



AGENDA

ORMOND BEACH BOARD OF ADJUSTMENT AND APPEALS

October 1, 2014

ORMOND BEACH
CITY COMMISSION CHAMBERS

7:00 P.M.

- I. ROLL CALL
- II. APPROVAL OF THE MINUTES
 - A. September 3, 2014
- III. NEW BUSINESS

A. Case No. V2014-126: 1320 North Beach Street, floor area variance.

This is a request for a floor area variance to construct a single-family house from Mr. Sam Toutouchian, property owner of 1320 North Beach Street. The subject property is zoned as R-2 (Single-Family Low Density). Section 2-13(F)(5) of the Land Development Code requires a minimum floor area of a single family house structure to be a minimum of 2,100 square feet. The variance request from Mr. Toutouchian seeks to allow a floor area of the proposed single family house structure to be 1,700 square feet based on the lot size of 50' in width and 100' in depth, requiring a variance of 400 square feet to the required 2,100 square foot minimum floor area requirement.

B. Case No. V2014-118: 29 River Ridge Trail, driveway setback variance.

This is a request for a driveway setback variance from Mr. Richard Littlejohn, of Truscot Construction, Inc., on behalf on the property owners of 29 River Ridge Trail to construct a paver driveway within the 3' driveway setback requirement. Section 3-25(c)(1) of the Land Development Code requires no point of access (driveway) on any lot shall not be closer than 3' to the property line. The variance request from Mr. Littlejohn seeks to allow a paver driveway with a 0' setback for a distance of approximately 70 linear feet, requiring a variance of 3' to the required 3' driveway setback standard.

C. Case No. V2014-127: 368 Tymber Run, pool screen enclosure variance.

This is a request for a pool screen enclosure variance from Mr. Fred Leykamm, property owner of 368 Tymber Run to construct a pool screen enclosure over a pool under construction. Section 2-50(X)(1)(c)(2) of the Land Development Code requires a 10' setback for a pool screen enclosure to the rear property line. The variance request from Mr. Leykamm seeks to allow a pool screen enclosure over a pool under construction with a 4.84' variance to the required pool screen enclosure setback of 10', with a resulting setback of 5.16' to the rear property line.

D. Case No. V2014-125: 869 South Atlantic Avenue (Riptides Restaurant), front yard variance.

This is a request for a front yard variance submitted by Mr. Stan Hoelle, Architect, on behalf of the Riptides restaurant at 869 South Atlantic Avenue to construct a hard roof addition within the front yard setback. Section 2-27(B)(9)(a) of the Land Development Code requires a 30' front yard setback for all hard roof building structures. The variance request from Mr. Hoelle seeks to allow a 23.5' variance to the required front yard setback of 30' to construct a hard roof structure over the existing front deck area, with a resulting front yard setback of 6.5'.

E. Case No. V2014-128: 1190 North US Highway 1, rear yard variance.

This is a request for a rear yard variance from Mischelle Romesberg (applicant), Playtex Manufacturing, at 1190 North US Highway 1 to allow a new construction of a tank farm and covered loading dock. The property at 1190 North US Highway 1 is zoned I-1 (Light Industrial). Section 2-32(B)(9)(b) of the Land Development Code requires a 20' rear yard setback. The applicant is requesting to allow a 20' rear yard variance to install a tank farm and loading dock abutting the Railroad Street right-of-way, an unimproved 50' right-of-way. The resulting rear yard setback for the tank farm and loading dock structures is proposed at 0'.

IV. OTHER BUSINESS

A. Pool screen enclosure, Land Development Code amendments.

V. ADJOURNMENT

MINUTES
BOARD OF ADJUSTMENT

September 3, 2014

7:00 p.m.

Commission Chambers
22 South Beach Street
Ormond Beach, Florida

I. ROLL CALL

Members Present

Staff Present

Tony Perricelli, Vice Chair
Ryck Hundredmark
Jean Jenner
Norman Lane
Brian Nave (Alt)
Dennis McNamara (Excused)

Steven Spraker, Senior Planner
Ann-Margret Emery, Deputy City Attorney
Melanie Nagel, Minutes Technician

II. APPROVAL OF THE MINUTES

A. August 6, 2014 Minutes

Mr. Hundredmark moved to approve the August 6, 2014 Minutes as submitted. Mr. Jenner seconded the motion. Vote was called, and the motion was approved by members who attended the last meeting.

III. NEW BUSINESS

A. Case No. V2014-113: 12 Tanglewood Circle, Pool Screen Enclosure Variances, rear and interior side yard setbacks

Mr. Spraker, Senior Planner, City of Ormond Beach, stated this is an application for a rear and interior side yard setback variance for a screen enclosure over the pool and deck at 12 Tanglewood Circle. Mr. Spraker explained the location, orientation, and characteristics of the subject property and presented the staff report. Mr. Spraker stated staff is recommending approval.

Mrs. Gail Lumpkin, applicant, stated she would like to improve the property and feels the enclosure would be an enhancement. Mrs. Lumpkin has mosquito allergies and skin cancer, and also needs to use the pool for exercising her back which was injured in an accident.

Mr. Jenner stated that the board has dealt with this issue before, and we are asking people over and over to meet criteria they can't meet. Mr. Spraker stated there is nothing in our current Land Development Code for people who don't already have a screen enclosure. Mr. Spraker stated that if the Board wanted Staff to look at this as a matter of policy, they would be happy to do that.

Mr. Jenner stated that if you have an existing pool that is 3' from the property line and you want to enclose it, you can't under the current code. Mr. Spraker stated that the screen enclosure could be the same as the pool setback, which is 5 feet, which would help in a lot of situations. Mr. Jenner stated that homes that are being built today should be following the codes, but he is talking about homes that were built 20-30 years ago.

Mr. Nave asked if it were possible to write the code in such a way that it could exempt older homes. Mr. Spraker stated that Staff could bring back some suggestions for the Board to review, and then it would have to go to Planning Board.

Mr. Perricelli asked if there were any more questions. There were none.

Following discussion, Mr. Hundredmark moved to approve the variance for the rear and side yard setback, as submitted. Mr. Lane seconded the motion. Vote was called, and the motion was unanimously approved.

Mr. Cory Smith, contractor for the applicant, stated that this is very abnormal with the enclosure being so close to the property line, however, it is the fourth time this year that he has come across this with certain properties. The previous three times they chose not to seek a variance due to the effort and cost. Mr. Nave asked if Mr. Smith had installed the deck pavers. Mr. Smith stated that another contractor had just put pavers over the existing concrete deck.

V. OTHER BUSINESS

None.

VI. ADJOURNMENT

As there was no other business, the meeting was adjourned at 7:10 p.m.

Respectfully submitted,

Steven Spraker, AICP, Senior Planner

ATTEST:

Tony Perricelli, Vice 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: September 22, 2014

SUBJECT: 1320 North Beach Street, floor area variance

APPLICANT: Sam Toutouchian, property owner

FILE NUMBER: V2014-126

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION:

This is a request for a floor area variance to construct a single-family house from Mr. Sam Toutouchian, property owner of 1320 North Beach Street. The subject property is zoned as R-2 (Single-Family Low Density). Section 2-13(F)(5) of the Land Development Code requires a minimum floor area of a single family house structure to be a minimum of 2,100 square feet. The variance request from Mr. Toutouchian seeks to allow a floor area of the proposed single family house structure to be 1,700 square feet based on the lot size of 50' in width and 100' in depth, requiring a variance of 400 square feet to the required 2,100 square foot minimum floor area requirement.

BACKGROUND:

The property is designated as "Low Density Residential" on the City's Future Land Use Map (FLUM) and is zoned R-2 (Single-Family Low Density) on the City's Official Zoning Map. The surrounding uses, land use, and zoning designations are as follows:

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

Site aerial:



Source: Bing maps

The property at 1320 North Beach Street is currently vacant and measures 50' in width and 100' in depth. The property is non-conforming to the R-2 (Single-Family Low Density) (see Exhibit D) zoning district requirements of 100' in lot width and minimum parcel square footage of 10,000 square feet. Non-conforming lots of record, per Section 2-61 of the Ormond Beach Land Development Code can be developed provided that they meet all applicable district regulations or obtain necessary variances from the Board of Adjustment and Appeals.

ANALYSIS:

The subject property is zoned as R-2 (Single-Family Low Density). Section 2-13(F)(5) of the Land Development Code requires a minimum floor area of the single family house structure to be a minimum of 2,100 square feet. The floor area standard is designed to require a certain house square footage and does not include the garage area. For a conforming lot of 10,000 square feet the minimum floor requirements are not an issue to satisfied. The variance request from Mr. Toutouchian seeks to allow a floor area of single family house structure to be 1,700 square feet based on the lot size of 50' in width and 100' in depth, requiring a variance of 400 square feet to the required 2,100 square foot minimum floor area requirement. The garage square footage will be in addition to the 1,700 square feet of living area.

There has been discussion between Planning staff and the applicant regarding a variety of scenarios and options on the subject property. Key aspects of the property include:

1. The property was platted in 1925 in Volusia County with the Daytona Shores plat (see Exhibit B). A majority of the Daytona Shores plat was re-platted with Oak Forest, Phase IV-B plat in 1978. The 1978 Oak Forest plat did not amend the 1925 Daytona Shores plat for the property at 1320 North Beach Street.

2. The lot is 50' in width and the R-2 (Single-Family Low Density) zoning district requirement is 100';
3. The lot is 100' in depth.
4. The lot area is 5,000 square feet and the R-2 (Single-Family Low Density) zoning district requirement is 10,000 square feet.
5. Setbacks in the R-2 (Single-Family Low Density) zoning district are as follows: 30' front, 25' rear, minimum of 8' on one side to total 20' for both sides.
6. The R-2 (Single-Family Low Density) zoning district has larger front and rear yard setbacks than the medium density zoning districts.
7. The minimum square footage required (not including the garage) is 1,500 square feet for a one-story house and 2,100 square feet for a two-story house.

The applicant has proposed a 1,734 square foot two story house with a 384 square garage that meets all the required setbacks within the R-2 (Single-Family Low Density) zoning district.

After public notice of the variance application, Planning staff was contacted by the property owners of 1325 North Beach Street who expressed concern regarding the development of the property and the proposed variance. The property owner at 1325 North Beach provided a letter dated September 16, 2014 requesting certain information. The letter and staff response has been included in Exhibit C. The concerns expressed included:

1. A two-story house structure would be inconsistent with the developed character of North Beach Street;
2. The proposed structure at 1320 North Beach Street would negatively impact property values; and
3. The property at 1320 North Beach Street is not a building lot.

Staff was also contacted via telephone by the property owner of 1322 North Beach Street who resides in New York. The property owner inquired to what was desired to be constructed at 1320 North Beach Street and the variance that was required. The property owner stated that they would be unable to attend the meeting. Planning staff stated that the property owner could e-mail staff any comments and they would be presented to the Board. Staff has not received an e-mail from the property owner at 1322 North Beach Street as of September 22, 2014.

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.”

Potential Alternatives, Waterfront Setback Encroachment:

1. Grant the applicant’s request for 400 square feet variance to the required 2,100 square foot minimum floor area requirement.
2. Deny the request.

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

1. **Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.**

Argument for the variance: The special condition is the overall square footage of the lot. The lot width is 50’ and the total lot area is 5,000 square feet. Both the lot width and lot area are half of the minimum requirements of the R-2 (Single-Family Low Density) zoning district. The lot area directly impacts the ability to meet the minimum square footage requirement for a single-family house.

Argument against the variance: None. The parcel size is non-conforming and was platted in 1925. The R-2 (Single-Family Low Density) zoning district standards are designed for larger lots with minimum parcel sizes of 10,000 square feet.

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

Argument for the variance: The special conditions and circumstances are not the actions of the applicant. The applicant purchased the lot in August of this year. The lot is an existing lot of record which means that the property owner has a right to develop the property for the uses allowed within the R-2 (Single-Family Low Density) zoning district. This lot was platted in 1925 and was not included in the 1978 Oak Forest, Phase IV B re-plat, which was platted around this property.

Argument against the variance: None. The special conditions are not the result of the applicant.

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

Argument for the variance: The parcel size creates a hardship and would deny the property owner reasonable use of the property for a use within the R-2 (Single-Family Low Density) zoning district. The R-2 (Single-Family Low Density) zoning setback standards are larger than other medium density residential districts and reduce the maximum potential building footprint based upon zoning standards enacted after the 1925 plat.

Argument against the variance: None. Staff concurs with the applicant that the application of the R-2 (Single-Family Low Density) zoning district standards would create a hardship and not allow a permitted use within the zoning district.

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

Argument for the variance: A number of alternatives were explored. In the site analysis, the issue became which variance is most appropriate for allowance of the uses of the R-2 (Single-Family Low Density) zoning district. Site design alternatives included building plans that encroached into the front, rear and/or side yards. The final alternative selected limits the variance needed to a single item regarding the minimum square footage and is the minimum variance to make reasonable use of the land.

