



AGENDA

ORMOND BEACH BOARD OF ADJUSTMENT AND APPEALS

June 4, 2014

ORMOND BEACH CITY COMMISSION CHAMBERS

7:00 P.M.

I. ROLL CALL

II. APPROVAL OF THE MINUTES

A. April 5, 2014

III. NEW BUSINESS

A. **Case No. 14-084: 707 S. Atlantic Avenue, front and side yard setback variances.**

This is a request for two variances, front and side yard setbacks, submitted by Kinsey Polychrones, Polychrones Design Company, Architect, authorized agent of the property owners, Lonaga Florida, LLC, of 707 S. Atlantic Avenue, the Makai Beach Lodge. The property is zoned B-6 (Oceanfront Tourist Commercial) and the applicant is seeking to expand a non-conforming structure. The variance requests are as follows:

Variance #1: Balconies addition - front yard setback. Section 2-27(B)(9)(a) of the Land Development Code requires a commercial front yard setback of 30'. The applicant has constructed one wood balcony in the front yard setback and is requesting the balcony remain in place. In addition, the applicant is proposing construction of another wood balcony in the front yard setback. As shown in Attachment 1, the front yard setback requested is 12.75' along the west property line abutting the South Atlantic Avenue right-of-way, requiring a 17.25' variance to the required 30' front yard setback standard.

Variance #2: Balconies addition - side yard setback. Section 2-27(B)(9)(b) of the Land Development Code requires a commercial side yard setback of 25' plus 5' additional combined side yard required for each story over 2 stories. The 2 story structure requires a calculated side yard setback of 25'. The applicant has constructed three wood balconies in the side yard setback and is requesting the balconies remain in place. In addition, the applicant is proposing construction of another wood balcony in the side yard setback. As shown in Attachment 1, the side yard setback requested is 2.1' along the south property line abutting 711 S. Atlantic Avenue (Coral Beach Motel), requiring a 22.9' variance to the 25' side yard setback standard..

IV. OTHER BUSINESS

V. ADJOURNMENT

MINUTES
BOARD OF ADJUSTMENT

April 2, 2014

7:00 p.m.

Commission Chambers
22 South Beach Street
Ormond Beach, Florida

I. ROLL CALL

Members Present

Staff Present

Dennis McNamara
Tony Perricelli
Ryck Hundredmark
Jean Jenner
Sue Parkerson (Alt)
Norman Lane (Excused)

Laureen Kornel, Senior Planner
Ann-Margret Emery, Deputy City Attorney
Melanie Nagel, Minutes Technician

II. ADMINISTRATIVE ITEMS

A. Election of Chairperson and Vice-Chair

Mr. Jenner moved to appoint Dennis McNamara as Chair. Mr. Hundredmark seconded the motion. Vote was called, and the motion unanimously approved.

Mr. Jenner moved to appoint Tony Perricelli as Vice Chair. Mr. Hundredmark seconded the motion. Vote was called, and the motion unanimously approved.

B. Approval of the 2014 Rules of Procedures

Mr. Hundredmark moved to approve the 2014 Rules of Procedures. Mr. Jenner seconded the motion. Vote was called, and the motion unanimously approved.

C. Acceptance of 2014 BOAA Calendar

Mr. Perricelli moved to adopt the 2014 BOAA Calendar. Mr. Hundredmark seconded the motion. Vote was called, and the motion unanimously approved.

III. APPROVAL OF THE MINUTES

A. December 4, 2013 Minutes

Mr. Jenner moved to approve the December 4, 2013 Minutes as submitted. Mr. Perricelli seconded the motion. Vote was called, and the motion was unanimously approved.

IV. NEW BUSINESS

A. Case No. 14-065: 200 Neptune Avenue, rear yard variance

Ms. Kornel, Senior Planner, City of Ormond Beach stated this is an application for a variance at 200 Neptune Avenue. Ms. Kornel explained the location, orientation, and characteristics of the subject property and presented the staff report. Ms. Kornel stated staff is recommending approval.

Mr. Tracy Quick, 802 E 23rd St, New Smyrna Beach, contractor for the applicant, reiterated Ms. Kornel's presentation and said that approval had been received from the golf course that the home sits on.

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

B. Case No. 14-066: 341 Forest Hills Boulevard, side yard and sidewalk variances

Ms. Kornel, Senior Planner, City of Ormond Beach stated this is an application for two variances at 341 Forest Hills Boulevard. Ms. Kornel explained the location, orientation, and characteristics of the subject property and presented the staff report. Ms. Kornel stated staff is recommending approval.

Jeanette Penny, 341 Forest Hills Boulevard, explained the reason for the sidewalk is from a code for the SAH grant stating that her husband needs to have direct access to the front of the house, in case of an emergency.

Following discussion, Mr. Hundredmark moved to approve the two variances as submitted. Ms. Parkerson seconded the motion. Vote was called, and the motion was unanimously approved.

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

Ms. Kornel, Senior Planner, City of Ormond Beach stated this is an application for two variances at 224 Arlington Way. Ms. Kornel explained the location, orientation, and characteristics of the subject property and presented the staff report. Ms. Kornel stated staff is recommending approval.

Mr. Michael Strauss, 224 Arlington Way, attended the meeting to answer any questions the board may have.

Following discussion, Mr. Jenner moved to approve the two variances as submitted, with the condition that the addition has gutters installed to ensure storm water channels to the front and rear yard, away from the adjacent property. Mr. Hundredmark seconded the motion. Vote was called, and the motion was unanimously approved.

V. OTHER BUSINESS

None.

VI. ADJOURNMENT

As there was no other business, the meeting was adjourned at 7:27 p.m.

Respectfully submitted,

Laureen Kornel, AICP, Senior Planner

ATTEST:

Dennis McNamara, Chair

Minutes prepared by Melanie Nagel.

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: May 23, 2014

SUBJECT: 707 S. Atlantic Avenue, the Makai Beach Lodge

APPLICANT: Kinsey Polychrones, Architect, Polychrones Design Company, authorized agent of 707 Atlantic Avenue

FILE NUMBER: 14-084

PROJECT PLANNER: S. Lauren Kornel, AICP, Senior Planner

INTRODUCTION: This is a request for two variances, front and side yard setbacks, submitted by Kinsey Polychrones, Polychrones Design Company, Architect, authorized agent of the property owners, Lonaga Florida, LLC, of 707 S. Atlantic Avenue, the Makai Beach Lodge. The property is zoned B-6 (Oceanfront Tourist Commercial) and the applicant is seeking to expand a non-conforming structure. The variance requests are as follows:

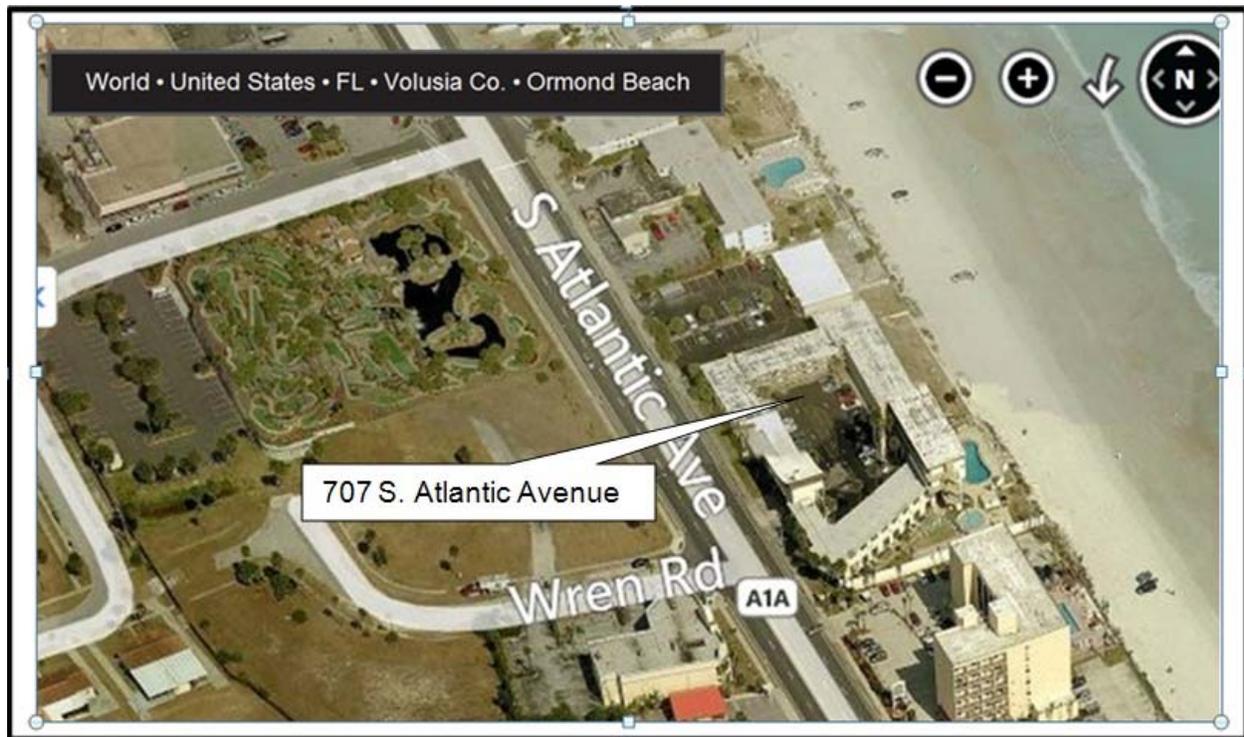
Variance #1: Balconies addition - front yard setback. Section 2-27(B)(9)(a) of the Land Development Code requires a commercial front yard setback of 30'. The applicant has constructed one wood balcony in the front yard setback and is requesting the balcony remain in place. In addition, the applicant is proposing construction of another wood balcony in the front yard setback. As shown in Attachment 1, the front yard setback requested is 12.75' along the west property line abutting the South Atlantic Avenue right-of-way, requiring a 17.25' variance to the required 30' front yard setback standard.

Variance #2: Balconies addition - side yard setback. Section 2-27(B)(9)(b) of the Land Development Code requires a commercial side yard setback of 25' plus 5' additional combined side yard required for each story over 2 stories. The 2 story structure requires a calculated side yard setback of 25'. The applicant has constructed three wood balconies in the side yard setback and is requesting the balconies remain in place. In addition, the applicant is proposing construction of another wood balcony in the side yard setback. As shown in Attachment 1, the side yard setback requested is 2.1' along the south property line abutting 711 S. Atlantic Avenue (Coral Beach Motel), requiring a 22.9' variance to the 25' side yard setback standard.

BACKGROUND: The property is designated as "Tourist Commercial" on the City's Future Land Use Map (FLUM) and is zoned B-6 (Oceanfront Tourist Commercial) on the City's Official Zoning Map. The existing use of the property is consistent with the FLUM designation and zoning district. The adjacent land uses and zoning are as follows:

	Current Land Uses	Future Land Use Designation	Zoning
North	Driftwood Beach Motel	"Tourist Commercial"	B-6 (Oceanfront Tourist Commercial)
South	Coral Beach Motel	"Tourist Commercial"	B-6 (Oceanfront Tourist Commercial)
East	Beach and Atlantic Ocean	N/A	N/A
West	Pirates Cove	"Tourist Commercial"	B-7 (Highway Tourist Commercial)
	Vacant Land (680 and 700 S. Atlantic Avenue)		
	Ocean Club (Retail Commercial)		

Site aerial of proposed balcony additions:



Photos of Makai Beach Lodge:



The Makai Beach Lodge has three transient lodging buildings, amenities and ground level parking. The subject property is a non-conforming property with respect to front and side yard setbacks. The 2 story structure located along the southerly property line sits 0.3' from the edge of the front of the property while the side of the building sits 5' from the side of the property. The building sits at an angle in regards to the southerly property line. The manner in which the building is situated causes a non-conforming circumstance. A 6' high vinyl fence on top of a concrete block retaining wall separates the transient lodging building and balconies from the adjacent property known as the Coral Beach Lodge to the south. Directly to the south of the subject property is a large parking lot that sits approximately three feet lower than the Makai Beach Lodge and provides additional separation between the subject property and the Coral Beach Lodge. The Coral Beach Lodge is seven stories tall with views focused primarily to the east and west with few windows on the north facing walls.

A review of county appraiser and city permitting records showed that the current owner of the properter has owned the property since January 2011. It should be noted that, in September 2011, the property was cited by the City of Ormond Beach for installing 68 doors and completing structural concrete work without securing appropriate permits (Case #11-103275). The matter was rectified with payment of citation and costs in full in November 2011. A building permit was obtained in January 2012 and the applicant was brought into compliance prior to their deadline imposed by the Special Magistrate Order on January 27, 2012.

