



AGENDA

ORMOND BEACH BOARD OF ADJUSTMENT AND APPEALS

April 2, 2014

ORMOND BEACH CITY COMMISSION CHAMBERS

7:00 P.M.

- I. ROLL CALL
- II. ADMINISTRATIVE ITEMS
 - A. Election of Chairperson and Vice-Chair.
 - B. Approval of the 2014 Rules of Procedures
 - C. Acceptance of 2014 BOAA calendar.
- III. APPROVAL OF THE MINUTES
 - A. December 4, 2013
- IV. NEW BUSINESS
 - A. **Case No. 14-065: 200 Neptune Avenue, rear yard variance.**

This is a request for a rear yard setback variance submitted by Treacy A. Quick (applicant) on behalf of the property owner of 200 Neptune Avenue, Haywood Schmidt. The property is zoned as R-2.5 (Single-Family Low-Medium Density) and the applicant is seeking to expand a non-conforming structure. Section 2-14(B)(9)(b) of the Ormond Beach Land Development Code requires a minimum rear yard setback of 20'. The applicant is requesting a building addition even with the existing rear yard setback of 16.8', requiring a 3.2' variance to the required 20' rear yard setback standard.
 - B. **Case No. 14-066: 341 Forest Hills Boulevard, side yard and sidewalk variances.**

This is a request for two variances, a building addition and a sidewalk, submitted by Randall Tenney (applicant), property owner of 341 Forest Hills Boulevard. The property is zoned as R-3 (Single-Family Medium Density) and the applicant is seeking two variances as follows:

Variance #1: Room addition - side yard setback. Section 2-15(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 room addition at a 7' side yard setback, a 1' variance to the required 8' setback along the north property line, abutting 339 Forest Hills Boulevard.

Variance #2: Sidewalk installation. Section 2-50(w) of the Ormond Beach Land Development Code requires a 5' setback to the side interior property line for a sidewalk. The applicant is seeking to allow a 4' wide sidewalk at a 1' side yard setback, a 4' variance to the required 5' setback along the south property line, abutting 355 Forest Hills Boulevard.

C. Case No. 14-060: 224 Arlington Way, front and side yard variances.

This is a request for two variances to allow a building addition submitted by Michael Strauss (applicant), property owner of 224 Arlington Way. The property is zoned as R-3 (Single-Family Medium Density) and the applicant is seeking two variances related to the building addition as follows:

Variance #1: Building addition – front yard setback. Section 2-15(B)(9)(a) of the Ormond Beach Land Development Code requires a minimum front yard setback of 25'. The applicant is seeking to allow a building addition at a 19.7' front yard setback consistent with the existing building setback, a 5.3' variance to the required 25' front yard setback.

Variance #2: Building addition - side yard setback. Section 2-15(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 building addition at a 5' side yard setback, a 3' variance to the required 8' setback and a combined yard setback of 11.1', a 8.9' variance to the required 20' combined side yard setback, along the property boundary abutting 220 Arlington Way.

V. OTHER BUSINESS

VI. ADJOURNMENT

CITY OF ORMOND BEACH

FLORIDA

PLANNING

MEMORANDUM

TO: BOAA Members

FROM: Steven Spraker, AICP, Senior Planner

DATE: March 25, 2014

SUBJECT: Board of Adjustment and Appeals Administrative Items

This is the first meeting of the Board of Adjustment and Appeals (BOAA) for the year 2014. There are several administrative items on the agenda including the election of the chairperson/vice-chairperson, calendar of meetings and the rules of procedures.

Planning staff will continue to provide the BOAA members copies of the packets via hard copy and by e-mail. It would be beneficial for staff if BOAA members could respond to the packet e-mail to let us know if they will be attending the Board meeting. BOAA alternate members will receive packets via e-mail and staff will provide hard copies if an alternate member is requested to attend the Board meeting. If any alternate member desires hard copies of the packet, please contact me and staff can provide the packet to the member. Alternate member(s) are not required to attend the BOAA meetings unless substituting for a member who is absent.

Planning staff would appreciate if Board members could provide or verify for Planning staff their e-mail addresses for the purposes of distributing the packets.

The variance packet and agenda are also provided at the City website, under Boards and Committees. If there are any questions, I can be contacted at 676.3341 or by e-mail at Steven.Spraker@ormondbeach.org. Thank you.

BOARD OF ADJUSTMENT AND APPEALS - 2014 CALENDAR

Submittal Deadlines	Legal Notification*	Board Meeting Date
December 2, 2013	December 20, 2013	Wednesday, January 8
January 2	January 17	Wednesday, February 5
February 3	February 14	Wednesday, March 5
March 3	March 14	Wednesday, April 2
April 1	April 18	Wednesday, May 7
May 1	May 16	Wednesday, June 4
June 2	June 13	Wednesday, July 2
July 1	July 18	Wednesday, August 6
August 1	August 15	Wednesday, September 3
September 1	September 12	Wednesday, October 1
October 1	October 17	Wednesday, November 5
November 3	November 14	Wednesday, December 3
December 1	December 19	Wednesday, January 7, 2015

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

**RULES OF PROCEDURE
OF THE
BOARD OF ADJUSTMENTS AND APPEALS
FOR THE CITY OF
ORMOND BEACH, FLORIDA**

The Board of Adjustment and Appeals of the City of Ormond Beach, Florida ("Board") shall be governed by the terms of the Charter and Code of Ordinances of the City of Ormond Beach, the *Land Development Code* of the City of Ormond Beach, Florida, and the Rules of Procedure set forth herein and adopted by the Board.

SECTION 1. OFFICERS, MEMBERS AND DUTIES

1.1 Chairman. A Chairman shall be elected by the Board, in accordance with Section 1.16.A.6 of the *Land Development Code*. The Chairman shall decide upon all points of order and procedure subject to these rules, unless otherwise directed by a majority of the Board in session at the time. The Chairman shall appoint from the Board membership any committee found necessary to investigate matters before the Board. The Chairman shall sign all minutes of the Board and all pertinent correspondence.

1.2 Vice-Chairman. A Vice-Chairman shall be elected by the Board in accordance with Section 1.16A6 of the *Land Development Code*. The Vice-Chairman shall serve as Acting Chairman in the absence of the Chairman and, at such times, shall have the same powers and duties as the Chairman.

1.3 Secretary. The Secretary shall be the Director of Planning or the designee of the said Director. The Secretary shall keep all records, shall conduct all correspondence of the Board, shall cause to be given the required legal notice of each public hearing and shall generally take charge of the clerical work of the Board. The Secretary shall take, or cause to be taken, the minutes of every meeting of the Board. These shall show the record of all important facts pertaining to each meeting and hearing, every resolution acted upon by the Board, and all votes of members of the Board upon any resolution or upon the final determination of any questions, in dictating the names of members absent or failing to vote. The Secretary shall endeavor to present the final copy of the minutes to the Chairman for signature not later than five (5) days before the next regular meeting. The Secretary shall keep all records open to the public at all times during normal business hours (8:00 AM-5:00 PM), but shall in no event relinquish the original of any record to any person, unless such authority is granted by the Chairman of the Board.

1.4 Members. As required by the Land Development Code Subsection 1-16:A.2, members of the Board shall be appointed by the City Commission. Terms and conditions of appointment shall be governed by Article I, inclusive. Members shall provide the Secretary with their current home address and home and/or office telephone number, unless such information is made confidential by law. Such information shall be kept current by the members. In the event that a member of the Board shall be unable to attend a regularly scheduled meeting, the member shall notify the Secretary of the member's expected absence

no later than five (5) days before that meeting. The five (5) days notice of absence shall not apply to emergency absences beyond the member's control, nor to special meetings described in Subsection 2.2 below.

1.5 Viewing. The Board members shall make every effort to view any site being considered for recommendation. The Secretary shall provide each member with a map showing the subject site.

SECTION 2. MEETINGS

2.1 Regular Meetings. Regular meetings of the Board of Adjustment and Appeals shall be held on the first Wednesday of each month, at 7:00 P.M. in City Hall Commission Chambers. If the Chambers are not available, an alternate location shall be noted on the agenda and in all related advertising and notices. The time and place of the regular monthly meeting may be changed by affirmative vote of a majority of the Board.

2.2 Special Meetings. Special meetings of the Board may be called at any time by the Chairman, or at the direction of any three (3) members of the Board. At least seventy-two (72) hours advance notice of the time and place of special meetings shall be given by the Secretary or Chairman to each member of the Board.

2.3 Cancellation of Meetings. Whenever there is no business for the Board, or whenever so many members notify the Secretary of inability to attend that a quorum will not be available, the Chairman may dispense with the regular meeting by instructing the Secretary to give written or oral notice to all members not less than twenty-four (24) hours prior to the time set for the meeting.

2.4 Quorum. A quorum shall consist of four (4) members for the transaction of business.

2.5 Conduct of Meeting. All meetings shall be open to the public. The order of business at regular meetings shall be as follows:

- a. Roll Call
- b. Approval of the Minutes
- c. Unfinished Business, if any
- d. New Business and Hearing of Cases
- e. Board Comments, if any
- f. Adjournment

2.6 Continued Meetings. The Board may continue a regular or special meeting if all business cannot be disposed of on the day set, and no further public notice shall be necessary for resuming such a meeting if the time and place of its resumption is stated at the time of continuance and is not thereafter changed.

2.7 Adjournment. New items will not be heard by the Board after 10:00 PM unless authorized by a majority vote of the Board members present. Items which have not been heard before 10:00 PM may be continued to a date and time certain, or to the next regular meeting, as determined by affirmative vote of the majority of the Board members present.

SECTION 3. VOTING

3.1 Vote. The affirmative vote of a majority of the members present and legally entitled to vote at any meeting shall be necessary to reverse any order, requirement, decision or determination of the Chief Building Official, or to decide in favor of the applicant on any matter. The Chairman shall have one (1) vote on all issues voted upon by the Board.

3.2 Voting Conflict of Interest. No member of the Board shall participate in any matter which would inure to the member's special private gain or loss, which the member knows would inure to the special private gain or loss of any principal by whom the member is retained, or to the parent organization or subsidiary of a corporate principal by which the member is retained; or which the member knows would inure to the special private gain or loss of a relative or business associate of the member without first disclosing the nature of the member's interest in the matter.

Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the Secretary prior to the meeting in which consideration of the matter will take place, and shall be incorporated in the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the Board, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

In the event that disclosure has not been made prior to the meeting, or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within fifteen (15) days after the oral disclosure with the Secretary and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the Board, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

Any member of the Board who, after written notice and public hearing, is found to have violated the provisions listed above, shall have the member's membership on the Board immediately terminated.

3.3 Abstention. All members of the Board shall vote in favor of, or in opposition to, all matters coming before the Board for vote, and such vote shall be recorded in the official records of the Board. However, no member shall vote upon any matter which would inure to the member's special private gain or loss; which the member knows would inure to the special private gain or loss of any principal by whom the member is retained or to the parent organization or subsidiary of a corporate principal by which the member is retained, other than an agency as defined in §112.312(2), *Florida Statutes*; or which the member knows would inure to the special private gain or loss of a relative or business associate of the member. Any member so required to abstain shall, prior to the vote being taken, publicly state to the assembly the nature of the member's interest in the matter from which the member is abstaining from voting and, within fifteen (15) days after the vote occurs,

disclose the nature of the member's interest as a public record in a memorandum filed with the Secretary, who shall incorporate the memorandum in the minutes.

3.4 Policy. It shall be the policy of the Board to provide sufficient findings of fact in making a decision on each issue pending before the Board. All findings of fact shall be based on the applicable standards and regulations contained in the Land Development Code, the information provided by the applicant, City Staff's review of the application and appropriate information or evidence and testimony presented at the public hearing.

SECTION 4. ATTENDANCE

Attendance of the Board of Adjustment and Appeal Board members shall be subject to the standards contained in the Code of Ordinances, Chapter 2 Administration, Article VI Boards, Commissions, Committees and Other Agencies, Division 1. Generally, Section 2-202, Attendance of Members, as amended.

SECTION 5. APPEALS AND APPLICATIONS

All appeals and applications shall be filed in the manner provided for in Article I of the *Land Development Code*.

SECTION 6. RESIDENCY REQUIREMENTS

All Board members must be residents of the City of Ormond Beach. A member who, after appointment or selection to the Board, ceases to be a resident of the city shall promptly tender a resignation, which shall be effective immediately upon its tender. Failure to resign shall result in the person's membership on the Board being terminated by the City Commission.

SECTION 7. APPLICATIONS

All applications for Board action shall be complete and filed in the manner provided for in the Land Development Code.

SECTION 8. CONDUCT OF HEARINGS

The applicant, their agent or attorney, must be present, at the public hearing before the Board of Adjustment and Appeal. Failure to be present, or to be represented, will result in the application being tabled until the next regularly scheduled meeting. The applicant shall be billed for any additional advertising costs associated with the failure to be present. If the applicant fails to appear before the Board of Adjustment and Appeal a second time, the Board may deny the application.

The order of procedure for each hearing shall be as follows:

8.1 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. The Chairman may also direct speakers to limit their comments to issues which have not been previously stated;

8.2 The Chairman or the Chairman's designee, shall request that staff present the application;

8.3 The staff shall present its analysis and recommendations regarding the application;

8.4 The Board, with permission of the Chairman, may question staff regarding the application.

8.5 The applicant or the applicant's agent shall be afforded the opportunity to speak, typically 10 minutes unless extended by the Board, in behalf of the application;

8.6 Any Board member, with permission of the Chairman, may question the applicant or his agent;

8.7 The Chairman shall direct persons wishing to speak in favor of, or in opposition to, the application shall be allowed to do so after signing in and stating their name and address - such presentation shall be made at the podium and be limited to five (5) minutes unless extended by the Board;

8.8 The Chairman shall ensure that there is sufficient time allocated to the applicant to provide comments and to address questions, comments and recommendations raised by the public hearing;

8.9 After public comments, a motion is required to allow Board discussion of the application. Any Board member, with permission of the Chairman, may ask the Applicant, staff, or member of the general public a question regarding the application.

8.10 After Board discussion, a motion is required to approve, approve with conditions, or deny an application.

8.11 The Chairman will state the name of the Board member making the motion and the name of the Board member who seconded the motion.

8.12 The recording secretary will perform a roll call vote of each Board member for or against the proposed motion.

8.13 After the vote, the Chairman shall announce a summary of the vote.

8.14 After the vote, the Chairman shall close the public hearing

8.15 Arguments between the parties shall not be permitted - all remarks shall be addressed to the Chair;

8.16 Where there is no opposition to an application, the Chairman, by consensus of the Board and upon confirmation that all Board members have read the staff report, may waive the staff analysis;

8.17 Members shall at all times speak directly into the microphones to facilitate the recording of the meetings; and

8.18 Copies of any and all letters, exhibits, or any information not otherwise provided prior to the meeting are required to be presented to the recording secretary for inclusion in the Board minutes.

SECTION 9. DECISIONS

9.1 Time. Decisions by the Board shall be made in the form of a motion upon completion of the hearing.

9.2 Applicant's Rights. The Chairman shall inform the applicant of his or her right to appeal an unfavorable decision to the Circuit Court within thirty (30) days, and of his or her need to implement a successful decision by obtaining the necessary permits within twelve (12) months. In cases in which work requiring a variance began prior to consideration by the Board, and a request for a variance is denied, the Chairman shall inform the applicant that the City will take action to have offending structure(s) removed unless the City Commission decides otherwise, upon application for consideration by the applicant.

9.3 Notification. The Secretary shall send a copy of the Board's Order to the appellant or applicant within thirty (30) days of the date of decision by the Board. A copy of the Board's Order shall be inserted in the applicant's file and a copy of all Orders sent shall be attached to the Chairman's copy of the minutes.

9.4 Follow-up. The Planning Director or designee should keep the Board advised of all subsequent actions taken by the City and/or by the applicant in cases in which the Board has rendered a final decision.

SECTION 10. AGENDA

Each appeal shall be placed upon the agenda of the Board by the Secretary. The order shall be by the time of filing with the first application submitted appearing as the first case. There may be a cut-off date established by the Board after which no further cases shall be added to the agenda. If more than ten (10) cases appear on the agenda, the Secretary may first confer with the Chairman before a decision is made concerning the number of cases to be heard. The agenda of cases to be heard shall be mailed to each member of the Board and each alternate five (5) days before the regular meeting.

SECTION 11. RECONSIDERATION, REHEARINGS AND REAPPLICATIONS

11.1 Reconsideration. Once a motion has been adopted, the Board may reconsider that matter at the same meeting, provided a motion to reconsider is made by a member who voted with the prevailing side.

11.2 Rehearing.

11.2.1 Any aggrieved party may apply for a rehearing before the Board by filing a written statement setting forth what fact(s) or principle(s) of law which the party believes was overlooked by the Board.

11.2.2 The application for a rehearing must be filed in the same manner as was the original application and within thirty (30) days of the date of the Board's Order. All filing fees and notice requirements shall apply as for an original application.

11.2.3 The matter will be placed on the first available agenda and, before any debate or argument, the Chairman will entertain a motion for or against rehearing the case. The motion will be considered without argument or debate other than by the Board, by the applicant or his agent or attorney, and by the City. All debate and argument shall be limited to matters allegedly overlooked in the original hearing of the case. No new evidence whatsoever will be considered.

11.2.4 If a motion to grant the rehearing is approved, the case shall proceed as an original hearing. If the rehearing request is denied, the Board's original ruling shall be final as of the date of denial of the motion for rehearing.

11.2.5 No more than one request for rehearing shall be entertained in any case.

11.3 Reapplication. Upon denial of any application, and exhaustion of all appeals therefrom, no reapplication to the Board may be made unless:

11.3.1 There is an allegation in the application demonstrating that there has been a substantial change in facts or conditions, any such allegation being supported by a statement setting forth the specific nature of the change; and

11.3.2 At least six (6) months has expired since the action of the Board, or the denial of any appeal therefrom, whichever is last to occur.

SECTION 12. AMENDMENTS

These Rules of Procedures may be amended or modified by an affirmative vote of not less than four (4) members of the Board, provided that such amendment be presented in writing at a regular meeting and action taken thereon at a subsequent regular meeting.

SECTION 13. MOTIONS

Every motion shall require an affirmative vote of the majority of the Board members present and voting. Prior to polling the board, the Chairman shall announce the movant and the second.

SECTION 14. ROBERTS RULES OF ORDER

Any point of procedure not otherwise addressed by these Rules shall be governed by *Roberts Rules of Order, Newly Revised*.

PRESENTED IN WRITING at a regular meeting of the Board on April 2, 2014.

APPROVED at a regular meeting of the Board on_____.

DATED: March 26, 2014.

MINUTES
BOARD OF ADJUSTMENT

December 4, 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. November 6, 2013 Minutes

Mr. Hundredmark moved to approve the November 6, 2013 Minutes as submitted. Mr. Perricelli seconded the motion. Vote was called, and the motion was unanimously approved.

III. NEW BUSINESS

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

Mr. Spraker, Senior Planner, City of Ormond Beach stated this is an application for a variance at 51 Ocean Shore Boulevard. Mr. Spraker explained the location, orientation, and characteristics of the subject property and presented the staff report. Mr. Spraker stated staff is recommending approval.

Mr. Perricelli asked where the height is measured from.

Mr. Spraker responded that it starts from the finished grade.

Mr. Perricelli asked if the applicant could grade the lot to accommodate for the height of the proposed house.

Mr. Spraker answered not necessarily because whatever the finished grade is where the height will be measured from.

Mr. Perricelli asked if finished grade has to be 1.5' over the crown of the road.

Mr. Spraker replied yes, but the lot cannot be artificially mounded and call that the finished grade. Mr. Spraker explained finished grade is measured 6' from the perimeter walls of the house whatever that may be.

Mr. McNamara asked for clarification is that the height is measured from finished grade not finished floor elevation.

Mr. Spraker responded correct.

Mr. McNamara asked if the applicant was seeking a variance from the Coastal Construction Control Line (CCCL).

Mr. Spraker answered no; the application is solely for the side yard and height variances.

Mr. Lane asked what the applicant would need to go beyond the CCCL.

Mr. Spraker responded that buildings can be built beyond the CCCL, but it is a more intense building construction. Mr. Spraker explained that it is not necessarily a setback line, but the State will not allow construction too far beyond that line.

Mr. Lane asked if this proposed house is entirely inside the CCCL.

Mr. Spraker responded that typically any house in along the coast will be bisected by the CCCL.