The R-2 (Single-Family Low Density) zoning district allows a maximum building height of 30'. Most properties in the R-2 (Single-Family Low Density) comply or exceed the 10,000 square foot lot area requirement and choose a single-story house floor plan rather than a two-story because property's lot area.

Argument against the variance: None. The existing lot of record is required to be utilized for a reasonable use of land, otherwise the zoning regulations become a taking. As an alternative, the Land Development Code could be amended to reduce the overall living area square footage requirement for lots under 10,000 square feet as an alternative. There have not been a number of variance applications for development of non-conforming lots in the R-2 (Single-Family Low Density) zoning district which is why the variance application was sought.

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

Argument for the variance: The variance is not sought solely to reduce the cost of the construction of the project.

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

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

Argument for the variance: The request will not increase congestion, fire danger or public hazards. All setbacks of the R-2 (Single-Family Low Density) zoning districts are proposed to be met.

Argument against the variance: None. The variance will not create any hazards to the public and all the applicable setbacks are proposed to be met.

7. **The effect of the proposed variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code**

and will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.

Argument for the variance: The R-2 (Single-Family Low Density) zoning district allows single-family homes as a permitted use. The proposed building layout complies with all setback requirements and needs a single variance to the minimum house square footage. The requested variance is in harmony with the surrounding uses. Staff believes allowing encroachments in the rear, front, or side yards would have more impacts than a square footage variance.

Argument against the variance: The plot plan shows the proposed building complies with all setbacks. The only alternative would be to grant a variance for setback encroachments in order to enlarge the square footage of the proposed building.

8. **Granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, buildings, or structures in the same zoning district.**

Argument for the variance: The purpose of the variance process is to confer rights that are denied to a particular applicant because of a special condition or unique circumstance for their property. Denial would deprive the applicant of rights commonly enjoyed by other properties, building a single family house, in the same zoning district under the terms of the zoning regulations.

Argument against the variance: The Land Development Code should be amended to reduce the square footage requirements for lots that are less than 10,000 square feet.

RECOMMENDATION:

It is recommended that the Board of Adjustment and Appeals **APPROVE** a variance to allow the floor area of single family house structure to be 1,700 square feet based on the lot size of 50' in width and 100' in depth, requiring a variance of 400 square feet to the required 2,100 square foot minimum floor area requirement of the Land Development Code.

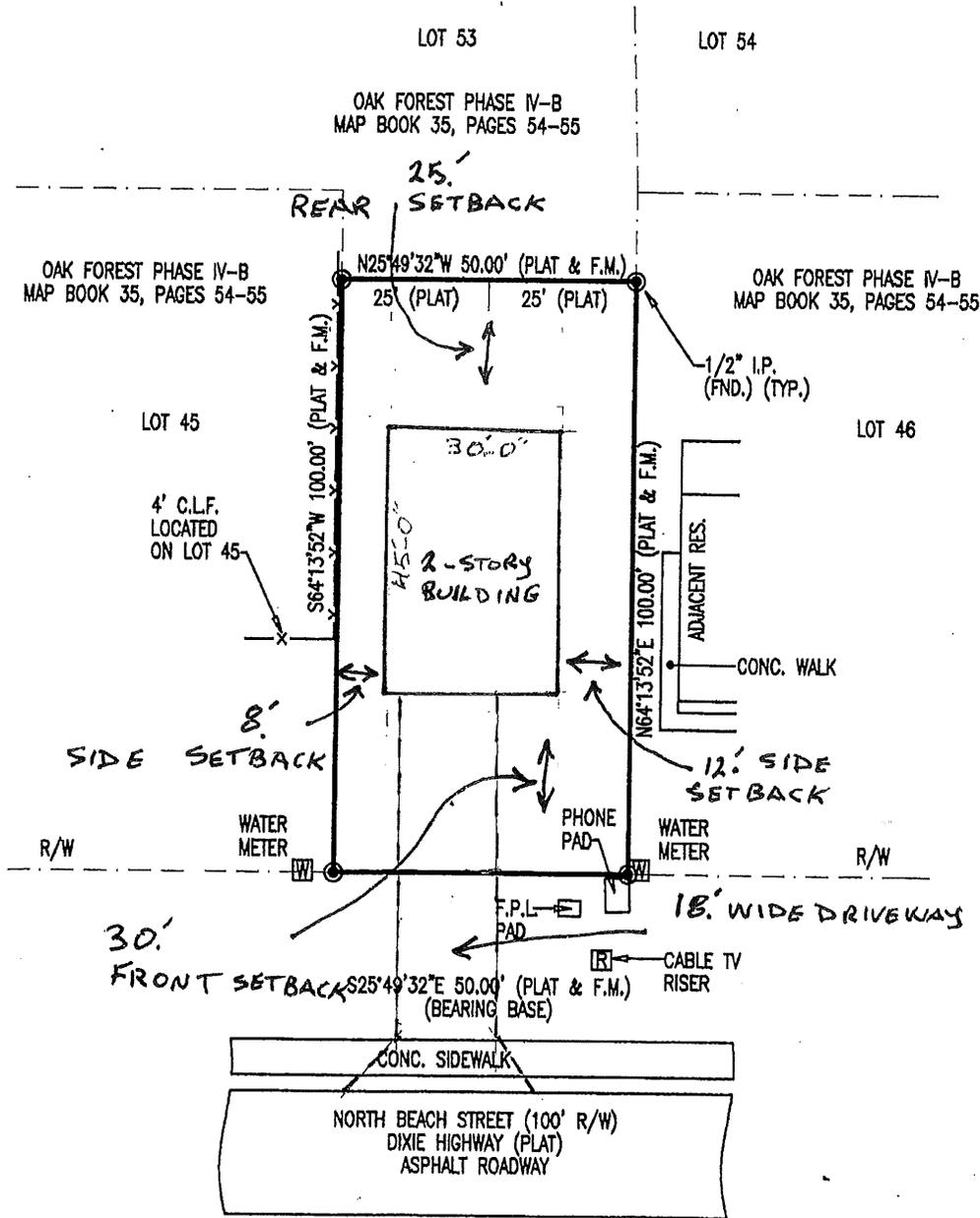
Exhibits:

- A: Variance Exhibit
- B: Maps, pictures, 1925 Daytona Shores Plat
- C: Letter dated September 16, 2014 from property owner at 1325 North Beach Street
- D: R-2 (Single-Family Low Density) Zoning District
- E: Variance application

Exhibit A

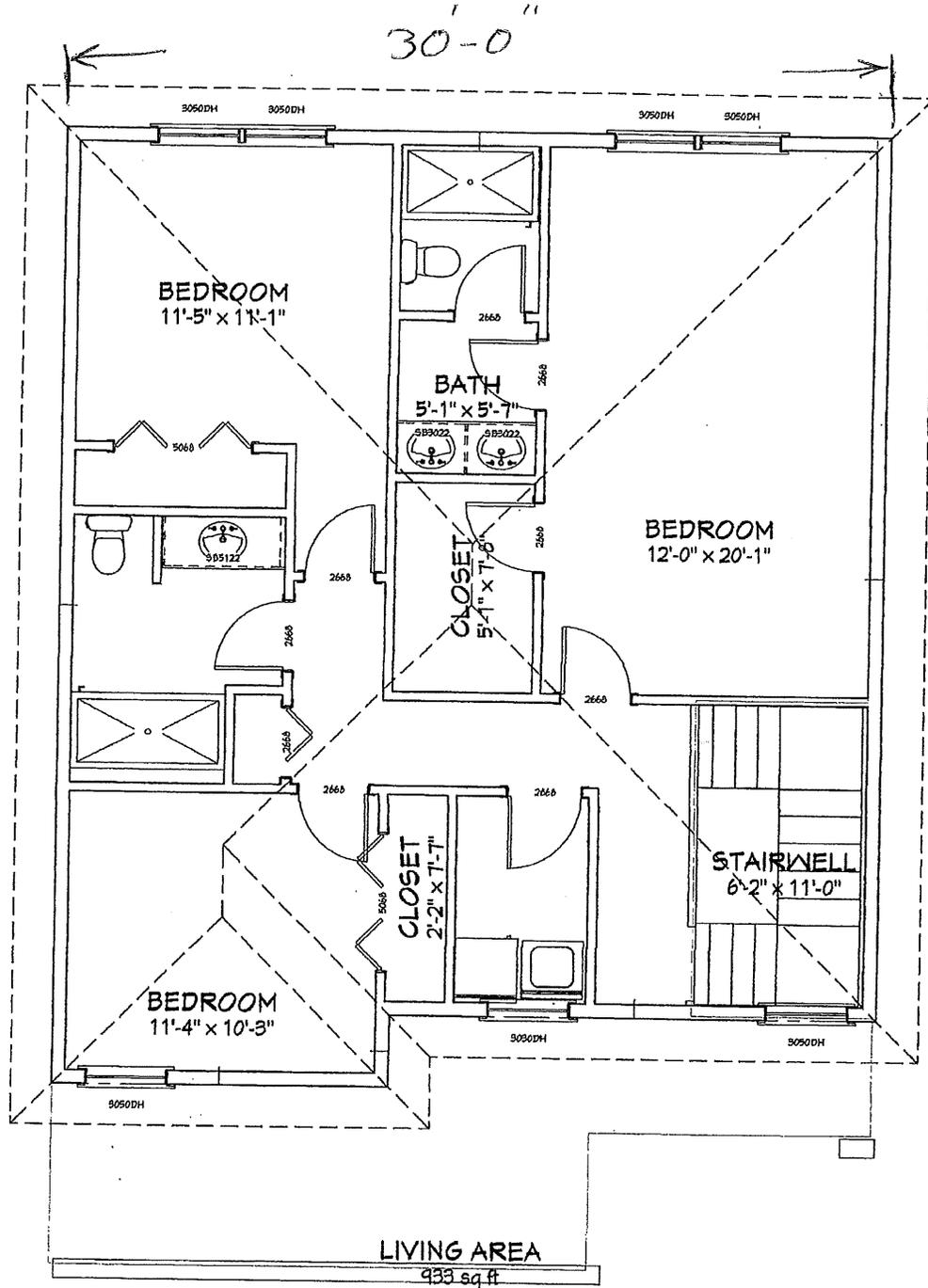
Variance Exhibit

Proposed plot plan 1320 N. Beach Street



Required house square footage (two-story)	2,100 square feet
Proposed house square feet (two-story)	1,700 square feet
Variance requested	400 square feet

Draft floor plan 2nd story 1320 N. Beach Street



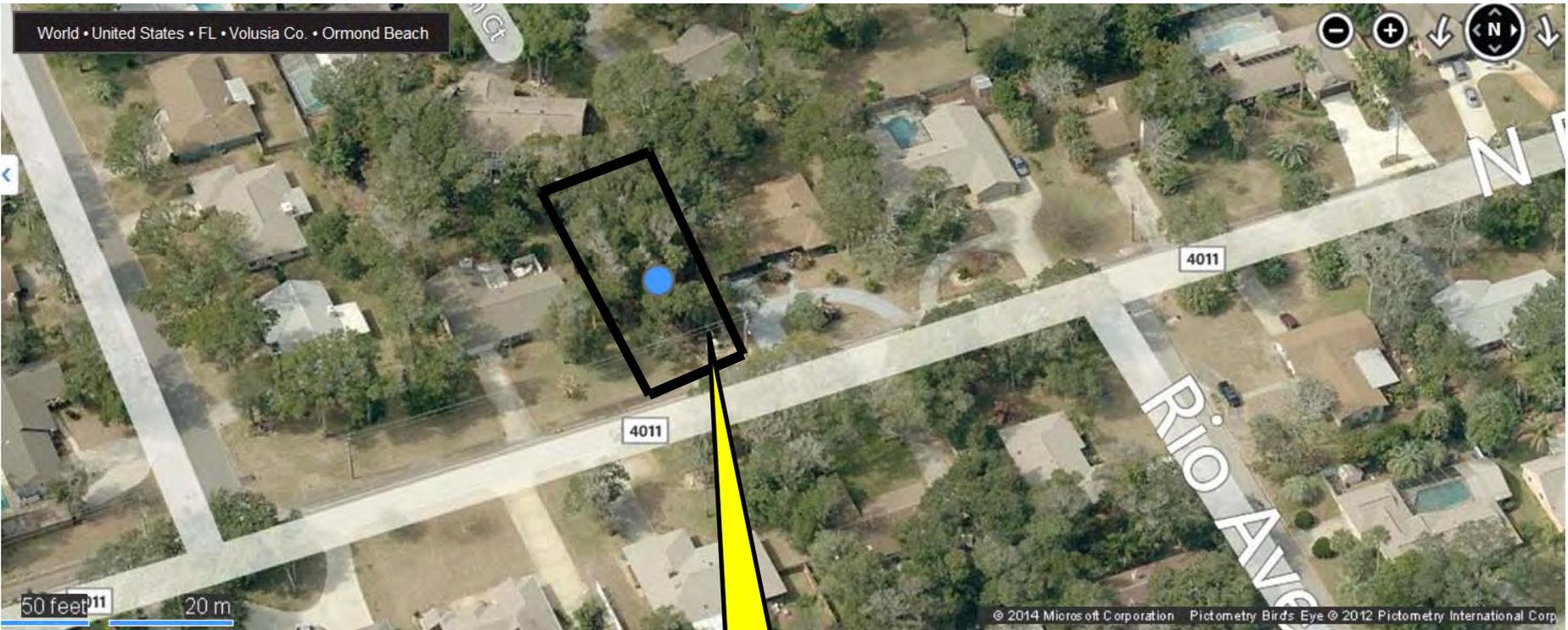
2ND FLOOR

TOTAL LIVING AREA
798 + 933 = 1731.
SQ. FT.