The property owner completed construction of 8 wood balconies on the 2 story building located along the south property line of the subject property. There are a total of two balconies proposed for the front yard setback; one balcony has been constructed, one has not. The balcony which has not been constructed has a 2nd floor balcony access door already in place. There are a total of four balconies proposed in the side yard

setback; three balconies have been constructed, one has not. The balcony which has not been constructed has a 2nd floor balcony access door already in place. The additional balconies located to the east of the first four balconies are not part of the front or side yard variance request.

On January 28, 2014 the city Building Department placed a stop work order on the subject property for completing unpermitted work including mechanical, electrical, structural, and windows and doors at the subject property, at which time work ceased. The applicant is requesting that the existing three balconies which are a part of both variances remain in place and allow the construction of one final balcony which is also a part of both variances. The balconies are all located at the south west corner of the building and their purpose is to improve the facility by providing ocean views from the 2nd story of the building.

The Volusia County Property Appraiser’s Office’s website shows that the existing structure was constructed in 1965. The existing structure is nonconforming in regards to setbacks as follows:

Yard	Setback Required	Existing Setback
Side	25’ plus 5’ additional combined side yard required for each story over 2	5’
Rear	Oceanfront	Oceanfront
Front	30’	0.33’

ANALYSIS: The application is for one improvement that requires variances, as discussed below:

Variance 1: Balcony addition – front yard: The applicant proposes balconies at the southwest portion of the property to allow one already constructed balcony to remain in place and construct one additional balcony. The proposed balconies would include two balconies which would encroach into the front yard set back by 17.25’.

Variance 2: Balcony addition – side yard: The applicant proposes balconies at the southwest portion of the property to allow three already constructed balconies to remain in place and construct one additional balcony. The proposed balcony addition would include four balconies which would encroach into the side yard set back by 22.9 feet.

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

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

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

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

Argument for variances: The B-6 zoning classification requires a commercial minimum 150’ lot width and a minimum lot area of 30,000 square feet. The property lot area is approximately 93,499 square feet. The location of the structure as it encroaches on the front and side yard setbacks are contributing factors to the existing non-conformity of the lodge.

Argument against the variances: None. The property exceeds the minimum lot dimensional standards.

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

Argument for the variances:

Variance 1: Balcony addition – front yard setback: The existing building has a front yard setback of 0.3’ and the proposed balconies are at a setback of 12.75’. The applicant has stated that the balconies are an extension of an existing non-conforming 2 story transient lodging building. The existing building is setback 0.3’ from the front yard property line and the building’s angle in regards to the property lines and setbacks causes a severe non-conformity. These circumstances are what allow the existing 2 story building and 2nd floor balconies to take advantage of direct ocean views. There are no foreseeable ways of altering the existing structure to reflect a compliant and conforming structure without losing half of the existing building and subsequent balconies. Based on the existing structure, and the desire to provide ocean views to hotel guests, staff does not believe there are any other ways of altering the structure to make the balconies functional.

Variance 2: Balcony addition – side yard setback: The existing building has a side yard setback of 5’ and the proposed balconies are at a setback of 2.1’. The applicant has stated that the balconies are an extension of an existing non-conforming 2 story transient lodging building. The existing building is setback 5’ from the side yard property line and the building’s angle in regards to the property lines and setbacks causes a severe non-conformity. These circumstances are what allow the existing 2 story building and 2nd floor balconies to take advantage of direct ocean views. There are no foreseeable ways of altering the existing structure to reflect a compliant and conforming structure without losing half of the existing building and subsequent balconies. Based on the existing structure, and the desire to provide ocean views to hotel guests, staff does not believe there are any other ways of altering the structure to make the balconies functional.

Argument against the variance:

Variance 1 and 2: Balconies addition front and side yard setbacks: By allowing the front and side yard variances, the city would be allowing the expansion of a non-conforming property. Not every structure is guaranteed to have the ability to have balconies based on the existing non-conforming building.

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

Argument for the variances: The Makai Beach Lodge use is a permitted use in the B-6 zoning district and is consistent with the purpose of this zoning district. The lodge abuts similar transient lodging including, Coral Beach Lodge to the south and Driftwood Resort to the north. The South Atlantic Avenue corridor has been redeveloped and re-investment, including the recent completion of the Andy Romano Beachfront Park and the 2nd floor deck on Dimitry's restaurant south of the subject property. In addition the Casa Del Mar Beach Resort north of the subject property has completed renovations. It is important to note that this property is an older existing lodge with a property owner seeking to invest in the subject property such that they may compete with other oceanfront transient lodging businesses while contributing to the growth of the city's local economy thereby strengthening tourism in the City of Ormond Beach.

Argument against the variances: None. The zoning district allows transient lodging as a permitted use.

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

Argument for the variances:

The existing and proposed balconies project into the front and side setbacks as does the existing nonconforming 2 story building. The balconies are an improvement to an old structure in an effort to take advantage on ocean views.

Argument against the variances:

The variance request extends beyond the existing non-conforming building with respect to the front and side yard setbacks. It could be argued that because the structure is already located in the building setbacks that no additional encroachment should occur either in the front or side yard setbacks.

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

Argument for the variance: The balconies are in scale with surrounding transient lodging. The existing and proposed balconies are at a second floor height keeping the scale of the property with that of the existing commercial and transient lodging district. One issue for the Makai Beach Lodge is that it was constructed in the 1960's and is now at a point where investment and redesigns are necessary to make improvements. The proposed variances are the result of an effort to improve and modernize an older lodge.

Argument against the variance: One could argue that non-conforming properties should not be expanded or limited to the existing building plane setback. This would result in denying both requested front and side yard variances for existing and proposed balconies.

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

Argument for the variances: The front and side yard variances will not impact adjacent properties by limiting views or increasing light and/or noise. The existing and proposed balconies are on the south facing end of the property and have an existing 6' high vinyl fence on top of a concrete block retaining wall separating the balconies from the abutting property. Directly to the south of the property is a large parking lot that sits approximately three feet lower than the Makai Beach Lodge property. The Coral Beach Motel is a seven story building with views focused to the east and west and very few windows on the north facing walls. As such there should be little impact to the Coral Beach Motel. The proposed and existing balconies are at the second floor level and are uncovered open structures. Requesting variances on older structures due to nonconformities for the purpose of redevelopment and reinvestment is not uncommon or unreasonable.

Argument against the variances: None. The proposed improvements will not impact views.

RECOMMENDATION: Staff views the variance request as an attempt to improve an older structure and modernize it for the betterment of oceanfront tourism along S. Atlantic Avenue. It is recommended that the Board of Adjustment and Appeals **APPROVE** variance request 14-084 as follows:

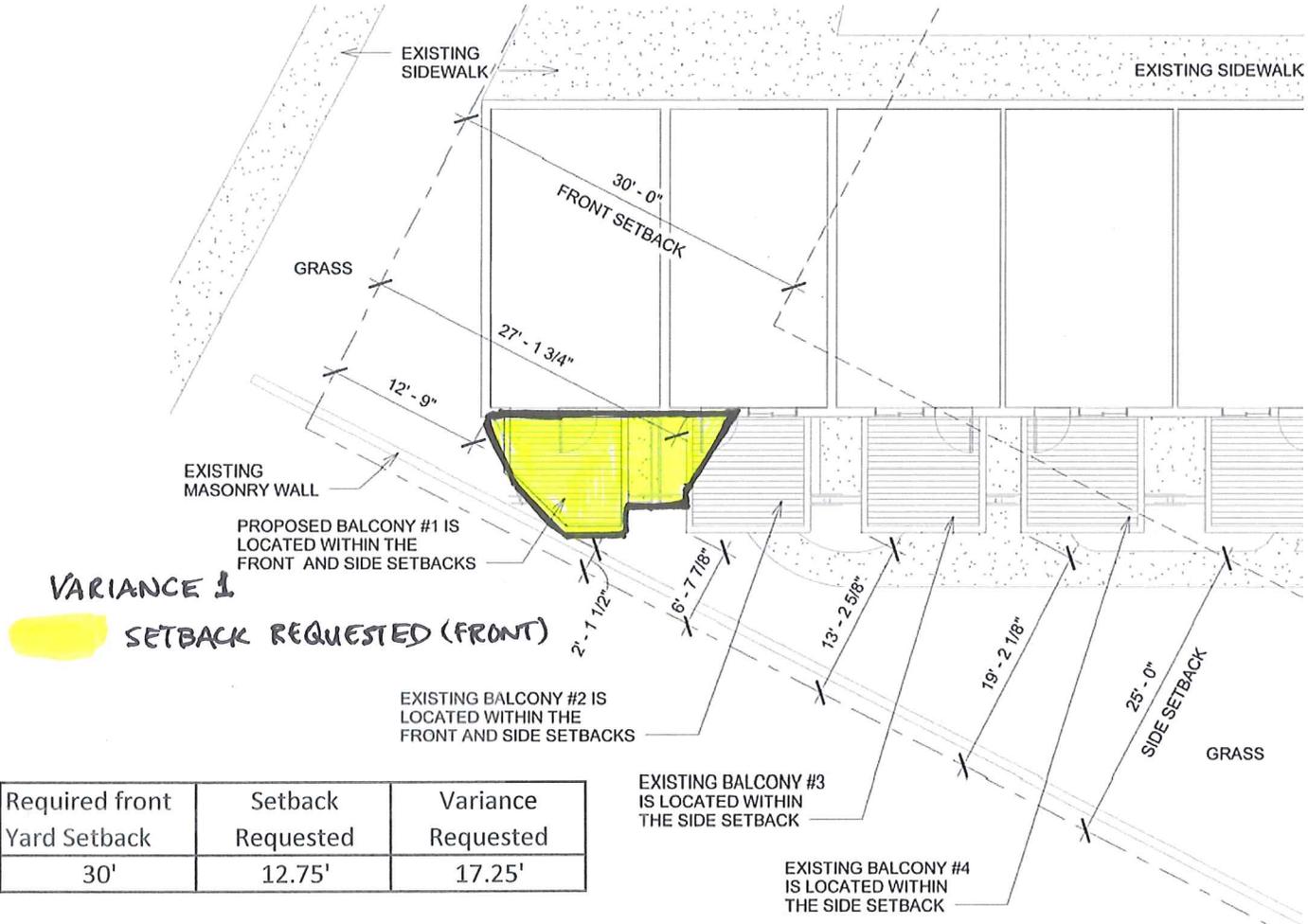
Variance #1: Balconies addition - front yard setback. The applicant has constructed one wood balcony in the front yard setback and is requesting the balcony remain in place. In addition, the applicant is proposing construction of another wood balcony in the front yard setback. The front yard setback requested is 12.75' along the west property line abutting the South Atlantic Avenue right-of-way, requiring a 17.25' variance to the required 30' front yard setback standard.

Variance #2: Balconies addition - side yard setback. The applicant has constructed three wood balconies in the side yard setback and is requesting the balconies remain in place. In addition, the applicant is proposing construction of another wood balcony in the side yard setback. The side yard setback requested is 2.1' along the south property line abutting 711 S. Atlantic Avenue (Coral Beach Motel), requiring a 22.9' variance to the 25' side yard setback standard.