Mr. McNamara asked if the Code of Ordinances or the Land Development Code previously had a provision or rule for 20% for non-conforming lots.

Mr. Spraker answered that it may have.

Mr. Lane asked what the size of the demolished house was.

Mr. Spraker responded that information was contained in the agenda packet on the second to last page.

Mr. Clay Ervin, Lassiter Transportation Group, stated he was retained by Mr. Jones to process the application. Mr. Ervin commended Mr. Spraker for the wonderful job of summarizing all of the critical points of this application. Mr. Ervin stated most of the homes along the coast are seaward of the CCCL; and the CCCL does not prohibit construction, but it requires pier-type construction so that if there is a storm event, there will not be massive destruction, but rather would be able to stand up to what nature would throw at it. Mr. Ervin continued that when they were looking at the finished grade issue, the applicant had considered digging down to try to avoid this issue. Mr. Ervin explained that even though they may dig down, how finished grade is measured in the

Land Development Code has nothing to do with the final building, but it has to do with the land that is 6' outside the perimeter wall of the home; so that even though the applicant may dig down, the exterior grade is still going to be varying such that they would not even be able to come close. Mr. Ervin explained the demolished home had a basement and outbuilding, and was actually located in the right-of-way; so even though the home had a smaller footprint, it made a larger impact than the proposed home. Mr. Ervin stated that the applicant is complying with all other setbacks other than the south side and the building height.

Mr. Hundredmark moved to approve the both variances as submitted. Mr. Jenner seconded the motion. Vote was called: Mr. Lane against; Mr. Perricelli for; Mr. Hundredmark for; Mr. Jenner for; Mr. McNamara for; the motion approved.

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

Mr. Spraker, Senior Planner, City of Ormond Beach stated this is an application for a variance at 31 Amsden Road. Mr. Spraker explained the location, orientation, and characteristics of the subject property and presented the staff report. Mr. Spraker stated staff is recommending approval.

Mr. Wes Fink, 639 John Anderson Drive, stated he has no objection except there should be one height of fence along his property instead of multiple heights as shown on the diagram.

Dr. Bill Labonte, 31 Amsden Road, stated he obtained supporting signatures from all of his surrounding neighbors. Dr. Labonte stated that all of the vinyl fencing will be the 6' full privacy vinyl fencing, while the other fencing will be 4' or 5' aluminum fence so that he can see his house when he pulls up to his driveway. Dr. Labonte explained that his western property line which abuts Mr. Fink's property will be all 6' vinyl fencing along Mr. Fink's fencing, which is three different materials, and from the end of Mr. Fink's property forward would be the aluminum.

Mr. Lane stated he can understand the 6' privacy fence surrounding the house, but the fence along the driveway should be more like what a front yard fence would be for a standard lot.

Dr. Labonte responded that it would not obstruct the view of his house, but his dogs will be allowed to roam the front portion of his property after the fence is constructed, and in speaking with Ms. Dunn, who abuts the east side of the driveway, she has cats and is for the vinyl fence to protect her cats from his dogs. Dr. Labonte added that the 6' vinyl fencing will stop where Ms. Dunn's fence is, which is set back approximately 30' from Amsden Road.

Mr. McNamara stated if he lived next to Dr. Labonte's driveway he would not want the fence to come all the way up to the road.

Dr. Labonte reiterated that wherever Ms. Dunn's fence is, is where he intends to stop the vinyl fence.

Mr. Spraker stated that if the Board wanted to make that a condition, it can be measured. Mr. Spraker explained that the portion of fence in question is actually Ms. Dunn's side yard, and would end up close to even with her house. Mr. Spraker stated the Board can make it a condition that Dr. Labonte's fence does not extend beyond the neighbor's existing fence.

Mr. McNamara asked what the typical setback is for the zoning district in question.

Mr. Spraker responded 25-30'.

Mr. McNamara asked if that is where a 6' fence would typically end.

Mr. Spraker replied yes.

Mr. Lane asked if the 6' fence was what the variance was needed for, and the other aluminum fencing was allowed by code.

Mr. Spraker answered yes.

Ms. Ann-Margaret Emery asked if the neighbor to the east could install a 6' fence where the applicant's proposed fence is because that is her side yard.

Mr. Spraker replied yes.

Dr. Labonte added that everyone surrounding him has the ability to erect a 6' vinyl privacy fence because it is either their side or rear yard.

Mr. Lane moved to approve the variance as submitted with the condition that the east fence along the applicant's driveway cannot go beyond the front setback of the house at 39 Amsden Road. Mr. Jenner seconded the motion. Vote was called, and the motion was unanimously approved.

IV. OTHER BUSINESS

None.

V. ADJOURNMENT

As there was no other business, the meeting was adjourned at 7:53 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: March 25, 2014

SUBJECT: 200 Neptune Avenue

APPLICANT: Treacy A. Quick (applicant) on behalf of the property owner of 200 Neptune Avenue, Haywood Schmidt

FILE NUMBER: V-2014-065

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION:

This is a request for a rear yard setback variance submitted by Treacy A. Quick (applicant) on behalf of the property owner of 200 Neptune Avenue, Haywood Schmidt. The property is zoned as R-2.5 (Single-Family Low-Medium Density) and the applicant is seeking to expand a non-conforming structure. Section 2-14(B)(9)(b) of the Ormond Beach Land Development Code requires a minimum rear yard setback of 20'. The applicant is requesting a building addition even with the existing rear yard setback of 16.8', requiring a 3.2' variance to the required 20' rear yard setback standard.

BACKGROUND:

The property is designated as "Low Density Residential" on the City's Future Land Use Map (FLUM) and is zoned R-2.5 (Single Family Low-Medium Density) on the City's Official Zoning Map. The existing single-family house use of the property is consistent with the FLUM designation and zoning district. The adjacent land uses and zoning for the surrounding properties are that of the subject property.

Adjacent land uses and zoning:

	Current Land Uses	Future Land Use Designation	Zoning
North	Single-Family House (across Neptune Avenue)	"Low Density Residential"	R-2.5 (Single Family Low-Medium Density)
South	Golf Course	"Low Density Residential"	R-2.5 (Single Family Low-Medium Density)
East	Golf Course	"Low Density Residential"	R-2.5 (Single Family Low-Medium Density)
West	Golf Course	"Low Density Residential"	R-2.5 (Single Family Low-Medium Density)

Site aerial of proposed room addition:



Picture of where addition is proposed



On March 7, 2014, the City Building Department received an application for a building addition that enlarged the existing structure at 200 Neptune Avenue by 6'. The building addition proposed to enlarge two bedrooms and a bathroom. During the zoning review, a rear setback issue was identified. The existing structure is located at a 16.8' rear yard setback and the 6' proposed addition encroached 3.2' into the required rear yard setback. The encroachment was

design to match the existing building line and is a total of 19.2 square feet. Staff recommended that the applicant apply for a variance.

The Volusia County Property Appraiser's website shows that the structure was built in 1958. The property is unique based in its location which is surrounding by the Oceanside golf course. The applicant indicated that the house was originally designed for the caretaker of the golf course and the front of the house faces the western property boundary. Based on the City's Land Development Code, the front of the house must face a public right-of-way, which in this case would be Neptune Avenue.

ANALYSIS:

The applicant is requesting a building addition even with the existing rear yard setback of 16.8', requiring a 3.2' variance to the required 20' rear yard setback standard. Per Chapter 2, Article V, Sec. 2-63. F., the City's Board of Adjustment and Appeals may review variance requests to allow for the expansion of the nonconforming portion of a structure.

Potential Alternatives:

- 1. Grant the applicant's request and permit a 16.8' setback for a 6' building addition, granting a 3.2' variance to the required 20' rear yard setback.**

The non-conforming variance criteria were established to allow property owners of non-conforming homes to square off existing homes. The area of encroachment is a 6' by 3.2' or 19.2 square foot area that would allow the modernization of a 1958 structure. The property is entirely surrounded by the Oceanside golf course and the application would not impact any abutting residential uses.

- 2. Deny the request as presented and approve a permit for the construction of the addition that conforms to the required rear yard setback, which would be offset from the original principal structure.**

This option would require the applicant to meet the required 20' setback and off-set the building addition by 3.2' from the existing building line.

Neighbor Input:

The Oceanside Golf and Country Club, the abutting neighbor have signed the application indicating no objection to the request.

CONCLUSION:

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

variance for that site alone. If, however, the condition is common to numerous sites so that requests for similar variances are likely to be received, the Board shall base its findings on the cumulative effect of granting the variance to all who may apply.”

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

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

The R-2.5 zoning classification requires a 90 foot lot width and a total lot area of 8,750 square feet. The lot is 100’ by 115’ and meets both the width and square footage requirements.

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

The applicant can perform an expansion by offsetting the building expansion by 3.2’. The alternative would not match the existing building and roof plane and would cause issues with construction. An addition to the existing principal structure that is within current set backs would be unattractive and asymmetrical. Staff believes that there is not a reasonable alternative to expanding the non-conforming structure.

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

The existing single-family residential use is a permitted use in the R-2.5 zoning district and is consistent with the purpose of this zoning district.

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

The proposed building expansion squares off the building with a 6’ addition. The building expansion does not extend beyond the existing building setback of 16.8’ in the rear yard.

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

The proposed addition squares off the existing building and has no additional impact to the scale with adjacent buildings. There are no other buildings surrounding this property which is located next to the golf course. The adjoining property owner has provided their signature that they have no issue with the expansion of the existing building at the proposed location.

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

The expansion will not impact adjacent properties by limiting views or increasing light or noise. As stated previously, the property abuts the golf course and no external impacts are anticipated.

RECOMMENDATION:

It is recommended that the Board of Adjustments and Appeals **APPROVE** a building addition even with the existing rear yard setback of 16.8', requiring a 3.2' variance to the required 20' rear yard setback standard of Section 2-14(B)(9)(b) of the Ormond Beach Land Development Code.

- Attachments:
1. Variance exhibit
 2. Maps and pictures
 3. Applicant's submittal

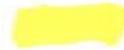
Attachment 1:

Variance exhibit

A PORTION OF GOVERNMENT LOT 4, SECTION 11,
TOWNSHIP 14 SOUTH, RANGE 32 EAST,
OCEANSIDE COUNTRY CLUB (GOLF COURSE)

A PORTION OF GOVERNMENT LOT 4, SECTION 11,
TOWNSHIP 14 SOUTH, RANGE 32 EAST,
OCEANSIDE COUNTRY CLUB (GOLF COURSE)

Required rear yard setback	Setback requested	Variance requested
20'	16.8'	3.2'

-  Existing house footprint.
-  Proposed building addition.
-  Portion of addition in rear yard setback, total of 19.2 square feet.

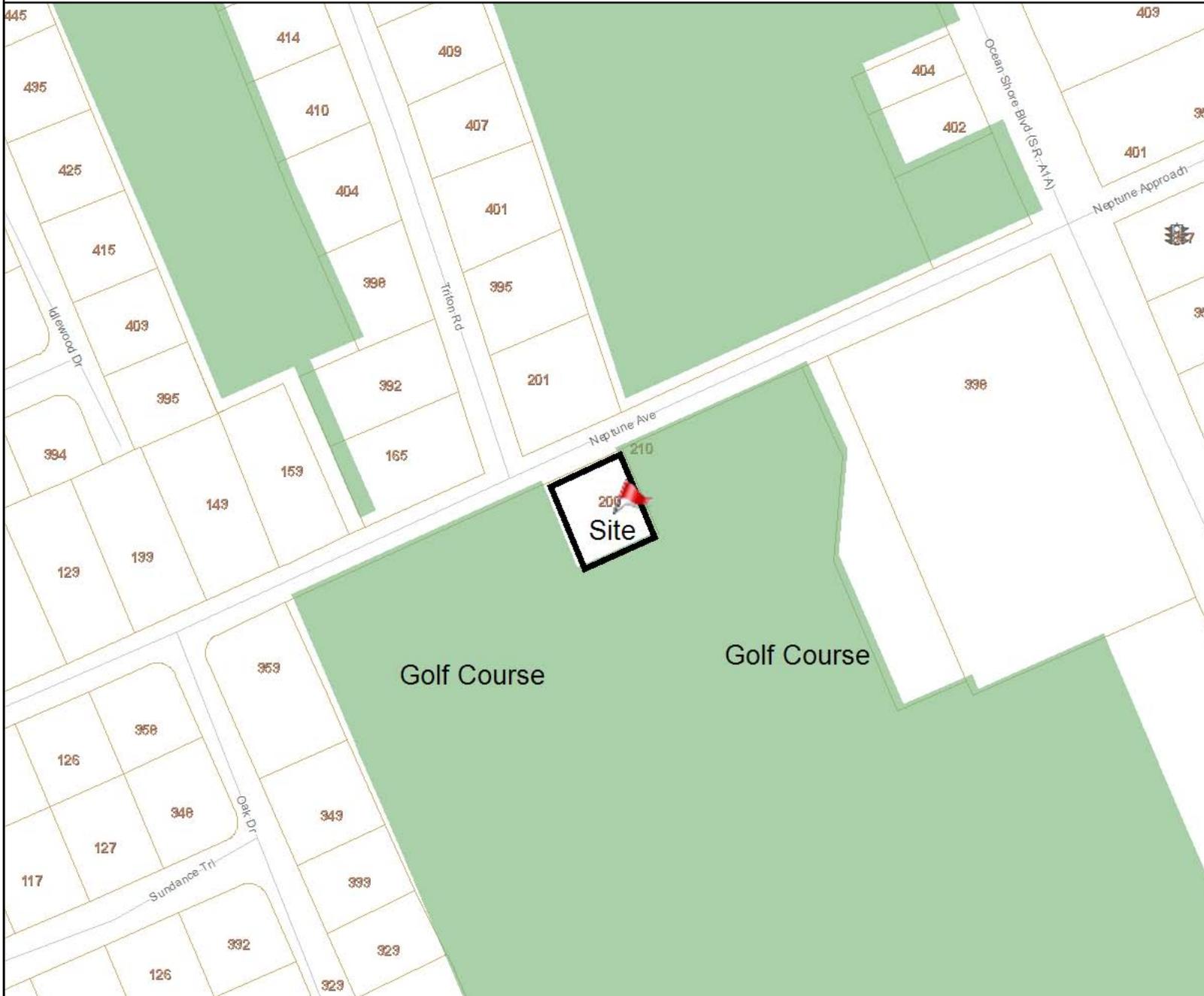


Variance exhibit for 200 Neptune Avenue

Attachment 2:

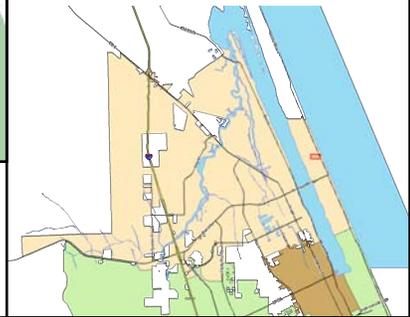
Maps and pictures

200 Neptune Avenue location map



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

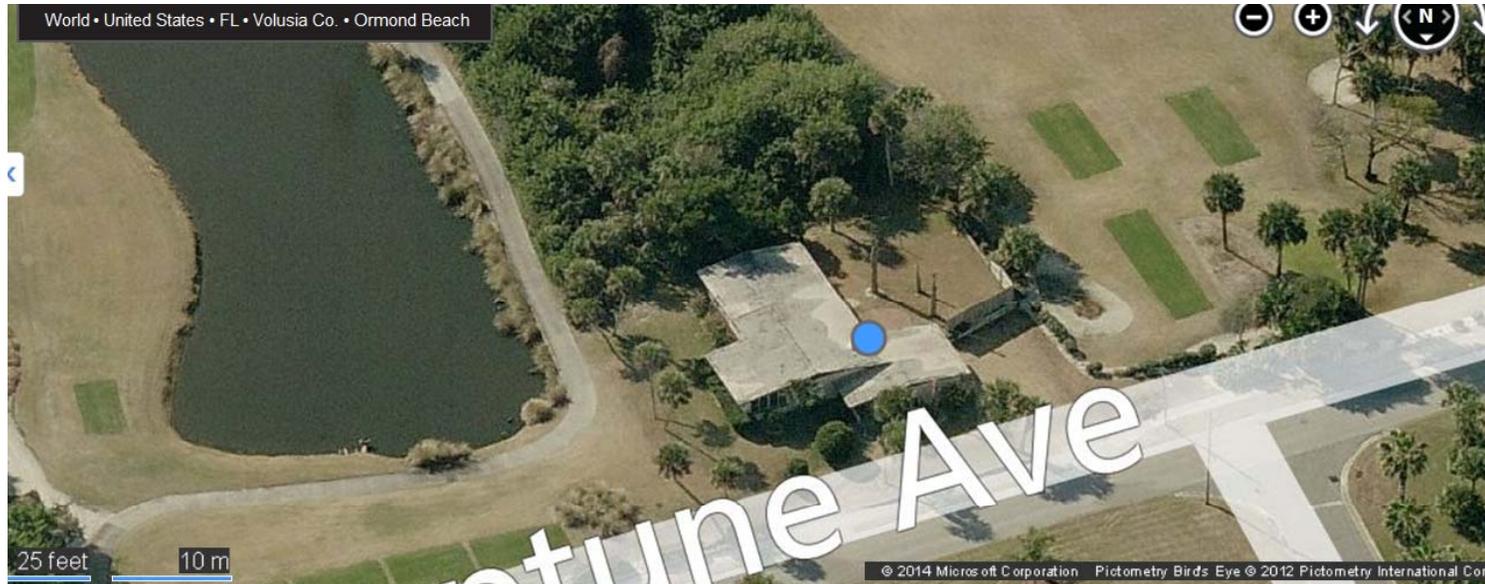
178 ft



GIS data is provided on an "as is" basis. The accuracy or reliability of the data is not guaranteed or warranted in any way. The City of Ormond Beach specifically disclaims any warranty either expressed or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular use. The entire risk as to quality and performance of the data is with the end user. In no event will the City, its staff or 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.



