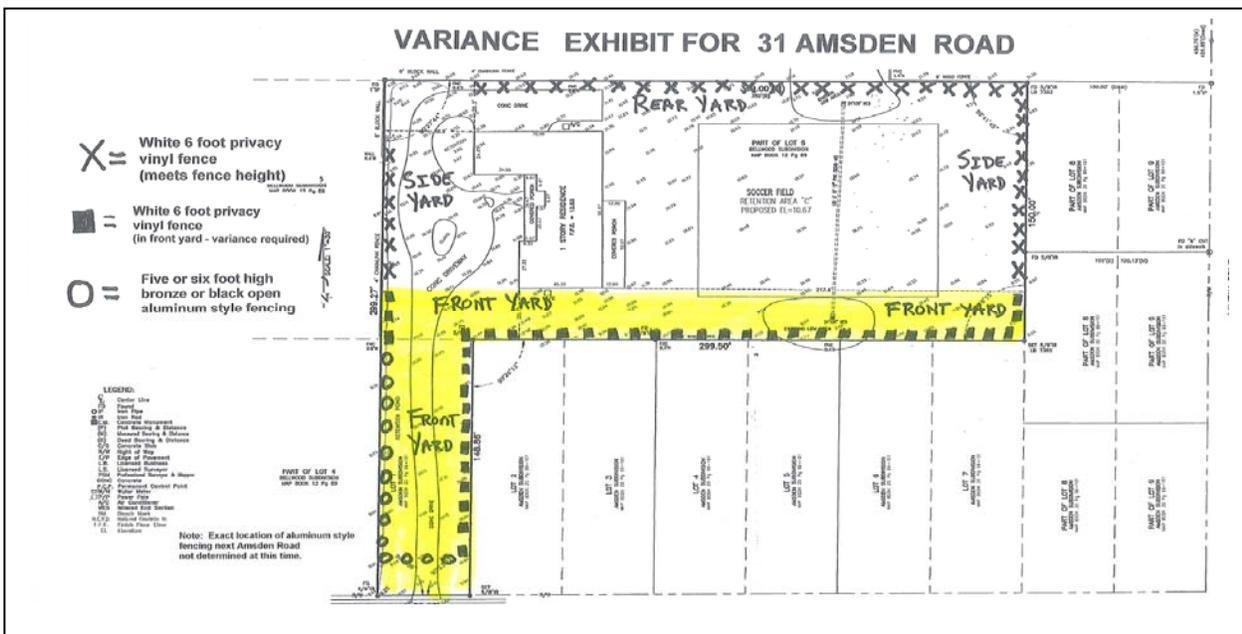
Location map



In 2004, the existing building at 31 Amsden was demolished. The applicant purchased the property in 2008 and constructed a new single-family home that was completed in 2012. The applicant is seeking to construct fencing around the property and has encountered issues based on the configuration of the lot. The lot has 50' of frontage on Amsden Road that connects to an area that is 150' by 300'. Based on the City's Land Development Code, the front yard of the property is all the land to the south of the building from the house to Amsden Road. The applicant is seeking a fence for the following three reasons:

- 1. Privacy;
- 2. Security for family and dogs; and
- 3. To eliminate individuals cutting through the property.

Variance Exhibit



The Land Development Code allows 3' high solid fences, 6' high open style fences, or a combination of a 3' solid fence with an open top fence from 3' to 6' in the front yard. Solid 6' fencing is permitted in the side and rear yards. The applicant is seeking a white PVC solid vinyl fence on the property's front yard, side yard, and rear yards. The applicant is also displaying an open style fencing along the front yard of the property. The subject property has some change in elevations throughout the property and the proposed fence is not seeking any height beyond 6' at the grade which it is placed.

During the advertising of the variance application, staff was notified of two concerns:

1. Concern #1:

47 Amsden Road, Mr. Cassel's existing fence.



Mr. Cassel contacted the Planning Department with a concern of how the proposed fence would interface with the existing fence his neighboring property. The applicant's survey showed that there was a slight encroachment, 0.3', of Mr. Cassel's fence along the western portion of Mr. Cassel's property. Planning staff and Dr. Labonte met with Mr. Cassel and Ms. Jones, 59 Amsden Road on November 22, 2013, to discuss the existing fence. The result of the meeting was that Mr. Cassel's existing fence would remain and the proposed fence would abut the existing fence at 47 Amsden Road.

2. Concern #2: 59 Amsden Road.

Ms. Jones, an abutting property owner at 59 Amsden Road raised concerns that the PVC vinyl fence is proposed to be white in color. Ms. Jones stated a preference of a beige or tan colored fence, instead of the proposed white fencing. The applicant, Planning staff, and Ms. Jones discussed the matter of fence color on November 22, 2013. Ms. Jones' principal concern was the maintenance and wear on a white fence. The applicant stated that the fence would be maintained and if there was an issue to contact him and any issue would be corrected. The City's Land Development Code does not have any regulations on the color of fencing.

ANALYSIS:

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.**

Case for the variance: The special condition relates to the configuration of the property at 31 Amsden Road. The parcel would be defined as a flag lot under the current Land Development Code and was created in 1926. The unique configuration of lot results in the front yard of 31 Amsden Road abutting the rear lots of all the abutting properties.

Case against the variance: None. The parcel configuration is a special condition that is not common in the City of Ormond Beach and would be specifically prohibited under current subdivisions regulations.

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

Case for the variance: The applicant purchased the property in 2008. The land area of 31 Amsden Road was originally lot 4 of the Bellwood subdivision and later subdivided in the 1926 Amsden plat. Lot 1 of the Amsden plat was combined with the 150' by 300' lot area to make up 31 Amsden Road. The special conditions of this property are not the result from actions of the applicant.

Case against the variance: None.

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.**

Case for the variance: The fence regulations in Section 2-50 of the Land Development allow for a 3' solid fence or a 6' open style fence, such as simulated wrought iron. The literal interpretation of the zoning regulations would not allow a 6' high privacy fence where the subject property abuts the rear of

abutting lots. The ability to utilize privacy fencing is a right commonly enjoyed by others and not allowing it would create an undue hardship.

Case against the variance: The applicant can have a 3' high solid fence, a combination of solid and open fence totaling 6', or a 6' high open style fence.

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.**

Case for the variance: There is no practical alternative for a 6' privacy fence based on the configuration of the lot. The variance is the minimum to allow the screening of the property consistent with other residential properties.

Case against the variance: An alternative would be an open style fence 6' in height. An open style fence does not provide the same level of screening and privacy.

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.**

Case for the variance: The variance is not sought to reduce the cost of the construction of the fencing.

Case against the variance: None.

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

Case for the variance: The request will not increase congestion, fire danger or public hazards. Fencing is a common accessory structure and the variance is needed based on the lot shape.