EXHIBIT B

- Maps
- Pictures
- 1925 Daytona Shores plat

1320 N Beach Street



1320 N
Beach Street

1320 N Beach Street



Source: Bing maps



09/12/2014

PLAT OF SECTION NO. 1-A
DAYTONA SHORES

A RE-SUBDIVISION OF PART OF ORMOND PARK
COUNTY OF VOLUSIA
STATE OF FLORIDA

SHEET NO. 1 OF 2 SHEETS

DESCRIPTION

Beginning at the intersection of the centerline of the Dixie Highway with the north line of Ormond Terrace as recorded in Book 5 of Maps, page 136, thence northerly along the centerline of the Dixie Highway 418.80 feet to the point of beginning. From this point easterly at right angles to the centerline of the Dixie Highway 134.5 feet, thence northerly at right angles 616.50 feet, thence westerly at right angles 195.0 feet, thence southerly at right angles 616.50 feet, thence easterly at right angles 605.0 feet to the point of beginning.

DEDICATION

Daytona Shores Inc., a corporation organized and existing under the laws of the State of Florida is the owner of the land described as follows: Beginning at the intersection of the centerline of the Dixie Highway with the north line of Ormond Terrace as recorded in Book 5 of Maps, page 136, thence northerly along the centerline of the Dixie Highway 418.80 feet to the point of beginning. From this point easterly at right angles to the centerline of the Dixie Highway 134.5 feet, thence northerly at right angles 616.50 feet, thence westerly at right angles 195.0 feet, thence southerly at right angles 616.50 feet, thence easterly at right angles 605.0 feet to the point of beginning. The said corporation has caused said land to be subdivided as shown on the attached plat, and the Daytona Shores Inc. does hereby dedicate to the public use and benefit forever all streets, avenues, boulevards, drives, and parks shown on said plat.

In Witness Whereof, the said Daytona Shores, Inc. has caused this instrument to be signed by its president and secretary and its corporate seal to be attached this 30th day of OCTOBER, 1925.

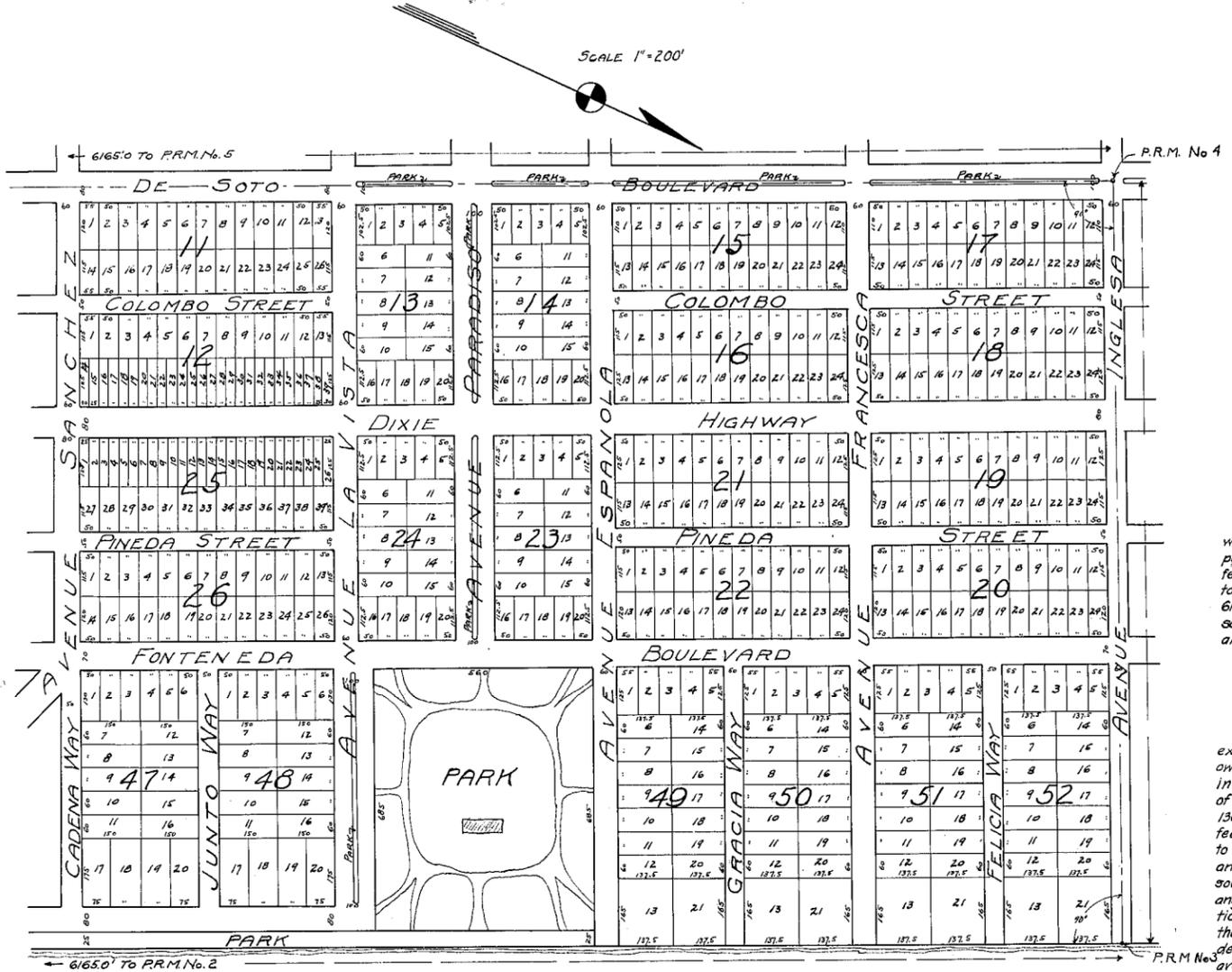
Signed, sealed and delivered in the presence of:
Daytona Shores Inc.
By Jordan Allen PRESIDENT
Attested by Chas. H. James ASST. SECRETARY
Wm. Dana Stankiewicz

ACKNOWLEDGMENT

STATE OF FLORIDA } ss.
COUNTY OF VOLUSIA }
On this day personally appeared before me Clara A. Kelly, Vice-pres. of the above named Daytona Shores Inc. and Wm. Dana Stankiewicz, Asst. secretary of the said corporation, to me well known as the persons described in and who executed the foregoing plat and acknowledged that they executed the same for the purposes therein expressed.
In Witness Whereof, I have hereunto affixed my hand and seal at Daytona, Florida this 30th day of OCTOBER, 1925.

Mary White-James
NOTARY PUBLIC
STATE OF FLORIDA

My Commission Expires May 19-1927



ENGINEER'S CERTIFICATE

I hereby certify that the foregoing plat of Daytona Shores Section Number 1-A is a correct representation of the land platted and that permanent reference monuments have been placed on said land as called for under Section 7 of Florida Survey Laws of 1925.
Dated at Daytona, Florida, this 30th day of OCTOBER, 1925.

W. B. Hodges
REGISTERED CIVIL ENGINEER
FLORIDA CERTIFICATE No. 448

COUNTY APPROVAL

Approved for record at Deland, Florida, this 30th day of OCTOBER, 1925.

Clifford B. Botta
ACCREDITED REPRESENTATIVE OF
BOARD OF COMMISSIONERS,
VOLUSIA COUNTY, FLORIDA.

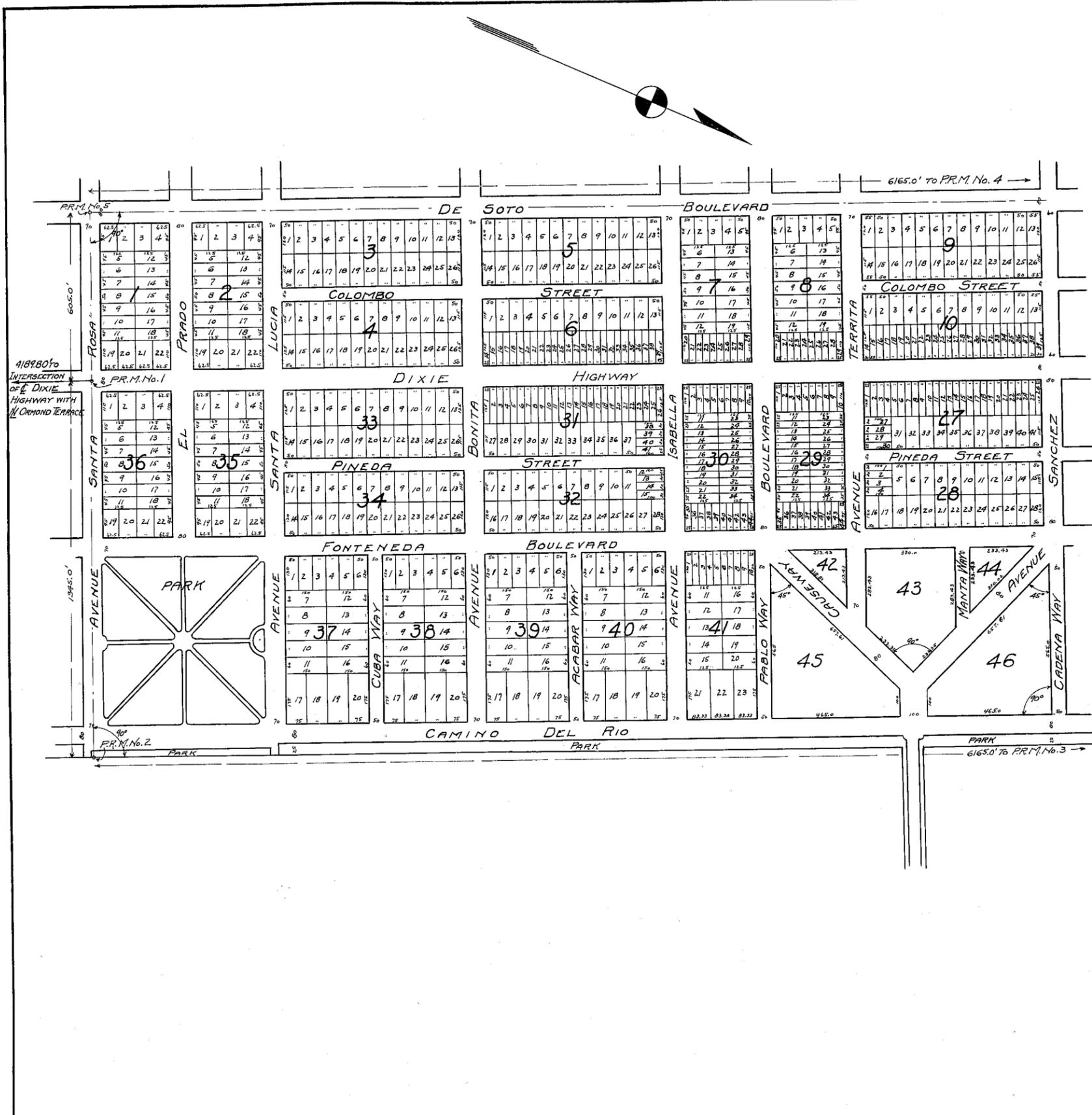
STATE OF FLORIDA } ss.
COUNTY OF VOLUSIA }

Filed for record in the office of the Clerk of the Circuit Court on the 30th day of OCTOBER, A.D. 1925, at 10 o'clock P.M., and recorded in Book 22 of Maps, page 733. Witness my hand and seal of said Court, this 30th day of OCTOBER, A.D. 1925.

By Clifford B. Botta C.L.
Clifford B. Botta
CLERK OF THE CIRCUIT COURT

DAYTONA SHORES

SECTION NO. 1-A
SHEET 2 OF 2 SHEETS



Complied in compliance with Survey laws of 1925 and filed for record this _____ 19____

[Signature]
 Clerk Circuit Court.