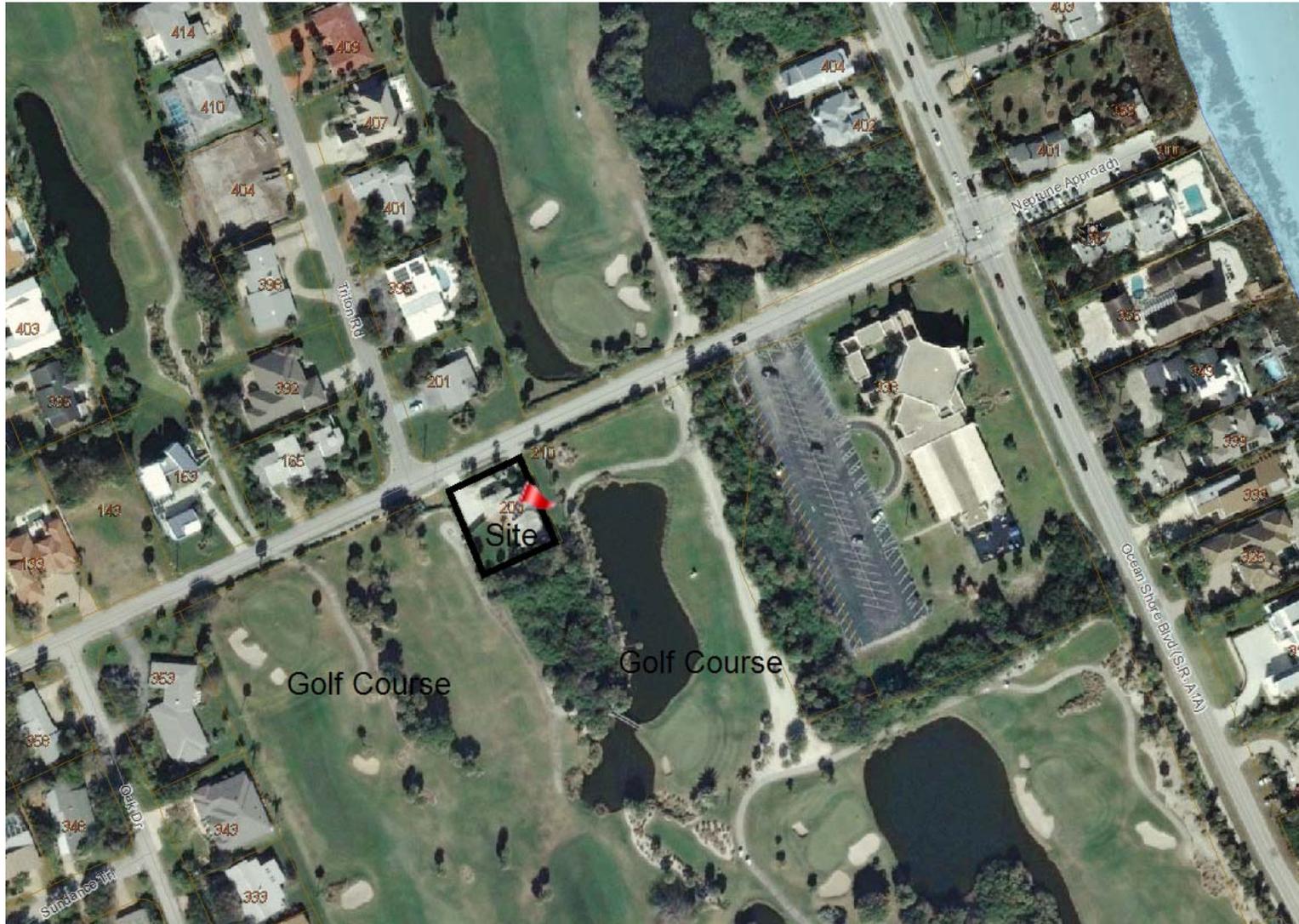
Aerial view, front of house, looking south

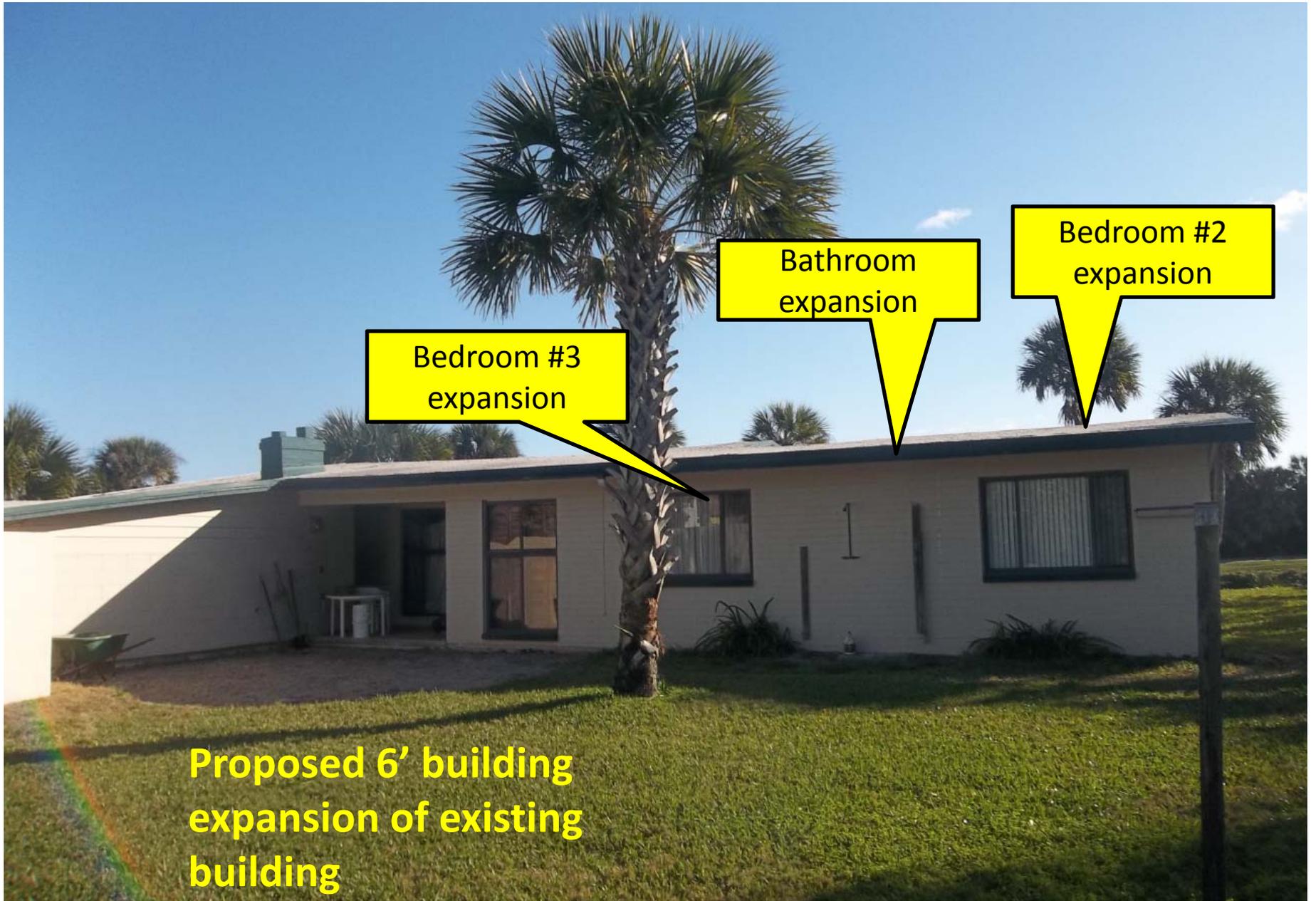


Aerial view, rear of house, looking northeast



Aerial view of area surrounding 200 Neptune Avenue





Bedroom #3
expansion

Bathroom
expansion

Bedroom #2
expansion

Proposed 6' building
expansion of existing
building

Looking west at rear yard

**Rear yard,
abuts golf
course**

**Existing building
setback to be
maintained**





Proposed 6' building
expansion of existing building

Golf course abuts property to the west



Golf course abuts property to the east



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

v3-2013
RECEIVED

MAR 12 14

By: GAW

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:

To decrease the rear setback from 20 ft to 16.75 ft to allow an addition of 6 ft to the structure that would maintain the current location of the structure at 16.8 ft

ABUTTING PROPERTY OWNERS

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

Signature	Street Address	For	Against
	75 N. HADFIELD DR. ^{ORLAND} BEACH	<input checked="" 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:

The existing structure is located at 16.8 ft from the rear setback. In order to increase the southernmost bedroom by 6 ft we need to maintain the 16.8 ft line to keep the interior of the bedroom a usable and aesthetic living area.

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

The owner was not involved with the property when constructed in 1958

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

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

The existing structure is already sitting at 16.8 ft from the rear property line. We are not requesting to encroach further into the setback ,but to maintain the current line of the structure.

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

The site is an existing structure and by extending the wall 6 ft has no bearing on any financial advantages or disadvantages to the owner. It is intended solely to increase the level of comfort to the residents family and guests.

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

The proposed setback is at the rear of the building where there are no streets ,alleys, or access roads

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

The location of the structure has been in place since 1958 and the property surrounding it is a private golf course. This project will be an enhancement of the property and surrounding areas.

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 variance request is for a property that

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:

Property meets minimum area standards

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

The non-conforming portion of the structure is an existing bedroom that needs to be increased in size to make it a viable living area

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

The expansion will maintain the current use of the structure

Haywood Schmidt
26 Pilgrim Drive
Winchester, MA 01890

March 10, 2014

Re: Construction work at 200 Neptune Avenue

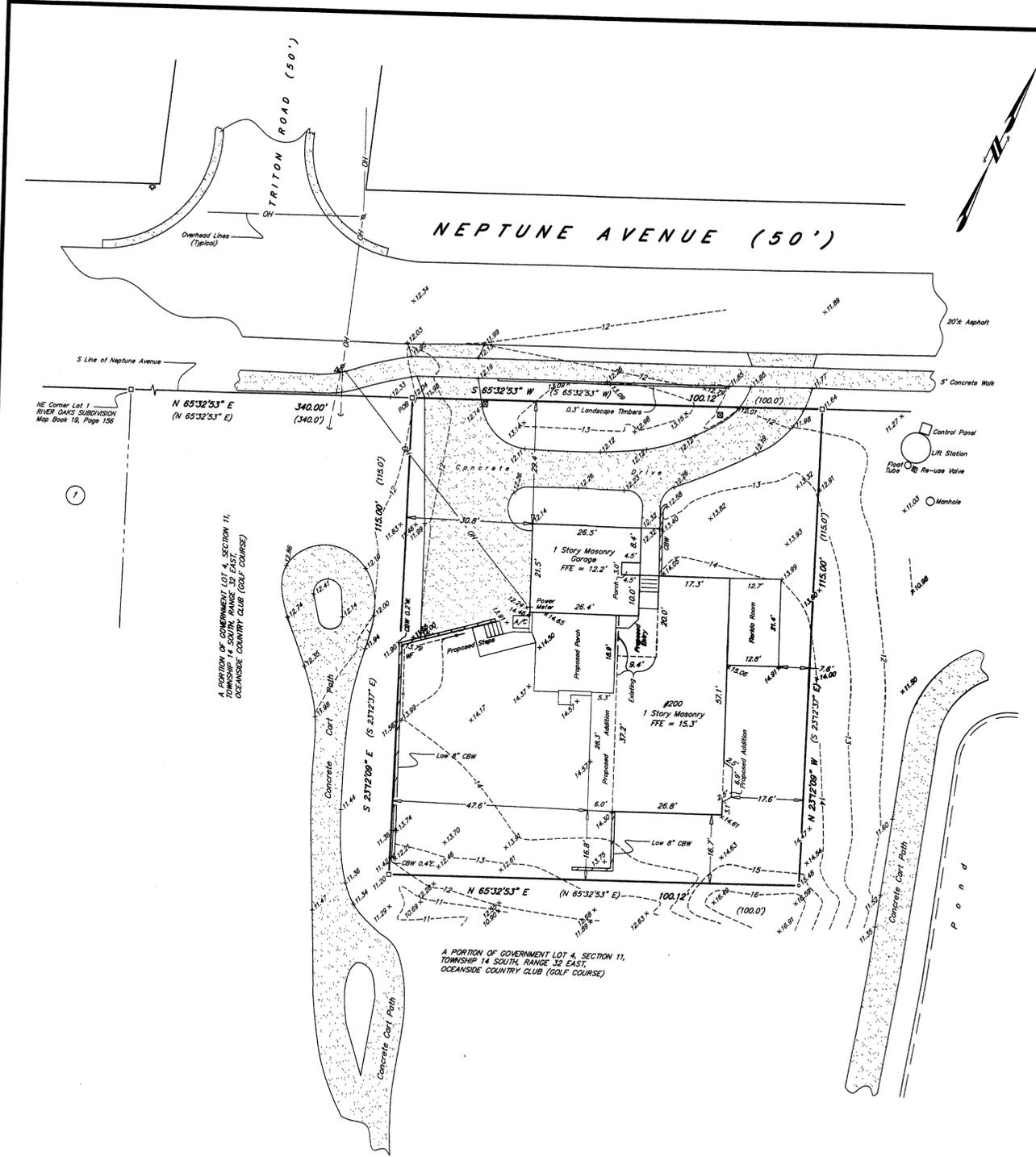
To Whom it May Concern;

I am writing this letter to confirm authorization that Mr. Tracey Quick will act as my agent in securing a variance to allow for construction to commence at my house, 200 Neptune Avenue, Ormond Beach, FL.

Thank you,



Haywood Schmidt, Owner
200 Neptune Avenue
Ormond Beach, FL 32176



NOTES:

- o - 1 1/4" Iron Pipe & Cap #6883 set at corner (1/2" Iron Pipe found, 1.44' East & 0.04' North)
- - 4" x 4" Concrete Monument & Cap "Phillips, Wine & Phillips" found
- POB - Point of Beginning
- CBW - Concrete Block Wall
- No overhead or underground features shown except as noted.
- Record dimensions are shown in parenthesis, field measurements are not.
- Elevations are on National Geodetic Vertical Datum, based on the monument "79-78-A67", having a published elevation of 17.36'
- Bearings are assumed, on the South Line of Neptune Avenue shown hereon, bearing N 65°32'53" E, and are based on Deed.
- This survey and plat not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
- There may be additional restrictions and/or other matters not shown hereon that may be found in the public records of this county, Florida.

SCALE: 1" = 20'

- ◻ - Water Meter
- ⊗ - Wood Utility Pole
- ⊕ - Fire Hydrant
- FFE - Finished Floor Elevation
- △ - BellSouth Box
- ← - Guy Anchor
- WF - Wood Fence

PLAT OF BOUNDARY SURVEY OF:

THAT PORTION OF GOVERNMENT LOT 4, SECTION 11, TOWNSHIP 14 SOUTH, RANGE 32 EAST, VOLUSIA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF RIVER OAKS SUBDIVISION, AS RECORDED IN MAP BOOK 19, PAGE 156, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, RUN NORTH 65°32'53" EAST ALONG THE SOUTH LINE OF NEPTUNE AVENUE FOR A DISTANCE OF 340.0 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 23°12'37" EAST, 115.0 FEET; THENCE NORTH 65°32'53" EAST 100.0 FEET, THENCE NORTH 23°12'37" WEST 115.0 FEET TO THE SOUTHERLY LINE OF NEPTUNE AVENUE; THENCE SOUTH 65°32'53" WEST, ALONG SAID SOUTHERLY LINE FOR A DISTANCE OF 100.0 FEET TO THE POINT OF BEGINNING.

Description taken from Official Records Book 4760, Page 2314, Public Records of Volusia County, Florida

The above described property is in unshaded zone "X" per the Flood Insurance Rate Map, Community Number 125136, Map and Panel Number 12127C0216 G, dated April 15, 2002

CERTIFICATE:

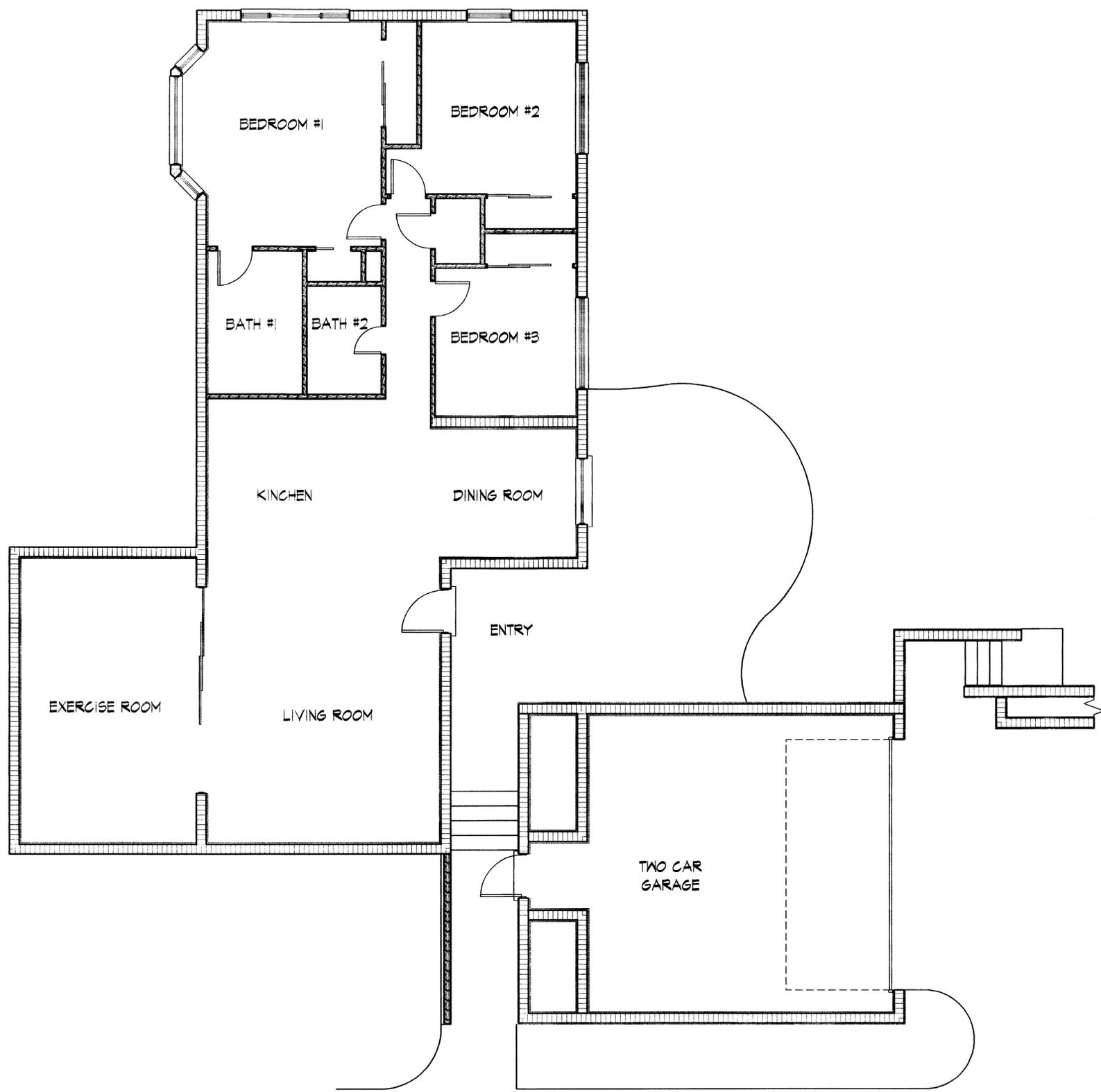
This is to certify that the plat delineated hereon is in compliance with the Minimum Technical Standards per Sections 5J-17.050 to 5J-17.052, Florida Administrative Code, pursuant to Section 472.027 of the Florida Statutes.

20 December, 2011
(field date)

John J. Matejka, III, P.S.M. #4002
Licensed Business #6883

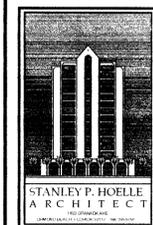
Plat amended to include proposed additions... 3-13-12

TOWNSHIP 14 S, R 32 E, SECTION 11, GOV'T. LOT 4 (RIVER OAKS SUBDIVISION)	
FOR: WILLIAM L. CHAPIN, II, ARCHITECT 165 NEPTUNE AVENUE ORMOND BEACH, FLORIDA	BY: J. J. MATEJKA & ASSOCIATES, INC. PROFESSIONAL SURVEYORS & MAPPERS 408 HARVEY AVENUE DAYTONA BEACH, FLORIDA JOB #11 17270 PLAT #11D7



FLOOR PLAN - EXISTING
 SCALE: 1/4"=1'-0"

REVISION	BY



These plans have been drawn to the best of the Architect's knowledge and belief, and the Architect makes no representation or warranty, expressed or implied, as to the accuracy, completeness, or reliability of the information, data, or specifications. The Architect shall not be responsible for any errors or omissions in the plans or specifications, or for any consequences arising therefrom. The Architect's liability is limited to the professional services rendered by the Architect and may not be extended by any oral or written agreement, in any way without the written consent of the Architect.