Case against the variance: None.

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.**

Case for the variance: Fencing is a common accessory structure and the proposed fence abuts the rear or side yard of all the properties touching the subject property. The fencing should not diminish the property values of the surrounding properties or alter the residential character of the surrounding properties. The applicant has discussed the fencing with abutting neighbors and obtained signatures in support of the variance. The applicant has also devised a solution to the concern raised by the property owner at 47 Amsden Road. The only outstanding concern is the color of the fence which is not regulated by the Land Development Code. If the fence is not maintained, the abutting property owners may contact the City's Neighborhood Improvement Department (code enforcement) to seek compliance.

Case against the variance: None. Fencing is commonly allowed in residential zoning districts. Staff understands the concern presented by the abutting property regarding the color of the fence, however, there are no regulations regarding the allowable color of fencing.

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.**

Case 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 the log configuration is a unique condition that is worthy of a variance.

Case against the variance: Each application is a unique situation that must be reviewed independently based on the variance criteria, input from the required notification, and testimony at the public hearing. If the Board does not believe the variance criteria have been met, then the application should be denied.

RECOMMENDATION: It is recommended that the Board of Adjustments and Appeals **APPROVE** a height variance of 3' to allow a 6' PVC fence totaling approximately 495 linear feet in the front yard of the property at 31 Amsden Road.

Attachment 1:

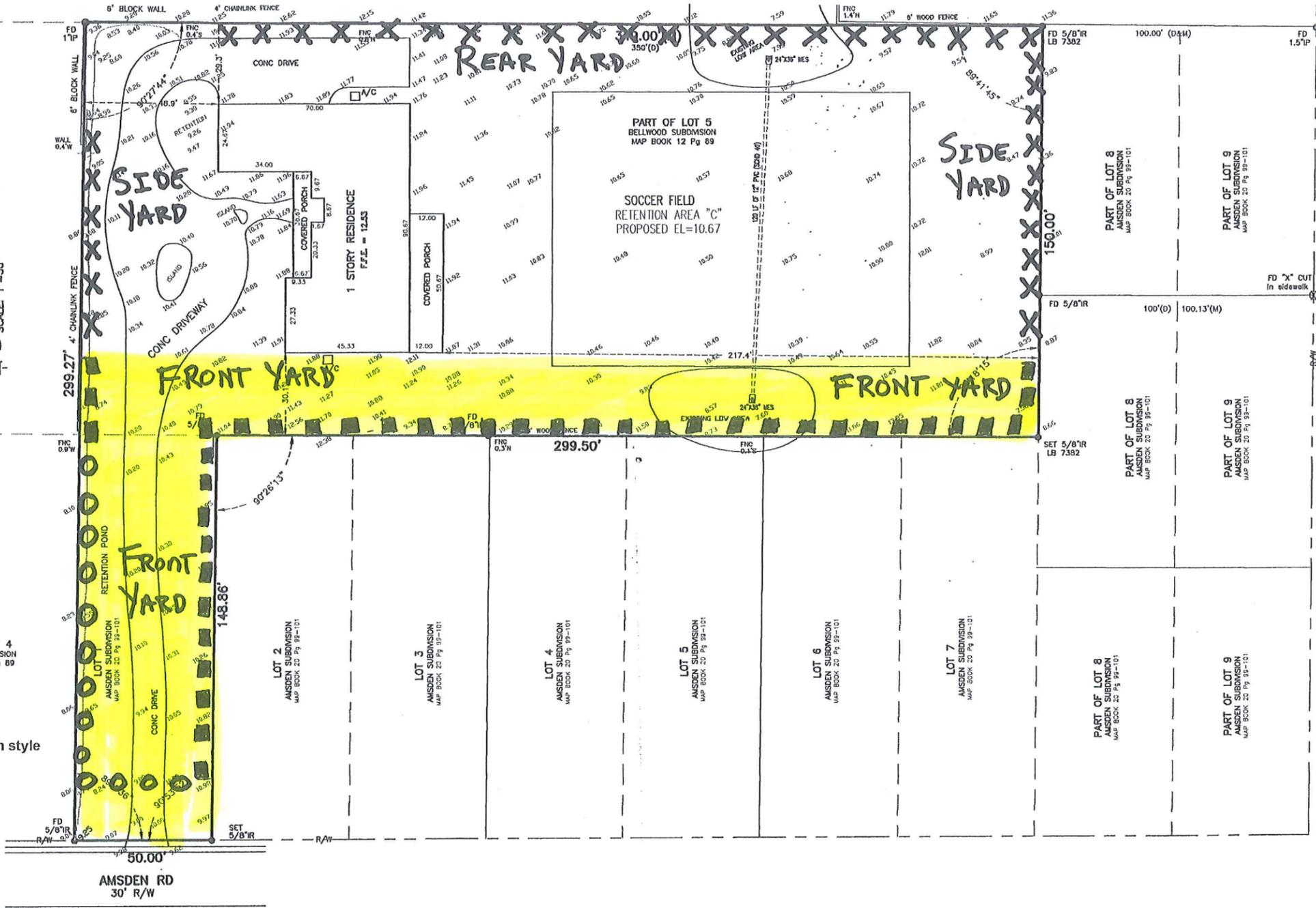
Variance exhibit

VARIANCE EXHIBIT FOR 31 AMSDEN ROAD

450.76'(M)
450.85'(Decd)

- X** = White 6 foot privacy vinyl fence (meets fence height)
- = White 6 foot privacy vinyl fence (in front yard - variance required)
- O** = Five or six foot high bronze or black open aluminum style fencing

SCALE: 1"=30'



- LEGEND:**
- CL Center Line
 - FD Found
 - IP Iron Pipe
 - IR Iron Rod
 - C.M. Concrete Monument
 - (P) Plot Bearing & Distance
 - (M) Measured Bearing & Distance
 - (D) Deed Bearing & Distance
 - C/S Concrete Slab
 - R/W Right of Way
 - E/P Edge of Pavement
 - L.B. Licensed Business
 - L.S. Licensed Surveyor
 - PSM Professional Surveyor & Mapper
 - CONC Concrete
 - P.C.P. Permanent Control Point
 - W/M Water Meter
 - OP/P Power Pole
 - A/C Air Conditioner
 - MES Mitered End Section
 - BM Bench Mark
 - N.G.V.D. National Geodetic Vt
 - F.F.E. Finish Floor Elev
 - EL Elevation

Note: Exact location of aluminum style fencing next Amsden Road not determined at this time.

- NOTES:**
- Description furnished by client. No title work provided.
 - Underground improvements and utilities are not located.
 - There are no bearings shown on plat.
 - Dimension category is shown in parenthesis (), when they differ from record dimensions. Monuments that fall within the suburban closure of 1:5000 [as per 5J-17.051(3)15bii] are not differentiated.
 - Overhead electric not located unless shown.
 - Elevations are based on the N.G.V.D. of 1929. for the purpose of showing relative relief. Elevations on natural ground have ±0.1' tolerance
 - Property containing 1.37± acres.