D. F.

EXHIBIT C

Letter dated September 16,
2014 from property owner
at 1325 North Beach Street



CITY OF ORMOND BEACH

Planning • 22 S. Beach Street • Ormond Beach • Florida • 32174 • (386) 676-3311 • Fax (386) 676-3361

September 22, 2014

Mr. Syd Crosby
1325 North Beach Street
Ormond Beach, FL 32174

RE: Letter dated September 16, 2014

Dear Mr. Crosby:

This letter is in response to your correspondence dated September 16, 2014 and attached for reference. Per your correspondence, City staff has provided the following information, as specified below:

Number	Item requested from correspondence dated September 16, 2014	Staff's research result
1.	Oak Forest Phase IV B – Map Book – Pages 54-55.	A copy of the 1978 plat is attached to this letter.
2.	Original Plat Agreement.	City staff has researched City files and there is no information on your document request.
3.	If utilities are not shown on Lot Plat I will need the Plat that has drainage easements and right of way or reserve parcels.	City staff has researched City files and there is no information on your document request.
4.	Any action assigning a street address to parcel between lots 45 and 46.	City staff has researched City files and there is no information on your document request.
5.	Copies of any Planning Board or City Commission action relating to the parcels between lots 45 and 46.	Attached to this letter is the 1925 Daytona Shores plat that shows the platted lots for the property at 1320 North Beach Street, parcel between lots 45 and 46 as referenced on your letter. Specifically, 1320 North Beach Street is shown on Sheet 2 of 2 as Block 8 lots 25 and 26. The 1925 Daytona Shores plat was approved by Volusia County. City staff researched City files and was unable to locate any Planning Board or City Commission actions related to the property at 1320 North Beach Street.

6.	Name and address of all people notified of hearing.	A copy of the names and addresses of all people notified of the hearing is attached.
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I have attached my e-mail correspondence with the City Clerk regarding your request, for your information. Planning Staff shall provide you a copy of the variance packet for the variance application at 1320 North Beach Street via US Mail. Should you have any questions, please contact me at (386) 676-3341 or by e-mail at Steven.Spraker@ormondbeach.org.

Sincerely,



Steven Spraker, AICP
Senior Planner

CC: Board of Adjustment and Appeals (within variance packet)
Ann Margret Emery, Deputy City Attorney
Scott McKee, City Clerk
Ric Goss, Planning Director

September 16, 2014

Mr. Steven Spraker AICP

Senior Planner

Thank you for notice of the Public Hearing on Wednesday, October 1, 2014 at 7:00 P.M., concerning Sec. 2-13 R-2 Single-family Low Density Zoning District.

When my wife, Beverly Crosby, came to your office, you stated.

“It is a plated lot, and you cannot deny them the right to build on it”. You also said the same thing to me, in our phone conversation.

I would like to state my understanding of land use.

1. A plat is a drawing of intended use, depicting all use of the land i.e. streets, sidewalks, utilities, parks, schools, Government use buildings, buildings lots for homes, businesses, such as R.C., C-1, C-2, ect.
2. The Plat then goes thru a process of city staff, Planning Board, Elected City Commissioners, State D.C.A. and Public Hearings. This System also protects the Publics ownership from arbitrary or capricious changes in their property values by staff or elected officials in the future without due process.
3. This process is to ensure all Ord., legality issues and public concerns have been addressed in the Sunshine and remove any clouds of use in the future.

A person cannot build a house on any plated land that is not zoned and approved as a residential lot. In my opinion you have become the advocate for a speculator who purchased 2-25FT wide parcels that are located between lot 45 and 46. At some point after these parcels were sold for unpaid taxes via tax deed. They were combined into one 50 ft x100 ft parcel and have a warranty deed.

This does not change the fact that this land is still a parcel and not to be misconstrued as a building lot as you have described it to me and my wife.

I hope you do not take what I have written as offensive as my intent is to express my impression of your comment and not your intent.

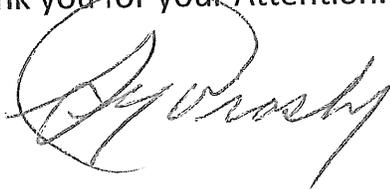
My counsel has advised me to gather some information so I don't have to pay hourly fees for research.

Please provide me:

1. Oak Forest Phase IV B - Map Book 35- pages 54-55
2. Original Plat Agreement
3. If utilities are not shown on Lot Plat I will need the Plat that has drainage, easements and right of ways or reserve parcels
4. Any action assigning a street address to parcel between Lot 45 and 46.
5. Copies of any Planning Board or City Commission action relating to the parcels between Lot 45 and 46.
6. Name and address of all people notified of hearing.

I will pay for any F.S. cost for the information I have requested.

Thank you for your Attention.

A handwritten signature in cursive, appearing to read "D. G. ...", written in black ink.

Please c.c. The City Manager
Board of City Comm.

OAK FOREST - PHASE IV-B

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA

SEP 3 3 53 PM '78

A RESUBDIVISION OF PART OF DAYTONA SHORES, SECTION NO. 1-A, AS PER PLAT RECORDED IN MAP BOOK 10, PAGES 72 AND 73, AND PART OF THE THOMAS FITCH GRANT, SECTION 39, TOWNSHIP 14 SOUTH, RANGE 32 EAST, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

STATE OF FLORIDA
COUNTY OF VOLUSIA S.S.

WE, JOHN COLLINS AND EDWARD CLARK, AS VICE PRESIDENT AND ASSISTANT SECRETARY RESPECTIVELY, DO HEREBY CERTIFY THAT BELLEMEAD DEVELOPMENT CORPORATION, A DELAWARE CORPORATION, IS THE OWNER OF PART OF BLOCKS 7, 8, 10, 11, 12, AND PART OF BLOCK 9, AND THOSE PARTS OF DE SOTO BOULEVARD, COLOMBO STREET, CAUSEWAY BOULEVARD, AVENUE TERRITA, AVENUE SAUCHEZ, AND THE NORTHERLY 10 FT. OF FORMER AVENUE ISABELLA, AS LIES ADJACENT TO SAID BLOCKS, ALL BEING WESTERLY OF DIXIE HIGHWAY AND PART OF DAYTONA SHORES, SECTION NO. 1-A, AS RECORDED IN MAP BOOK 10, PAGES 72 AND 73 PUBLIC RECORDS OF VOLUSIA COUNTY FLORIDA, AND ALSO A PART OF THE NORTHERLY 720 FT. AS LIES SOUTHERLY OF THE WESTERLY PROJECTED NORTHERLY LINE OF AVENUE SAUCHEZ AFORESAID, BEING THAT PART OF THE THOMAS FITCH GRANT, SECTION 39, TOWNSHIP 14 SOUTH, RANGE 32 EAST, AS LIES WESTERLY OF DAYTONA SHORES, SECTION NO. 1-A, AND EASTERLY OF A 300 FT. STATE RIGHT-OF-WAY, ALL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 10 FT. SOUTHERLY OF THE NORTHERLY LINE OF AVENUE ISABELLA, A 70 FT. STREET PER SAID DAYTONA SHORES, SECTION NO. 1-A, SAID POINT BEING 10 FT. WESTERLY OF THE WEST LINE OF DIXIE HIGHWAY, AN 80 FT. STREET PER SAID DAYTONA SHORES, SECTION NO. 1-A, RUN THENCE S 64° 13' 52" W PARALLEL TO SAID NORTHERLY LINE, A DISTANCE OF 557.93 FT. TO THE CENTERLINE OF DE SOTO BOULEVARD, AN 80 FT. UNOPENED STREET, SAID CENTERLINE BEING ALSO THE WESTERLY LINE OF DAYTONA SHORES, SECTION NO. 1-A; THENCE N 25° 53' 21" W ALONG SAID CENTERLINE OF DE SOTO BOULEVARD AND WESTERLY LINE OF DAYTONA SHORES, SECTION NO. 1-A, A DISTANCE OF 660 FT. TO A POINT 720 FT. SOUTHERLY OF THE NORTHERLY LINE OF AVENUE SAUCHEZ, AN UNOPENED STREET SHOWN ON SAID PLAT OF DAYTONA SHORES, SECTION NO. 1-A; THENCE S 64° 13' 52" W AND PARALLEL TO THE WESTERLY PROJECTED NORTHERLY LINE OF AVENUE SAUCHEZ, A DISTANCE OF 20.21 FT. TO A POINT; THENCE N 25° 40' 08" W A DISTANCE OF 100 FT. TO A POINT; THENCE N 64° 13' 52" E A DISTANCE OF 63.78 FT. TO A POINT; THENCE N 25° 40' 08" W A DISTANCE OF 150 FT. TO A POINT; THENCE N 64° 13' 52" E A DISTANCE OF 10 FT. TO A POINT; THENCE N 25° 40' 08" W A DISTANCE OF 220.09 FT. TO A POINT; THENCE N 1° 00' 02" W A DISTANCE OF 31.10 FT. TO A POINT; THENCE N 58° 44' 48" W A DISTANCE OF 193.36 FT. TO A POINT ON A CURVE CONCAVE NORTHWESTERLY; THENCE NORTHEASTERLY ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 75 FT., A CENTRAL ANGLE OF 4° 40' 43", A CHORD BEARING OF N 28° 54' 50" E, AND A CHORD LENGTH OF 6.12 FT. TO THE POINT OF TANGENCY THEREOF; THENCE N 26° 54' 29" E A DISTANCE OF 19.57 FT. TO A POINT IN THE CENTERLINE OF DE SOTO BOULEVARD AFORESAID; THENCE N 25° 40' 08" W ALONG SAID CENTERLINE AND WESTERLY LINE OF DAYTONA SHORES, SECTION NO. 1-A, A DISTANCE OF 257.48 FT. TO A POINT; THENCE N 64° 13' 52" E A DISTANCE OF 557.48 FT. TO A POINT 10 FT. WESTERLY OF THE WEST LINE OF DIXIE HIGHWAY AFORESAID; THENCE S 25° 49' 32" E PARALLEL TO AND 10 FT. WESTERLY OF SAID DIXIE HIGHWAY A DISTANCE OF 1050 FT. TO THE NORTHERLY LINE OF LOT 26, BLOCK B, AFORESAID DAYTONA SHORES, SECTION NO. 1-A; THENCE S 64° 13' 52" W ALONG SAID NORTHERLY LINE A DISTANCE OF 100.00 FT. TO THE NORTHWESTERLY CORNER THEREOF; THENCE S 25° 49' 32" E ALONG THE WESTERLY LINE OF LOTS 26 AND 25, A DISTANCE OF 50 FT. TO THE SOUTHWESTERLY CORNER OF LOT 25; THENCE N 64° 13' 52" E ALONG THE SOUTHERLY LINE OF LOT 25 A DISTANCE OF 100 FT. TO A POINT 10 FT. WESTERLY OF THE WEST LINE OF DIXIE HIGHWAY; THENCE S 25° 49' 32" E AND PARALLEL TO SAID WEST LINE A DISTANCE OF 465 FT. TO THE POINT OF BEGINNING, CONTAINING 19.46 ACRES MORE OR LESS.

IT IS FURTHER CERTIFIED THAT BELLEMEAD DEVELOPMENT CORPORATION, AS OWNER AND DEVELOPER, HAS CAUSED THE ABOVE DESCRIBED PROPERTY TO BE PLATTED AS OAK FOREST - PHASE IV-B, AND IT HEREBY DEDICATES THE STREETS SHOWN ON THE ACCOMPANYING PLAT FOR USE AS STREETS BY THE GENERAL PUBLIC.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:
Laurence B. Miller
WITNESS
Donald W. Woolf
WITNESS

BELLEMEAD DEVELOPMENT CORPORATION
BY: John Collins
JOHN COLLINS, VICE PRESIDENT
ATTEST: Edward Clark
EDWARD CLARK, ASSISTANT SECRETARY

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THE FOREGOING PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LAND SURVEYED, AND THAT THIS SURVEY WAS PREPARED UNDER MY RESPONSIBLE SUPERVISION AND DIRECTION, AND THAT THE SURVEY DATA COMPLIES WITH ALL REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AND THAT PERMANENT REFERENCE MONUMENTS HAVE BEEN PLACED AS REQUIRED BY THE SURVEY LAWS OF THE STATE OF FLORIDA.

20 July 1978
DATE
W. A. Dinsmore
REGISTERED LAND SURVEYOR NO. 2296

APPROVED AND ACCEPTED BY THE PLANNING BOARD OF THE CITY OF ORMOND BEACH, FLORIDA.

8/11/77
DATE
T. Annunzio
CHAIRMAN

APPROVED AND ACCEPTED BY THE CITY OF ORMOND BEACH, FLORIDA.

8/15/78
DATE
James F. Albrecht
CITY AUDITOR AND CLERK
Charles E. Barber
MAYOR
Larry W. O'Connell
CITY ENGINEER
[Signature]
CITY ATTORNEY

STATE OF FLORIDA
COUNTY OF VOLUSIA S.S.