SCHMIDT RESIDENCE
 200 NEPTUNE
 ORMAND BEACH, FLORIDA

SEAL
 THIS STRUCTURE HAS BEEN DESIGNED USING ASCE 7-10 MINIMUM DESIGN LOADS FOR THE BUILDINGS AND STRUCTURES TO WITH STAND 140 MPH WIND FORCE THIS IS WITH THE FLORIDA BUILDING CODES 2010

SPH
 12-31-13

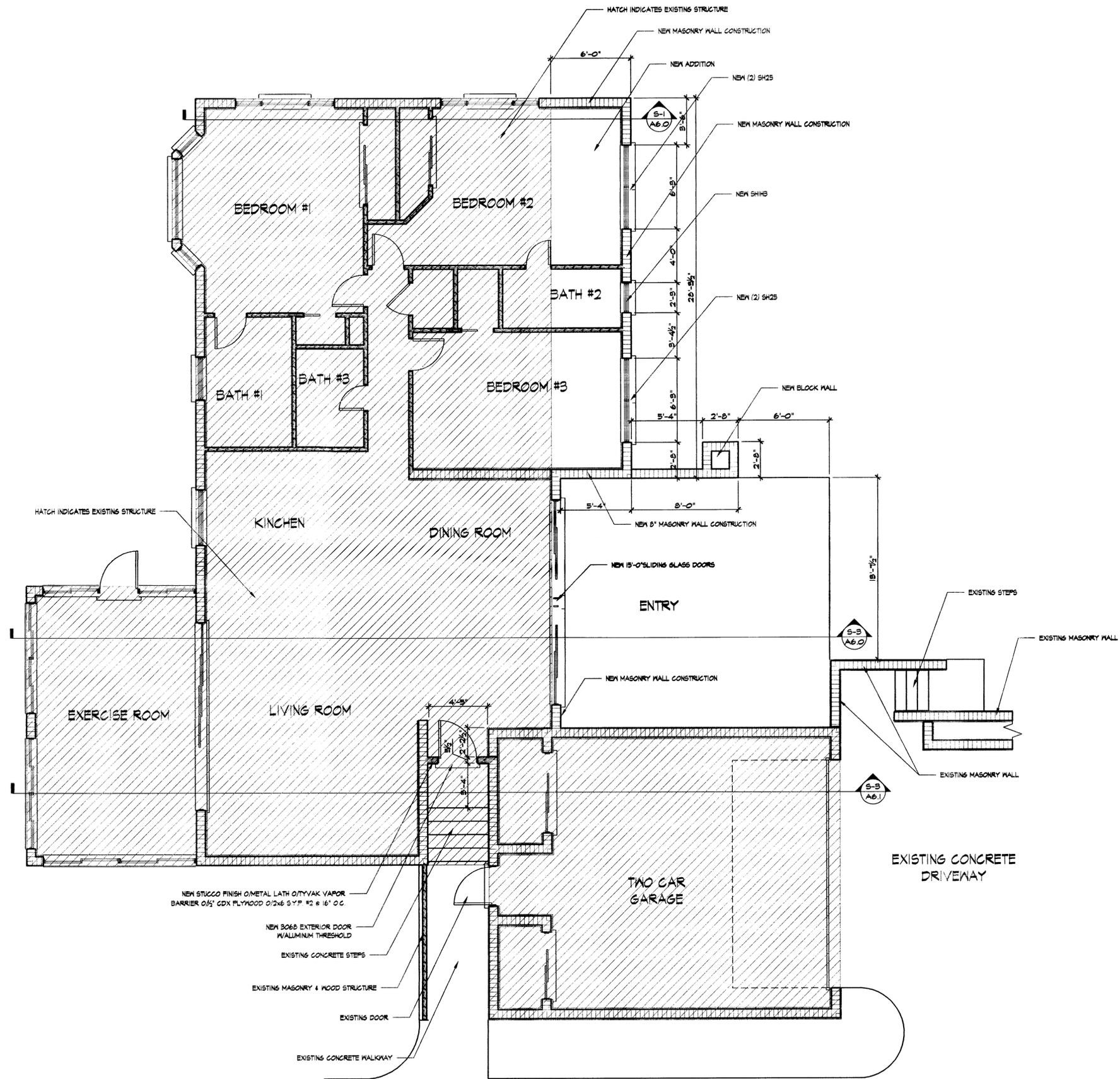
STANLEY P. HOELLE
 ARCHITECT, HARS0000033
 1413 GRANADA AVE
 DAYTONA BEACH, FL 32117

DATE:
 12/03/13

DRAWN BY:
 DHEATH

JOB NUMBER:
 091113-37

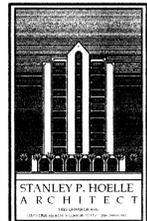
A3.0
 OF - SHEETS



FLOOR PLAN - PROPOSED

SCALE: 1/4"=1'-0"

REVISION	BY



These plans have been drawn to the best of the ARCHITECT'S ability to meet the specifications of the client or Contractor, and every effort has been made to avoid all omissions, errors, and inaccuracies. The ARCHITECT'S drawings shall not be used for any other purpose or in any other manner without the written consent of the ARCHITECT.

SCHMIDT RESIDENCE
200 NEPTUNE
ORLAND BEACH, FLORIDA

SEAL
THIS STRUCTURE HAS BEEN DESIGNED USING ASCE 7-10 HORIZONTAL DESIGN LOADS FOR THE BUILDINGS AND STRUCTURES TO WITH STAND 140 MPH WIND FORCE THIS IS WITH THE FLORIDA BUILDING CODES 2010

[Signature]
12-3-13
STANLEY P. HOELLE
ARCHITECT #ARB0000033
4 LOST SPRING WAY
ORLAND BEACH FL. 32114

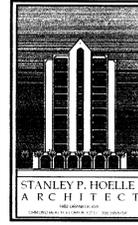
DATE:
12/03/13

DRAWN BY:
DHEATH

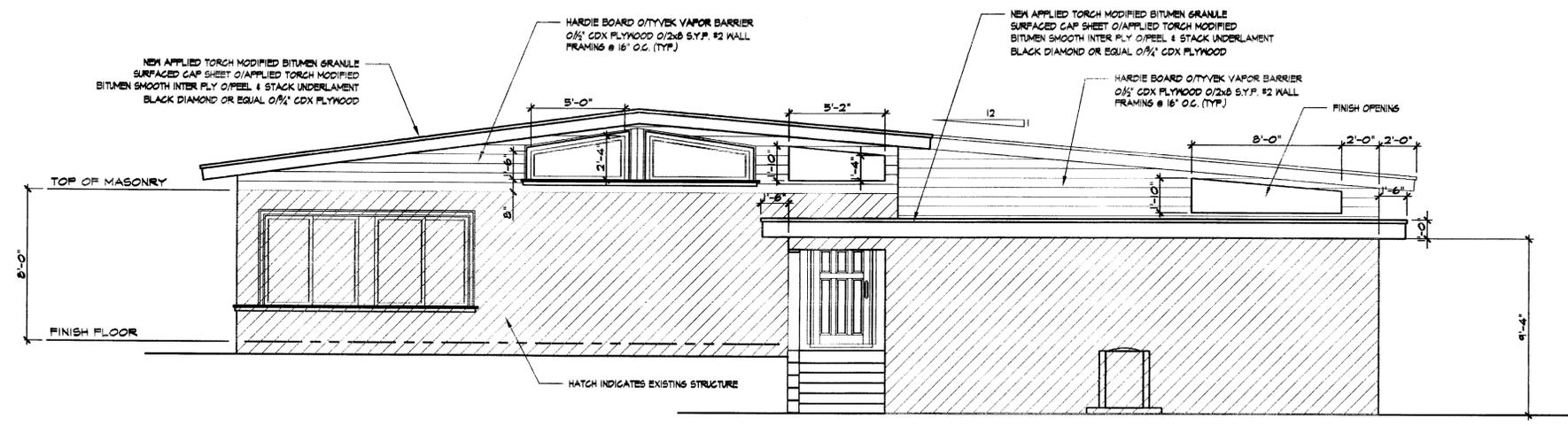
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09113-37

A3.2
OF - SHEETS

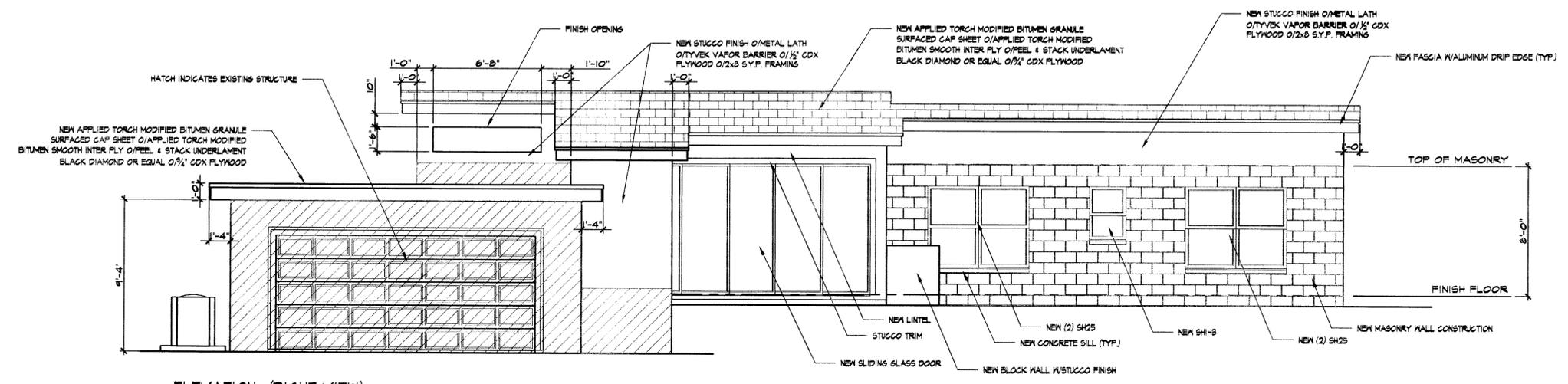
REVISION	BY



These plans have been drawn to the best of the ARCHITECT'S ability to meet the specifications of the client or contractor, and every effort has been made to avoid all omissions, errors and inaccuracies. The ARCHITECT shall not be responsible or liable for errors or omissions after commencement of construction. The drawing and its reproduction are the property of the ARCHITECT and shall not be copied, reproduced, or used in any way without the written consent of the ARCHITECT.



ELEVATION (FRONT VIEW)
SCALE: 1/4"=1'-0"



ELEVATION (RIGHT VIEW)
SCALE: 1/4"=1'-0"

SCHMIDT RESIDENCE
200 NEPTUNE
ORLAND BEACH, FLORIDA

SEAL
THIS STRUCTURE HAS BEEN DESIGNED USING ASCE 7-10 MINIMUM DESIGN LOADS FOR THE BUILDINGS AND STRUCTURES TO WITH STAND 140 MPH WIND FORCE THIS IS WITH THE FLORIDA BUILDING CODES 2010

Signature
12/3/13

STANLEY P. HELLE
ARCHITECT, #ARB00092933
1453 GRANADA AVE
DAYTONA BEACH, FL 32117

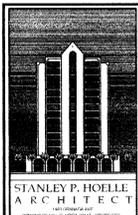
DATE:
12/03/13

DRAWN BY:
DHEATH

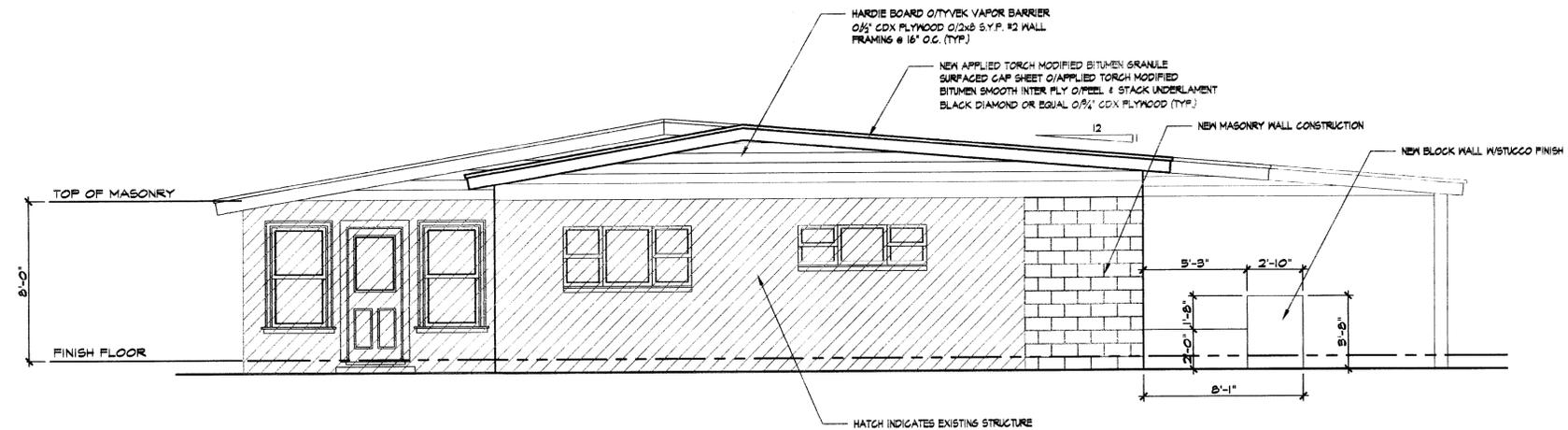
JOB NUMBER:
091113-37

A.S.O.
OF - SHEETS

REVISION	BY

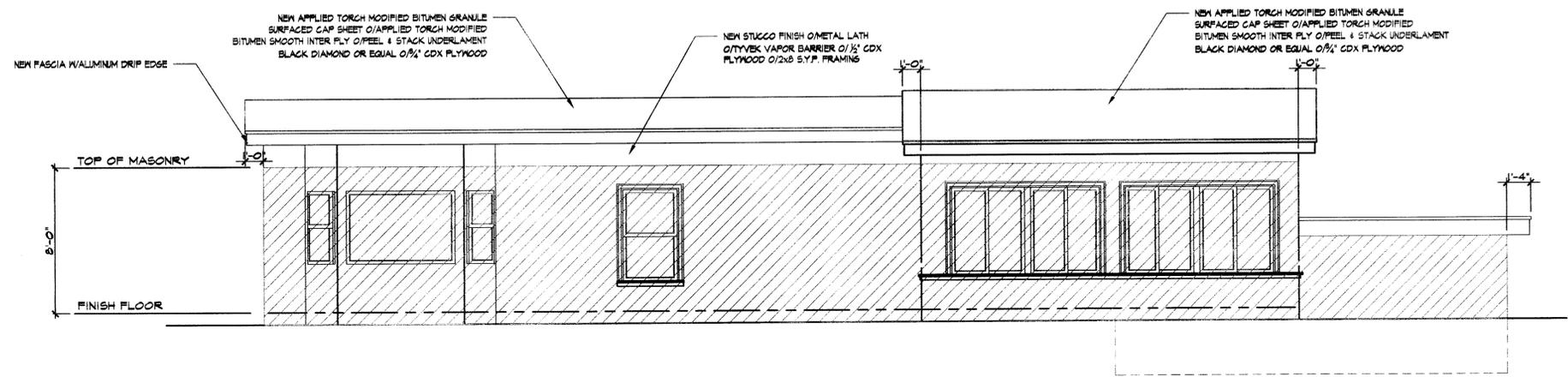


These plans have been drawn to the best of the ARCHITECT'S ability to meet the specifications of the client and to conform to the applicable building codes. The ARCHITECT does not warrant, either explicitly or implicitly, the accuracy of all dimensions, details and specifications. The ARCHITECT shall not be responsible for the construction of the structure and the use of the same shall be at the risk of the owner. The ARCHITECT and the client shall be bound by the terms of the ARCHITECT'S contract and the written consent of the ARCHITECT in any way without the written consent of the ARCHITECT.



ELEVATION (REAR VIEW)

SCALE: 1/4"=1'-0"



ELEVATION (LEFT VIEW)

SCALE: 1/4"=1'-0"

SCHMIDT RESIDENCE
200 NEPTUNE
ORLAND BEACH, FLORIDA

SEAL
THIS STRUCTURE HAS BEEN DESIGNED USING ASCE 7-10 MINIMUM DESIGN LOADS FOR THE BUILDINGS AND STRUCTURES TO WITH STAND 140 MPH WIND FORCE THIS IS WITH THE FLORIDA BUILDING CODES 2010

SPH
R-3/B

STANLEY P. HOELLE
ARCHITECT #48090903
143 GRANADA AVE
DAYTONA BEACH, FL 32117

DATE:
12/03/13

DRAWN BY:
DHEATH

JOB NUMBER:
091113-37

A5.1
OF - SHEETS

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: March 25, 2014

SUBJECT: 341 Forest Hills Boulevard

APPLICANT: Randall Tenney (applicant), property owner of 341 Forest Hills Boulevard

FILE NUMBER: V-2014-066

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION:

This is a request for two variances, a building addition and a sidewalk, submitted by Randall Tenney (applicant), property owner of 341 Forest Hills Boulevard. The property is zoned as R-3 (Single-Family Medium Density) and the applicant is seeking two variances as follows:

Variance #1: Room addition - side yard setback. Section 2-15(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 room addition at a 7' side yard setback, a 1' variance to the required 8' setback along the north property line, abutting 339 Forest Hills Boulevard.

Variance #2: Sidewalk installation. Section 2-50(w) of the Ormond Beach Land Development Code requires a 5' setback to the side interior property line for a sidewalk. The applicant is seeking to allow a 4' wide sidewalk at a 1' side yard setback, a 4' variance to the required 5' setback along the south property line, abutting 355 Forest Hills Boulevard.

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 single-family house use of the property is consistent with the FLUM designation and zoning district. The adjacent land uses and zoning for the surrounding properties are that of the subject property.

Adjacent land uses and zoning:

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

	Current Land Uses	Future Land Use Designation	Zoning
South	Single-Family House	"Low Density Residential"	R-3 (Single Family Medium Density)
East	Camelot Mobile Home Park	"Medium Density Residential"	T-1 (Manufactured Home Community)
West	Single-Family House	"Low Density Residential"	R-3 (Single Family Medium Density)

Site aerial of proposed building addition:



Picture of proposed building addition:



Site aerial of proposed sidewalk:



Picture of proposed sidewalk location:



The applicant is a disable veteran and has been awarded benefits within the Specially Adapted Housing (SAH) program through the Department of Veterans Affairs. The SAH program allows improvements to existing homes to improve the function of the house for disabled veterans. The scope of improvements involves two setback issues. The first improvement is a building addition

designed to square off the house along the northern property boundary. The building addition is proposed at 18.5' by 10.5' and would be even with the existing building plane on both the side and rear yard. The building addition would encroach into the side yard setback by 1' to be even with the existing house's side yard setback. The addition shall meet the rear yard setback. The second improvement is to provide handicapped sidewalk access of 4' from the rear of the structure around the building to the front yard driveway. The issue is that there are existing improvements that would prevent the sidewalk from meeting the required 5' side yard setback. The applicant is requesting to be allowed to place the sidewalk at a 1' setback to the side yard property line.

The Volusia County Property Appraiser shows that the current structure as constructed in 1963. The analysis portion of the report shall analyze the two variances separately.

ANALYSIS – BUILDING ADDITION:

The applicant is requesting a building addition even with the existing side yard setback of 7, requiring a 1' variance to the required 8' side yard setback standard. Per Chapter 2, Article V, Sec. 2-63. F., the City's Board of Adjustment and Appeals may review variance requests to allow for the expansion of the nonconforming portion of a structure.

Potential Alternatives:

1. Grant the applicant's request and permit a 7' setback for the building addition, granting a 1' variance to the required 8' side yard setback.

The non-conforming variance criteria were established to allow property owners of non-conforming homes to square off existing homes. The area of encroachment is a 1' by 10.5' or 10.5 square foot area that would allow the modernization of a 1963 structure.

2. Deny the request as presented and approve a permit for the construction of the addition that conforms to the required rear yard setback, which would be offset from the original principal structure.

This option would require the applicant to meet the required 7' side yard setback and off-set the building addition by 1' from the existing building line.

Neighbor Input:

The abutting neighbors at 339 and 355 Forest Hills Boulevard both signed the application as being for the requested variance.

CONCLUSION:

Chapter 1, Article II, Section 1-16.D.2, of the Land Development Code states, "The Board of Adjustment and Appeals shall first determine whether the need for the proposed variance arises out of the physical surroundings, shape, topographical condition, or other physical or environmental conditions that are unique to the specific property involved and are not the result of the actions of

the applicant. If the basis for the request is the unique quality of the site, the Board shall make the following required findings based on the granting of the variance for that site alone. If, however, the condition is common to numerous sites so that requests for similar variances are likely to be received, the Board shall base its findings on the cumulative effect of granting the variance to all who may apply.”

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

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

Case for the variance: The R-3 zoning classification requires a 75 foot lot width and a total lot area of 7,500 square feet. The lot is 70.25’ by 100’ and does not meet the width and square footage requirements for the R-3 zoning district. The fact the lot is smaller than the required lot and area minimum regulations provide evidence that the hardship is related the existing platted lot dimensions.

Case against the variance: None. Staff believes that the size of the lot and the existing building location are conditions that require the variance application.

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

Case for the variance: The applicant can perform an expansion by offsetting the building expansion by 1’. The alternative would not match the existing building and roof plane and would cause issues with construction. An addition to the existing principal structure that is within current set backs would be unattractive and asymmetrical. Staff believes that there is not a reasonable alternative to expanding the non-conforming structure.

Case against the variance: The building addition could be off-set by 1’ from the existing building plane. As stated above, staff does not believe that this is a reasonable alternative based on construction issues and visual appearance.

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

Case for the variance: The existing single-family residential use is a permitted use in the R-3 zoning district and is consistent with the purpose of this zoning district.

Case against the variance: None.

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

Case for the variance: The proposed building expansion squares off the building with the proposed addition. The building expansion does not extend beyond the existing building setback of 7’ in the side yard. The proposed addition complies with the rear yard setback of 20’.

Case against the variance: None.