DESCRIPTION:
 LOT 1, AMSDEN SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN MAP BOOK 6, PAGE 232, ALSO RECORDED IN MAP BOOK 20 PAGES 99-101, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
 ALSO THE EASTERLY 350 FEET OF THAT PART OF LOT 4, J.D. PRICE'S "BELLWOOD" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN MAP BOOK 1, PAGE 21, ALSO RECORDED IN MAP BOOK 12 PAGE 89 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AS LIES WESTERLY OF THE WEST LINE OF LOT 8 OF AMSDEN SUBDIVISION, AFORESAID.

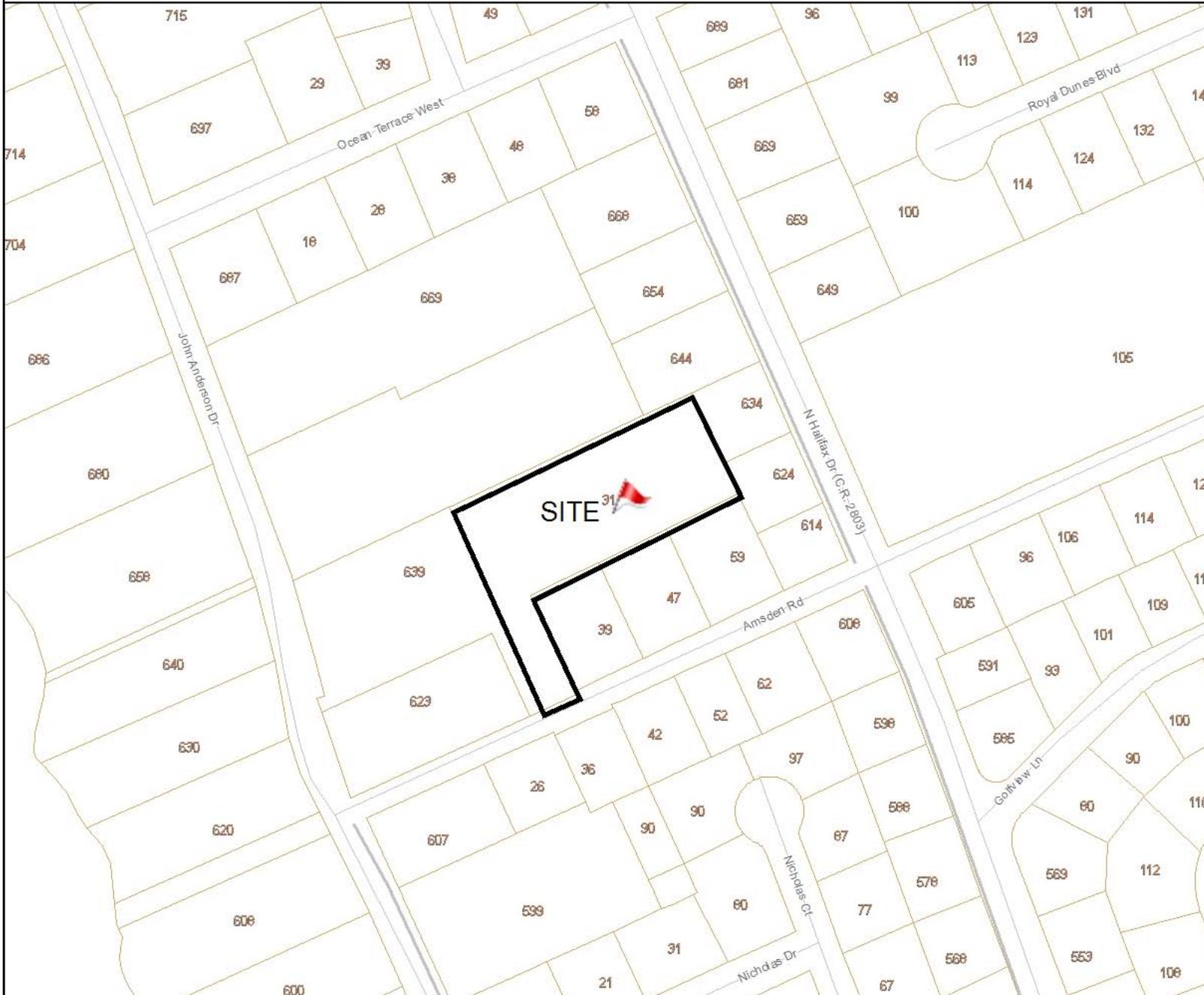
NOTICE:
 NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN. NO INSTRUMENTS OF RECORD REFLECTING OWNERSHIP, EASEMENTS, RIGHT-OF-WAYS OR THE VACATION OF RIGHT-OF-WAYS WERE FURNISHED TO THIS SURVEYOR, EXCEPT AS SHOWN. THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN ON THIS PLAT OF SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. LOCATION OF EASEMENTS OR RIGHT-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLATS, IS REQUIRED. THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER. PER FLORIDA STATUTES RULE 61G17-6.0031(4)(a)
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 ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE PARTY. PER FLORIDA STATUTES CHAPTER RULE 61G17-6.003(2)(c)

PREPARED FOR: -- WILLIAM T & JENNIFER M LaBONTE, H&W	TYPE SURVEY: Boundary 05/05/11 05/11/11 1105005 ACS Topographic 05/05/11 05/11/11 1105005 ACS Foundation 07/25/11 07/25/11 1107028 JD Final 04/12/12 04/13/12 1104022 ACS	DATE OF FIELD-OFFICE WORK ORDER#	FLOOD PLANE CERTIFICATION ACCORDING TO THE F.I.R.M/ MAP, COMMUNITY-PANEL NUMBER; 1212700216H DATED: 02/19/2003	EAST COAST LAND SURVEYING 11 Coolidge Ave. Suite-J, Ormond Beach FL 32174 PHONE (386) 672-3633 or (386) 437-0123 FAX (386) 672-3635
			THE PROPERTY APPEARS TO BE FLOOD ZONE X	
OFFICE WORK BY : ACMS	FIELD WORK BY: PR & AS	DRAWING FILE NAME: volusia\subdivisions\bellwood\L04 Amsden		

Attachment 2:

Maps and pictures

31 Amsden Road location map



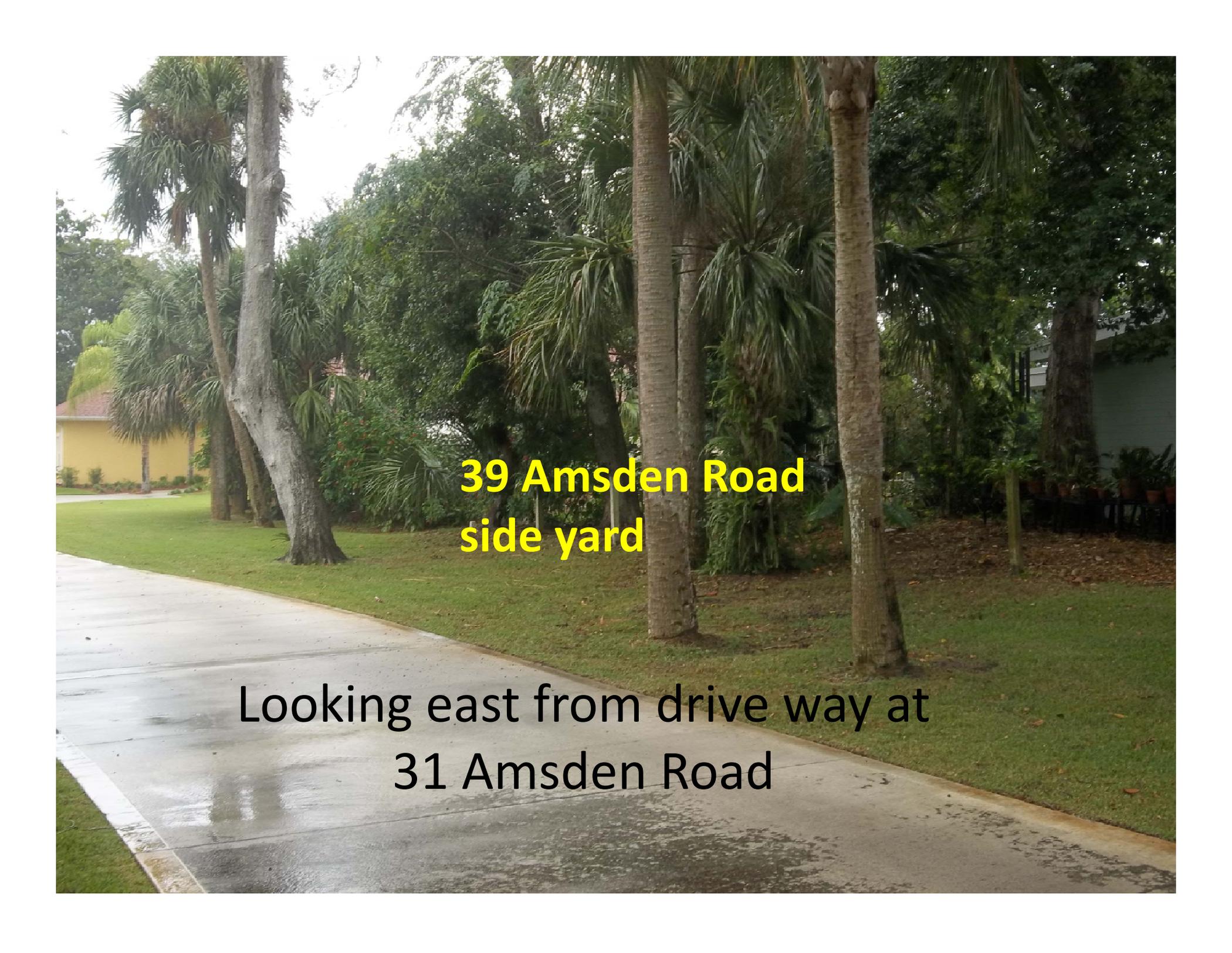
- Sidewalks
- Address Points
- Traffic Signals
- City Streets
- DIRT
- MAJOR
- PAVED
- Property Lines

188 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.