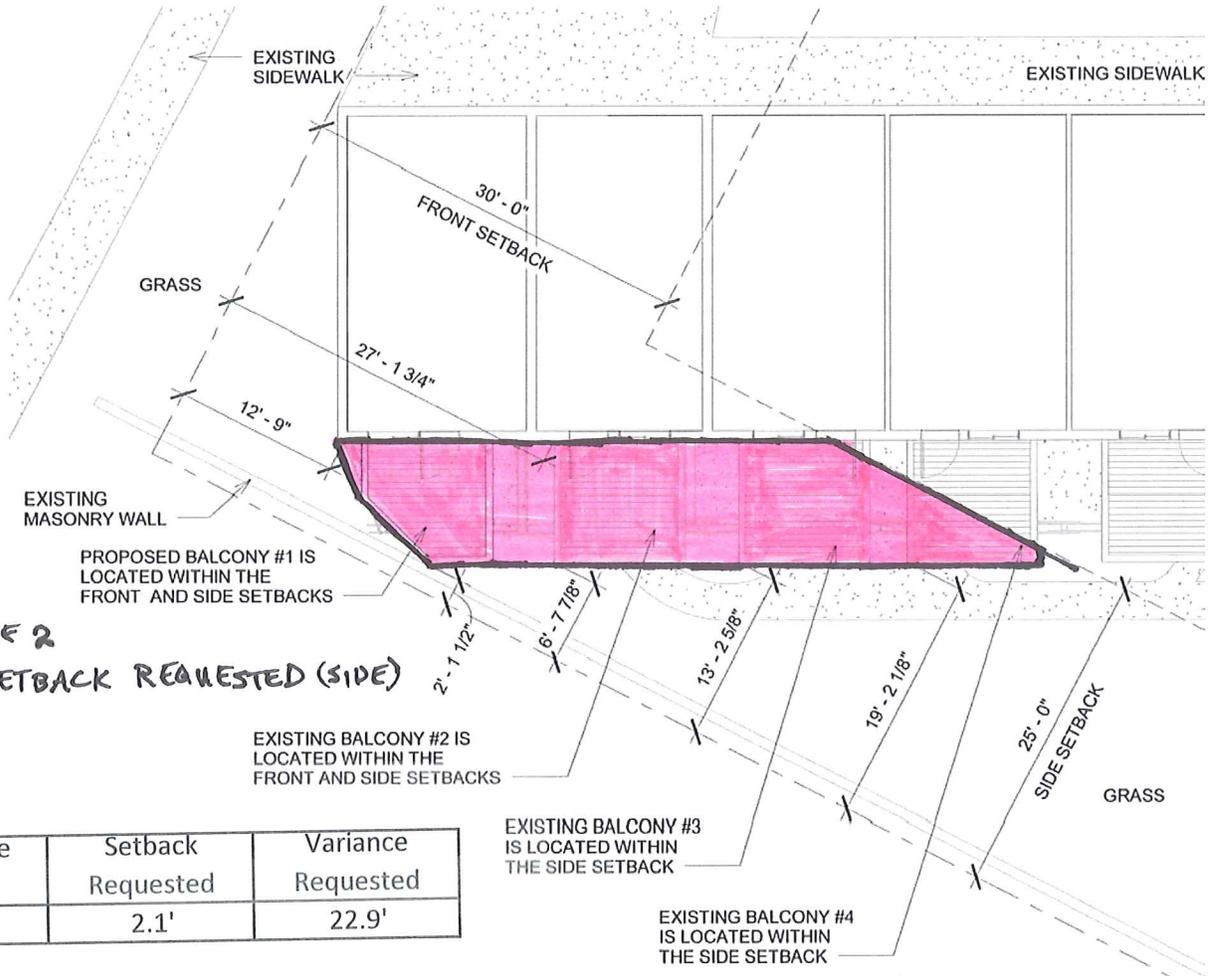
- Attachments: 1. Variance Exhibit
2. Location Map and Photos
3. Applicant's Submittal

Exhibit A

Variance Exhibit



ENCROACHMENT PLAN N ↑



VARIANCE 2

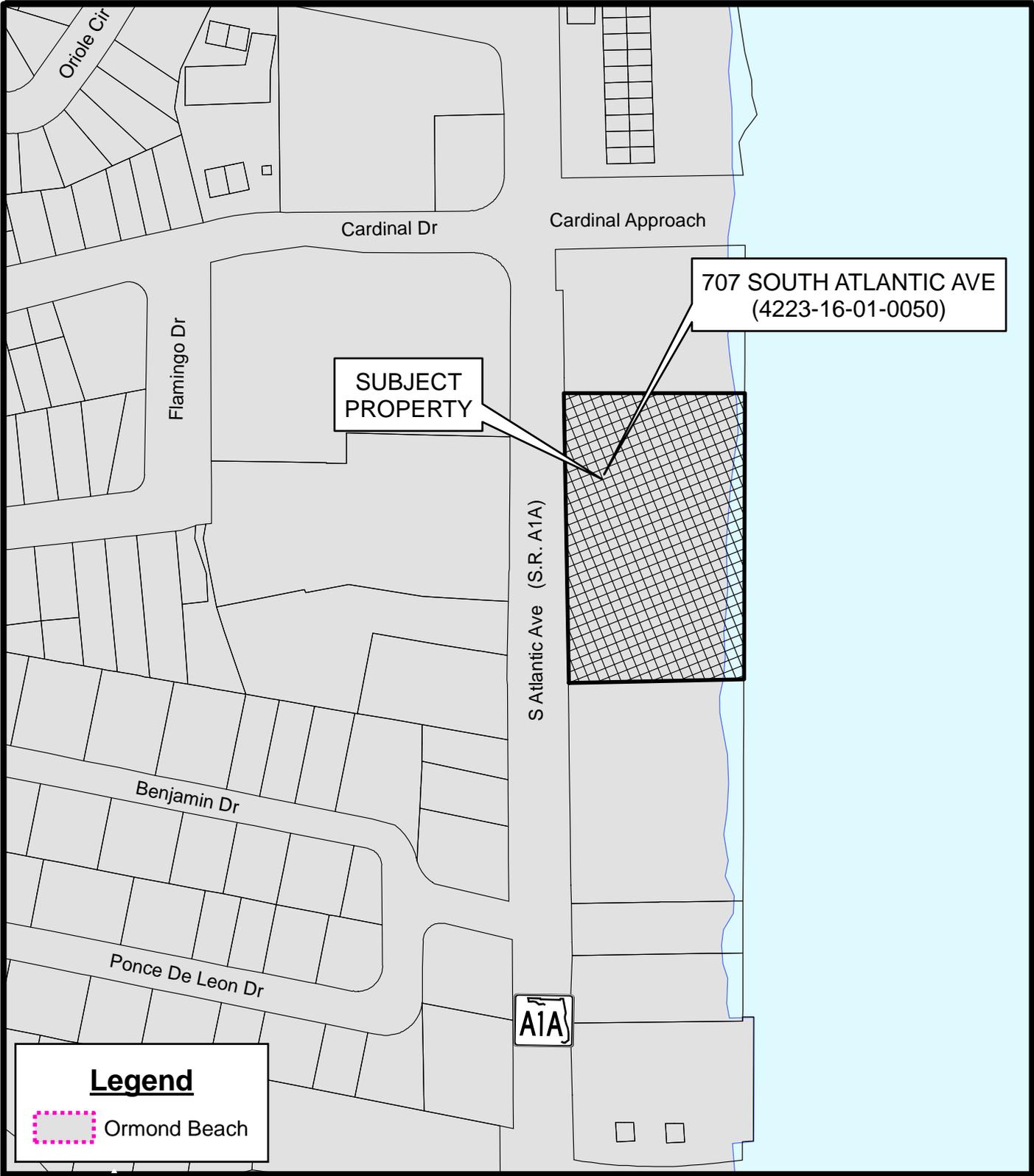
SETBACK REQUESTED (SIDE)

Required Side Yard Setback	Setback Requested	Variance Requested
25'	2.1'	22.9'

ENCROACHMENT PLAN N ↑

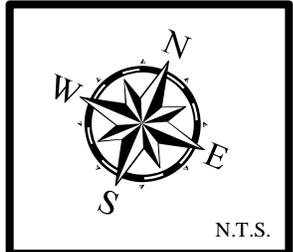
Exhibit B

Location Map and Photos



707 SOUTH ATLANTIC AVE
LOCATION MAP

Prepared By: The City of Ormond Beach
 G.I.S. Department - May 13, 2014





Variance 1: Front Yard Setback Request



Variance 1: Side Yard Setback Request

Exhibit C

Applicant Provided Information



CITY OF ORMOND BEACH

Planning Department
22 South Beach Street, Ormond Beach, FL 32174
Tel: (386) 676-3238

www.ormondbeach.org comdev@ormondbeach.org

REC'D APR 30 2014

v3.2013

14-84

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 type="checkbox"/> Residential or Commercial	350	350	N/A	700
<input checked="" 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 POLYCHRONES DESIGN COMPANY, KINSEY POLYCHRONES, ARCHITECT

Full Address P.O. BOX 265314 DAYTONA BEACH, FL 32126

Telephone 386-562-4126 Email kinsey@polychrones-design.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 LONAGA FLORIDA LLC, CO./ GUY BARBARA

Full Address 68 HIGHLAND AVE. ROTHESAY NEW BRUNSWICK, CANADA E2E 5N8

Telephone 506-721-6899 Email alex@forthowehotel.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 707 S ATLANTIC AVE. ORMOND BEACH, FL 32176

Parcel ID Number 23-14-32-16-01-0050

Legal Description LOTS 5 & 6 BLK 1 & LOTS 2 & 3 BLK 6 HALIFAX BEACH MB 1 PG 48 & LOTS 1 TO 4 INC BLK M ORMOND HIGHLANDS MB 10 PG 217 PER

REQUEST

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

Request:

The Makai Beach Lodge is requesting that the existing non-conforming decks remain in place and allow the construction of one final non-conforming deck where the deck structure already exists. The said property has eight (8) existing second floor wood framed balconies with a door at the second level for balcony access and ocean views. The current two (2) story building is a non-conforming structure and five (5) of the eight (8) existing decks are non-conforming as well. The Makai Beach Lodge is striving to improve the existing facilities conditions and attract more lodging customers to continue to support the growth of the local economy.

ABUTTING PROPERTY OWNERS

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

Signature	Street Address	For	Against
	711 SOUTH ATLANTIC AVE. ORMOND BEACH	<input type="checkbox"/>	<input type="checkbox"/>
	712 SOUTH ATLANTIC AVE. ORMOND BEACH	<input type="checkbox"/>	<input type="checkbox"/>
	657 SOUTH ATLANTIC AVE. ORMOND BEACH	<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:

N/A

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

N/A

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:

N/A

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:

N/A

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:

N/A

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

N/A

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:

N/A

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:

N/A

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:

MAKAI BEACH LODGE DIMENSIONAL STANDARDS PER Chapter 2, Article II: of the Land Development Code

- 1.Type: COMMERCIAL
- 2. Density: 64
- 3. Maximum Building Height: 75' ALLOWED / 35.5' ACTUAL
- 4. Maximum Building Coverage: 40% ALLOWED / 15% ACTUAL
- 5. Maximum Impervious Lot Coverage: 75% ALLOWED
- 6. Minimum Lot Size: 30,000 SF ALLOWED / 93,499 SF ACTUAL
- 7. Minimum Lot Width: 150' ALLOWED / 400' ACTUAL
- 8. Minimum Lot Depth: N/A
- 9. Setbacks: Front - 30', Side - 35', Street Side - 25', Oceanfront Yard

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

The existing non-conforming decks are an extension of an existing non-conforming 2 story transient lodging building. The existing building sits .33" behind the front property line and the buildings angle in regards to the property lines and setbacks causes a severe non-conforming circumstance. These circumstances are what allow the existing building and 2nd floor decks to take advantage of direct ocean views. There are no foreseeable ways of altering the existing structure to reflect a compliant and conforming structure without losing half of the existing building and subsequent decks.

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 Makai Beach Lodge has three (3) transient lodging buildings, amenities and ground level on site parking. The Property abuts similar transient lodging including, Coral Beach Motel to the south and Driftwood Resort to the north. The neighborhood has been undergoing many transformations including the recent completion of the Romano Beachfront Park and the 2nd floor deck on Dimitri's restaurant just south of the said property and the complete renovation of the Casa Del Mar Beach Resort just north of the said property. Obtaining a Variance to allow the use of the existing and proposed decks provides the Makai the opportunity to compete in the business of oceanfront tourism while supporting the growth of the local economy.

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 existing and proposed decks project into the side and front setbacks as does the existing 2 story building.

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

The existing and proposed decks are at a second floor height keeping the scale of the property within that of the existing commercial and lodging district.

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

The existing and proposed decks are on the south facing end of the property and have an existing 6' high vinyl fence on top of a concrete block retaining wall separating it from the abutting property. Directly to the south of the property is a large parking lot that sits approximately three (3) feet lower than the Makai Beach Lodge property. The Coral Beach Motel which sits on the said property is a seven (7) story building with views focused to the east and west and very few windows on the north facing walls.

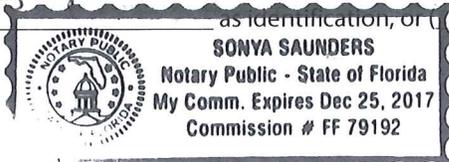
CERTIFICATION

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: _____

STATE OF FLORIDA
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 29th day of April, 2014, by Vinsey R Polychrones as Acting Agent (title*) for Polychrones Design Co (name of corporation*), who () provided FLDL as identification, or () who is personally known to me.



Sonya Saunders
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.