I HEREBY CERTIFY THAT ON THIS DAY BEFORE ME, AN OFFICER DULY AUTHORIZED IN THE STATE AND COUNTY AFORESAID TO TAKE ACKNOWLEDGEMENTS, PERSONALLY APPEARED JOHN COLLINS AND EDWARD CLARK, TO ME KNOWN TO BE THE INDIVIDUALS DESCRIBED ABOVE, AS VICE PRESIDENT AND ASSISTANT SECRETARY RESPECTIVELY, AND EXECUTED THE FOREGOING, WITH MY HAND AND OFFICIAL SEAL IN THE STATE AND COUNTY LAST AFORESAID, THIS 21st DAY OF July 1978.

MY COMMISSION EXPIRES March 30, 1981
Donald W. Woolf
NOTARY PUBLIC, STATE OF FLORIDA

FILED FOR RECORD BY THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF VOLUSIA COUNTY, FLORIDA.

7-8-78
DATE
T. A. Hays
AUTHORIZED REPRESENTATIVE

STAPP & UPHAM, INC.
ENGINEERS AND SURVEYORS
ORMOND BEACH, FLORIDA

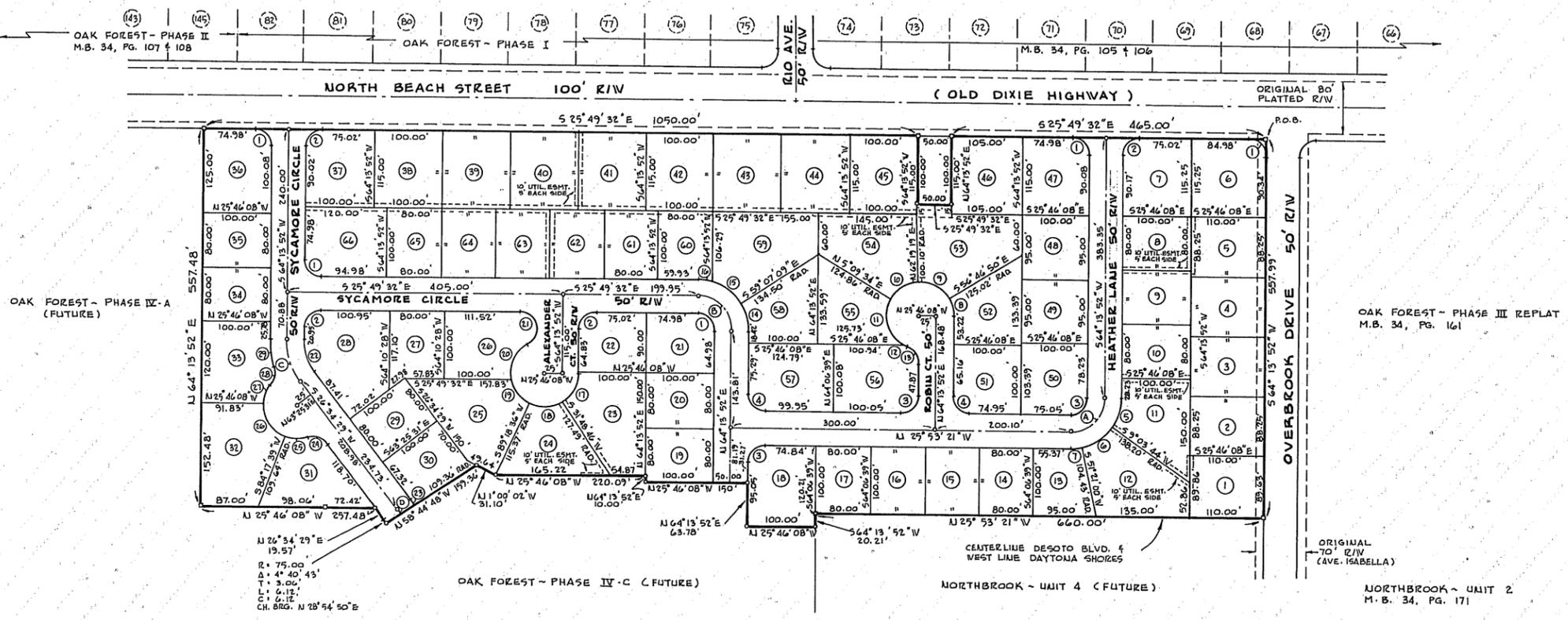
ITEM 1



PERMANENT REFERENCE MONUMENT

OAK FOREST - PHASE IV-B

ORMOND BEACH, VOLUSIA COUNTY, FLORIDA



PROPERTY LINE CURVE DATA

CURVE	RADIUS	DELTA	CHORD	TANGENT	LENGTH
1	25.00'	90° 03' 24"	35.37'	25.02'	39.29'
2	25.00'	89° 56' 36"	35.34'	24.98'	39.25'
3	25.00'	89° 52' 47"	35.32'	24.95'	39.22'
4	25.00'	90° 07' 13"	35.39'	25.05'	39.32'
5	75.00'	34° 49' 52"	44.89'	23.53'	45.59'
6	75.00'	42° 17' 16"	54.11'	29.01'	55.35'
7	75.00'	12° 45' 39"	16.67'	8.39'	16.70'
8	50.00'	31° 00' 42"	26.73'	13.87'	27.06'
9	50.00'	60° 53' 51"	50.68'	29.39'	53.14'
10	50.00'	57° 09' 45"	47.84'	27.24'	49.88'
11	50.00'	91° 53' 37"	71.87'	51.68'	80.19'
12	50.00'	9° 33' 49"	8.34'	4.18'	8.35'
13	25.00'	70° 31' 44"	28.87'	17.68'	30.77'
14	75.00'	35° 21' 01"	43.04'	22.47'	43.66'
15	75.00'	33° 04' 17"	42.69'	22.27'	43.29'

CENTER LINE CURVE DATA

CURVE	RADIUS	DELTA	CHORD	TANGENT	LENGTH
A	50.00'	89° 52' 47"	70.64'	49.90'	78.43'
B	50.00'	90° 03' 24"	70.75'	50.05'	78.59'
C	100.00'	37° 39' 23"	64.55'	34.10'	65.72'
D	100.00'	4° 40' 43"	8.16'	4.08'	8.17'

NOTE: 10 FT. UTILITY EASEMENTS ARE HEREBY RESERVED ALONG ALL LOT FRONTAGE ADJACENT TO PLATTED STREETS, IN ADDITION TO THOSE EASEMENTS SHOWN HEREON.

PROPERTY LINE CURVE DATA

CURVE	RADIUS	DELTA	CHORD	TANGENT	LENGTH
16	75.00'	23° 38' 06"	30.72'	15.69'	30.94'
17	50.00'	57° 34' 54"	48.16'	27.48'	50.25'
18	50.00'	57° 29' 50"	48.10'	27.43'	50.18'
19	50.00'	53° 17' 55"	44.85'	25.09'	46.51'
20	50.00'	71° 36' 05"	58.50'	36.06'	62.48'
21	25.00'	150° 02' 08"	48.30'	95.42'	65.47'
22	75.00'	37° 39' 23"	48.41'	25.57'	49.29'
23	125.00'	4° 40' 43"	10.20'	5.11'	10.21'
24	25.00'	70° 31' 43"	28.87'	17.68'	30.77'
25	50.00'	38° 14' 53"	32.76'	17.34'	33.38'
26	50.00'	72° 49' 53"	59.36'	36.88'	63.56'
27	50.00'	36° 03' 16"	30.95'	16.27'	31.46'
28	25.00'	58° 15' 27"	24.38'	13.93'	25.42'
29	125.00'	19° 18' 31"	41.93'	21.26'	42.12'

STAPP & UPHAM, INC.
ENGINEERS AND SURVEYORS
ORMOND BEACH, FLA.

ITEM I

FLAT OF SECTION NO. 1-A

DAYTONA SHORES

A RE-SUBDIVISION OF PART OF ORMOND PARK

COUNTY OF VOLUSIA STATE OF FLORIDA

SHEET NO. 1 OF 2 SHEETS

DESCRIPTION

Beginning at the intersection of the centerline of the Dixie Highway with the north line of Ormond Terrace as recorded in Book 5 of Maps, page 136, thence northerly along the C of the Dixie Highway 418.80 feet to the point of beginning. From this point easterly at right angles to the C of the Dixie Highway 1345 feet, thence northerly at right angles 6165.0 feet, thence westerly at right angles 1450 feet, thence southerly at right angles 6165.0 feet, thence easterly at right angles 605.0 feet to the point of beginning.

DEDICATION

Daytona Shores Inc., a corporation organized and existing under the laws of the State of Florida is the owner of the land described as follows: Beginning at the intersection of the C of the Dixie Highway with the north line of Ormond Terrace as recorded in Book 5 of Maps, page 136, thence northerly along the C of the Dixie Highway 418.80 feet to the point of beginning. From this point easterly at right angles to the C of the Dixie Highway 1345 feet, thence northerly at right angles 6165.0 feet, thence westerly at right angles 1450 feet, thence southerly at right angles 6165.0 feet, thence easterly at right angles 605.0 feet to the point of beginning. The said corporation has caused said land to be subdivided as shown on the attached plat, and the Daytona Shores Inc. does hereby dedicate to the public use and benefit forever all streets, avenues, boulevards, drives, and parks shown on said plat.

In Witness Whereof, the said Daytona Shores, Inc. has caused this instrument to be signed by its president and secretary and its corporate seal to be attached this 30th day of OCTOBER, 1925.

Signed, sealed and delivered in the presence of:
Daytona Shores Inc.
By W. H. Allen PRESIDENT
Attested W. H. James SECRETARY
Wm. Dana Staskewitz

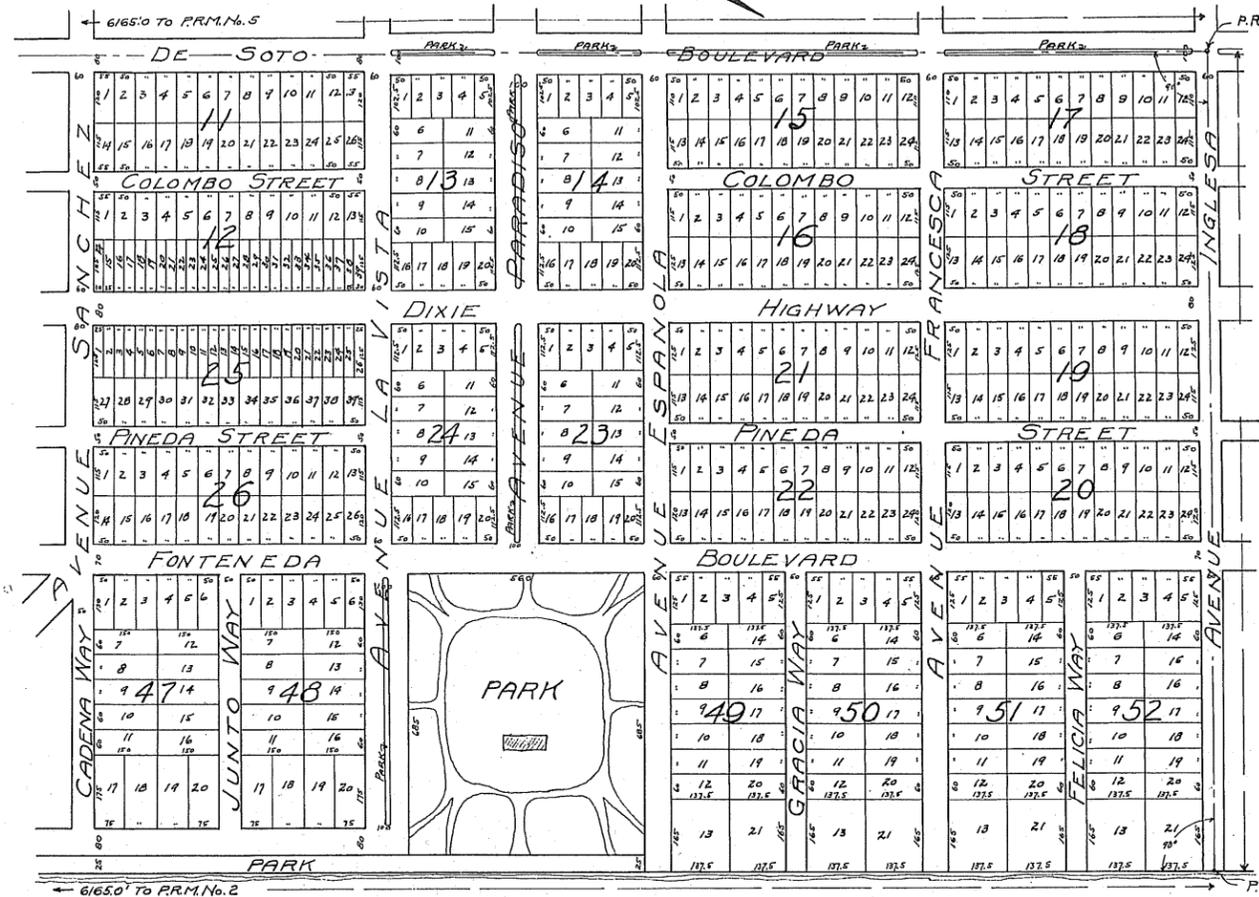
ACKNOWLEDGMENT

STATE OF FLORIDA } ss.
COUNTY OF VOLUSIA }
On this day personally appeared before me G. Louis O'Leary, Vice-pres. of the above named Daytona Shores Inc. and W. H. James, Best secretary of the said corporation, to me well known as the persons described in and who executed the foregoing plat and acknowledged that they executed the same for the purposes therein expressed.
In Witness Whereof, I have hereunto affixed my hand and seal at Daytona, Florida this 30th day of OCTOBER, 1925.