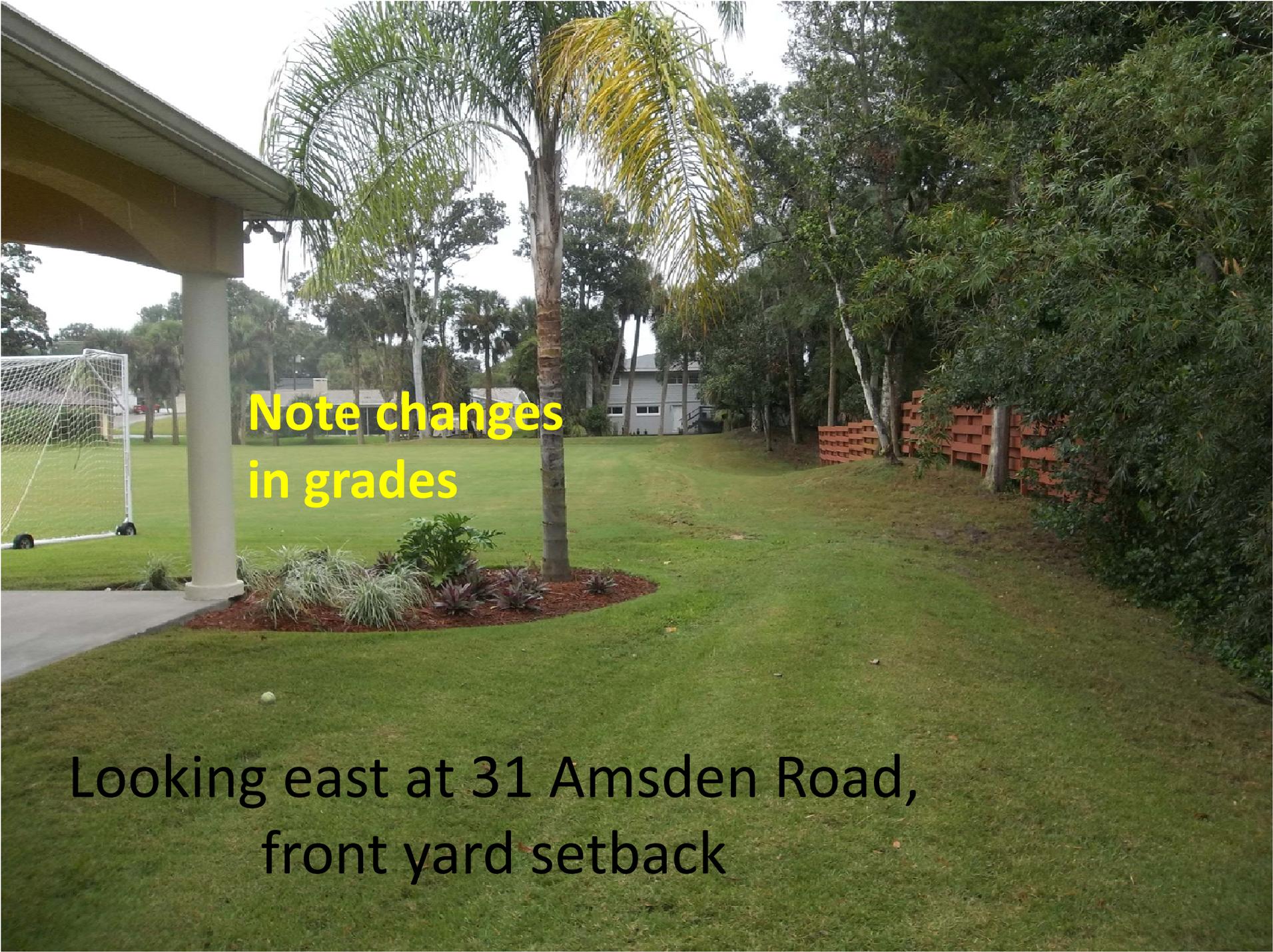
**39 Amsden Road
side yard**

Looking east from drive way at
31 Amsden Road



**39 Amsden Road
rear yard**

Looking east at 31 Amsden Road,
front yard setback



**Note changes
in grades**

Looking east at 31 Amsden Road,
front yard setback



Rear yard of 47 Amsden Road –
Cassel's property



Looking west at 47 and 39
Amsden Road



Rear yard of 59 Amsden Road –
Jones property



Rear yard of 624 North Halifax Drive



634 North Halifax Drive



Looking north, vacant lot. 6' fence permitted



634 North Halifax Drive

Looking east toward 634 North
Halifax Drive



639 John Anderson Drive

No fence where masonry wall is
located

639 John Anderson Drive

Looking west from drive way at
31 Amsden Road





623 John Anderson Drive

Looking west from drive way at
31 Amsden Road

**6' open style fencing
to be located here**



Attachment 3:

Applicant's submittal



CITY OF ORMOND BEACH

Planning Department

22 South Beach Street, Ormond Beach, FL 32174

Tel: (386) 676-3238

www.ormondbeach.org

comdev@ormondbeach.org

RECEIVED

v3.2013 NOV 12 13

By: GAW

paid 14-17

VARIANCE - APPLICATION

For Planning Department Use

Application Number

Date Submitted

APPLICATION TYPE AND FEES

	Application	Advertising Deposit for Advisory Board	Advertising Deposit for Commission	Total*
<input checked="" type="checkbox"/> Residential or Commercial	350	350	N/A	700
<input type="checkbox"/> After the Fact Residential or Commercial	700	350	N/A	1050

*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

Dr. William T. Labonte

Full Address

31 Amsden Road Ormond Beach, FL 32176

Telephone

386-547-9792

Email

bjalabonte@aol.com

* If this application is being submitted by a person other than the property owner, please provide the following Property Owner Information as well as a notarized letter designating you as agent.

PROPERTY OWNER INFORMATION***

Name

See above

Full Address

Telephone

Email

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

PROPERTY DETAILS

Full Address

31 Amsden Road Ormond Beach, FL 32176

Parcel ID Number

Full 10-14-32-01-00-0041 Short 4210-01-00-0041

Legal Description

E 350 FT LYING W OF AMSDEN OF LOT 4 BELLEWOOD MB 1 PG 218 I NCLOT 1 Amsden Sub MB 6 PG 232 Per or 2659 PG 251 Per or 52

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:

A variance to install a six foot tall privacy fence along all property lines. (south property and west property lines and east side of driveway).

ABUTTING PROPERTY OWNERS

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

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

CRITERIA: CONFORMING

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

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:

Flag shaped lot and uniqueness of it where front of house faces west but south property line is considered front setback.

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

I bought the property as is in 2008. Shape of lot was as is when I bought it.

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:

Neighbors can have privacy (6 foot) fence in their back yard but due to uniqueness of my property it is preventing me from enjoying the same privacy benefit that my neighbors can enjoy.

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:

To ensure privacy and security to my property a 6 foot foil privacy fence is needed and would be the minimum.

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:

Doesn't apply

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

Doesn't apply

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:

No it will not be harmful. It will be an improvement to my surrounding neighbors and offer privacy to them as well.

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:

No.

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:

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

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:

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:

[Empty box for answer to question 4]

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

[Empty box for answer to question 5]

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

[Empty box for answer to question 6]

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 hearing.

Signature: William T. Laborte

STATE OF FLORIDA
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 12th day of Nov., 2013, by William T. Laborte,
as Property owner (title*) for 31 Amosden (name of corporation*), who provided
FLD. L153-938-73-216 identification, or who is personally known to me.

Robin Lynn Gawel
Notary Public, State of Florida
My Commission Expires:



* If you are executing this document on behalf of a corporation please complete the spaces with your title and the name of your company as indicated.



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: 11-12-2013 Today's Date: 11-13-2013		Volusia County Property Appraiser's Office <u>Property Record Card (PRC)</u> Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID	10-14-32-01-00-0041	Mill Group	201 Ormond Beach		
Short Parcel ID	4210-01-00-0041				
Alternate Key	3033795	2013 Final Millage Rate	20.71670		
Parcel Status	Active Parcel	PC Code	01		
Date Created	23 DEC 1981				
Owner Name	LABONTE WILLIAM T & JENNIFR M			<input type="button" value="GO TO ADD'L OWNERS"/>	
Owner Name/Address 1				<input type="button" value="ESTIMATE TAXES"/>	
Owner Address 2	31 AMSDEN RD				
Owner Address 3	ORMOND BEACH FL				
Owner Zip Code	32176				
Location Address	31 AMSDEN RD ORMOND BEACH 32176				

LEGAL DESCRIPTION	<input type="button" value="GO TO ADD'L LEGAL"/>
E 350 FT LYING W OF AMSDEN OF LOT 4 BELLEWOOD MB 1 PG 21 & I	
NC LOT 1 AMSDEN SUB MB 6 PG 232 PER OR 2659 PG 251 PER OR 52	

SALES HISTORY						<input type="button" value="GO TO ADD'L SALES"/>	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6228	4374	4/2008	Warranty Deed	Unqualified Sale	No	100
2	5243	2345	7/2003	Warranty Deed	Qualified Sale	Yes	175,000
3	2659	0251	1/1985	Quit Claim Deed	Unqualified Sale	Yes	100

HISTORY OF VALUES								<input type="button" value="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
2013	95,200	228,683	0	323,883	323,883	323,883	323,883	25,000	298,883	298,883	25,000	273,883
2012	112,455	0	0	112,455	112,455	112,455	112,455	0	112,455	112,455	0	112,455

LAND DATA												
CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL	
0106	IMP PVD 1 - 1.99 AC	No Data	No Data	1.36	ACREAGE	70000.00	100	100	100	100	95,200	
NEIGHBORHOOD CODE		3791 BELLEWOOD CIR (4210-03),										
TOTAL LAND CLASSIFIED											0	
TOTAL LAND JUST											95,200	