April 30, 2014

City of Ormond Beach Planning Department
Board of Adjustments and Appeal
22 S. Beach St.
Room 104
Ormond Beach, FL 32174
PH: 386-676-3238

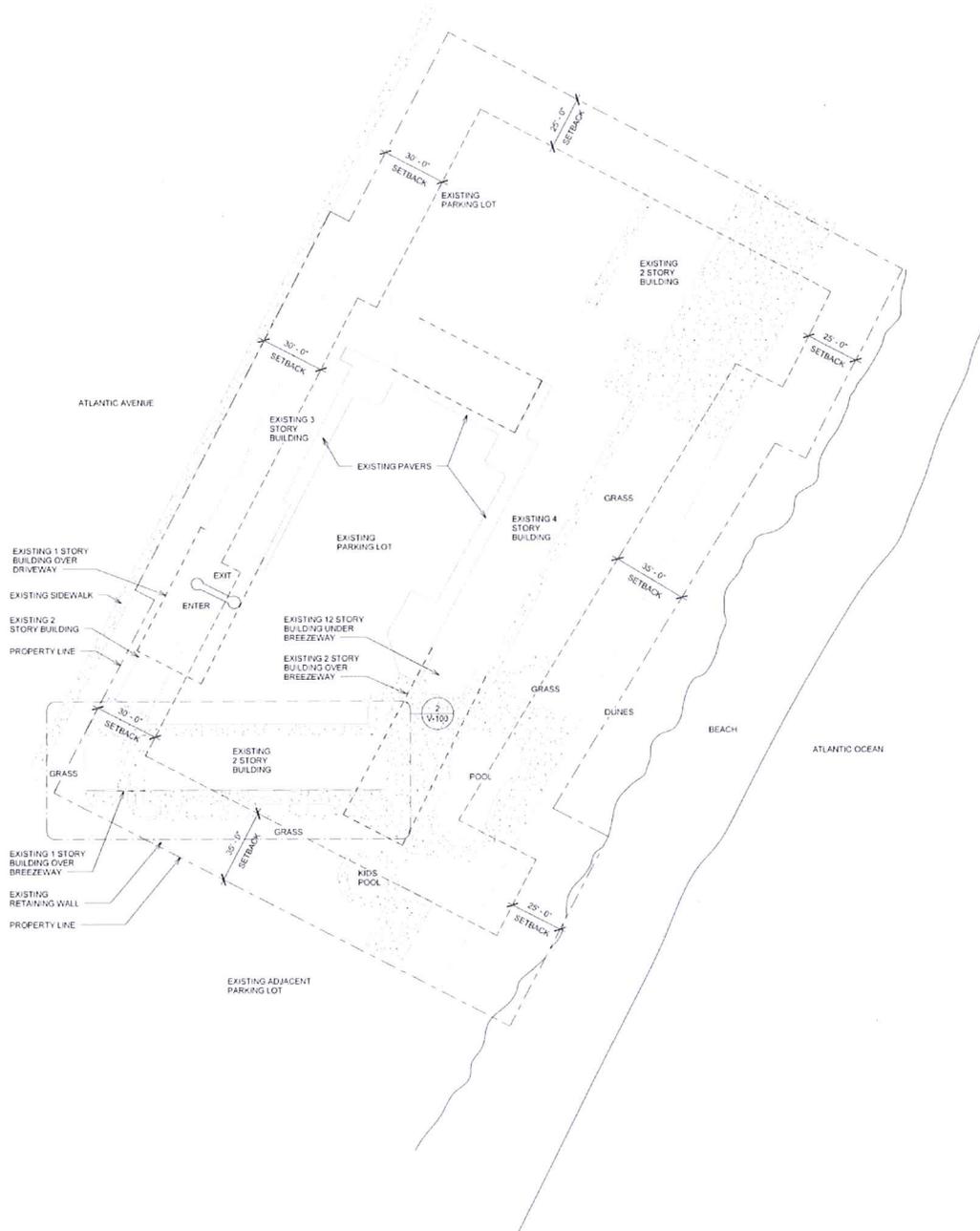
RE: **Makai Beach Lodge Variance Application - Hardship Letter**
707 South Atlantic Ave.
Ormond Beach, FL 32176

Dear Planning Department:

The said property is zoned B-6, Oceanfront Tourist Commercial Zoning District. The purpose of this zoning has been taken directly from Sec. 2-27. B-6 of the Land Development Code "The purpose of the B-6, Oceanfront Tourist Commercial Zoning District is specifically designed for oceanfront tourist development as envisioned in the comprehensive plan with the goal of establishing a high-quality environment for the development of oceanfront properties for transient lodging and high-density residential development related to tourism and seasonal occupancy. The district strives for efficient use of the land, preservation of ocean breezes, marine habitats, ocean amenities for and maintenance of view sheds, landscaping, open space and beach access for visitors and residents alike."

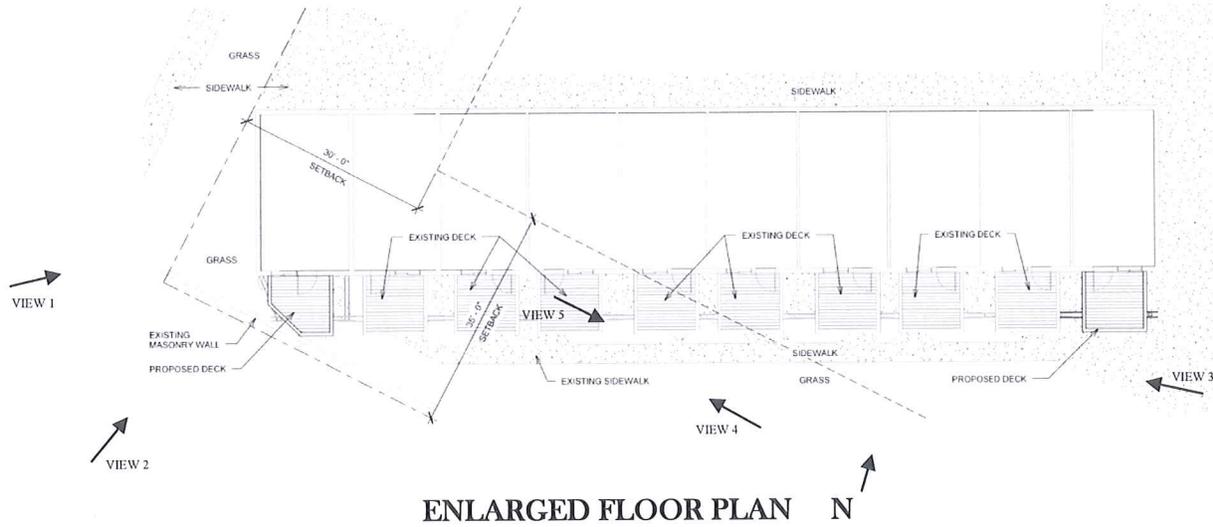
The Makai Beach Lodge is requesting that the existing non-conforming decks be permitted to remain in place and allow the construction of one final non-conforming deck where the deck structure and 2nd floor access door are already in place. The said property has eight (8) existing second floor wood framed balconies with a door at the second level for balcony access. The orientation of the existing building and decks allows the for direct ocean views. The current 2 story building is considered a non-conforming structure and five (5) of the (8) existing decks are considered non-conforming as well.

Please refer to the included architectural site plan, floor plan and images to aid in the description of the Variance Request and Existing Hardship. Please also refer to the following web sites for additional property information: to review the property appraisers report <http://webserver.vcgov.org/cgi-bin/mainSrch3.cgi>, to view the building department permit record http://webserver.vcgov.org/cgi-bin/permits.cgi?Alt_Key=3091191&Roll_year=0&mode=1.



ARCHITECTURAL SITE PLAN





VIEW 1 - FROM ATLANTIC AVE.



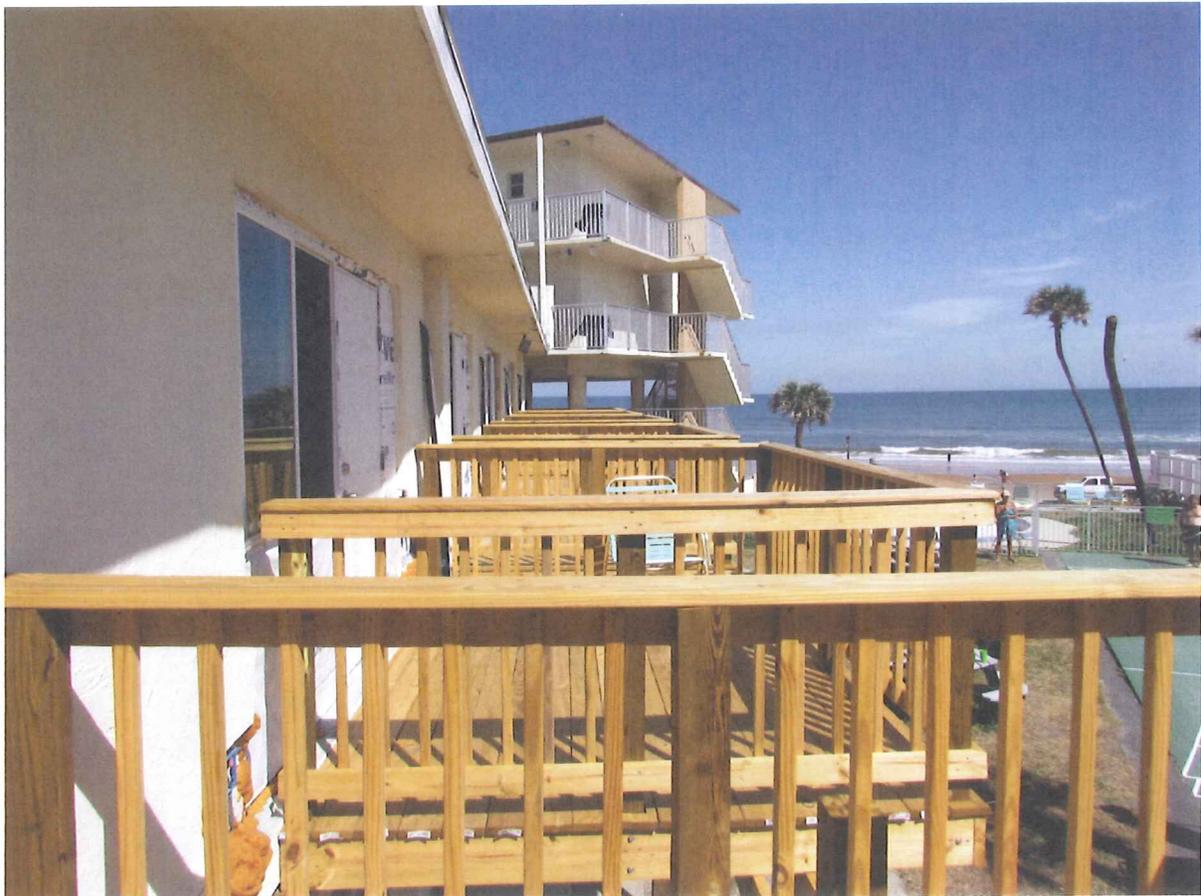
VIEW 2 - FROM ADJACENT LOT



VIEW 3 -EXISTING DECKS



VIEW 4 - NON-CONFORMING DECKS



VIEW 5 -NEW SIGHTLINES FROM EXISTING DECKS TO OCEAN



Should you have any questions concerning this letter or the Makai Variance Board Meeting, please contact Kinsey Polychrones at 386-562-4126 or kinsey@polychrones-design.com.

Sincerely,

Kinsey Polychrones

Kinsey Polychrones, AIA, NCARB, LEED AP BD+C

FL AR95898

Prepared by:
Andrew Keith Daw
Smith Hulsey & Busey
225 Water Street, Suite 1800
Jacksonville, Florida 32202

NOTE TO EXAMINER: THIS DEED IS EXEMPT FROM FLORIDA DOCUMENTARY STAMP TAX PURSUANT TO SECTION 1146(A) OF THE UNITED STATES BANKRUPTCY CODE AS A TRANSFER THAT IS MADE PURSUANT TO A PLAN OF REORGANIZATION THAT WAS CONFIRMED PURSUANT TO ORDER CONFIRMING PLAN OF REORGANIZATION THAT WAS ENTERED BY THE UNITED STATES BANKRUPTCY COURT, MIDDLE DISTRICT OF FLORIDA, CASE NUMBER 3:08-BK-05473-JAF. SEE RULE 12B-4.014(15) FLORIDA ADMINISTRATIVE CODE.

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made as of the 14th day of January 2011 (the "Effective Date") by OCEAN WATERS HOTEL CO., LLC, a Florida limited liability company ("Grantor"), whose address is c/o Soneet R. Kapila, 100 South Federal Highway, Suite 200, Fort Lauderdale, Florida 33316 to LONAGA FLORIDA, LLC, a Florida limited liability company ("Grantee"), whose address is c/o Guy Barbara, 68 Highland Avenue, Rothesay, New Brunswick E2E5N8.

WITNESSETH: That Grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof are hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto Grantee, all that certain land situate in Volusia County, Florida, more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof (the "Property"), subject to the matters set forth on Exhibit "B" attached hereto and by this reference made a part hereof.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, except for the matters set forth on Exhibit "B" hereto, Grantor hereby covenants with said Grantee that said land is free from encumbrances made by Grantor and except for the matters set forth on Exhibit "B" hereto, that Grantor will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor, but against none other.