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

Case for the variance: The proposed addition squares off the existing building and has no additional impact to the scale with adjacent buildings. The adjoining property owner has provided their signature that they have no issue with the expansion of the existing building at the proposed location.

Case against the variance: None.

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

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

Case against the variance: None.

ANALYSIS – SIDEWALK:

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.”

Potential Alternatives:

1. **Grant the applicant’s request and permit a 1’ setback for the construction of a 4’ sidewalk, granting a 4’ variance to the required 4’ sidewalk setback.**

The requested sidewalk variance would allow access from the rear of the structure to the front of the property.

2. **Deny the request as presented and not allow the construction of the sidewalk.**

This option would not allow the construction of the sidewalk.

Neighbor Input:

The abutting neighbors at 339 and 355 Forest Hills Boulevard both signed the application as being for the requested variance.

The Board must consider the following criteria established in Chapter 1, Article II, Section 1-16.D.4, of the Land Development Code for a 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 existing lot is nonconforming and is smaller in width and lot area than is required for the R-3 zoning district. The existing building location, including air condition unit preclude the installation of a sidewalk that would meet a 5' setback. Additionally, the applicant is a disable veteran that needs reasonable access around the property in the event of an emergency.

Case against the variance: None. The existing configuration of the house makes installation of sidewalk impossible at a 5' setback.

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 2007 and the house was constructed in 1963. 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 applicant has been awarded a benefit to improve the function of the 1963 house based on being disabled as the result of military service. The existing house layout on the lot and the non-conforming parcel size both serve as a hardship to the installation of a sidewalk that could meet the 5' required setback.

Case against the variance: None.

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 to the installation of the 4' sidewalk at a 1' setback to the side property line. The variance is

the minimum to allow access for a disabled individual from the rear of the house to the front as required by the Specially Adapted Housing program.

Case against the variance: None.

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 sidewalk.

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. The request is specifically designed to aid in a disabled person exit the house in the case of an emergency.

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: The proposed request would not impact the character of the neighborhood. The adjoining property owner has signed the application supporting the variance application and any stormwater would run to the Forest Hills Boulevard right-of-way as it currently does. The abutting property owner has a paved driveway to the property line.

Case against the variance: None.

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 existing building location and non-conforming lot size are unique conditions that are 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:**

Variance #1: Room addition - side yard setback. A 1' variance to the required 8' side yard setback, Section 2-15(B)(9)(c) of the Ormond Beach Land Development Code, resulting in a 7' side yard setback along the north property line to construct a building addition abutting 339 Forest Hills Boulevard.

Variance #2: Sidewalk installation. A 4' variance to the required 5' setback, Section 2-50(w) of the Ormond Beach Land Development Code, with a remaining 1' setback along the south property line, abutting 355 Forest Hills Boulevard.

- Attachments:
1. Variance exhibit
 2. Maps and pictures
 3. Applicant's submittal

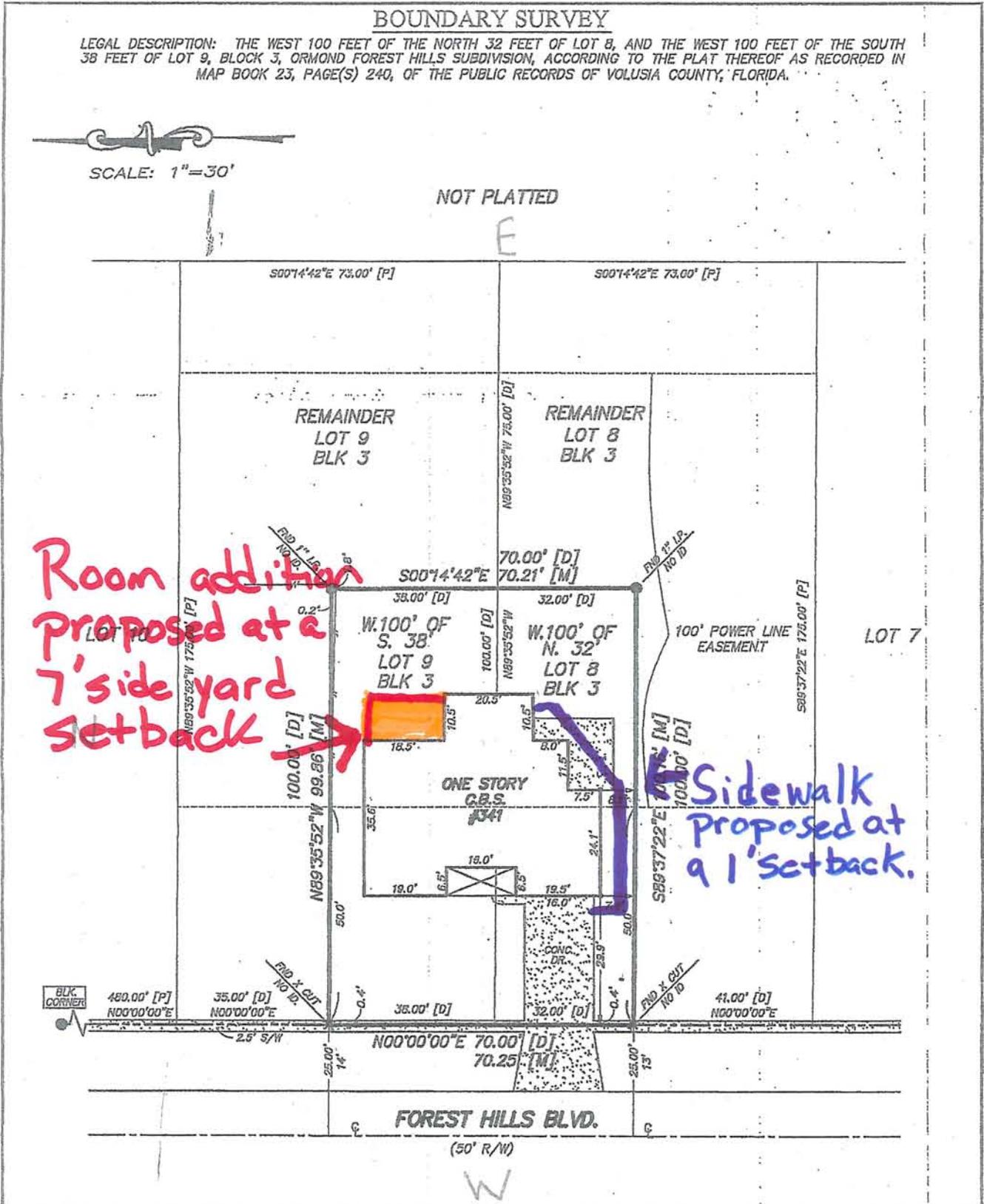
Attachment 1:

Variance exhibit

Variance exhibit for 341 Forest Hills Boulevard

Required side yard setback	Setback requested	Variance requested
8'	7'	1'

Sidewalk setback	Setback requested	Variance requested
5'	1'	4'



RIGHT-OF-WAY LINE	CENTERLINE	BUILDING SETBACK LINE	BARB WIRE FENCE	WOOD FENCE	CHAIN LINK FENCE	PLASTIC FENCE
A/C - AIR CONDITIONER A - AIR CONDITIONER BLK - BLOCK C.B. - CHORD BEARING C.B.S. - CONCRETE BLOCK STRUCTURE C.M. - CONCRETE MONUMENT CONC. - CONCRETE D - DEED D.E. - DRAINAGE EASEMENT E - EAST F.F.E. - FINISHED FLOOR ELEVATION FND - FOUND ID - IDENTIFICATION I.P. - IRON PIPE I.R. - IRON ROD I.R.C. - IRON ROD & CAP	L - ARC LENGTH L.B. - LAND SURVEYING BUSINESS L.S. - LAND SURVEYOR M - MEASURED N - NORTH N&D - NAIL AND DISK P - PLAT P.C. - POINT OF CURVATURE P.C.C. - POINT OF COMPOUND CURVATURE P.C.P. - PERMANENT CONTROL POINT P.L. - PROPERTY LINE P.O.B. - POINT OF BEGINNING P.O.C. - POINT OF COMMENCEMENT P.O.L. - POINT ON LINE P.R.M. - PERMANENT REFERENCE MONUMENT	P.O.L. - POINT ON LINE P.R.C. - POINT OF REVERSE CURVE P.R.M. - PERMANENT REFERENCE MONUMENT P.T. - POINT OF TANGENT R - RADIUS R/W - RIGHT OF WAY S/W - SIDEWALK S - SOUTH U.E. - UTILITY EASEMENT W - WEST W.F.S. - WOOD FRAME STRUCTURE	X - FOUND "X" CUT IN CONC. O - SET 1/2" REBAR AND CAP PSM LB 7371 ● - FOUND PROPERTY CORNER ⊗ - 4" x 4" CONCRETE MONUMENT ⊙ - WELL ⊠ - COVERED AREA ⊞ - CONCRETE			

DRAWN BY: FM	CHECKED BY: NM
CERTIFIED TO: RANDALL P. AND JEANETTE T. TENNEY SUNTRUST MORTGAGE SOUTHERN TITLE STEWART TITLE GUARANTY CO.	
COMMUNITY NO: 125136	PANEL: 0214
SUFFIX: H	F.L.R.M. DATE: 02/19/03
FLOOD ZONE: X	FIELD DATE: 02/06/07
SURVEY NO. 25446	

BEARINGS SHOWN HEREON ARE BASED UPON
THE CENTERLINE OF FOREST HILLS BLVD.
BEING ASSUMED N00°00'00"E

Long Surveying, Inc.
"Specializing in Residential Surveying"
LB No. 7371
101 N. Country Club Road, Suite 220
Lake Mary, FL 32746
Office 407-330-9717 or 407-330-9716
Fax 407-330-9775
WWW.LONGSURVEYING.COM

NOTES:

- This survey is based on the legal description as provided by the Client
- This Surveyor has not abstracted the land shown hereon for encumbrances, rights of way or restrictions of record which may affect the title or use of the land.
- Do not reconstruct property lines from building lines.
- No footing or overhangs have been located except as shown.
- No improvements or utilities have been located except as shown.
- This survey is not valid without the signature and the original raised seal of a Florida Licensed Survey and Mapper.

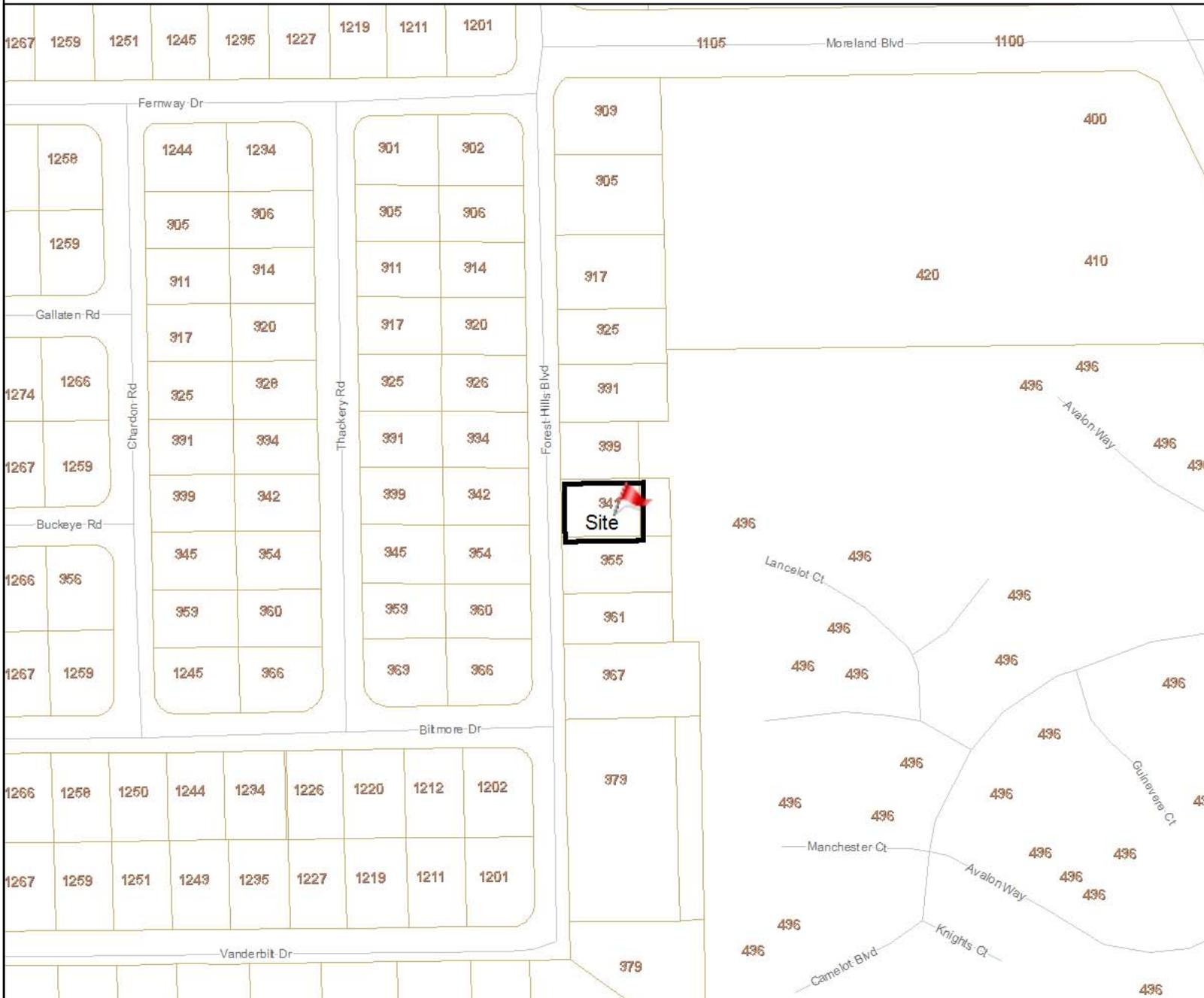
I certify that this survey was made under my direction and that it meets the minimum technical standards set forth by the Board of Professional Land Surveyors and Mappers in Chapter 01G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

Jen. M. Sheppard - P.S.M. No. 5144

Attachment 2:

Maps and pictures

341 Forest Hills Boulevard



Address Points

Traffic Signals

Airport and Railroad

— AIRPORT

— RAILROAD

City Streets

— DIRT

— MAJOR

— PAVED

Water Features

Property Lines

178 ft



GIS data is provided on an "as is" basis. The accuracy or reliability of the data is not guaranteed or warranted in any way. The City of Ormond Beach specifically disclaims any warranty either expressed or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular use. The entire risk as to quality and performance of the data is with the end user. In no event will the City, its staff or 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.



Aerial view, front of house, looking east



Aerial view, rear of house, looking west





Proposed
Addition

Co. • Ormond Beach

Phillips Blvd

1' off the property line



Proposed sidewalk path



Proposed
sidewalk



Proposed
sidewalk





Proposed
sidewalk
(would meet
setbacks)

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

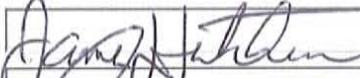
For the Board of Adjustment and Appeals to grant a variance, there must be special conditions or circumstances existing which are peculiar to a particular piece of land, structure or building. The variance should not request special privilege denied to other lands, buildings or structures, and must prove 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:

See attached paperwork.

ABUTTING PROPERTY OWNERS

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

Signature	Street Address	For	Against
	339 Forest Hills Blvd OPR	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	355 Forest Hills BC	<input checked="" 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:

(This section is crossed out with a large blue X)

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

(This section is crossed out with a large blue X)

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:

(This section is crossed out with a large blue X)

REQUEST---

We are hereby making requests for two variances for the expansion of an existing nonconforming portion of a structure.

Parcel # 20-14-32-03-03-0100
Randall & Jeanette Jenney
341 Forest Hills Blvd.
Ormond Beach, FL 32174

Both variances are due to sideyard setback encroachments

- i) Sideyard setback encroachment on the South side of structure for a handicap sidewalk to be placed as is warranted in the MPR^s pursuant with the SAH grant program that is awarded to certain Veterans that have been pre-determined by the Veterans Affairs. SAH Grant Program funding 100% based on disability rating of 90% given to homeowner, Mr. R. Jenney.
- * Sidewalk Provision - Section 2-15 B 9 C
- a) Sideyard setback encroachment of the existing structure, the NE corner, whereby the structure would be squared off. This extension/addition will be approx. 18' N to S and 11' W to E
- * Section 250 W 1

Regarding #1 on previous page -

MPR's (minimum property requirements) of the SAH (Specially Adapted Housing) states as follows -

- Walkway from rear of home to front walkway or driveway to be 48" wide for new homes and 42" wide for existing homes.

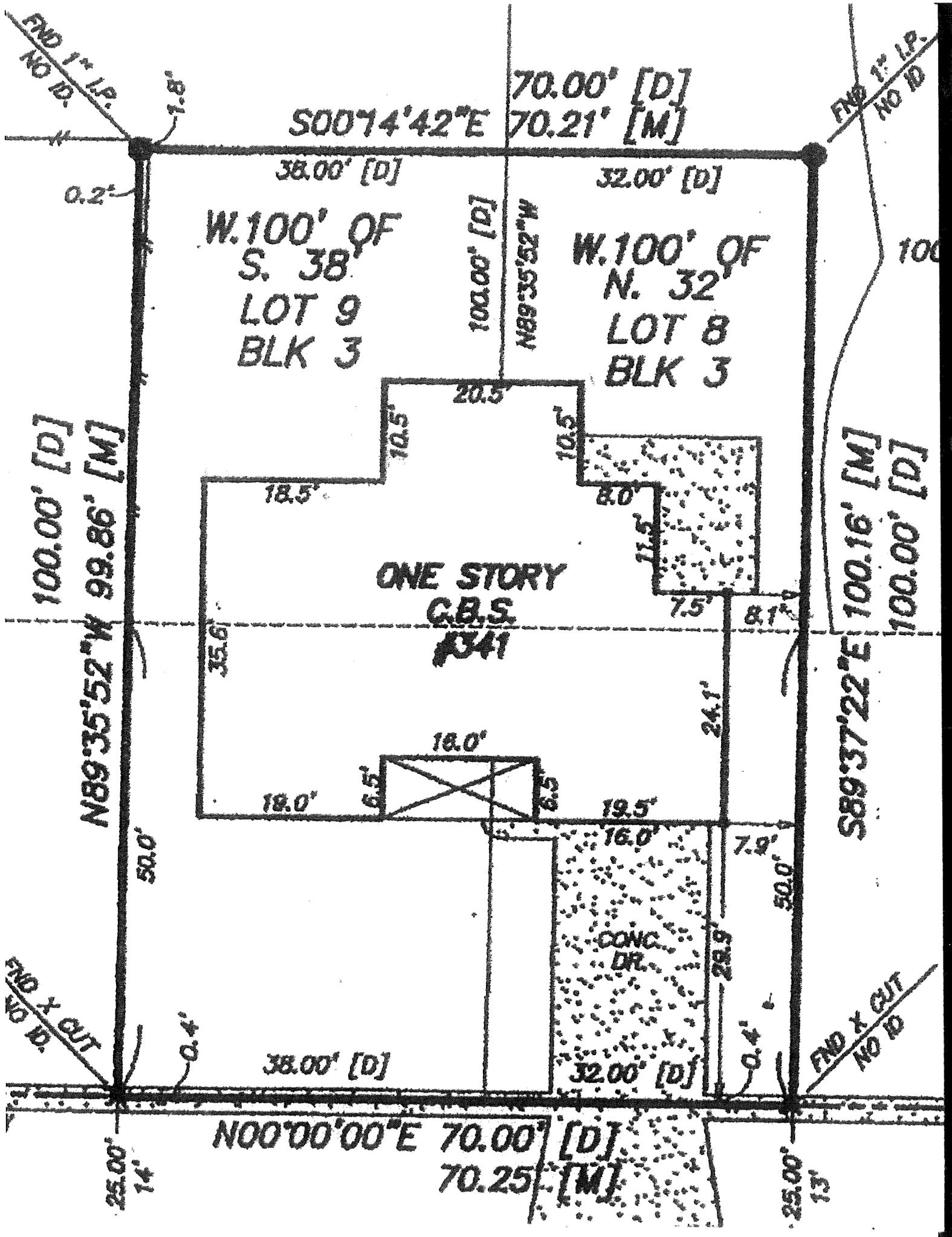
Page 4 Non-conforming Structure

- 1) Lot in question is in an R3 zoning district and consists of 7,000 sf, being 70' in width and N to S and 100' in length W to E.
- 2) There are no other ways of altering this structure as per MPR requirements pursuant to the SAH grant because said grant is indicative to providing the disabled Veteran of the United States Army a home that is Specially Adapted to address the needs of him/her thus allowing complete and unobstructed independence with-in his own home. This expansion will increase the square footage of and the basic layout of this Veteran's bedroom and bathroom as per the layout of our home.