BUILDING CHARACTERISTICS												

BUILDING 1 OF 1

GO TO BLDG SKETCH

Physical Depreciation %	0	Next Review	2017	Obsolescence	Functional	0%
		Year Built	2012		Locational	0%
Quality Grade	400	Architecture			Base Perimeter	352
Improvement Type	Single Family					
Roof Type	HIP			Bedrooms	0	7FixBath 0
Roof Cover	Asphalt / Composition Shingle			Air Conditioned	No	6FixBath 0
Wall Type	Drywall			Fireplaces	0	5FixBath 0
Floor Type	Ceramic Tile			XFixture	0	4FixBath 0
Foundation	Concrete Slab			Heat Method 1	Forced Ducted	3FixBath 0
Heat Source 1	Electric			Heat Method 2		2FixBath 0
Heat Source 2				Year Remodeled		

SECTION #	AREA TYPE	EXTERIOR WALL TYPE	NUMBER OF STORIES	YEAR BUILT	ATTIC FINISH	% BSMT AREA	% BSMT FINISH	FLOOR AREA
7	Heated Living Area (BAS)	CONCRETE BLOCK STUCCO	1.0	2012	N	0.00	0.00	4285 Sq. Feet
6	Finished Open Porch (FOP)	Non-Applicable	1.0	2012	N	0.00	0.00	612 Sq. Feet
8	Finished Open Porch (FOP)	Non-Applicable	1.0	2012	N	0.00	0.00	318 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
04-00002173	0.00	2-24-2004	Unknown			0
11-3562	395,525.00	6-14-2011	Unknown	NEW SFR		0

TOTAL VALUES

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Land Value	95,200	New Construction Value	0
Building Value	228,683	City Econ Dev/Historic Taxable	0
Miscellaneous	0		
Total Just Value	323,883	Previous Total Just Value	323,883
School Assessed Value	323,883	Previous School Assessed	323,883
Non-School Assessed Value	323,883	Previous Non-School Assessed	323,883
Exemption Value	25,000	Previous Exemption Value	25,000
Additional Exemption Value	25,000	Previous Add'l Exempt Value	25,000
School Taxable Value	298,883	Previous School Taxable	298,883
Non-School Taxable Value	273,883	Previous Non-School Taxable	273,883

[Notice of Proposed Property Tax](#)



[Get the latest Adobe Reader](#)

Requires Adobe Reader

MapIT | PALMS | Map Kiosk

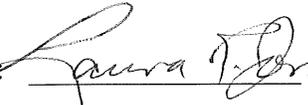
Parcel Notes

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.

Bill Labonte, at 31 Amsden Road, has informed me of his desire to put up a 6 foot, full privacy fence, along his south property line. I do not have any issues with the installation of this fence. ~~and west~~

Signed Name:  Printed Name: Laura R. Jones
Address: 59 Amsden Rd, Ormond Beach, FL 32176

Signed Name:  Printed Name: Steven R. Lichter
Address: 624 N. Halifax Dr., Ormond Beach, FL 32176

Signed Name:  Printed Name: JEFF BOYLE
Address: 614 N. HALIFAX DRIVE ORMOND BEACH 32176

Charles W. Cassel Charles W. Cassel
47 Amsden Road, Ormond Beach, FL
32176

Kathryn H. Dunn Kathryn H. Dunn
39 Amsden Rd. Ormond Beach FL
32176

Harmon L. Jones
Joyce L. Jones
644 N. HALIFAX DR,
ORMOND BEACH, FL.
11

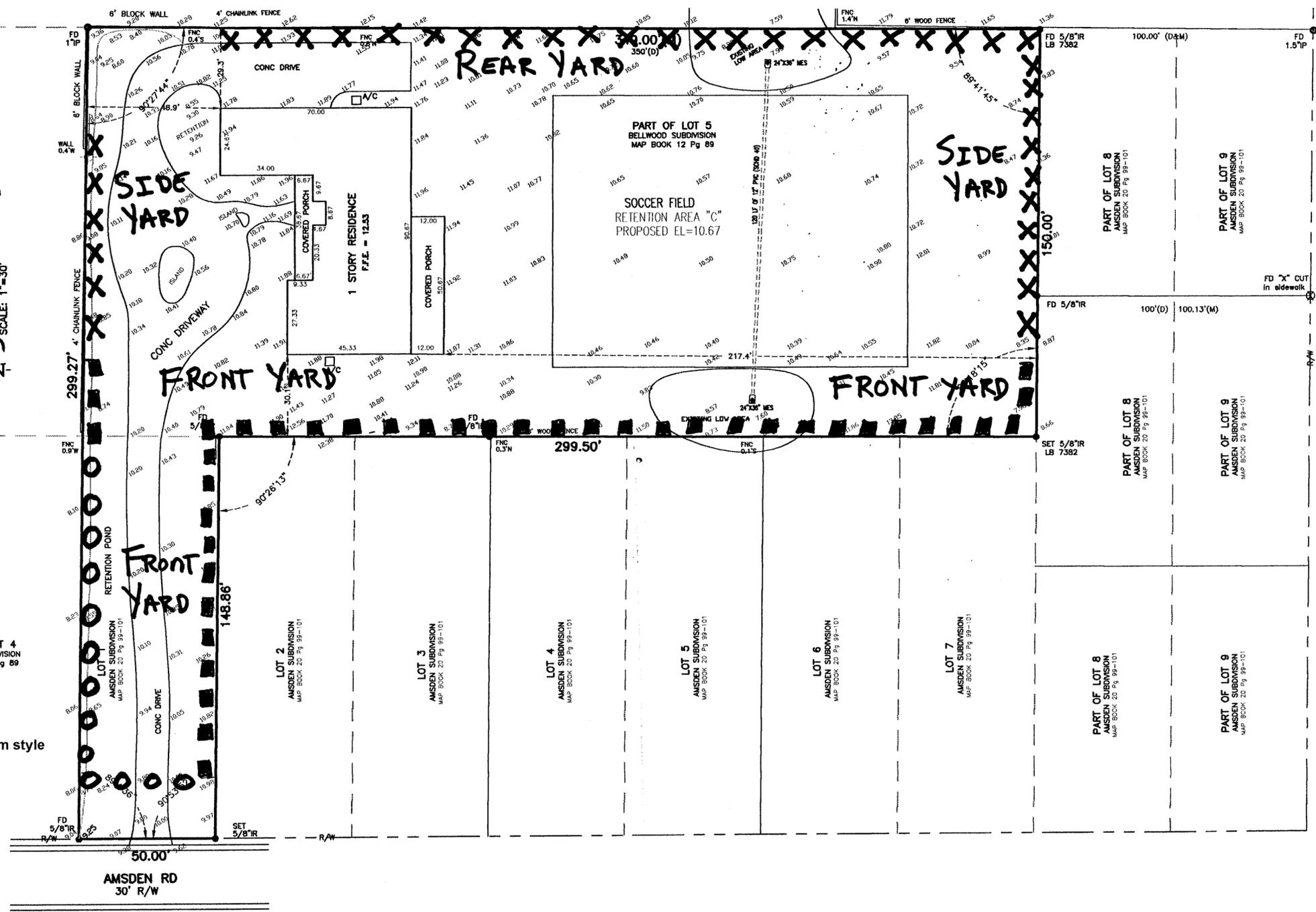
F. D. Lott
634 N. HALIFAX DR.