[Signatures on the following page]

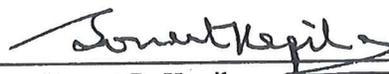
IN WITNESS WHEREOF, the said Grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officer thereunto duly authorized, as of the Effective Date.

Signed, sealed and delivered
in our presence:

OCEAN WATERS HOTEL CO., LLC,
a Florida limited liability company


Name: David Greenblatt

Name: John G Zeller

By: 
Sonnet R. Kapila
Its Sole Manager

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me on the 12 day of Jan. 2010, by Sonnet R. Kapila, sole manager of Ocean Waters Hotel Co., LLC, a Florida limited liability company, on behalf of the company. He is personally known to me.

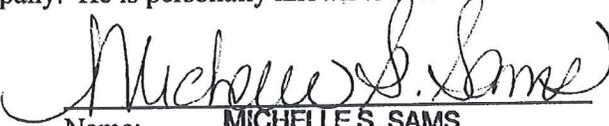

Name: MICHELLE S. SAMS
Notary Public, State of Florida
Commission No. _____
My Commission Expires:



Exhibit "A"

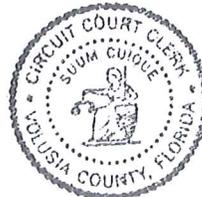
Legal Description of the Property

Parcel No. 1: The Southerly 35 feet of Lot 1 and all of Lots 2, 3 and 4, Block "M", Ormond Highlands, as recorded in Map Book 10, Page 217, of the Public Records of Volusia County, Florida, also Lots 2 and 3, Block 6 Halifax Beach Subdivision, as recorded in Map Book 1, page 48, of the Public Records of Volusia County, Florida, together with littoral rights, shore rights and accretions appertaining thereto.

Parcel No. 2: Lots 5 and 6, Block 1, Halifax Beach Subdivision, as recorded in Map Book 1, page 48, of the Public Records of Volusia County, Florida, also the North 15 feet of Lot 1, Block "M", Ormond Highlands, as recorded in Map Book 10, page 217, of the Public Records of Volusia County, Florida, together with littoral rights, shore rights and accretions appertaining thereto.

Exhibit "B"

1. The lien of taxes and assessments for the year 2011 and subsequent years;
2. Matters that would be shown by an accurate survey and inspection of the property;
3. Taxes or special assessments that are not shown as existing liens by the public records;
4. All matters relating to zoning and land use;
5. All covenants, restrictions, conditions, easements, reservations, rights-of-way, and other matters of record; however, the reference to the foregoing shall not serve to reimpose the same to the extent the same are invalid or unenforceable.
6. Any claim that any portion of the Property is sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands accreted to such land.
7. Any lien provided by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority for unpaid service charges for service by any water, sewer or gas system supplying the Property.
8. Coastal Construction Setback/Control Line as recorded on January 24, 1991, in Official Records Book 3579, Page 1550 of the Public Records of Volusia County, Florida.
9. The nature, extent or existence of riparian rights.
10. Title to any lands lying below the mean or ordinary high water line of any navigable or tidally influenced waters.
11. Rights, if any, of the public to use as a public beach or recreation area any part of the land lying between the body of water abutting the Property and the natural line of vegetation, bluff, extreme high water line, or other apparent boundary line separating the publicly used area from the upland private area.
12. Any land which is artificially filled land in what was formerly navigable waters, is subject to the rights of the United States government, arising by said government's control over navigable waters involving navigation and commerce.
13. Rights of tenants occupying all or part of the Property under unrecorded leases or rental agreements.



STATE OF FLORIDA, VOLUSIA COUNTY
HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office. This
28 day of April 2014
Clerk of Circuit and County Court
By _____
Deputy Clerk

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

DAYTONA BEACH FL 32118

Postage	\$ 1.19	0637
Certified Fee	\$3.30	09
Return Receipt Fee (Endorsement Required)	\$2.70	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 7.19	04/28/2014



Sent To: Pinchas & Eva Mamane
 Street, Apt. No., or PO Box No.: 2739 N. Atlantic Ave
 City, State, ZIP+4: Daytona Bch., FL 32118
 PS Form 3800, August 2006 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

DAYTONA BEACH FL 32114

Postage	\$ 1.19	0637
Certified Fee	\$3.30	09
Return Receipt Fee (Endorsement Required)	\$2.70	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 7.19	04/28/2014



Sent To: Shiv Bhola LLC
 Street, Apt. No., or PO Box No.: 1305 S. Ridgewood Ave
 City, State, ZIP+4: Daytona Beach, FL 32114
 PS Form 3800, August 2006 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

ORMOND BEACH FL 32176

Postage	\$ 1.40	0637
Certified Fee	\$3.30	09
Return Receipt Fee (Endorsement Required)	\$2.70	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 7.40	04/28/2014



Sent To: Embassy Investment VII - Local
 Street, Apt. No., or PO Box No.: 45 Seton Tr. Bldg U
 City, State, ZIP+4: Ormond Bch., FL 32176
 PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee <i>R.D. Jarwood</i>	
1. Article Addressed to: Shiv Bhola LLC 1305 S. Ridgewood Ave Daytona Bch., FL 32114	B. Received by (Printed Name)	C. Date of Delivery 4-29
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No	
3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
2. Article Number (Transfer from service label) 7012 3050 0001 8215 9657		
PS Form 3811, July 2013 Domestic Return Receipt		

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee <i>M. Amar</i>	
1. Article Addressed to: Pinchas & Eva Mamane 2739 N. Atlantic Ave Daytona Beach, FL 32118	B. Received by (Printed Name) M. AMAR	C. Date of Delivery 4-29-14
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
2. Article Number (Transfer from service label) 7012 3050 0001 8215 9664		
PS Form 3811, July 2013 Domestic Return Receipt		

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee <i>Shelly Hatzel</i>	
1. Article Addressed to: Embassy Investment VII-Coral Beach LLC 45 Sebn Trail Ormond Beach, FL 32174	B. Received by (Printed Name) Shelly Hatzel	C. Date of Delivery 4/29/14
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		
2. Article Number (Transfer from service label) 7012 3050 0001 8215 9640		
PS Form 3811, July 2013 Domestic Return Receipt		



April 25, 2014

Pinchas & Eva Mamane
2739 N Atlantic Ave.
Daytona Beach, FL 32118

Abutting Property Address

712 South Atlantic Ave.
Ormond Beach, FL 32176
Parcel ID: 23-14-32-09-06-0260

RE: **Makai Beach Lodge Variance Application**
707 South Atlantic Ave.
Ormond Beach, FL 32176

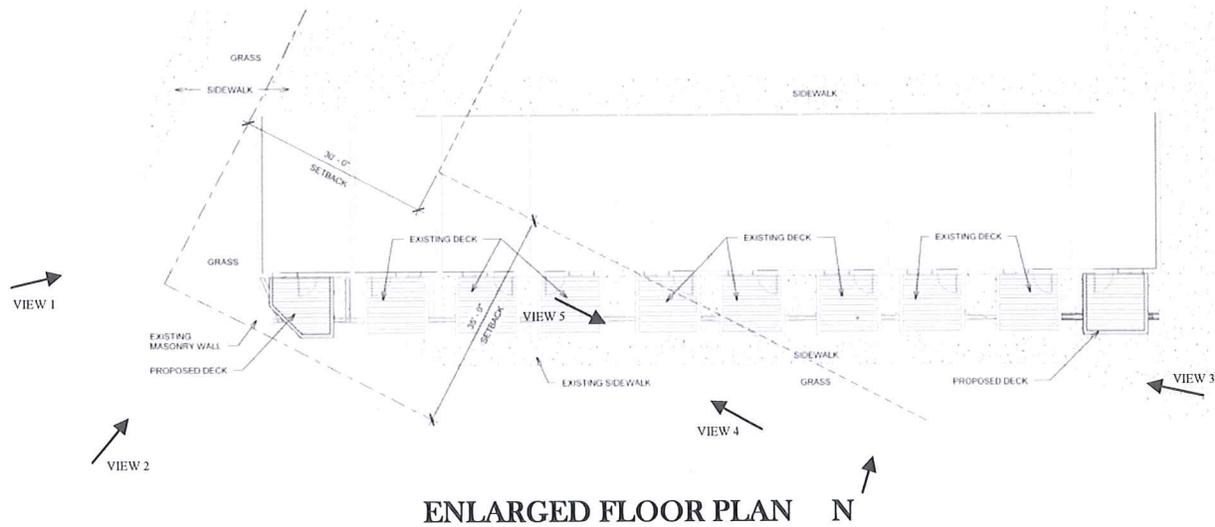
Dear Building Owner:

The above referenced property is in the process of submitting for an After-the-Fact Variance with the City of Ormond Beach, the Application Process requires that Abutting Property Owners be notified to allow them the opportunity to voice their opinion on the Variance Request.

The said property is zoned B-6, Oceanfront Tourist Commercial Zoning District. The purpose of this zoning has been taken directly from Sec. 2-27. B-6 of the Land Development Code "The purpose of the B-6, Oceanfront Tourist Commercial Zoning District is specifically designed for oceanfront tourist development as envisioned in the comprehensive plan with the goal of establishing a high-quality environment for the development of oceanfront properties for transient lodging and high-density residential development related to tourism and seasonal occupancy. The district strives for efficient use of the land, preservation of ocean breezes, marine habitats, ocean amenities for and maintenance of view sheds, landscaping, open space and beach access for visitors and residents alike."

The Makai Beach Lodge is requesting that the existing non-conforming decks be permitted to remain in place and allow the construction of one final non-conforming deck where the deck structure and 2nd floor access door is already in place. The said property has eight (8) existing second floor wood framed balconies with a door at the second level for balcony access. The orientation of the existing building and decks allows the for scenic ocean views. The current 2 story building is considered a non-conforming structure and five (5) of the (8) existing decks are considered as non-conforming as well.

Please refer to the architectural site plan, floor plan and images to aid in the description of the Variance Request. Please also take a moment to provide your opinion on the attached Abutting Property Owners Form and return it to Polychrones Design Company via the pre-addressed and postage paid envelope included.



VIEW 1 - FROM ATLANTIC AVE.



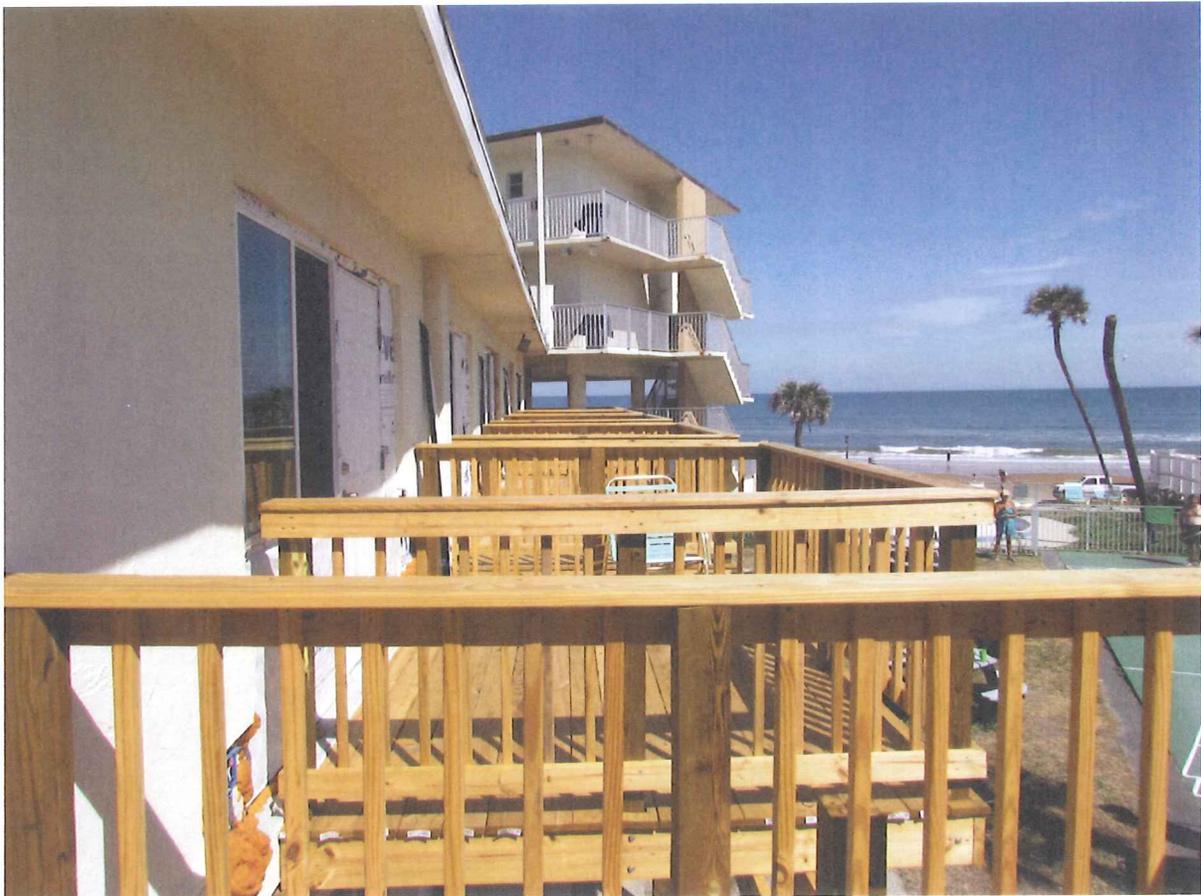
VIEW 2 - FROM ADJACENT LOT



VIEW 3 -EXISTING DECKS



VIEW 4 - NON-CONFORMING DECKS



VIEW 5 -NEW SIGHTLINES FROM EXISTING DECKS TO OCEAN



Should you have any questions concerning this letter or the Makai Variance Board Meeting, please contact Kinsey Polychrones at 386-562-4126 or kinsey@polychrones-design.com.