- 3) Yes, this proposed expansion will be consistent with the existing structure and will impose no more of an encroachment of this existing nonconforming structure than already exists. We are not expanding to the North at all, only East, and are asking for no less than anyone else within our subdivision has asked for (and received), in the past - as on Thackeray Rd in the Forest Hills Subdivision.
- 4) Yes, this proposed expansion will square-off this existing structure, should it be approved. Stated expansion will not extend beyond the furthest point of current structure.
- 5) Yes, the proposed expansion is in scale with the current structure in question, which is a one-story building and will remain only one story.

6) This proposed expansion will in no way hinder any of the adjacent properties by limiting views or increasing light and/or noise.

This expansion will only expand a bedroom that is already in existence to the only adjacent property/neighbor to the North side. Therefore, the only change will be the size of the structure itself and that will be to the East.



S00°14'42"E 70.00' [D]
70.21' [M]

38.00' [D]

32.00' [D]

W. 100' OF
S. 38'
LOT 9
BLK 3

W. 100' OF
N. 32'
LOT 8
BLK 3

100.00' [D]

N89°35'52"W

ONE STORY
C.B.S.
#341

CONC.
DR.

100.00' [D]
N89°35'52"W 99.86' [M]

S89°37'22"E 100.16' [M]
100.00' [D]

38.00' [D]

32.00' [D]

N00°00'00"E 70.00' [D]
70.25' [M]

FND X CUT
NO ID.

FND X CUT
NO ID.

FND 1" I.P.
NO ID.

FND 2" I.P.
NO ID.

25.00'
14'

25.00'
13'

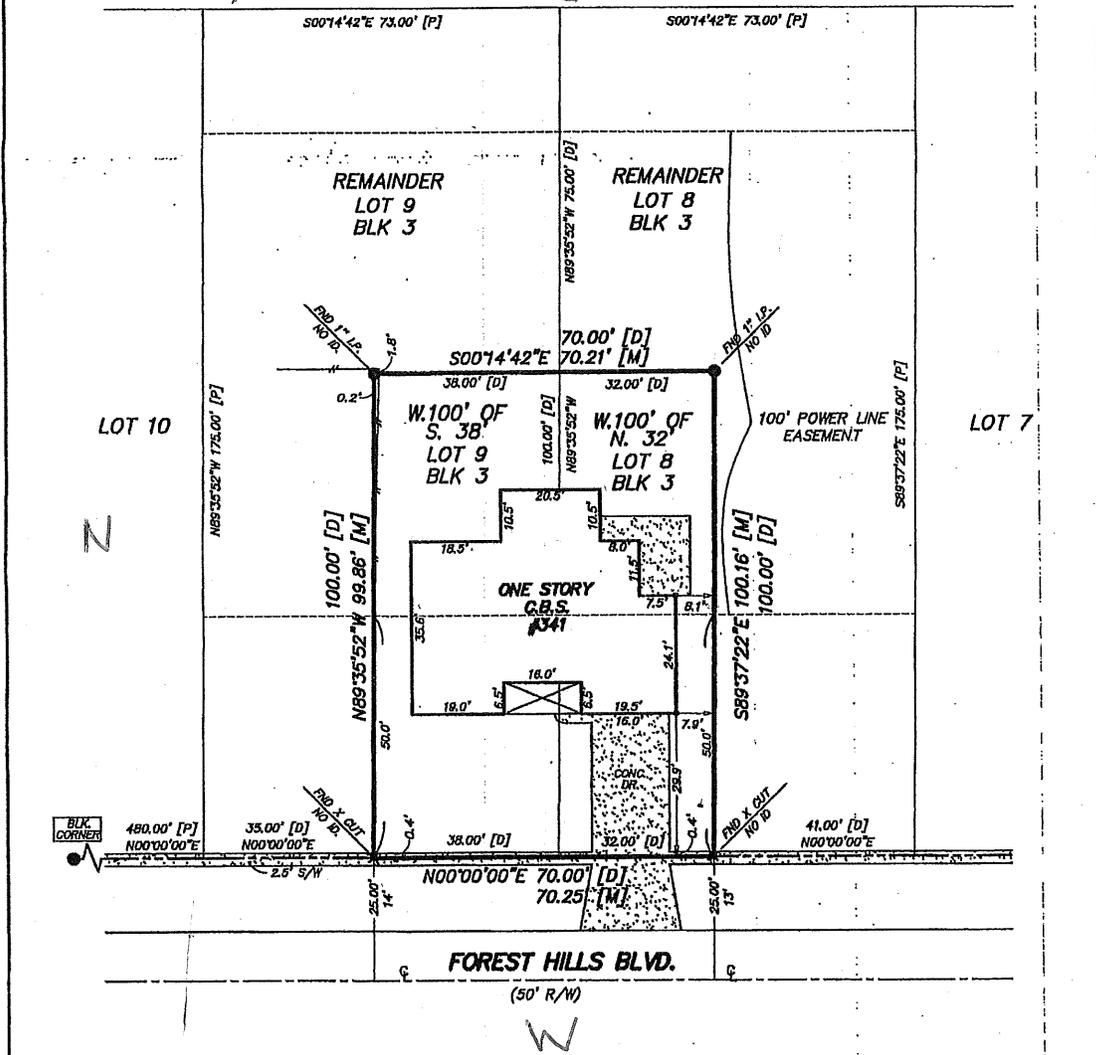
BOUNDARY SURVEY

LEGAL DESCRIPTION: THE WEST 100 FEET OF THE NORTH 32 FEET OF LOT B, AND THE WEST 100 FEET OF THE SOUTH 38 FEET OF LOT 9, BLOCK 3, ORMOND FOREST HILLS SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP BOOK 23, PAGE(S) 240, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

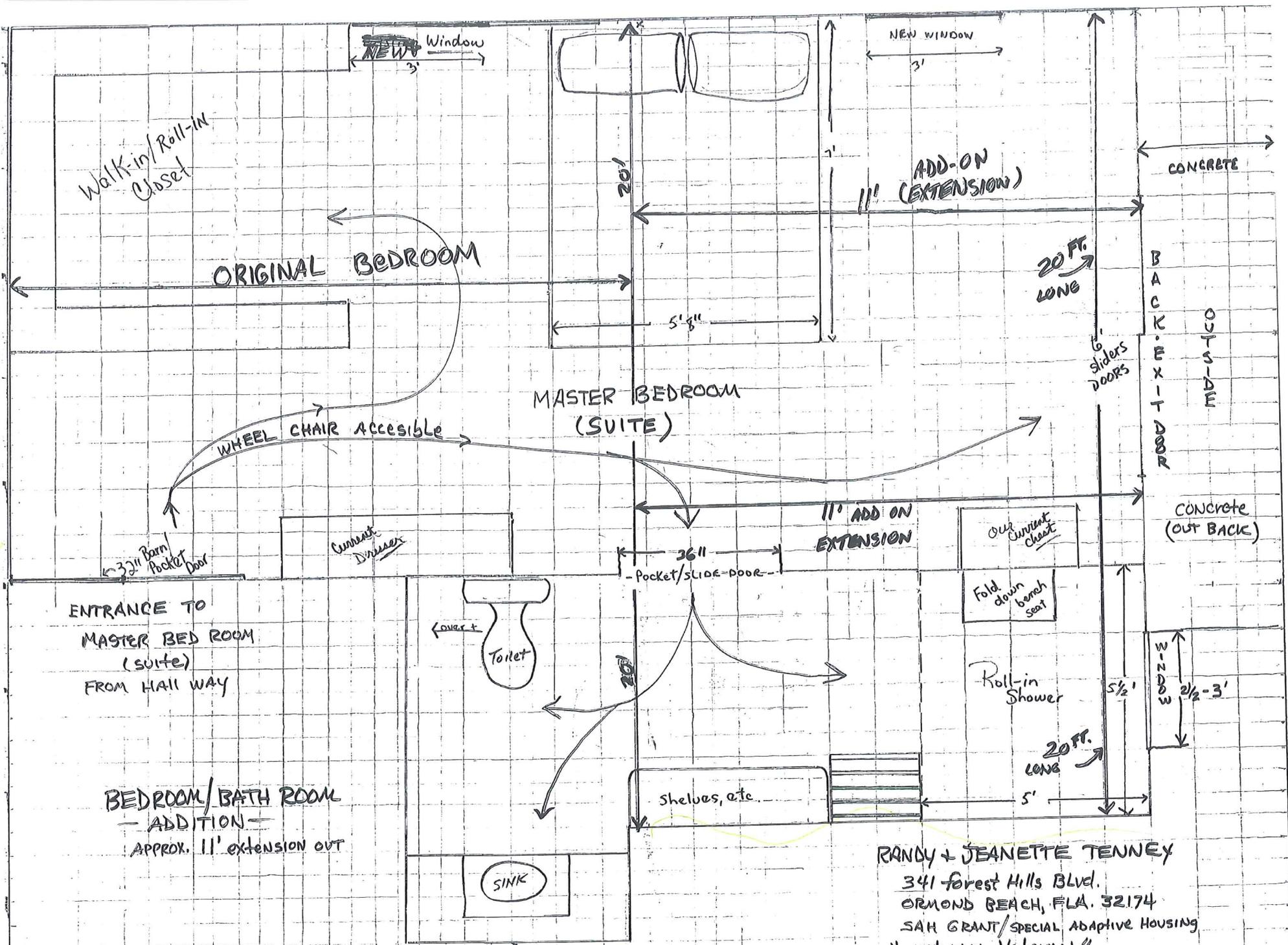


SCALE: 1"=30'

NOT PLATTED



RIGHT-OF-WAY LINE	CENTERLINE	BUILDING SETBACK LINE	BARB WIRE FENCE	WOOD FENCE	CHAIN LINK FENCE	PLASTIC FENCE
A/C - AIR CONDITIONER C.A. - CENTRAL ANGLE BLK - BLOCK C.B. - CHORD BEARING C.B.S. - CONCRETE BLOCK STRUCTURE C.M. - CONCRETE MONUMENT CONC. - CONCRETE D - DEED D.E. - DRAINAGE EASEMENT E - EAST F.F.E. - FINISHED FLOOR ELEVATION FND - FOUND ID - IDENTIFICATION I.P. - IRON PIPE I.R. - IRON ROD I.R.C. - IRON ROD & CAP	L - ARC LENGTH L.B. - LAND SURVEYING BUSINESS L.S. - LAND SURVEYOR M - MEASURED N - NORTH N&D - NAIL AND DISK P - PLAT P.C. - POINT OF CURVATURE P.C.C. - POINT OF COMPOUND CURVATURE P.C.P. - PERMANENT CONTROL POINT P.L. - PROPERTY LINE P.O.B. - POINT OF BEGINNING P.O.C. - POINT OF COMMENCEMENT P.O.L. - POINT ON LINE P.R.M. - PERMANENT REFERENCE MONUMENT	P.O.L. - POINT ON LINE P.R.C. - POINT OF REVERSE CURVE P.R.M. - PERMANENT REFERENCE MONUMENT P.T. - POINT OF TANGENT R - RADIUS R/W - RIGHT OF WAY S/W - SIDEWALK S - SOUTH U.E. - UTILITY EASEMENT W - WEST W.F.S. - WOOD FRAME STRUCTURE	X - FOUND "X" CUT IN CONC. SET 1/2" REBAR AND CAP PSM LB 7371 ● - FOUND PROPERTY CORNER ⊕ - 4" x 4" CONCRETE MONUMENT ○ - WELL ⊠ - COVERED AREA ▨ - CONCRETE	NOTES: 1) This survey is based on the legal description as provided by the client. 2) This Surveyor has not obstructed the land shown hereon for easements, rights of way or restrictions of record which may affect the title or use of the land. 3) Do not reconstruct property lines from buildings. 4) No footing or overhangs have been located except as shown. 5) No improvements or utilities have been located except as shown. 6) This survey is not valid without the signatures and the original raised seal of a Florida Licensed Surveyor and Mapper. Certification: I certify that this survey was made under my direction and that it meets the minimum technical standards set forth by the Board of Professional Land Surveyors and Mappers in Chapter 01G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.		
DRAWN BY: FM	CHECKED BY: NM	BEARINGS SHOWN HEREON ARE BASED UPON THE CENTERLINE OF FOREST HILL BLVD. BEING ASSUMED N00°00'00"E		<div style="text-align: center;"> <h2>Long Surveying, Inc.</h2> <p>"Specializing in Residential Surveying"</p> <p>LB No. 7371</p> <p>101 N. Country Club Road, Suite 220 Lake Mary, FL 32746</p> <p>Office 407-330-9717 or 407-330-9716 Fax 407-330-9775</p> <p>WWW.LONGSURVBYING.COM</p> </div>		
CERTIFIED TO: RANDALL P. AND JEANETTE T. TENNEY SUNTRUST MORTGAGE SOUTHERN TITLE STEWART TITLE GUARANTY CO.						
COMMUNITY NO: 125136 PANEL: 0214 SUFFIX: H 6,000 ZONE: X	F.L.R.M. DATE: 02/19/03					
SURVEY NO: 25446	FIELD DATE: 02/06/07	J. M. Shoemaker, P.S.M. No. 5144				



RANDY + JEANETTE TENNEY
 341 Forest Hills Blvd.
 ORMOND BEACH, FLA. 32174
 SAH GRANT/SPECIAL ADAPTIVE HOUSING
 "VIETNAM VETERAN"
 "V.A." VETERANS AFFAIRS PROJECT



DEPARTMENT OF VETERANS AFFAIRS

Health Eligibility Center
2957 Clairmont Rd, Suite 200
Atlanta, GA 30329-1647

November 04, 2012



1104_BI_003585 *****MIXED AADC 159

Mr. Randall Paul Tenney
341 Forest Hills Blvd
Ormond Beach, FL 32174-6010



Dear Mr. Tenney,

Our records indicate that information used to establish your benefits for VA health care recently changed. Our records indicate you are now enrolled in Priority Group 1. Your unique eligibility factors are:

- 100% percent Service-connected
- Rated as having a total disability permanent in nature resulting from your Service-connected condition(s)
- Recipient of Housebound benefits

Your new copay, if applicable, and benefits information are provided on the reverse of this letter.

If you wish to appeal our decision, follow the instructions on the enclosed VA Form 4107VHA, "Your Rights to Appeal Our Decision." Return your Notice of Disagreement to the Enrollment Coordinator at your local VA health care facility.

If you have questions, you may contact the VA at the toll-free number, 1-877-222-VETS (8387) or visit your local VA medical health care facility. You may also find additional information on eligibility and enrollment on VA's website at <http://www.va.gov/healthbenefits>.

Sincerely,

Tony A. Guagliardo
Director, Health Eligibility Center



VA | Defining
HEALTH CARE | **EXCELLENCE**
in the 21st Century

Based on your eligibility you are not required to pay VA copays for your care or services.

Benefits At A Glance

Health Benefit	Coverage
Basic Medical Benefits Package, includes <ul style="list-style-type: none"> • Preventive Care • Hospital (Inpatient) Services • Ancillary Services • Mental Health • Home Health Care • Geriatrics and Extended Care • Medical Equipment/Prosthetic Items and Aids 	Yes
Medications/Supplies	Yes, VA will fill prescriptions written by a VA provider and may fill those written by your non-VA provider
Dental	Yes, You are eligible for cost-free comprehensive dental care. Note: Veterans paid at the 100% rate based on a temporary rating, such as extended hospitalization for a service-connected disability, convalescence or pre-stabilization are not eligible for comprehensive outpatient dental services based on this temporary rating.
Nursing Home Placement	Yes, if clinically indicated
Medically Related Travel Benefits <ul style="list-style-type: none"> • Mileage Reimbursement • Specialized Transportation • Lodging and Per Diem 	Yes
Eyeglasses	Yes, if receiving VA care or services
Hearing Aids	Yes, if receiving VA care or services
Automobile Adaptive Equipment	Yes, for certain Service-connected conditions
Home Improvement and Structural Alteration Grants	Under certain conditions, contact your local Prosthetic Representative
Clothing Allowance Benefit	Yes, for certain Service-connected conditions
Dependent's Health Care	Yes, if not eligible under TRICARE
Emergency Care at a non-VA Facility	VA may pay for your non-VA emergency care, contact your local Fee Basis Office
Foreign Medical Care	Yes, for Service-connected disabilities or for any disability associated with or aggravating a Service-connected disability

Tenney, Randall P

You Can Expect Payment

Your payment begins the first day of the month following your effective date. You will receive a payment covering the initial amount due under this award, minus any withholdings. Thereafter, payment will be made at the beginning of each month for the prior month. For example, benefits due for May are paid on or about June 1.

Your payment will be directed to the financial institution and account number that you specified. To confirm when your payment was deposited, please contact that financial institution.

*If this account is no longer open,
please notify us immediately.*

What We Decided

Please see the enclosures for more information

Service connection for loss of use of both feet (formerly evaluated as bilateral lower extremity radiculopathy) is granted with an evaluation of 100 percent effective August 9, 2010.

Entitlement to special monthly compensation based on loss of use of both feet and an intermediate rate of special monthly compensation is granted from August 9, 2010.

Entitlement to automobile and adaptive equipment is established.

Entitlement to specially adapted housing is established.

The claimant is considered competent.

Your overall or combined rating is 100%. We do not add the individual percentages of each condition to determine your combined rating. We use a combined rating table that considers the effect from the most serious to the least serious conditions.

We enclosed a VA Form 21-8760, "Additional Information for Veterans with Service-Connected Permanent and Total Disability," which explains certain factors concerning your benefits.

We enclosed a VA Form 21-8764, "Disability Compensation Award Attachment-Important Information," which explains certain factors concerning your benefits.

4. Entitlement to specially adapted housing.

A certificate of eligibility for assistance in acquiring specially adapted housing under 38 U.S.C. 2101(a) may be extended when the veteran is permanently disabled as the result of the loss, or loss of use, of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair.

Entitlement to special housing assistance is established based on this level of impairment which is caused by the service-connected condition of loss of use of both feet.

5. Competency to handle disbursement of funds.

Since the claimant in this case is not shown as unable to manage personal affairs, we have determined that the claimant is competent for VA purposes.



After careful and compassionate consideration, a decision has been reached on your claim. If we were not able to grant some or all of the VA benefits you asked for, this form will explain what you can do if you disagree with our decision. If you do not agree with our decision, you may:

- appeal to the Board of Veterans' Appeals (the Board) by telling us you disagree with our decision
- give us evidence we do not already have that may lead us to change our decision

This form will tell you how to appeal to the Board and how to send us more evidence. You can do either one or both of these things.

NOTE: Please direct all new evidence to the address at the top of our letter. Do not send evidence directly to the Board until you receive written notice from the Board that they received your appeal.

WHAT IS AN APPEAL TO THE BOARD OF VETERANS' APPEALS?

An appeal is your formal request that the Board review the evidence in your VA file and review the law that applies to your appeal. The Board can either agree with our decision or change it. The Board can also send your file back to us for more processing before the Board makes its decision.

HOW CAN I APPEAL THE DECISION?

How do I start my appeal? To begin your appeal, write us a letter telling us you disagree with our decision. This letter is called your "Notice of Disagreement." If we denied more than one claim for a benefit (for example, if you claimed compensation for three disabilities and we denied two of three), please tell us in your letter which claims you are appealing. *Send your Notice of Disagreement to the address at the top of our letter.*

For any matter that involves VA **enrollment related benefits**, send your Notice of Disagreement to the Enrollment Coordinator at your local VA health care facility. For the local facility address, contact VA toll-free number, 1-877-222-VETS (8387).

For other matters, send your Notice of Disagreement to the address shown at the top of the letter notifying you of our decision.

What happens after VA receives my Notice of Disagreement? We will either grant your claim or send you a Statement of the Case. A Statement of the Case describes the facts, laws, regulations, and reasons that we used to make our decision. We will also send you a VA Form 9, "Appeal to Board of Veterans' Appeals," with the Statement of the Case. You must complete this VA Form 9 and return it to us if you want to continue your appeal.

How long do I have to start my appeal? **You have one-year to appeal our decision.** *Your* letter saying that you disagree with our decision must be postmarked (or received by us) within one-year from the date of *our* letter denying you the benefit. In most cases, you cannot appeal a decision after this one-year period has ended.