Marjorie White
NOTARY PUBLIC
STATE OF FLORIDA

MY COMMISSION EXPIRES MAY 19-1927

SCALE 1"=200'



ENGINEER'S CERTIFICATE

I hereby certify that the foregoing plat of Daytona Shores Section Number 1-A is a correct representation of the land platted and that permanent reference monuments have been placed on said land as called for under Section 7 of Florida Survey Laws of 1925.

Dated at Daytona, Florida, this 30th day of October, 1925.
W. B. Hodges
REGISTERED CIVIL ENGINEER
FLORIDA CERTIFICATE No. 448

COUNTY APPROVAL

Approved for record at Deland, Florida, this 30th day of October, 1925.

Clifford Botta
ACCREDITED REPRESENTATIVE OF BOARD OF COMMISSIONERS.
VOLUSIA COUNTY, FLORIDA.

STATE OF FLORIDA } ss.
COUNTY OF VOLUSIA }

Filed for record in the office of the Clerk of the Circuit Court on the 30th day of OCTOBER, A.D. 1925, at _____ o'clock _____ M., and recorded in Book 10 of Maps, page 722-723. Witness my hand and seal of said Court, this 30th day of OCTOBER, A.D. 1925.
BY Clifford Botta CLERK OF THE CIRCUIT COURT



3242-21-05-0530
Mary Morris
5 Robin Court
Ormond Beach, FL 32174

3242-21-05-0460
Arturo Gonzalez
1318 N Beach Street
Ormond Beach, FL 32174

3242-04-08-0250
Lakic Enterprises Inc ETAL
354 Pinewoods Drive
Ormond Beach, FL 32174

3242-21-05-0450
Karen Nappi
1001 Summit Woods
New Windsor, NY 12553

3242-21-01-0720
Beverly & James Crosby
1325 N Beach Street
Ormond Beach, FL 32174

3242-21-01-0730
Bryan Kent
1327 N Beach Street
Ormond Beach, FL 32174

Sam Toutouchian
PO BOX 291535
Port Orange, FL 32129

ITEM 6

Spraker, Steven

From: McKee, Scott
Sent: Monday, September 22, 2014 2:03 PM
To: Spraker, Steven
Cc: Towey, Lois
Subject: RE: 1320 North Beach Street request for information

Steven,

I have not found any records for "1320 N Beach" either on Questys, or at the records storage facility.

J. Scott McKee

City Clerk



22 South Beach Street | Ormond Beach, FL 32175
Main: (386) 676.3297 | Direct: (386) 676-3340
Fax: (386) 676.3330
Email: scott.mckee@ormondbeach.org



Please consider the environment before printing this email

From: Spraker, Steven
Sent: Monday, September 22, 2014 9:59 AM
To: McKee, Scott
Cc: Towey, Lois
Subject: RE: 1320 North Beach Street request for information

Scott:

Any status update on this request. Staff is intending to send out the variance packets today and would like to finalize this request.

Thank you

Steven

From: Spraker, Steven
Sent: Wednesday, September 17, 2014 12:49 PM
To: McKee, Scott; Towey, Lois
Cc: Emery, Ann-Margret; Goss, Ric
Subject: 1320 North Beach Street request for information

Attached is a request for information related to a variance at 1320 N Beach Street that is scheduled to be heard on October 1, 2014. The letter specifically requests:

1. Oak Forest Phase IV B – Map Book – Pages 54-55: **I can provide this document**
2. Original Plat Agreement: **I looked through the Planning files and could find nothing on plat agreements for the Oak Forest Phase IV B subdivision. Can you please review the City Clerk's files and provide any information that you have?**
3. If utilities are not shown on Lot Plat I will need the Plat that has drainage easements and right of way or reserve parcels. **I looked through the Planning files and could find nothing on the Oak Forest Phase IV B subdivision construction plans. Can you please review the City Clerk's files at Fleet storage and provide any information that you have?**
4. Any action assigning a street address to parcel between lots 45 and 46 (1320 N Beach Street): **I looked through the Planning files and could find nothing on the addressing for 1320 North Beach Street. Can you please review the City Clerk's files and provide any information that you have?**
5. Copies if any Planning Board or City Commission action relating to the parcels between lots 45 and 46 (1320 N Beach Street). **I looked through the Planning files and could find nothing on Planning Board or City Commission actions for 1320 North Beach Street. Can you please review the City Clerk's files and provide any information that you have?**
6. Name and address of all people notified of hearing: **I can provide this document.**

Thank you

Steven

Steven Spraker, AICP
Senior Planner



Planning Department
22 South Beach Street
Room 104
Ormond Beach, FL 32175
Direct Line: 386.676.3341
Department: 386.676.3238
Fax: 386.676.3361
E-mail: Steven.Spraker@ormondbeach.org

EXHIBIT D

R-2 (Single-Family Low
Density) Zoning District

Sec. 2-13. R-2, Single-Family Low Density Zoning District.

A. PURPOSE: The purpose of the Single-Family Low Density (R-2) Zoning District is to protect and encourage the continued development of low density, single-family residential development.																								
B. DIMENSIONAL STANDARDS																								
1. Density	2. Maximum Building Height	3. Maximum Building Coverage	4. Maximum Impervious Lot Coverage	5. Minimum Lot Size	6. Minimum Lot Width	7. Minimum Lot Depth	8. Minimum Perimeter	9. Setbacks																
								a. Front	b. Rear	c. Side	d. Street Side/Corner	e. Waterbody												
4.3 units per acre	30'	35%	75%	10,000 SF	100'	None	None	30'	25'	8' total 20'	20'	30' (see Ocean and Riverfront listed below)												
f. Additional Waterbody Setbacks:																								
<p>(1) Ocean Yard Setbacks: Yards adjacent to the ocean shall be considered "rear" yards, and no structure, except for sun decks and walkways provided in this section and chapter 3, article II (Coastal Management), shall extend beyond a line projected between the average setback of all buildings within 800' of each side lot line of the lot upon which the proposed building is to be constructed or within a building setback otherwise established under Florida Statutes or chapter 3, article II of this Code, whichever is greater. Such line shall run parallel with the street right of way line; or</p> <p>(2) Tomoka/Halifax River Frontage Lots (Excluding Oceanfront): The minimum rear yard setback from the mean or ordinary high-water line for properties abutting a waterbody shall be the average building setback of all existing single family dwelling units within 300' of each side lot line of the lot on which the single-family dwelling unit is proposed to be located, minus 5', or as otherwise established under Florida Statutes or chapter 3, article II of this Code (Surface Waters and Marine Life Habitat), whichever is greater, provided that in no event shall the setback be less than 30'. For the purpose of meeting this requirement, the 300' shall be measured from points set back 30' from the mean high-water line and shall run parallel with the street right-of-way line. The rear yard setback line may meander to follow the mean high-water line.</p>																								
g. Beach Street Setbacks:																								
<p>In order to preserve the character of the historic area along the west side of North and South Beach Street between Sanchez Avenue and Lorillard Place, the following standards shall apply to all lots of record as of October 3, 1989, which lots are residentially zoned, abut the west side of North or South Beach Street and lie south of the centerline of Sanchez Avenue and north of the centerline of Lorillard Place:</p> <p>(1) The required front yard setbacks for any lot-of-record as of October 3, 1989, and to which these regulations apply shall not be less than the average building setback of all existing single-family dwelling units within 300' of both sides of the proposed single-family dwelling unit and shall include single-family dwelling units separated from the lot in question by any side streets. In the event no single-family dwelling units are located within 300' of both sides, the required front yard shall be 50'. For the purpose of this requirement, the 300' shall be measured along a line parallel with the street right-of-way line, beginning at the corner of the lot nearest the direction being measured (e.g., for 300' north, begin at northeast corner), and including any street rights-of-way within the 300' distance.</p> <p>(2) In the event there is more than one principal structure located on any single lot, only the setback of the principal structure nearest the front property line will be used to calculate the applicable setback.</p> <p>(3) The foregoing notwithstanding, a single-family residence which is proposed to replace an existing single-family residence may be built to the same setback as the single-family residence which it is replacing.</p>																								
C. PERMITTED USES			D. CONDITIONAL USES				E. SPECIAL EXCEPTION USES			F. OTHER STANDARDS														
<p>1. Community Residential Home</p> <p>2. Dwelling, Single-Family—Detached</p> <p>3. School, Public</p>			<p>1. Adult Family Care Home</p> <p>2. Family Day Care Home</p> <p>3. Foster Home</p> <p>4. Group Home</p> <p>5. Parks and Recreation Facilities, Private</p> <p>6. Parks and Recreation Facilities, Public</p> <p>7. Public Facilities</p> <p>8. Public Utilities</p> <p>9. Telecommunication Tower or Antenna, Camouflaged</p> <p>10. Water Survival Instruction</p> <p>11. Wind Energy System</p>				<p>1. Bed and Breakfast Inn</p> <p>2. Golf Course/Country Club</p> <p>3. Historic Preservation Mixed Use</p> <p>4. House of Worship</p>			<p>All development must comply with the following requirements:</p> <p>1. Wetlands (chapter 3, article II).</p> <p>2. Special corridors and buffer requirements (chapter 3, article I).</p> <p>3. See conditional and special exception regulations (chapter 2, article IV).</p> <p>4. Use of dwelling units for transient lodging is prohibited in order to protect and maintain the residential character of the zoning district.</p> <p>5. Single-family residential buildings shall have the following minimum floor area:</p> <table border="1"> <thead> <tr> <th>Type</th> <th>1-Story</th> <th>Split Level</th> <th>2-Story</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>1,500 SF</td> <td>1,800 SF</td> <td>2,100 SF</td> </tr> <tr> <td>B</td> <td>1,350 SF</td> <td>1,650 SF</td> <td>2,000 SF</td> </tr> </tbody> </table>			Type	1-Story	Split Level	2-Story	A	1,500 SF	1,800 SF	2,100 SF	B	1,350 SF	1,650 SF	2,000 SF
Type	1-Story	Split Level	2-Story																					
A	1,500 SF	1,800 SF	2,100 SF																					
B	1,350 SF	1,650 SF	2,000 SF																					
G. PERMITTED ACCESSORY USES: Accessory uses customarily associated with, dependent on and incidental to their permitted principal uses, provided that such uses conform to the regulations set forth in chapter 2, article III.																								

(Ord. No. 2013-13, § 6, 2-5-2013)

EXHIBIT E

Variance Application



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:

Requesting Variance of R2 Single Family 2 story
From 2100 sqft minimum Requirement To 1700 sqft due to
Meeting single family R2 zoning setback Requirement.