Sincerely,

A handwritten signature in black ink that reads "Kinsey Polychrones". The signature is written in a cursive, flowing style.

Kinsey Polychrones, AIA, NCARB, LEED AP BD+C

FL AR95898



April 25, 2014

Pinchas & Eva Mamane
2739 N Atlantic Ave.
Daytona Beach, FL 32118

Abutting Property Address
712 South Atlantic Ave.
Ormond Beach, FL 32176
Parcel ID: 23-14-32-09-06-0260

RE: **Abutting Property Owner Opinion of Variance**
Makai Beach Lodge
707 South Atlantic Ave.
Ormond Beach, FL 32176

After you have reviewed the information provided in regards to the Makai Beach Lodge Variance please use the area below to state your opinion on whether you are for or against the above mentioned variance. Thank you for your time and attention to this matter. Please return this form signed and dated in the pre-addressed and postage paid envelope provided.

_____ For Variance Approval

_____ Against Variance Approval

Owner's Name

Owner's Signature

Date



April 25, 2014

Shiv Bhola LLC
1305 S Ridgewood Ave.
Daytona Beach, FL 32114

Abutting Property Address
657 South Atlantic Ave.
Ormond Beach, FL 32176
Parcel ID: 23-14-32-16-01-0010

RE: **Makai Beach Lodge Variance Application**
707 South Atlantic Ave.
Ormond Beach, FL 32176

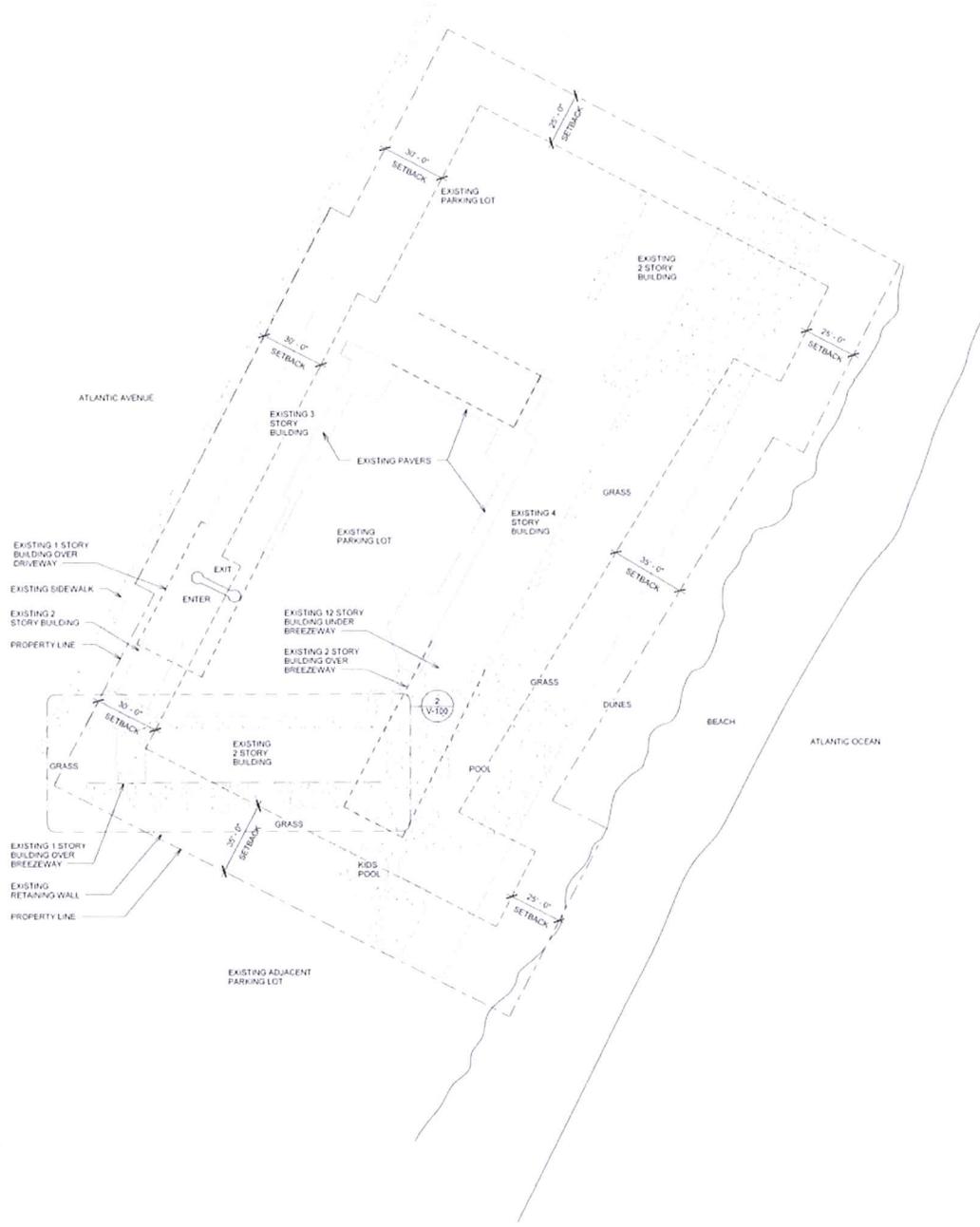
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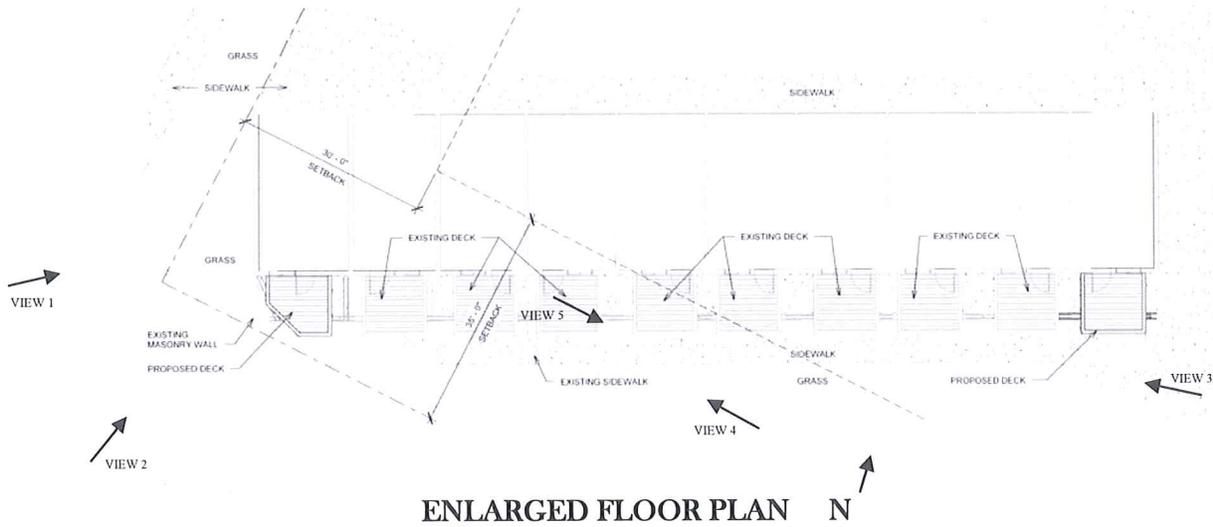
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ARCHITECTURAL SITE PLAN 



VIEW 1 - FROM ATLANTIC AVE.



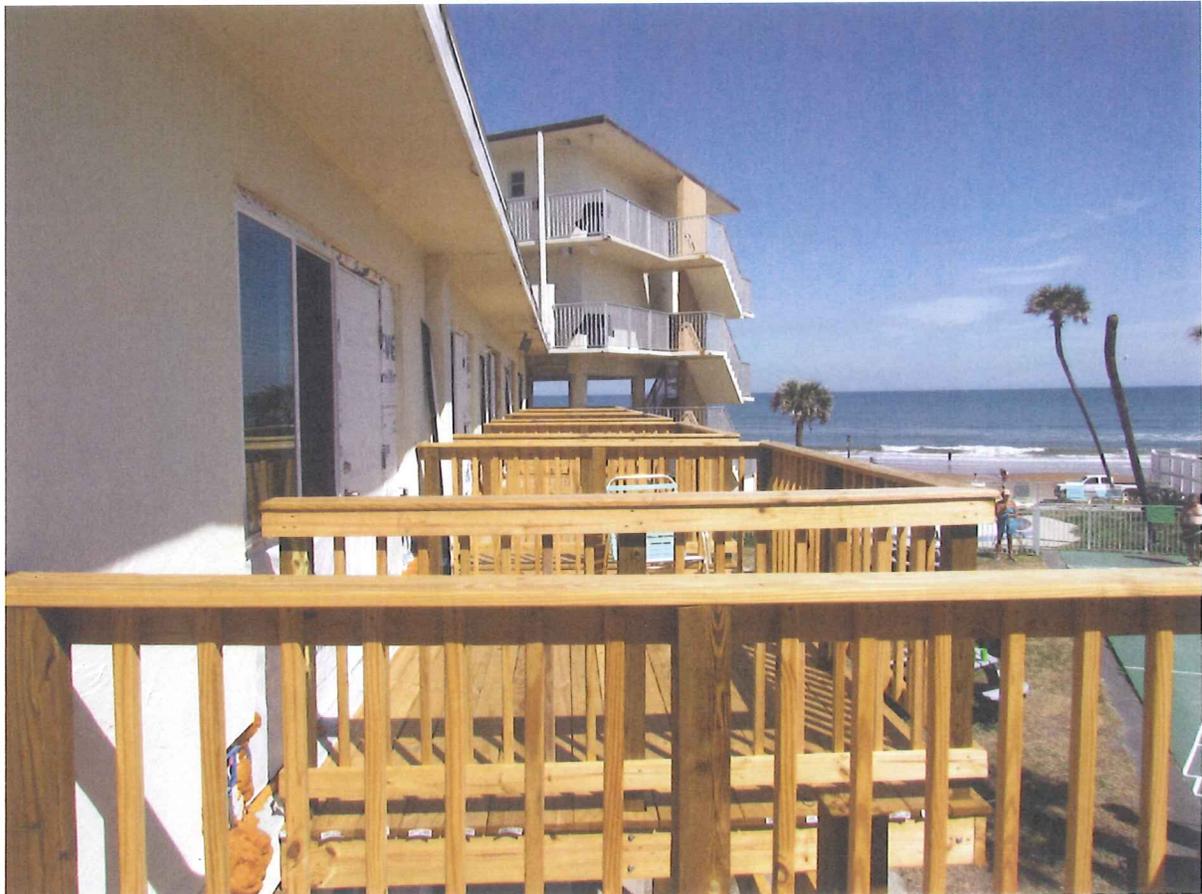
VIEW 2 - FROM ADJACENT LOT



VIEW 3 -EXISTING DECKS



VIEW 4 - NON-CONFORMING DECKS



VIEW 5 -NEW SIGHTLINES FROM EXISTING DECKS TO OCEAN



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Sincerely,

Kinsey Polychrones, AIA, NCARB, LEED AP BD+C

FL AR95898



April 25, 2014

Shiv Bhola LLC
1305 S Ridgewood Ave.
Daytona Beach, FL 32114

Abutting Property Address
657 South Atlantic Ave.
Ormond Beach, FL 32176
Parcel ID: 23-14-32-16-01-0010

RE: **Abutting Property Owner Opinion of Variance**
Makai Beach Lodge
707 South Atlantic Ave.
Ormond Beach, FL 32176

After you have reviewed the information provided in regards to the Makai Beach Lodge Variance please use the area below to state your opinion on whether you are for or against the above mentioned variance. Thank you for your time and attention to this matter. Please return this form signed and dated in the pre-addressed and postage paid envelope provided.