What happens if I do not start my appeal on time? If you do not start your appeal on time, our decision will become final. Once our decision is final, you cannot get the VA benefit we denied unless you either:

- show that we were clearly wrong to deny the benefit **or**
- send us new evidence that relates to the reason we denied your claim

Can I get a hearing with the Board? Yes. If you decide to appeal, the Board will give you a hearing if you want one. The VA Form 9 we will send you with the Statement of the Case has complete information about the kinds of hearings the Board offers and convenient check boxes for requesting a Board hearing. The Board does not require you to have a hearing. It is your choice.

Where can I find out more about appealing to the Board?

- You can find a "plain language" booklet called "How Do I Appeal," on the Internet at: <http://www.bva.va.gov/docs/Pamphlets/010202A.pdf> The booklet also may be requested by writing to: Mail Processing Section (014), Board of Veterans' Appeals, 810 Vermont Avenue, NW, Washington, DC 20420.
- You can find the formal rules for appealing to the Board in the Board's Rules of Practice at title 38, Code of Federal Regulations, Part 20. You can find the complete Code of Federal Regulations on the Internet at: <http://www.gpo.gov/fdsys/>. A printed copy of the Code of Federal Regulations may be available at your local law library.

Can I get someone to help me with my appeal to the Board? Yes. You can have a Veterans' service organization representative, an attorney-at-law, or an "agent" help you with your appeal. But you are not required to have someone represent you. It is your choice.

- Representatives who work for accredited Veterans' service organizations know how to prepare and present claims and will represent you. You can find a listing of these organizations on the Internet at: <http://www.va.gov/vso>.
- A private attorney or an "agent" can also represent you. If applicable, your local bar association may be able to refer you to an attorney with experience in Veterans' law. VA only recognizes attorneys who are licensed to practice in the United States or in one of its territories or possessions. An agent is a person who is not a lawyer, but who VA recognizes as being knowledgeable about Veterans' law. Contact us if you would like to know if there is a VA accredited agent in your area.

Do I have to pay someone to help me with my appeal to the Board? It depends on who helps you. The following explains the differences.

- Veterans' service organizations will represent you for free.
- Attorneys or agents can charge you for helping you under some circumstances. Paying their fees for helping you with your appeal to the Board is your responsibility. If you do hire an attorney or agent to represent you, one of you must send a copy of any fee agreement to the following address within 30 days from the date the agreement is executed: Office of the General Counsel (022D), 810 Vermont Avenue, NW, Washington, DC 20420. See 38 C.F.R. 14.636(g). If the fee agreement provides for the direct payment of fees out of past-due benefits, a copy of the agreement must also be filed with us at the address at the top of our letter. See 38 C.F.R. 14.636(h)(4).

CAN I GIVE VA ADDITIONAL EVIDENCE?

Yes. You can send us more evidence to support a claim whether or not you appeal to the Board. **If you want to appeal, though, do not forget the one-year time limit!**

If you have more evidence to support a claim, it is in your best interest to give us that evidence as soon as you can. We will consider your evidence and let you know whether it changes our decision. Please keep in mind that we can only consider new evidence that: (1) we have not already seen and (2) relates to your claim. You may give us this evidence either in writing or at a personal hearing.

In writing. To support your claim, you may send documents and written statements to us at the address on the top of our letter. Tell us in a letter how these documents and statements should change our earlier decision.

At a personal hearing. You may request a local hearing with us at any time. This hearing is separate from any Board hearing you might ask for later if you appeal. We do not require you to have one. It is your choice. At this hearing, you may speak, bring witnesses to speak on your behalf, and hand us written evidence. If you want a hearing, send us a letter asking for a hearing. Use the address at the top of our letter. We will then:

- arrange a time and place for the hearing
- provide a room for the hearing
- assign someone to hear your evidence
- make a written record of the hearing

WHAT HAPPENS AFTER I GIVE VA EVIDENCE?

We will review the record of the hearing and other new evidence, together with the evidence we already have. We will then decide if we can grant your claim. If we cannot grant your claim and you appeal, we will send the new evidence and the record of any local hearing to the Board.

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: March 25, 2014

SUBJECT: 224 Arlington Way

APPLICANT: Michael Strauss (applicant), property owner

FILE NUMBER: V-2014-060

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION:

This is a request for two variances to allow a building addition submitted by Michael Strauss (applicant), property owner of 224 Arlington Way. The property is zoned as R-3 (Single-Family Medium Density) and the applicant is seeking two variances related to the building addition as follows:

Variance #1: Building addition – front yard setback. Section 2-15(B)(9)(a) of the Ormond Beach Land Development Code requires a minimum front yard setback of 25'. The applicant is seeking to allow a building addition at a 19.7' front yard setback consistent with the existing building setback, a 5.3' variance to the required 25' front yard setback.

Variance #2: Building addition - side yard setback. Section 2-15(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 building addition at a 5' side yard setback, a 3' variance to the required 8' setback and a combined yard setback of 11.1', a 8.9' variance to the required 20' combined side yard setback, along the property boundary abutting 220 Arlington Way.

BACKGROUND:

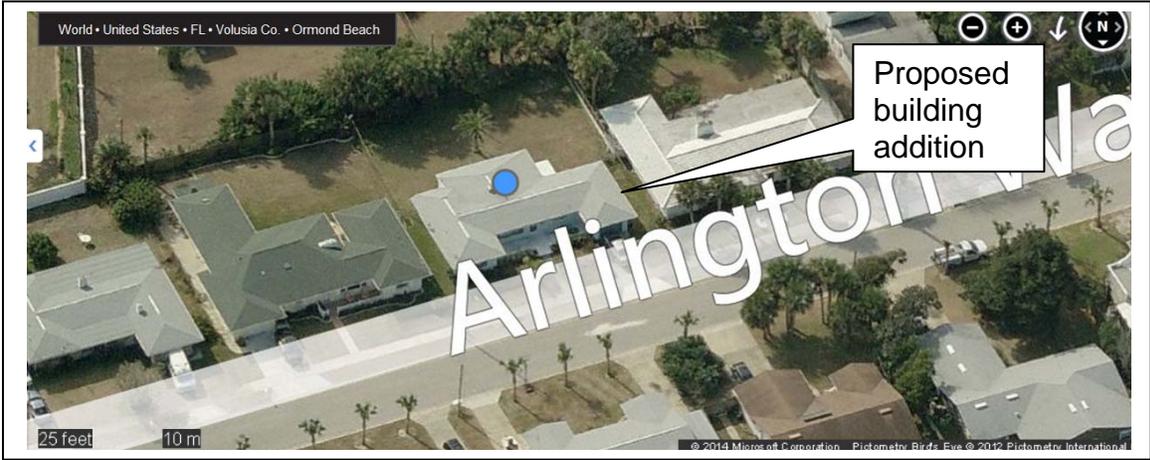
The property is designated as "Low Density Residential" on the City's Future Land Use Map (FLUM) and is zoned R-3 (Single Family Medium Density) on the City's Official Zoning Map. The existing single-family house use of the property is consistent with the FLUM designation and zoning district. The adjacent land uses and zoning for the surrounding properties are that of the subject property.

Adjacent land uses and zoning:

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

	Current Land Uses	Future Land Use Designation	Zoning
South	Single-Family House	"Medium Density Residential"	R-4 (Single Family Cluster & Townhome)
East	Single-Family House	"Low Density Residential"	R-3 (Single Family Medium Density)
West	Single-Family House	"Low Density Residential"	R-3 (Single Family Medium Density)

Site aerial of proposed building addition:



Picture of proposed front building addition:



Picture of proposed side building addition:



The structure at 224 Arlington Way was constructed in 1948 according to the Volusia County Property Appraisers and appears to be originally designed as a duplex. There are other properties along Arlington Way that are duplex units. The applicant purchased the property in 2012 and is seeking a major renovation to make the existing structure more functional as a single family use. The renovation includes enlarging the existing single car garage to a double car garage and a building expansion within the side and rear yard areas of the property. The building addition meets the rear yard setback requirements.

The lot at 224 Arlington Way is 80' in width and 108' in depth. The structures within this portion of Arlington Way have an existing developed pattern with buildings located with side yard setbacks of 5' to 7.5'. The analysis portion of the report shall analyze the two variances separately.

ANALYSIS – FRONT YARD BUILDING ADDITION:

The applicant is seeking to allow a building addition at a 19.7' front yard setback consistent with the existing building setback, a 5.3' variance to the required 25' front yard setback. Per Chapter 2, Article V, Sec. 2-63. F., the City's Board of Adjustment and Appeals may review variance requests to allow for the expansion of the nonconforming portion of a structure.

Potential Alternatives:

1. **Grant the applicant's request and permit a 19.7' setback for the building addition, granting a 5.3' variance to the required 25' front yard setback.**

The existing 1948 structure does not conform to the current Land Development Code of 25'. The applicant is seeking to allow an expansion of the one car garage by extending the front building plane approximately 5' to the east of the existing garage and 4' to the west of the existing garage.

2. **Deny the request.**

There is no ability to construct the garage addition without encroaching into the building setback based on the location of the existing building.

Neighbor Input:

The neighbor abutting the proposed building addition at 220 Arlington Way provided an e-mail and signature on the application supporting the proposed building addition.

CONCLUSION:

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

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

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

Case for the variance: The R-3 zoning classification requires a 75 foot lot width and a total lot area of 7,500 square feet. The lot is 80' by 109' and meets the width and square footage requirements for the R-3 zoning district. The property was platted in 1924 and the building was constructed in 1948. The key issue with the variance is the existing building location and configuration of the existing structure.

Case against the variance: None. The lot meets the minimum lot dimensions of the R-3 zoning district.

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

Case for the variance: The existing front yard building setback is 19.7'. The project proposes to enlarge the garage by constructing an addition on either side of the existing garage. There is no other way to alter the existing structure to meet the 25' front yard building setback.

Case against the variance: None. There is no alternative way to alter the structure.

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

Case for the variance: The existing single-family residential use is a permitted use in the R-3 zoning district and is consistent with the purpose of this zoning district.

Case against the variance: None.

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

Case for the variance: The proposed building expansion does not extend beyond the furthest point of the adjacent structure and maintains the existing front yard building setback.

Case against the variance: None.

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

Case for the variance: The proposed addition is in scale with the existing developed pattern along Arlington Way. The addition shall also provide a location for vehicles and other household goods.

Case against the variance: None.

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

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

Case against the variance: None.

ANALYSIS – SIDE YARD BUILDING ADDITION:

The applicant is seeking to allow a building addition at a 5' side yard setback, a 3' variance to the required 8' setback and a combined yard setback of 11.1', a 8.9' variance to the required 20' combined side yard setback, along the western property boundary abutting 220 Arlington Way. Per Chapter 2, Article V, Sec. 2-63. F., the City's Board of Adjustment and Appeals may review variance requests to allow for the expansion of the nonconforming portion of a structure.

Potential Alternatives:

- 1. Grant the applicant's request and permit a 5' setback for the building addition, granting a 3' variance to the required 8' side yard setback and a combined yard setback of 11.1', a 8.9' variance to the required 20' combined side yard setback.**

The existing structure has a 9.6' side yard setback. The proposed addition is proposed at a 5' setback for a 4.6' building expansion for a length of 53'. The total combined side yard setbacks would be 11.1' based on the other side yard setback being 6.1'.

- 3. Deny the request.**

There is no ability to construct the building addition without encroaching into the side yard building setback based on the location of the existing building. Meeting the side yard setback of 8' would only leave the ability to expand the structure 1.6'.

Neighbor Input:

The neighbor abutting the proposed building addition at 220 Arlington Way provided an e-mail and signature on the application supporting the proposed building addition.

CONCLUSION:

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

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

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

Case for the variance: The R-3 zoning classification requires a 75 foot lot width and a total lot area of 7,500 square feet. The lot is 80' by 109' and meets the width and square footage requirements for the R-3 zoning district. The property was platted in 1924 and the building was constructed in 1948. The key issue with the variance is the existing building location and configuration of the existing structure.

Case against the variance: None. The lot meets the minimum lot dimensions of the R-3 zoning district.

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

Case for the variance: There are no other ways of altering the structure that would meet the required 8' side yard setback. As stated earlier, the existing side yard building setback is 9.6', leaving only 1.6' for a conforming building expansion. The 4' addition is the minimal expansion that can be preformed and would leave a 5' setback. The applicant has agreed to install gutters on the expansion to ensure all stormwater runoff is directed to the front or rear of the property.

Case against the variance: None. There is no alternative way to alter the structure.

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

Case for the variance: The existing single-family residential use is a permitted use in the R-3 zoning district and is consistent with the purpose of this zoning district.

Case against the variance: None.

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

Case for the variance: The proposed building expansion does not extend beyond the furthest point of the adjacent structure and seeks to modernize the 1948 structure. The proposed addition meets the rear yard setback.

Case against the variance: The addition does extend out 4.6' from the existing plane and one could agree that the application makes a conforming side yard setback non-conforming.

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

Case for the variance: The proposed addition is in scale with the existing developed pattern along Arlington Way. The addition shall also provide a location for vehicles and other household goods.

Case against the variance: None.

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

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

Case against the variance: None.

RECOMMENDATION:

It is recommended that the Board of Adjustments and Appeals **APPROVE:**

Variance #1: Building addition – front yard setback. A 5.3' variance to the required 25' front yard setback, Section 2-15(B)(9)(a) of the Ormond Beach Land Development Code, resulting in a 19.7' front yard setback to construct a building addition on either side of the existing garage.

Variance #2: Building addition – side yard setbacks. A 3' variance to the required 8' setback and a 8.9' variance to the required 20' combined side yard setback, Section 2-15(B)(9)(c) of the Ormond Beach Land Development Code, resulting in a 5' side yard setback and a combined side yard setback of 11.1' abutting the property at 220 Arlington Way.

With the condition that the addition has gutters installed to ensure stormwater is channeled to the front and rear yards.

- Attachments:
1. Variance exhibit
 2. Maps and pictures
 3. Applicant's submittal

Attachment 1:

Variance exhibit

Attachment 2:

Maps and pictures

224 Arlington Way location map



Address Points

Traffic Signals

Airport and Railroad

— AIRPORT

— RAILROAD

City Streets

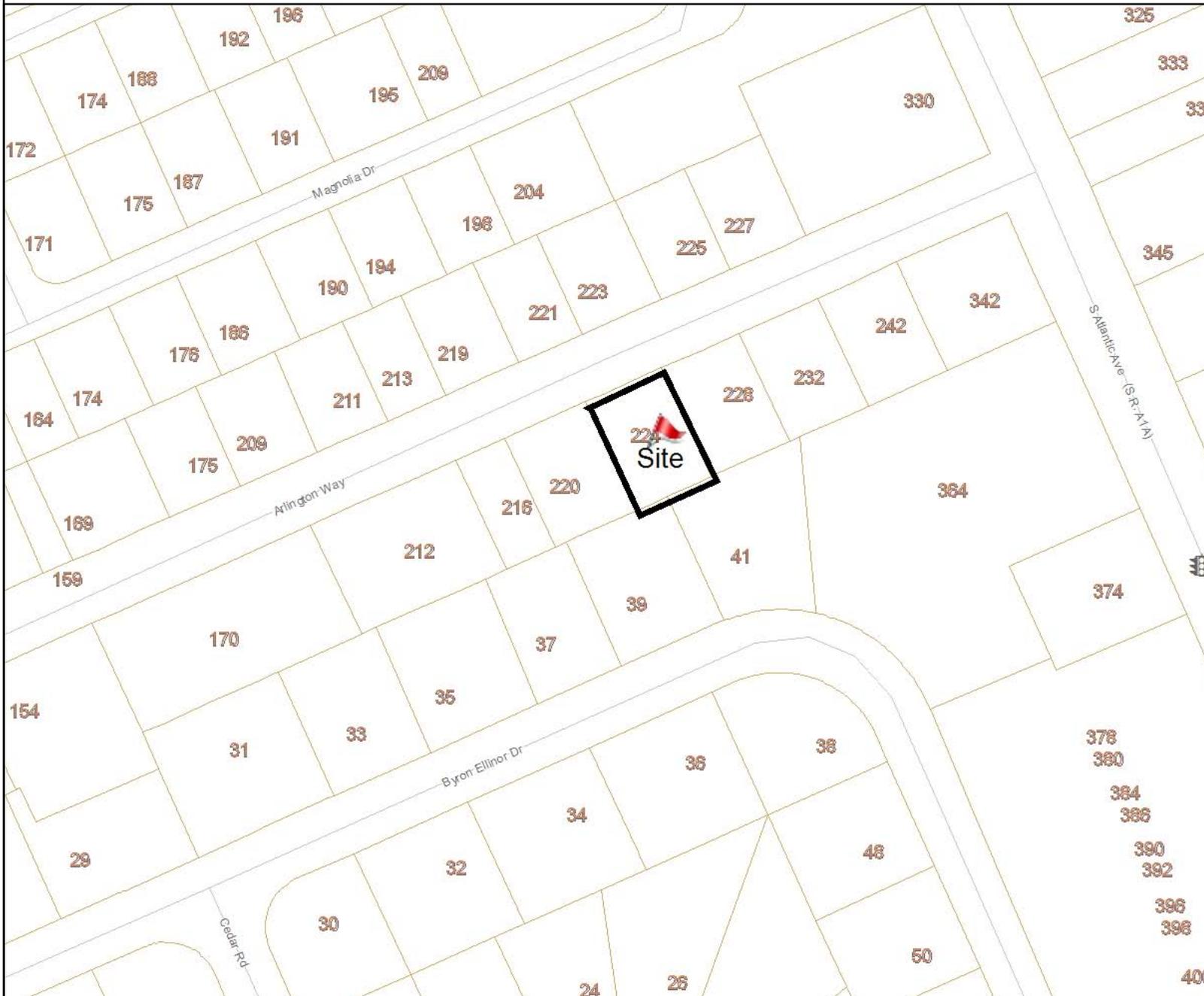
— DIRT

— MAJOR

— PAVED

Water Features

Property Lines



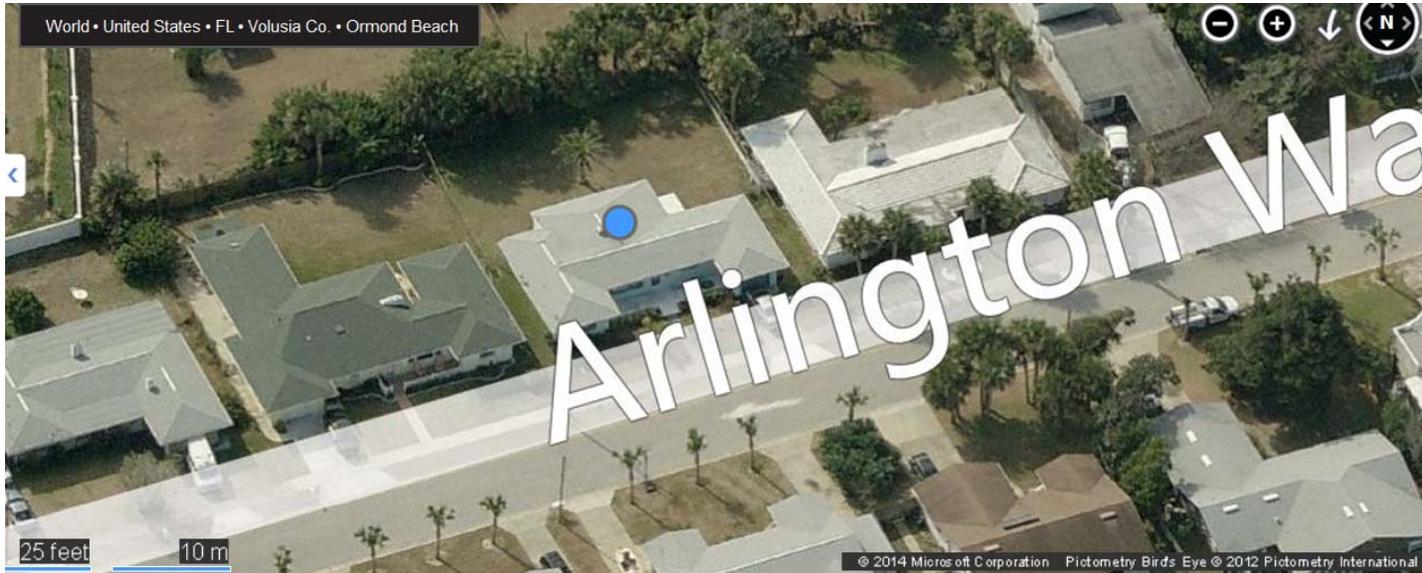
135 ft



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.