ABUTTING PROPERTY OWNERS

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

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

CRITERIA: CONFORMING

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

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district:

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

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

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

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

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

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

8. Granting this variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, buildings or structures in the same zoning district:

CRITERIA: NONCONFORMING

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

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

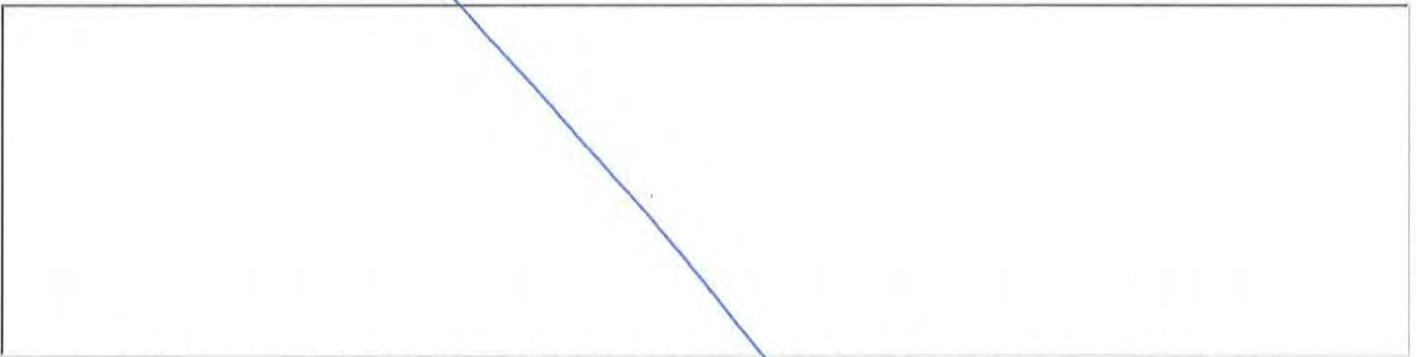
2. There are no other ways of altering the structure that will not result in increasing the nonconforming cubic content of the structure:

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

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



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



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



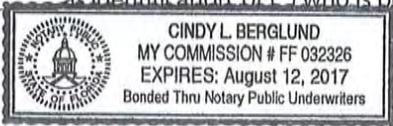
CERTIFICATION

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: [Handwritten Signature]

STATE OF FLORIDA
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 2nd day of Sept, 2014, by Sam Tautouchian as _____ (title*) for _____ (name of corporation*), who () provided FL DL as identification, or () who is personally known to me.



Cindy L. Berglund
Notary Public, State of Florida
My Commission Expires: 8/12/17

* 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.

LOT 53

LOT 54

OAK FOREST PHASE IV-B
MAP BOOK 35, PAGES 54-55

OAK FOREST PHASE IV-B
MAP BOOK 35, PAGES 54-55

OAK FOREST PHASE IV-B
MAP BOOK 35, PAGES 54-55

LOT 45

LOT 46

4' C.L.F.
LOCATED
ON LOT 45

N25°49'32"W 50.00' (PLAT & F.M.)
25' (PLAT) 25' (PLAT)

1/2" I.P.
(FND.) (TYP.)

S64°13'52"W 100.00' (PLAT & F.M.)

N64°13'52"E 100.00' (PLAT & F.M.)

ADJACENT RES.
CONC. WALK

8' SIDE SETBACK

12' SIDE SETBACK

R/W

WATER METER

PHONE PAD

WATER METER

R/W

30' FRONT SETBACK

18' WIDE DRIVEWAY

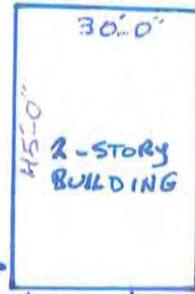
F.P.L. PAD

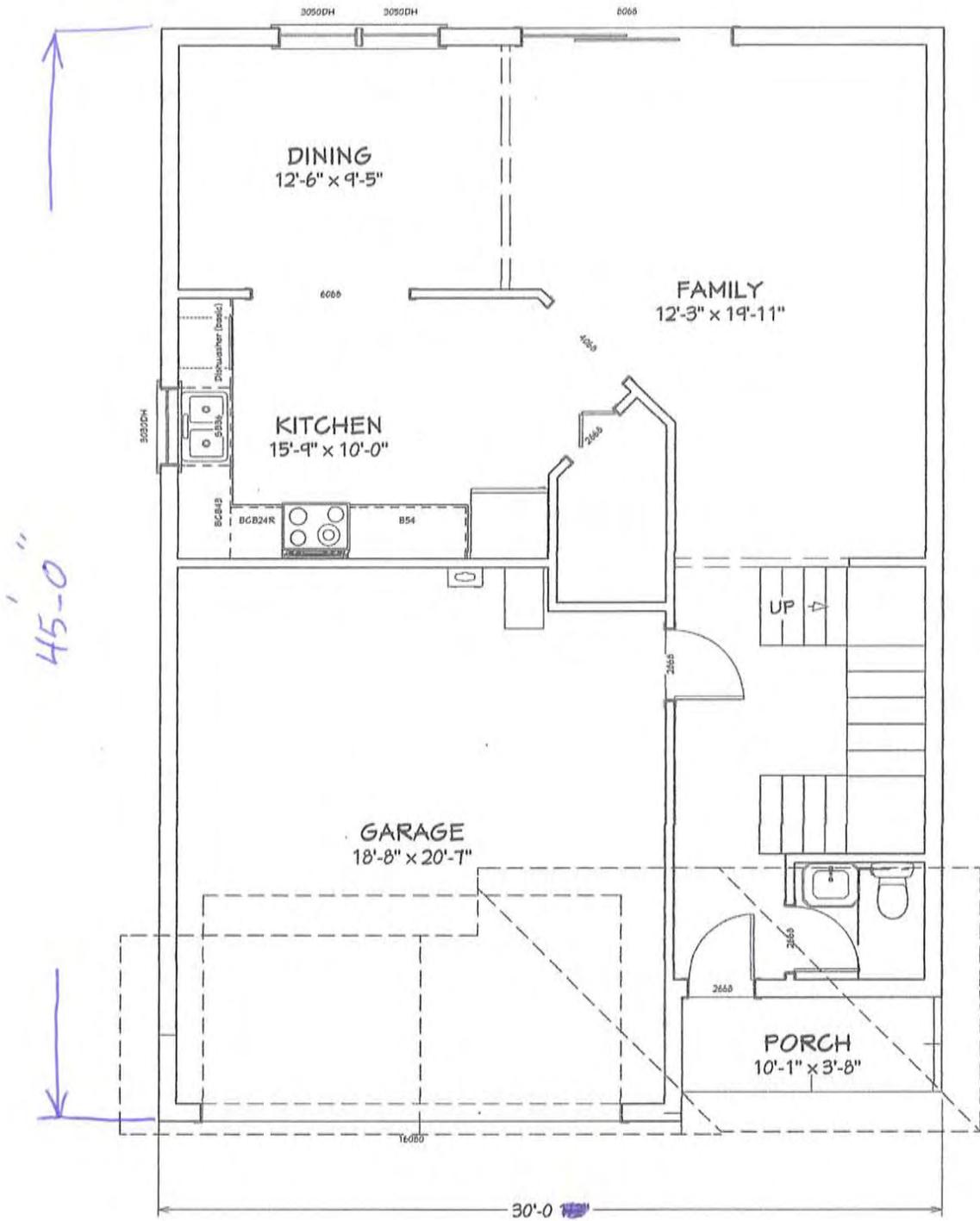
CABLE TV RISER

S25°49'32"E 50.00' (PLAT & F.M.)
(BEARING BASE)

CONC. SIDEWALK

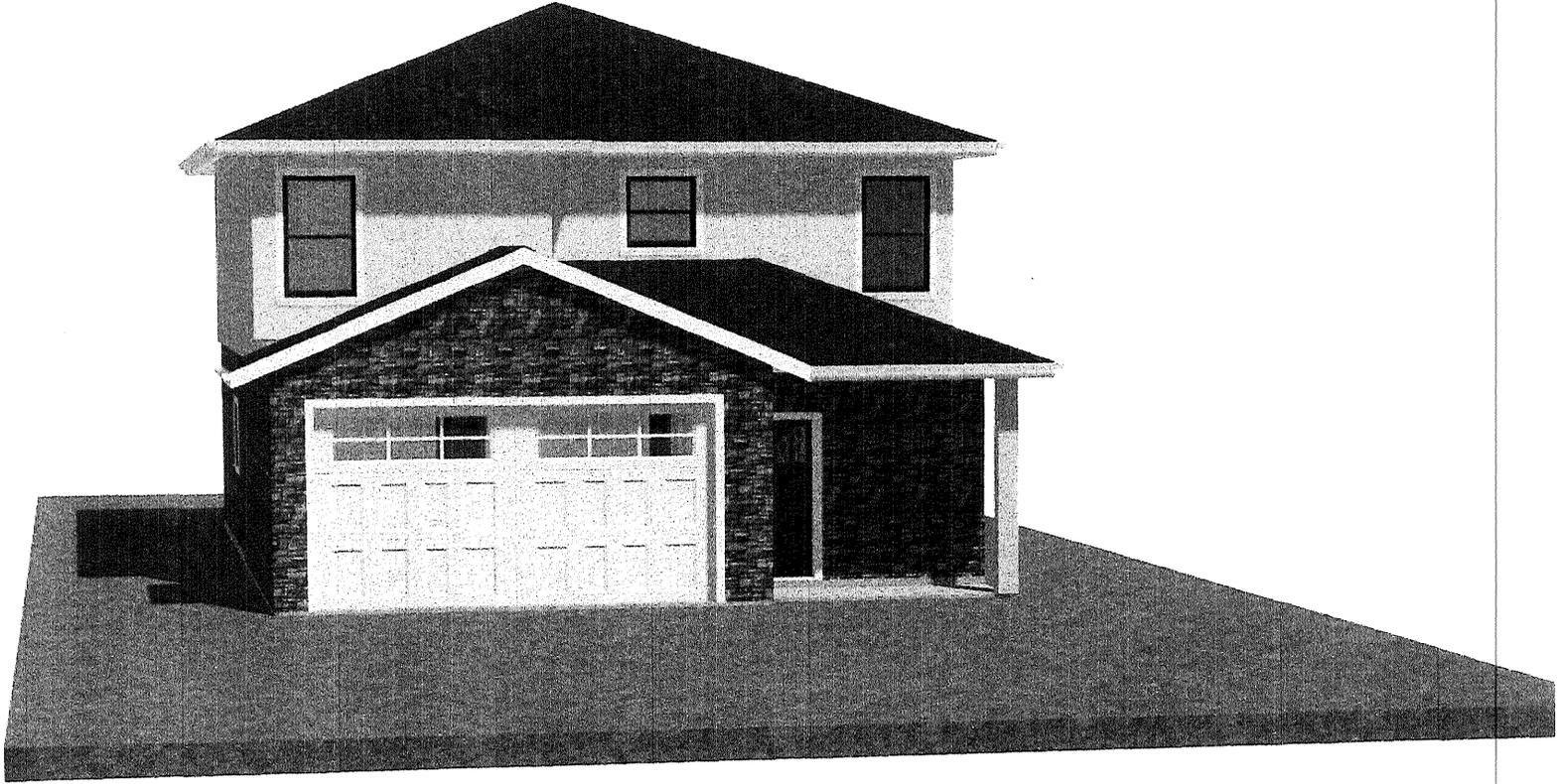
NORTH BEACH STREET (100' R/W)
DIXIE HIGHWAY (PLAT)
ASPHALT ROADWAY





LIVING AREA 798 sq ft **1ST FLOOR**

TOTAL LIVING AREA
 798. + 933. = 1731.
 SQ.FT



This instrument prepared by:
Name: S. Romines an employee of
Coast Title of West Volusia County, Inc.
Address: 990 N.Woodland Blvd.,3rd Floor
DeLand, FL 32720
Return to: Coast Title of West Volusia County, Inc.
FILE NO. 8081
Address: 990 N.Woodland Blvd.,3rd Floor
DeLand, FL 32720
Property Appraisers Parcel Identification Number(s):
3242-04-08-0250
Grantee(s) S.S #'s:

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED made the 27th day of August, 2014 by RLT Properties, Inc, a Florida Corp. and In Land We Trust, LLC, a Florida Limited Liability Co. and Latic Enterprises, Inc., a Florida Corp. and Mark Solomon Properties, Inc., a Florida Corp., whose street address is 354 Pinewood Road, Ormond Beach, FL 32174 hereinafter called the grantor, to Sam Tountouchian, whose street address is P.O. Box 291535, Pt. Orange, FL 32129 hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH, that the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in VOLUSIA County, State of FLORIDA, described as follows:

Lots 25 and 26, Block 8, Daytona Shores, Section 1-A, according to map in Map Book 10, pages 72-73, of the Public Records of Volusia County, Florida

Together, with all the tenements, hereditaments and appurtenances thereto belonging or in otherwise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor(s) hereby covenants with the grantee that the grantor is lawfully seized of said land in fee simple; that the grantor(s) has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free from all encumbrances, except taxes accruing subsequent to December 31st, 2014, FURTHER SUBJECT TO restrictions, reservations, covenants and easements of record, if any, however this reference shall not operate to re-impose the same.

In Witness Whereof, the said grantor(s) has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of: (2 witnesses required)

Donna C. Bartow
Witness

Donna C. Bartow
Printed

[Signature]
Witness

R. Todd Heffington
Printed

RLT Properties, Inc, A Florida Corp.

By Raymond H. Heffington
Raymond Heffington, President

In Land We Trust, LLC, a Florida Limited Liability Co.

By Emilio Cirelli
Emilio Cirelli, mgmr.

Latic Enterprises, Inc, a Florida Corp.,

BY [Signature]
Miro Latic, President 3242-04-08-0250

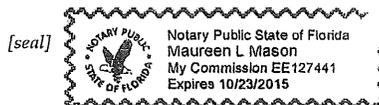
Mark Solomon Properties, Inc., A Florida Corp.