_____ For Variance Approval

_____ Against Variance Approval

Owner's Name

Owner's Signature

Date



April 25, 2014

Embassy Investment VII - Coral Beach LLC
45 Seton Tr.
Ormond Beach, FL 32176

Abutting Property Address
711 South Atlantic Ave.
Ormond Beach, FL 32176
Parcel ID: 23-14-32-10-01-0010

RE: Makai Beach Lodge Variance Application
707 South Atlantic Ave.
Ormond Beach, FL 32176

Dear Building Owner:

The above referenced property is in the process of submitting for an After-the-Fact Variance with the City of Ormond Beach, the Application Process requires that Abutting Property Owners be notified to allow them the opportunity to voice their opinion on the Variance Request.

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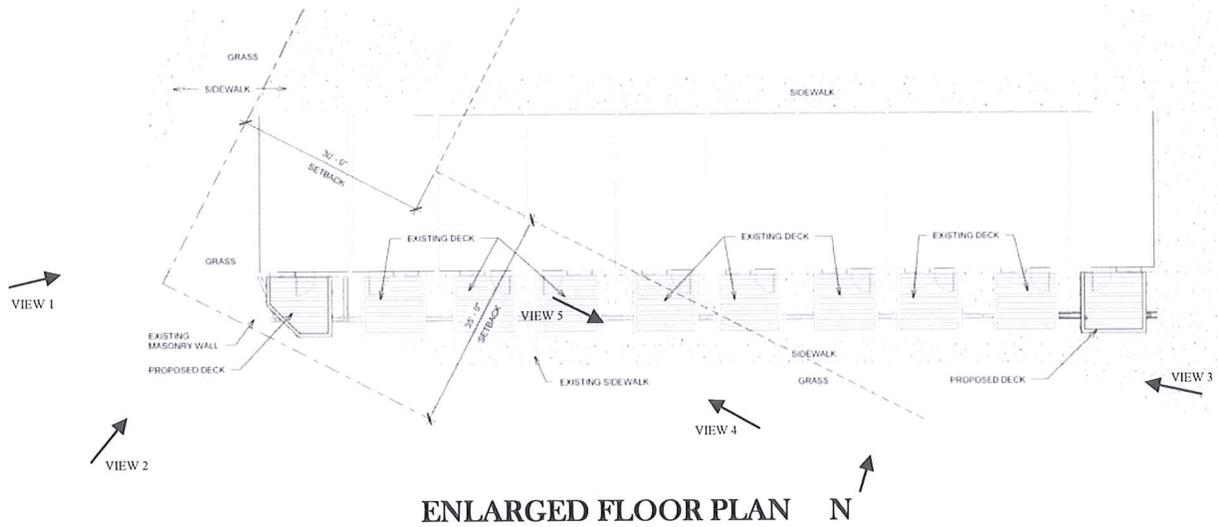
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ARCHITECTURAL SITE PLAN





VIEW 1 - FROM ATLANTIC AVE.



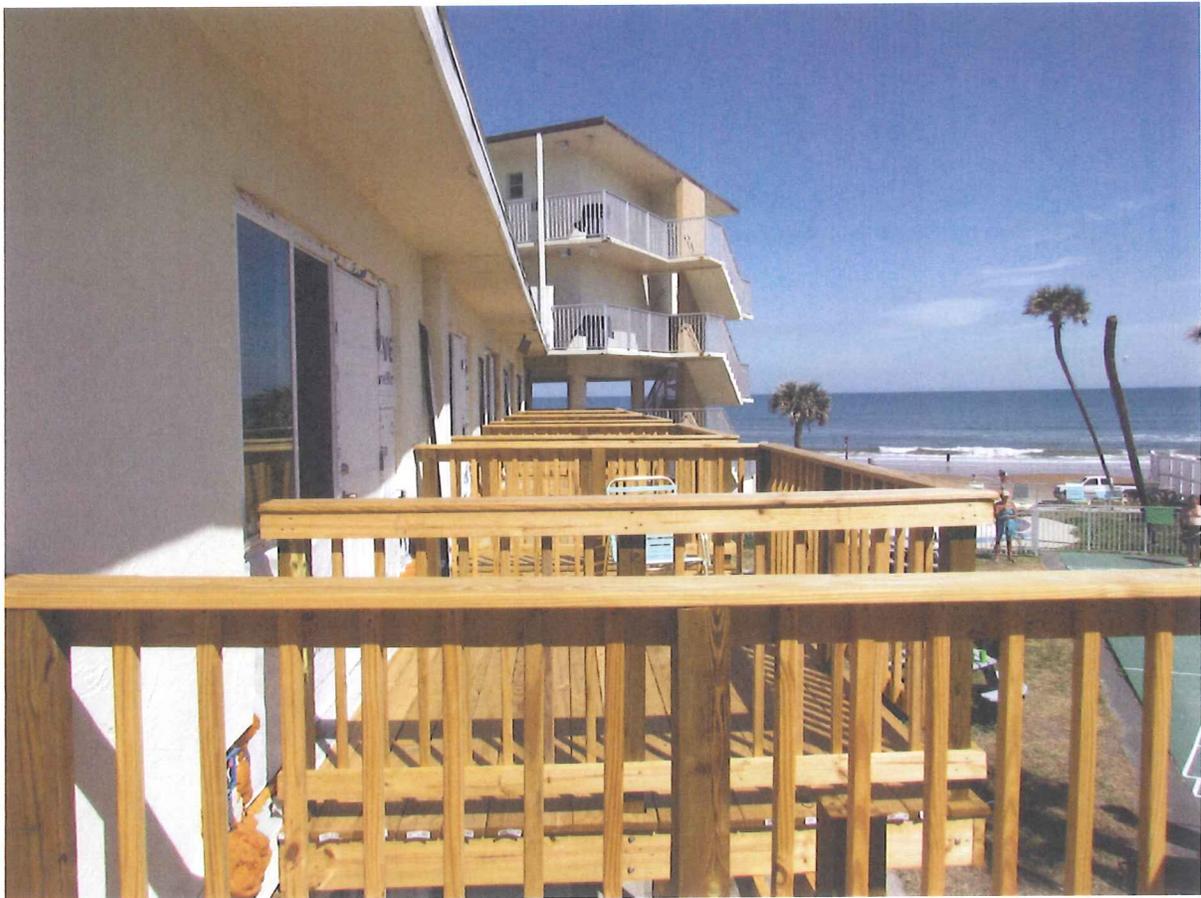
VIEW 2 - FROM ADJACENT LOT



VIEW 3 -EXISTING DECKS



VIEW 4 - NON-CONFORMING DECKS



VIEW 5 -NEW SIGHTLINES FROM EXISTING DECKS TO OCEAN



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Sincerely,

Kinsey Polychrones, AIA, NCARB, LEED AP BD+C

FL AR95898



April 25, 2014

Embassy Investment VII - Coral Beach LLC
45 Seton Tr.
Ormond Beach, FL 32176

Abutting Property Address
711 South Atlantic Ave.
Ormond Beach, FL 32176
Parcel ID: 23-14-32-10-01-0010

RE: **Abutting Property Owner Opinion of Variance**
Makai Beach Lodge
707 South Atlantic Ave.
Ormond Beach, FL 32176

After you have reviewed the information provided in regards to the Makai Beach Lodge Variance please use the area below to state your opinion on whether you are for or against the above mentioned variance. Thank you for your time and attention to this matter. Please return this form signed and dated in the pre-addressed and postage paid envelope provided.

_____ For Variance Approval _____ Against Variance Approval

Owner's Name

Owner's Signature

Date



May 9, 2014

City of Ormond Beach Planning Department
Board of Adjustments and Appeal
22 S. Beach St.
Room 104
Ormond Beach, FL 32174
PH: 386-676-3238

RE: Makai Beach Lodge Variance Application - Encroachment Exhibit
707 South Atlantic Ave.
Ormond Beach, FL 32176

Dear Planning Department:

The Makai Beach Lodge is requesting that the existing non-conforming decks, outlined in the Encroachment Exhibit, be permitted to remain in place and allow the construction of one final non-conforming deck where the deck structure and 2nd floor access door are already in place. The decks that are being addressed through this variance application are noted as balcony #1- balcony #4 and show dimensions in which they encroach over the 30' front setback and the 25' side setback.

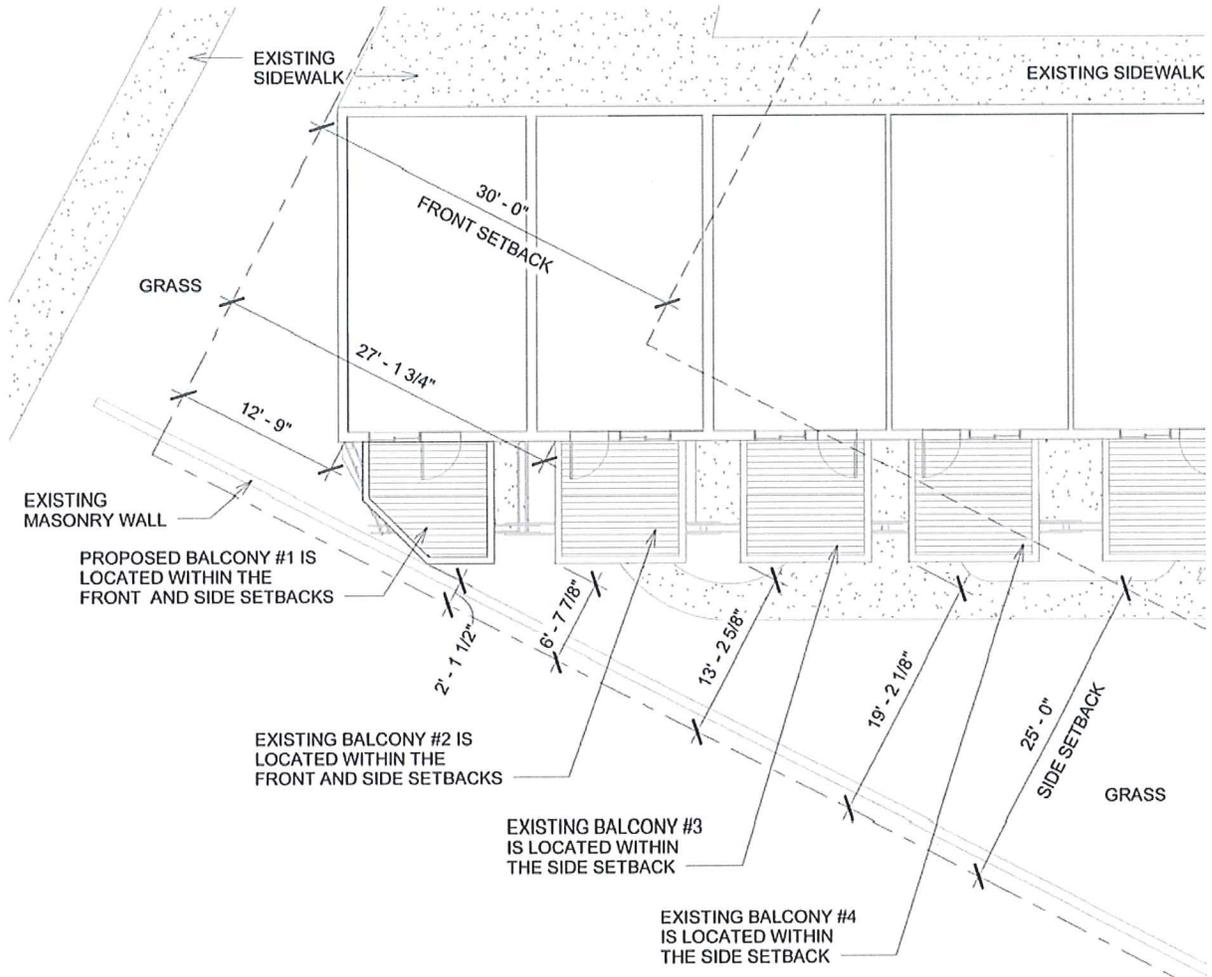
Please refer to the included encroachment plan to aid in the description of the Variance Request and Existing Hardship.

Should you have any questions concerning this letter or the Makai Variance Board Meeting, please contact Kinsey Polychrones at 386-562-4126 or kinsey@polychrones-design.com.