VARIANCE EXHIBIT FOR 31 AMSDEN ROAD

SOUTH R/W LINE OF OCEAN TERRACE WEST
FD 4x4"CM

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- = White 6 foot privacy vinyl fence (in front yard - variance required)
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 - EL Elevation

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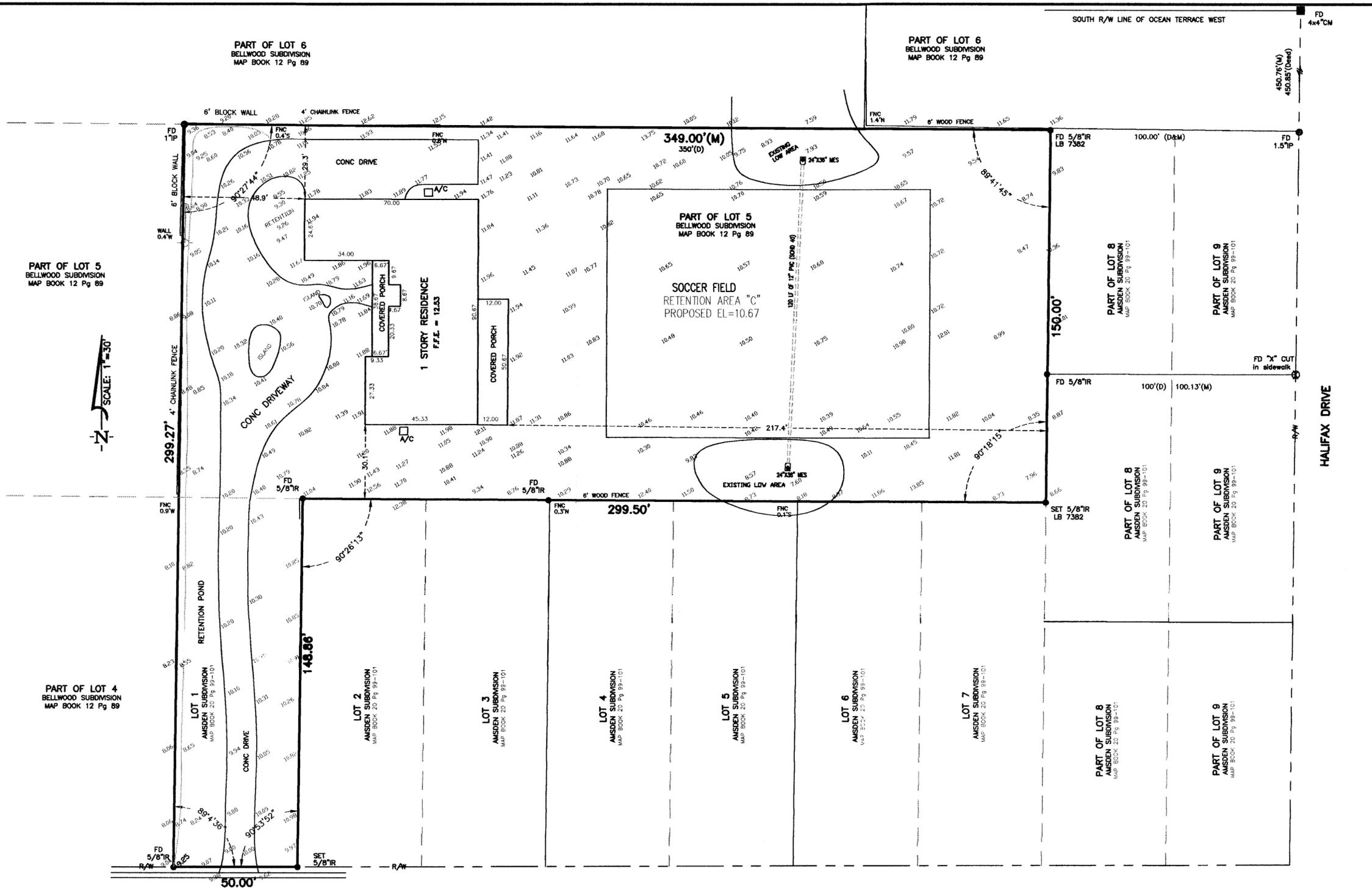
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NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN. NO INSTRUMENTS OF RECORD REFLECTING OWNERSHIP, EASEMENTS, RIGHT-OF-WAYS OR THE VACATION OF RIGHT-OF-WAYS WERE FURNISHED TO THIS SURVEYOR, EXCEPT AS SHOWN. THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN ON THIS PLAT OF SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. IF LOCATION OF EASEMENTS OR RIGHT-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLATS, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER. PER FLORIDA STATUTES RULE 61G17-6.0031(4)(e)

THE TERM CERTIFIED AS USED IN THIS STATEMENT IS FOR THE EXCLUSIVE USE OF THE PARTIES LISTED ON THIS SURVEY. THIS BOUNDARY SURVEY IS UNDERSTOOD TO BE THE PROFESSIONAL OPINION OF THIS SURVEYOR; WHO'S SAID OPINION IS FORMULATED ON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF, AND AS SUCH, DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED. FURTHERMORE, THIS SURVEYOR DOES NOT ASSUME RESPONSIBILITY AND SHALL NOT BE LIABLE FOR CLAIMS ARISING FROM ERRONEOUS OR INCORRECT INFORMATION FURNISHED BY THE OWNER, TITLE AGENT, LENDER, OWNER'S CONTRACTORS, OR OTHERS, WHICH IS USED AS A BASIS TO FORMULATE THIS SURVEYOR'S OPINION.

ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE PARTY. PER FLORIDA STATUTES CHAPTER RULE 61G17-6.003(2)(e)

PREPARED FOR: --- WILLIAM T & JENNIFER M LaBONTE, H&W --- ---	TYPE SURVEY: DATE OF FIELD-OFFICE WORK ORDER# Boundary 05/05/11 05/11/11 1105005 ACS Topographic 05/05/11 05/11/11 1105005 ACS Foundation 07/25/11 07/25/11 1107028 JJD Final 04/12/12 04/13/12 1104022 ACS	FLOOD PLANE CERTIFICATION ACCORDING TO THE F.I.R.M./ MAP, COMMUNITY-PANEL NUMBER: 1212700218H DATED: 02/19/2003	EAST COAST LAND SURVEYING 11 Coolidge Ave. Suite-J, Ormond Beach FL 32174 PHONE (386) 672-3633 or (386) 437-0123 FAX (386) 672-3635
		THE PROPERTY APPEARS TO BE FLOOD ZONE X	THE FOREGOING PLAT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AS PER CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, AS PURSUANT TO SECTION 472.027, FLORIDA STATUTES. 5/11/11 A Sanzone
OFFICE WORK BY : ACMS	FIELD WORK BY: PR & AS	DRAWING FILE NAME: volusia\subdivisions\bellwood\L04 Amstden	ANTHONY SANZONE PSM NO. 6309 LB NO. 7382 NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER



- LEGEND:**
- C Center Line
 - FD Found
 - IP Iron Pipe
 - IR Iron Rod
 - C.M. Concrete Monument
 - (P) Plat Bearing & Distance
 - (M) Measured Bearing & Distance
 - (D) Deed Bearing & Distance
 - C/S Concrete Slab
 - R/W Right of Way
 - E/P Edge of Pavement
 - L.B. Licensed Business
 - L.S. Licensed Surveyor
 - PSM Professional Surveyor & Mapper
 - CONC Concrete
 - P.C.P. Permanent Control Point
 - W/M Water Meter
 - P/P Power Pole
 - A/C Air Conditioner
 - MES Mitered End Section
 - BM Bench Mark
 - N.G.V.D. National Geodetic Vertical Datum
 - F.F.E. Finish Floor Elevation
 - EL Elevation

- NOTES:**
1. Description furnished by client. No title work provided.
 2. Underground improvements and utilities are not located.
 3. There are no bearings shown on plat.
 4. Dimension category is shown in parenthesis (), when they differ from record dimensions. Monuments that fall within the suburban closure of 1:5000 [as per SJ-17.051(3)15bii] are not differentiated.
 5. Overhead electric not located unless shown.
 6. Elevations are based on the N.G.V.D. of 1929. for the purpose of showing relative relief. Elevations on natural ground have ±0.1' tolerance
 7. Property containing 1.37± acres.

DESCRIPTION:

LOT 1, AMSDEN SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN MAP BOOK 6, PAGE 232, ALSO RECORDED IN MAP BOOK 20 PAGES 99-101, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

ALSO THE EASTERLY 350 FEET OF THAT PART OF LOT 4, J.D. PRICE'S "BELLWOOD" ACCORDING TO THE PLAT THEREOF, AS RECORDED IN MAP BOOK 1, PAGE 21, ALSO RECORDED IN MAP BOOK 12 PAGE 89 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, AS LIES WESTERLY OF THE WEST LINE OF LOT 8 OF AMSDEN SUBDIVISION, AFORESAID.

NOTICE:

NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN. NO INSTRUMENTS OF RECORD REFLECTING OWNERSHIP, EASEMENTS, RIGHT-OF-WAYS OR THE VACATION OF RIGHT-OF-WAYS WERE FURNISHED TO THIS SURVEYOR, EXCEPT AS SHOWN. THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN ON THIS PLAT OF SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. IF LOCATION OF EASEMENTS OR RIGHT-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLATS, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER. PER FLORIDA STATUTES RULE 61G17-6.0031(4)(e)

THE TERM CERTIFIED AS USED IN THIS STATEMENT IS FOR THE EXCLUSIVE USE OF THE PARTIES LISTED ON THIS SURVEY. THIS BOUNDARY SURVEY IS UNDERSTOOD TO BE THE PROFESSIONAL OPINION OF THIS SURVEYOR; WHO'S SAID OPINION IS FORMULATED ON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF, AND AS SUCH, DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED. FURTHERMORE, THIS SURVEYOR DOES NOT ASSUME RESPONSIBILITY AND SHALL NOT BE LIABLE FOR CLAIMS ARISING FROM ERRONEOUS OR INCORRECT INFORMATION FURNISHED BY THE OWNER, TITLE AGENT, LENDER, OWNER'S CONTRACTORS, OR OTHERS, WHICH IS USED AS A BASIS TO FORMULATE THIS SURVEYOR'S OPINION.

ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE PARTY. PER FLORIDA STATUTES CHAPTER RULE 61G17-6.0032(2)(e)

PREPARED FOR:
 -- WILLIAM T & JENNIFER M LaBONTE, H&W
 --
 --
 --

OFFICE WORK BY : ACMS

TYPE SURVEY:	DATE OF FIELD	OFFICE	WORK ORDER#
Boundary	05/05/11	05/11/11	1105005 ACS
Topographic	05/05/11	05/11/11	1105005 ACS
Foundation	07/25/11	07/25/11	1107028 JJD
Final	04/12/12	04/13/12	1104022 ACS

FLOOD PLANE CERTIFICATION ACCORDING TO THE F.I.R.M/ MAP, COMMUNITY-PANEL NUMBER:
 12127CD216H DATED : 02/19/2003

THE PROPERTY APPEARS TO BE FLOOD ZONE X

DRAWING FILE NAME: volusia\subdivisions\bellwood\L04 Arnsden

EAST COAST LAND SURVEYING
 11 Coolidge Ave. Suite-J, Ormond Beach FL 32174
 PHONE (386) 672-3833 or (386) 437-0123 FAX (386) 672-3835

THE FOREGOING PLAT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AS PER CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, AS PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

5/11/11

ANTHONY SANZONE PSM NO. 6309 LB NO. 7382
 NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER

Spraker, Steven

From: Bjalabonte@aol.com
Sent: Friday, November 22, 2013 7:48 PM
To: Spraker, Steven
Subject: Fwd: fence project. 31 Amsden
Attachments: 028.JPG; 027.JPG; 033.JPG; 034.JPG

From: davesfenceinc@embarqmail.com
To: bjalabonte@aol.com
Sent: 11/22/2013 9:24:29 A.M. Eastern Standard Time
Subj: fence project.

Good morning Bill, the fence that was quoted was the commercial grade white vinyl fence. The tan vinyl fence will cost approximately 20%-25% more than the white vinyl fence. the white vinyl fence is the best choice for minimal maintenance long term. it is less likely to have noticeable fading or discoloration and you are able to easily clean off stains with normal cleaning products. Tan on the other hand, tends to have discoloration if certain cleaning products are applied to one area and none were applied to the other areas. we always recommend white color vinyl fence for keeping the fence as similar to new as possible long term. dirt and filth washes away from vinyl fence easily.

Dave's
FENCE
789-1700

AIR