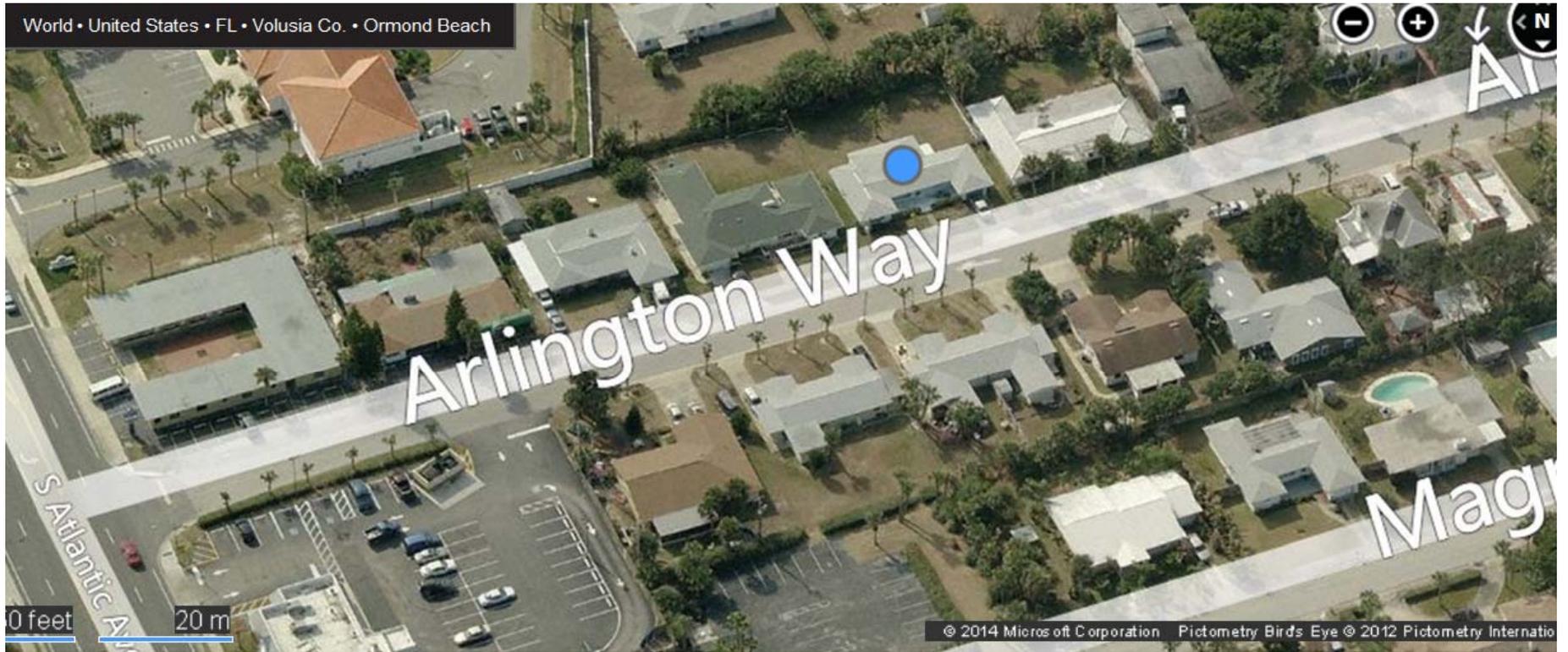
Aerial view, front of house, looking south



Aerial view, rear of house, looking north



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

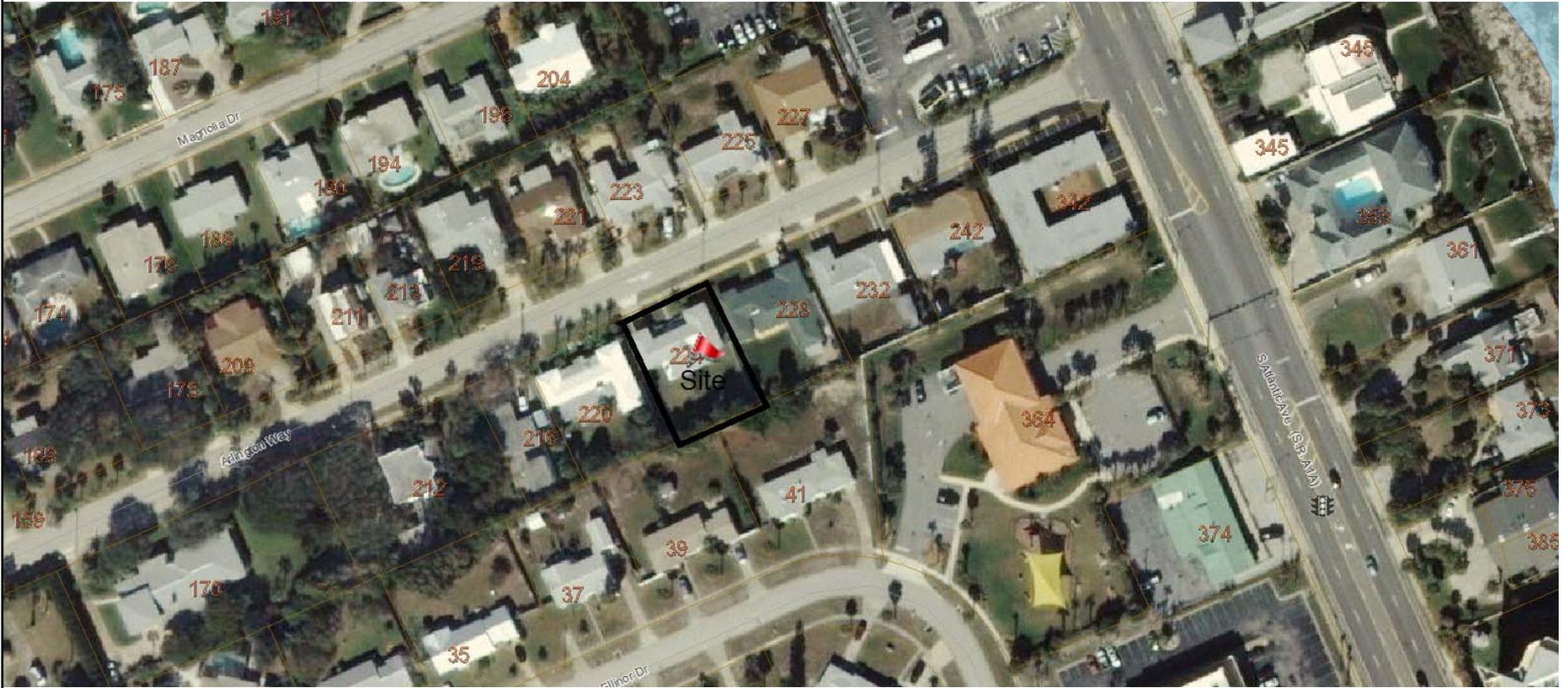


10 feet

20 m

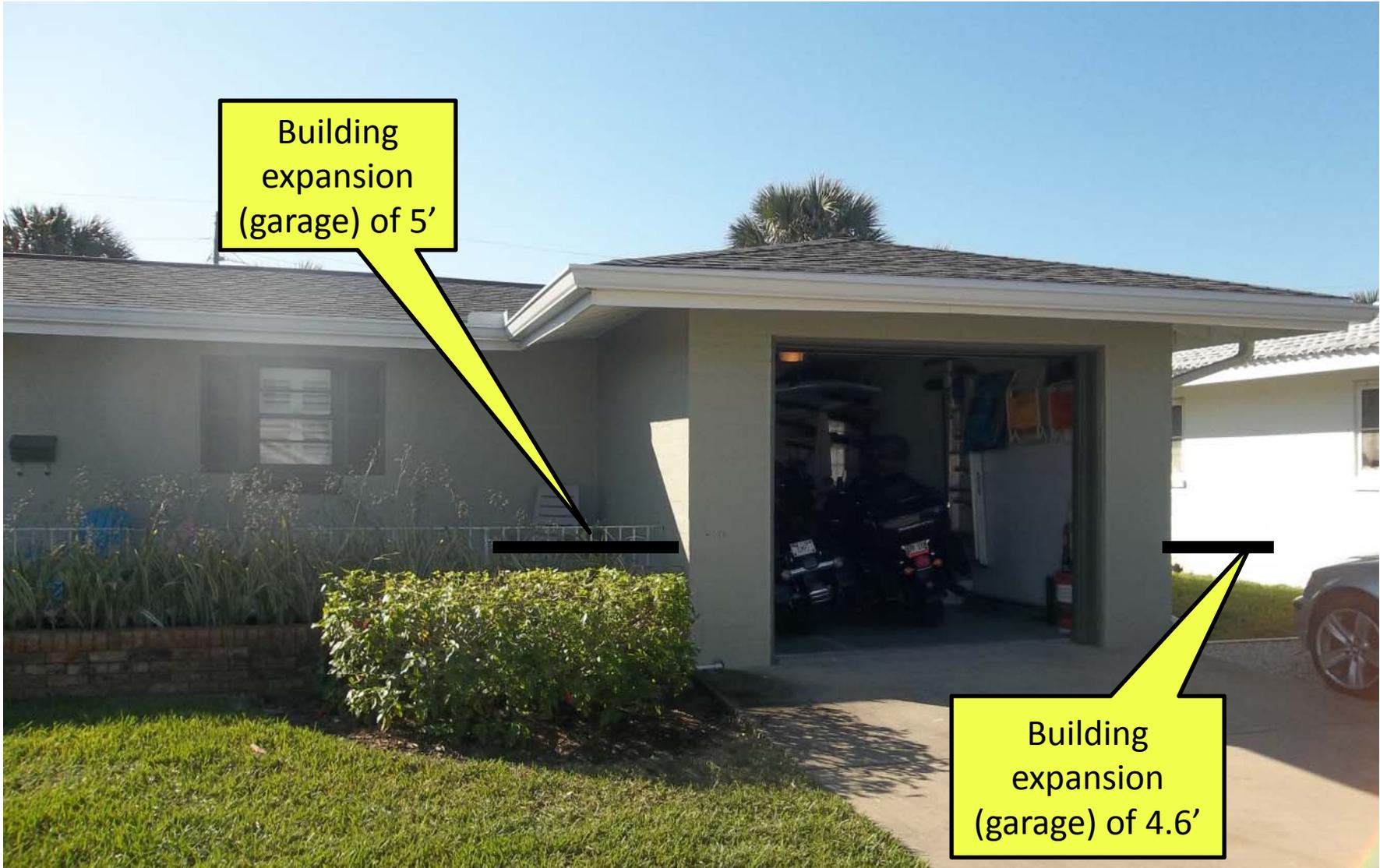
© 2014 Microsoft Corporation Pictometry Birds Eye © 2012 Pictometry International

Aerial view of area surrounding 224 Arlington Way



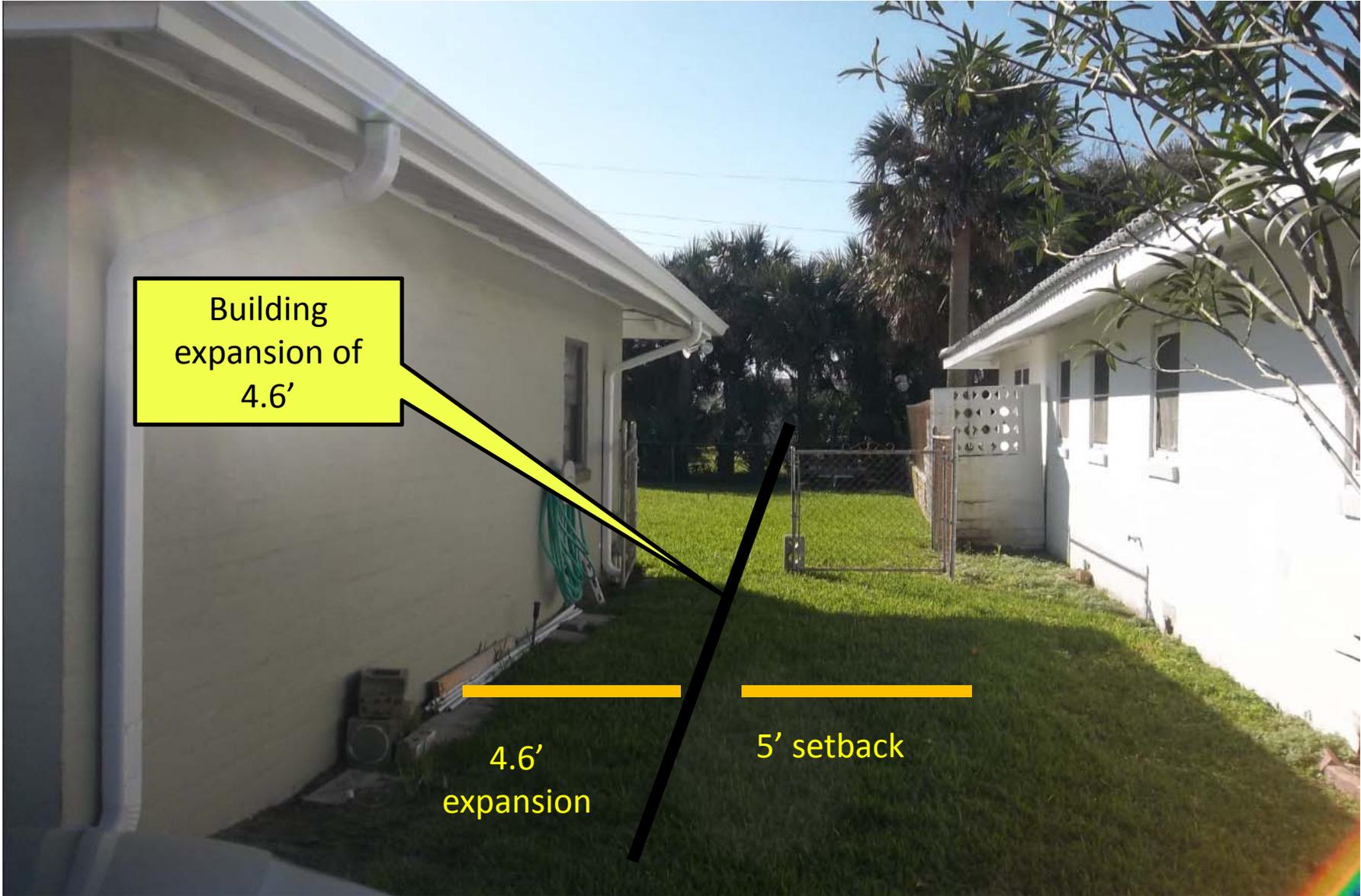


Front elevation of 224 Arlington Way, taken from the street



Building expansion
(garage) of 5'

Building expansion
(garage) of 4.6'



Building expansion of 4.6'

4.6' expansion

5' setback



5' setback

4.6'
expansion



Rear Yard

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

Feb 28, 2014

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 Michael Strauss

Full Address 224 Arlington Way Ormond Beach, FL 32176

Telephone 951-314-4011

Email

michael.strauss@jetblue.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 Michael Strauss

Full Address 224 Arlington Way Ormond Beach, FL 32176

Telephone 951-314-4011

Email

michael.strauss@jetblue.com

***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 224 Arlington Way Ormond Beach, FL 32176

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:

I would like to enlarge my garage to meet newer building standards for today's home sizes. This would require moving the outside wall to 5' from the property line to the west, and it would also require a 5' variance to the front property line from the new portion of garage extending to the west, to align with existing structure setback.

ABUTTING PROPERTY OWNERS

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

Signature	Street Address	For	Against
	220 Arlington Way Ormond Beach, FL 32176	<input checked="" 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:

The existing structure width limits the ability to have a standard two car width garage.

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

The house was built in 1948 and setbacks were much greater than build standards today. I bought the home in 2012, and I am trying to update the house more modern standards, which includes a larger garage, for which the variance is needed to accomplish.

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:

I could not build the larger garage to current modern build standards without obtaining the variance.

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:

Please see enclosed letter.

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

The variance request is not based on a need to reduce costs, in fact the variance will require substantial cost to the refurbishment of the home, which in addition to the garage, will include further remodel to the home, therefore putting more money into the local economy through the total remodel.

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

The overall pattern of the neighborhood is smaller setbacks, due to variances, and the variance and overall remodel will meet all current building codes. Furthermore, the variance will not create any hazards or congestion on the streets of the neighborhood.

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 could actually increase the property value, and bring the home more in line with current build standards of newer homes. The architecture will continue to align with other homes in the neighborhood, and will not be out of character for the style of beach-type homes in the area.

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:

I believe that variances are allowed by current codes, and therefore not provide me with a special privilege. I have spoken with the other residents and owners near the home, and none have had any objections to the variance nor overall remodel of the home.

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:

Correct

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

Correct

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:

Correct

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:

Correct

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

Correct

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

Correct

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: [Signature]

STATE OF FLORIDA
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 27 day of Feb, 2014, by Michael J. Strauss
as _____ (title*) for _____ (name of corporation*), who provided
FLS 362-550-62-2267 as identification, or who is personally known to me.

[Signature]
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.

Strauss, Michael

From: Alex Blackwell [Alex.Blackwell@walsworth.com]
Sent: Thursday, February 27, 2014 3:42 PM
To: Strauss, Michael
Cc: Mary Beth Blackwell (mbrb5484@aol.com)
Subject: Abutting property request
Follow Up Flag: Flag for follow up
Flag Status: Red
Attachments: Variance Application02272014_0001.pdf

Mike,

Mary Beth and I approve the abutting property request. Attached is the application with my signature. We support any efforts that improve the value of our neighborhood and community.

Good luck with the project.

Best,

Alex

Alex Blackwell

Vice President of Marketing & Communications

alex.blackwell@walsworth.com

800.369.2965 ext. 5769 OFFICE

www.walsworth.com



Walsworth

February 27, 2014

To Whom It May Concern:

I respectfully ask for a variance to the current code setbacks for abutting properties. My plan, with variance approval, is to enlarge the size of my single car garage to a 3 or 4-car size garage, which is more aligned with current new home builds. This remodel would also lead to a kitchen and bedroom remodel at the same time, as the garage will also infringe into those living spaces in the house. The garage is the main goal, as I own 4 cars, and the need to keep them garaged due to the salt air will preserve them longer. It will also provide me (to my neighbors delight) off street parking. The variance is the only way to allow this to happen. I purchased this house as a weekend getaway, but it has recently become my permanent residence, as I have fallen in love with the Ormond Beach area. By allowing this project, it also injects added revenue into the local economy in construction costs, taxes, automobile maintenance, and quite frankly, would keep me from looking for a more suitable residence. This is my retirement home, and I plan to stay here for quite a long time. I thank you in advance for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Strauss', with a long horizontal flourish extending to the right.

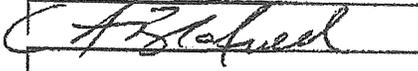
Michael Strauss
224 Arlington Way
Ormond Beach, FL 32176
(951) 314-4011

Request:

I would like to enlarge my garage to meet newer building standards for today's home sizes. This would require moving the outside wall to 5' from the property line to the west, and it would also require a 5' variance to the front property line from the new portion of garage extending to the west, to align with existing structure setback.

ABUTTING PROPERTY OWNERS

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

Signature	Street Address	For	Against
	220 Arlington Way Ormond Beach, FL 32176	<input checked="" 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:

The existing structure width limits the ability to have a standard two car width garage.

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

The house was built in 1948 and setbacks were much greater than build standards today. I bought the home in 2012, and I am trying to update the house more modern standards, which includes a larger garage, for which the variance is needed to accomplish.

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:

I could not build the larger garage to current modern build standards without obtaining the variance.

ARLINGTON WAY (50' R/W)

ASPHALT PAVEMENT

OVERHEAD UTILITIES

UTILITY POLE

N.W. CORNER OF LOT 12

BEARING: BASE 144.50° PLAT

E: 645'00.07' N: 1433.93' MEAS.

N: 644'47.91' E

80' DEED

78.85' MEAS.

10' CONC. WALK

N: 85'00'00" E

240' DEED

240.19' MEAS.

30' DEED R/W LINE

30' DEED

30' DEED

3' CONC. WALK

50' PLAT

10' DEED

40' DEED

108.48' MEAS.

108.87' MEAS.