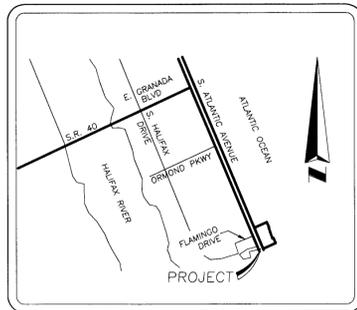
Sincerely,

Kinsey Polychrones, AIA, NCARB, LEED AP BD+C

FL AR95898



ENCROACHMENT PLAN N ↑

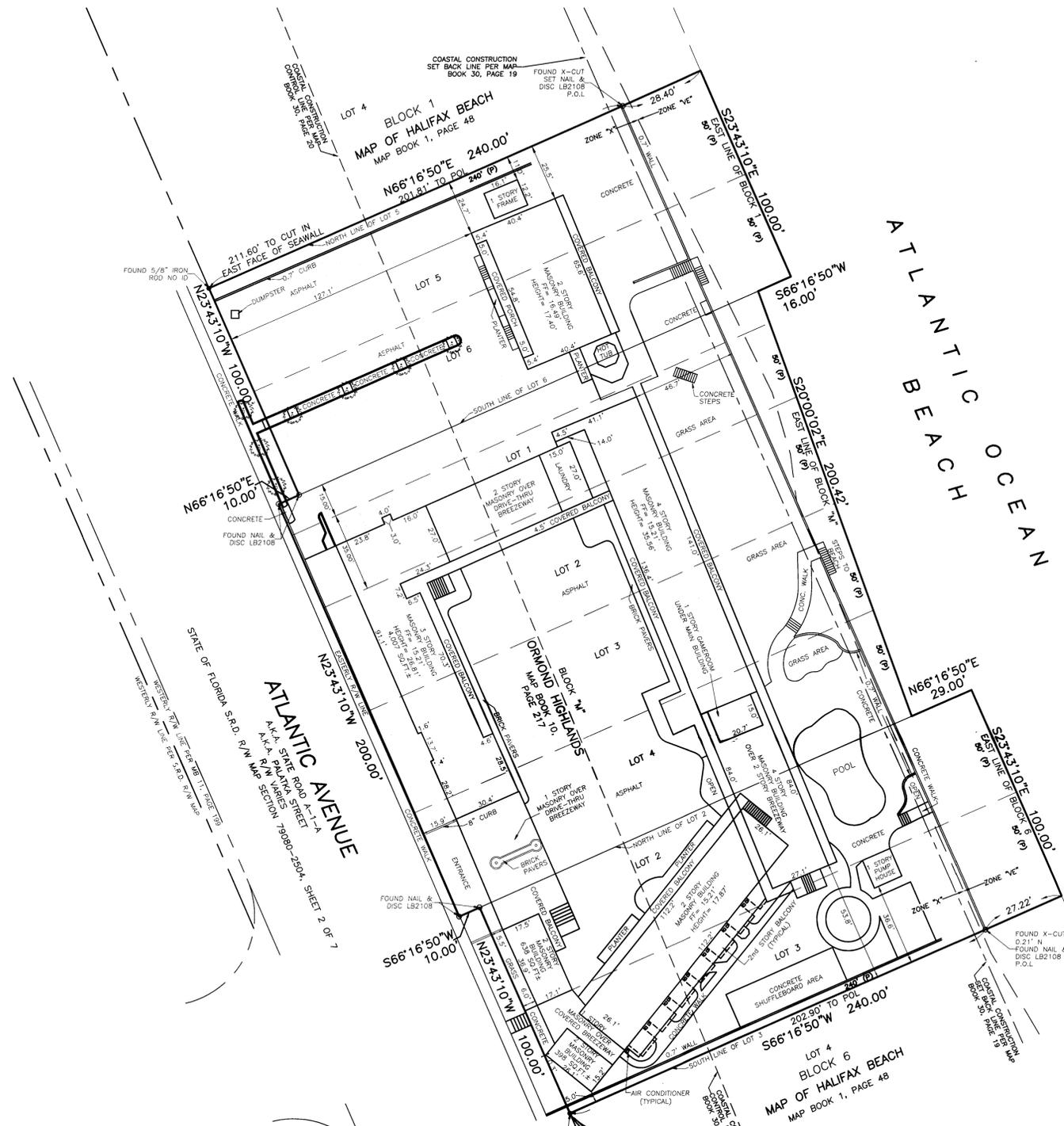


VICINITY MAP
NOT TO SCALE

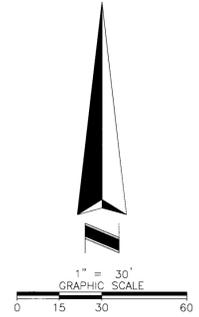
ZONING INFORMATION PARCEL 1

CURRENT ZONING DATED: MARCH 19, 2014

ITEM	REQUIRED	OBSERVED	INFORMATION SOURCE
PERMITTED USE	OCEANFRONT TOURIST COMMERCIAL	HOTEL	WEB SITE: www.ORMONDBEACH.ORG
MINIMUM LOT AREA	30,000 SQUARE FEET	93,499 SQUARE FEET	MUNICIPALITY: CITY OF ORMOND BEACH
MINIMUM FRONTAGE	-	400.00'	PERSON CONTACTED: -
MINIMUM LOT WIDTH	150'	400.00'	PHONE/FAX NUMBER: -
MAX BUILDING COVERAGE	40%	15%	DATE CONDUCTED: MARCH 19, 2014
MINIMUM FRONT SETBACK	30'	0.33'	NOTES: 1. THE SUBJECT PROPERTY IS ZONED "B-4", OCEANFRONT TOURIST COMMERCIAL. 2. BECAUSE THERE MAY BE A NEED FOR INTERPRETATION OF THE APPLICABLE ZONING CODES, WE REFER YOU TO THE GOVERNING MUNICIPALITY AND THEIR APPLICABLE ZONING CODES.
MINIMUM SIDE SETBACK	25'+S' FOR EACH STORY OVER 2	5.00'	
MINIMUM REAR SETBACK	25'+S' FOR EACH STORY OVER 2	-	
MAX BUILDING HEIGHT	75'	35.56'	
REGULAR PARKING SPACES	-	-	
HANDICAPPED PARKING SPACES	-	-	
TOTAL PARKING SPACES	-	-	



- LEGEND & ABBREVIATIONS:**
- X = CROSS CUT
 - = CONCRETE MONUMENT
 - = IRON ROD
 - = NAIL W/DISC
 - RMP = REINFORCED METAL PIPE
 - VCP = VITRIFIED CLAY PIPE
 - INV = INVERT
 - MB = MAP BOOK
 - ORB = OFFICIAL RECORDS BOOK
 - PG(S) = PAGE(S)
 - LB = LICENSED BUSINESS
 - R/W = RIGHT OF WAY
 - FF = FINISH FLOOR ELEVATION
 - ⊕ = MANHOLE
 - = FLAT GRATE INLET
 - ☉ = PALM
 - AC = AIR CONDITIONER
 - P.O.L. = POINT ON LINE
 - CONC. = CONCRETE
 - (P) = PLAT
 - SQFT = SQUARE FOOT
 - S.R.D. = STATE ROAD
 - A.K.A. = ALSO KNOWN AS



DESCRIPTION PER TITLE COMMITMENT:

PARCEL 1:
Parcel No. 1: the Southerly 35 feet of Lot 1 and all of Lots 2, 3, and 4, Block "M", Ormond Highlands, as recorded in Map Book 10, page 217, of the Public Records of Volusia County, Florida, also Lots 2 and 3, Block 6 Halifax Beach Subdivision, as recorded in Map Book 1, page 48, of the Public Records of Volusia County, Florida, together with littoral rights, shore rights and accretions appurtenant thereto.

Parcel No. 2: Lots 5 and 6, Block 1, Halifax Beach Subdivision, as recorded in Map Book 1, page 48, of the Public Records of Volusia County, Florida, also the North 15 feet of Lot 1, Block "M", Ormond Highlands, as recorded in Map Book 10, page 217, of the Public Records of Volusia County, Florida, together with littoral rights, shore rights and accretions appurtenant thereto.

METES AND BOUNDS DESCRIPTION AS WRITTEN BY THE SURVEYOR:

PARCEL 1
Lots 1, 2, 3 and 4, Block "M", Ormond Highlands, as recorded in Map Book 10, Page 217, Public Records of Volusia County, Florida, together with Lots 5 and 6, Block 1 and Lots 2 and 3, Block 6, Map of Halifax Beach, as recorded in Map Book 1, Page 48, of the Public Records of Volusia County, Florida, being more particularly described as follows:
BEGIN at the Southwest corner of said Lot 3 of Block 6; thence, along the Easterly right of way line of South Atlantic Avenue as described in State Road Department Right of Way Map Section #79080-2504 the following five (5) courses and distances, (1) North 23°43'10" West, 100.00 feet; (2) South 66°16'50" West, 100.00 feet; (3) North 23°43'10" West, 200.00 feet; (4) North 66°16'50" East, 10.00 feet; (5) North 23°43'10" West, 100.00 feet to the North line of said Lot 5; thence, along said North line, North 66°16'50" East, 240.00 feet to the East line of said Block 1; thence, along said East line, South 23°43'10" East, 100.00 feet to the South line of said Lot 6; thence, along said South line, South 66°16'50" West, 16.00 feet to the East line of said Block "M"; thence, along said East line, South 20°00'02" East, 200.42 feet to the North line of said Lot 2; thence, along said North line, North 66°16'50" East, 29.00 feet to the East line of said Block 6; thence, along said East line, South 23°43'10" East, 100.00 feet to the South line of said Lot 3; thence, along said South line, South 66°16'50" West, 240.00 feet to the POINT OF BEGINNING.
Containing: 93,499 square feet, or 2.146 acres more or less.

THE DESCRIPTION CONTAINED IN THE TITLE COMMITMENT DESCRIBES THE SAME PARCEL OF LAND AS THE METES AND BOUNDS DESCRIPTION AS WRITTEN BY THE SURVEYOR AND CONTAINS NO GAPS, GORES, OR HIATUSES ALONG THE ENTIRE COLLINEAR LENGTH.

SURVEYOR'S REPORT:

- Utility locations if shown hereon are based on field location of markings by Utility Company representatives, surface features and construction plans furnished to the surveyor. Additional sub-surface utilities may exist that have not been field located.
- Easements or rights of way that appear on recorded plans or that have been furnished to the surveyor or by others have been incorporated into this drawing with appropriate notation. Other easements may be discovered by a search of the Public Records.
- Measurement methods used for this survey meet MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING CH. 5J-17.050-.052 requirements.
- Not valid without the signature and raised seal of a Florida licensed surveyor and mapper.
- Features shown by symbol as indicated in the legend are not to scale.
- Bearings shown hereon are based on the Easterly right of way line of South Atlantic Avenue, being North 23°43'10" West.
- Vertical information shown hereon refers to National Geodetic Survey vertical control point 79 78 A60 (PID A01869), elevation= 11.31' (NAVD88).
- Based on the National Flood Insurance Program FIRN Map No. 12127C0218H, dated 02/19/2003, the above described property is within a special flood hazard Zone "X" & VE.
- The horizontal positions for all features shown on the map are relative to North American Datum, NAD 1983, 2007 adjustment, State Plane Coordinate System, Florida East Zone. Control point(s) used for this survey are National Geodetic Survey, NGS points PID#1234 and PID#4321; distances shown are GRID distances.
- I have reviewed the title insurance commitment # 2055177, dated 11/13/2007 and all recorded encumbrances, except liens, identified in Schedule B-2 of the title insurance commitment have been shown or noted on the survey.
- Unless shown, only those visible features in the immediate vicinity of the above described parcel boundary have been located.
- Dimensions are shown in United States standard survey feet and decimals thereof.
- East Boundary Line Corners not set, falls in Beach Area.

NOTICE OF LIABILITY:

This survey is certified to those individuals shown on the face thereof. Any other use, benefit or reliance by any other party is strictly prohibited and restricted. Surveyor is responsible only to those certified and hereby disclaims any other liability and hereby restricts the rights of any other individual or firm to use this survey, without the expressed written consent of the Surveyor.

	<p>SOUTHEASTERN SURVEYING AND MAPPING CORPORATION 6500 All American Boulevard Orlando, Florida 32810-4350 (407) 292-8500 e-mail: info@southeasternsurveying.com</p>	<p>REVISION DATE</p> <p>REVISION</p>
<p>Boundary Survey</p> <p>Makai Beach Resort</p>	<p>Project: Makai Beach Resort</p> <p>Drawn By: LSA</p> <p>Scale: 1"=30'</p> <p>Field Date: March 19, 2014</p>	<p>REVISION DATE</p> <p>REVISION</p>
<p>Certified to:</p> <p>DRAWING NUMBER</p> <p>50807020</p> <p>SHEET NUMBER</p> <p>1 OF 1</p>		<p>BY: [Signature]</p> <p>REGISTERED LAND SURVEYOR</p> <p>Number 4795</p> <p>SHEET NUMBER 1 OF 1</p>