BY Mark Solomon
Mark Solomon, Vice President

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 27th day of August, 2014, by Raymond Heffington, President of RLT Properties, Inc, a Florida Corp. and Emilio Cirelli, Mgmt. Of In Land We Trust, LLC, a Florida Limited Liability Co. and Miro Latic, President of Latic Enterprises, Inc., a Florida Corp. and Mark Solomon, Vice President of Mark Solomon Properties, Inc., a Florida Corp., who is personally known to me or who produced Fl. License as identification and who did/did not take an oath.

Maureen L. Mason
Notary Public
My Commission Expires: 10-23-15



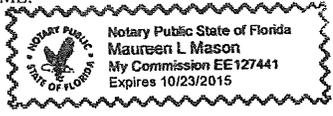
BY: Mark Solomon, Vice
President *Mark Solomon*

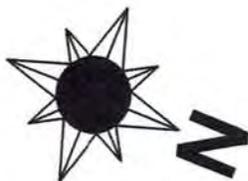
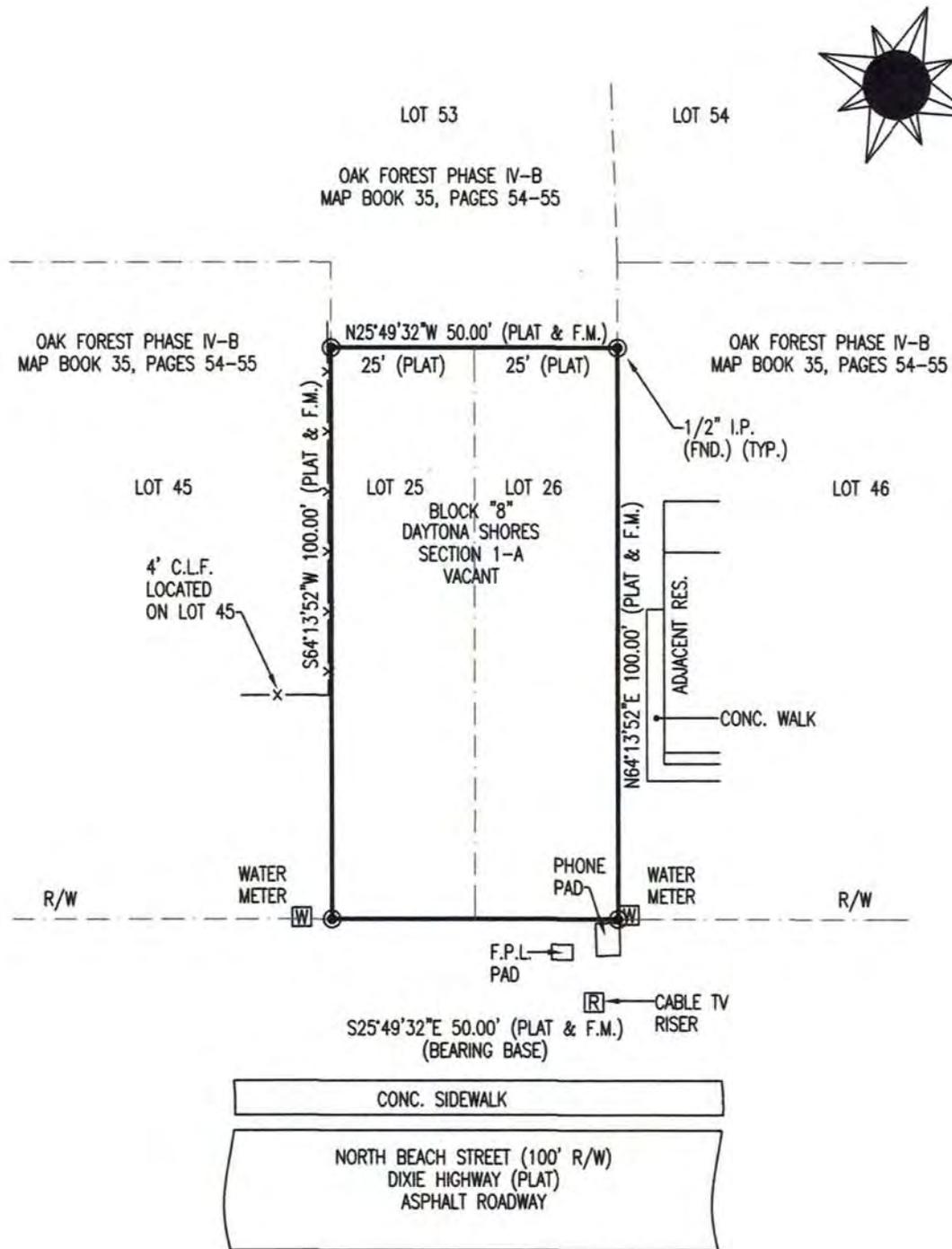
State of Florida
County of Volusia

The foregoing instrument was acknowledged before me on this 27th day of August, 2014 by Raymond Heffington, President of RLT Properties, Inc, a Florida Corp. and Emilo Cirelli, Mgr. Of In Land We Trust, LLC, a Florida Limited Liability Co. and Miro Latic, President of Latic Enterprises, Inc., a Florida Corp. and Mark Solomon, Vice President of Mark Solomon Properties, Inc., a Florida Corp., who is known to me or who has produced Fl. license as identification and did _____ take an oath.

My Commission Expires: 10-23-15
(SEAL)

Maureen L. Mason
NOTARY PUBLIC
PRINTED NAME:





REVISIONS
 09-08-14 NAME CHANGE

ELEVATIONS REFER TO
 MINIMUM F.F.E. = (PER REQUIREMENTS)
 FLOOD ZONE COMMUNITY PANEL

- GENERAL NOTES:
1. DATE OF FIELD SURVEY: 05/09/06.
 2. DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.
 3. THIS SURVEY IS BASED ON EXISTING FIELD MONUMENTATION.
 4. NO UNDERGROUND FOUNDATIONS WERE LOCATED.
 5. NO UNDERGROUND UTILITIES WERE LOCATED EXCEPT AS SHOWN.
 6. BEARINGS REFERENCED TO THE WEST LINE OF N. BEACH STREET, BEING S25°49'32"E.
 7. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER.
 8. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF AN ABSTRACT. THERE MAYBE ADDITIONAL EASEMENTS, RESTRICTIONS AND/OR OTHER MATTERS NOT SHOWN THAT COULD AFFECT THIS PROPERTY THAT MAYBE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
 9. LEGAL DESCRIPTION FURNISHED BY CLIENT.

LEGAL DESCRIPTION (AS FURNISHED):

LOT NUMBER(S): 25 & 26 BLOCK NUMBER: 8 SUB'N.: DAYTONA SHORES SEC. 1-A
 MAP BOOK: 10 PAGE(S): 72-73 PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
 ADDRESS: N. BEACH STREET VOLUSIA COUNTY, FLORIDA.

LEGEND / ABBREVIATIONS:

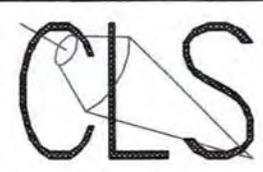
.....	F.D.O.T.	FLORIDA DEPARTMENT OF TRANSPORTATION
ASPH.	EASE.	EASEMENT
A.S.	F.F.E.	FINISHED FLOOR ELEVATION
A/C	F.M.	FIELD MEASURED
A/U	FND.	FOUND
BLDG.	F.P.L.	FLORIDA POWER & LIGHT
BLVD.	I.P.	IRON PIPE
CALC.	I.R.	IRON ROD
C.L.F.	M.B.	MAP BOOK
C.M.	N.D.	NAIL & DISC
CMP	(N.R.)	NON-RADIAL
CONC.	O.R.	OFFICIAL RECORDS BOOK
DESC.	P.C.P.	PERMANENT CONTROL POINT
	PG.	PAGE
	PLAT	PLAT DATA
	P.O.B.	POINT OF BEGINNING
	P.O.C.	POINT OF COMMENCEMENT
	PP	POWER POLE
	PRO.	PROPOSED
	RCP	REINFORCED CONCRETE PIPE
	R/W	RIGHT OF WAY
	(R)	RADIAL
	RES.	RESIDENCE
	S/W	SIDEWALK
	TYP.	TYPICAL

BOUNDARY SURVEY

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

GREGG S. CULLUM P.S.M. #5095 DATE: 09-08-14

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



PREPARED FOR: SAM TOUTOUCHIAN

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

JOB #: 2006-090
 DATE: 05/09/06
 SCALE: 1" = 30'
 DRAWN BY: GSC
 CHECKED BY: GSC
 FIELD BOOK/PAGE: 61/35
 SHEET 1 OF 1

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: September 22, 2014

SUBJECT: 29 River Ridge Trail, driveway variance

APPLICANT: Mr. Richard Littlejohn, of Truscot Construction, Inc., on behalf on the property owners of 29 River Ridge Trail

FILE NUMBER: 2014-118

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION:

This is a request for a driveway setback variance from Mr. Richard Littlejohn, of Truscot Construction, Inc., on behalf on the property owners of 29 River Ridge Trail to construct a paver driveway within the 3' driveway setback requirement. Section 3-25(c)(1) of the Land Development Code requires no point of access (driveway) on any lot shall not be closer than 3' to the property line. The variance request from Mr. Littlejohn seeks to allow a paver driveway with a 0' setback for a distance of approximately 70 linear feet, requiring a variance of 3' to the required 3' driveway setback standard.

BACKGROUND:

The property is designated as "Low Density Residential" and "Open Space/Conservation" on the City's Future Land Use Map (FLUM) and is zoned R-2 (Single Family Low Density) on the City's Official Zoning Map. The existing use of the property is consistent with the FLUM designation and zoning district.

Adjacent land uses and zoning:

	Current Land Uses	Future Land Use Designation	Zoning
North	Tomoka River	Open Space/Conservation"	SE (Special Environmental)
South	Single Family House	"Low Density Residential"	R-2 (Single Family Low Density)
East	Single Family House	"Low Density Residential"& Open Space/Conservation"	R-2 (Single Family Low Density)
West	Single Family House	"Low Density Residential" Open Space/Conservation"	R-2 (Single Family Low Density)

Site Aerial



Site picture, 09.12.2014



The property at 29 River Ridge Trail is located within the Trails subdivision and the Volusia County Property Appraiser shows that the house was constructed in 1979. The property owner at 29 River Ridge Trail also owns the abutting property at 31 River Ridge which is vacant with no improvements located on the property. The property at 29 River Ridge Trail slopes downward from River Ridge Trail roadway downward towards the Tomoka River with significant changes in lot grades. The existing single family house has a side entrance garage. The variance request seeks to allow a paver driveway to encroach into the 3' setback for a distance of approximately 70'.

ANALYSIS:

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

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

1. **Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.**

Case for the variance: The special condition relates topography of the lot and the location of the garage. The slope of the property will require a retaining wall and require an encroachment into the required driveway setback of 3'. The location of the garage requires a wide radius in order to make the turn from the street into the garage.

Case against the variance: None. The property's slope and the location of the garage make vehicle access to the garage difficult.

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

Case for the variance: The Volusia County Property Appraiser's website indicates that the applicant purchased the property in 2000 and the house was constructed in 1978. The special conditions did not result from the 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 literal interpretation of the zoning regulations would significantly impact the ability to access the existing garage. In addition, the applicant owns the adjoining lot at 31 River Ridge Trail.

Case against the variance: The Land Development Code establishes standards for driveway setbacks and the area between the property line and 3' could be stone or grass.

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: The slope of the land and the location of the existing garage restrict other alternatives for the driveway.

Case against the variance: As stated in criteria 3, other materials such as stone or grass could be used, but it may impact the ability to access the existing garage.

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 paver driveway.

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.

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 request will not diminish property values or alter the character of the surrounding area. The driveway is proposed to be converted to a paver driveway which shall increase the aesthetics of the property. In addition, the property owners own the abutting lot where the variance encroachment is proposed. Any future development of the vacant lot would be aware of the driveway to the property line for approximately 70'.

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.

Case against the variance: None.

RECOMMENDATION: It is recommended that the Board of Adjustments and Appeals **APPROVE** a paver driveway with a 0' setback for a distance of approximately 70 linear feet, requiring a variance of 3' to the required 3' driveway setback standard, as shown on the attached exhibit.

Exhibits:

- A: Variance Exhibit
- B: Maps and pictures
- C: Variance application

Exhibit A

Variance Exhibit

LEGAL DESCRIPTION (AS FURNISHED):

LOT NUMBER(S): 114 BLOCK NUMBER: SUB'N.: THE TRAILS SUBDIVISION, UNIT 2
 MAP BOOK: 33 PAGE(S): 154 PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
 ADDRESS: 29 RIVER RIDGE TRAIL ORMOND BEACH FL. 32174 VOLUSIA COUNTY, FLORIDA.

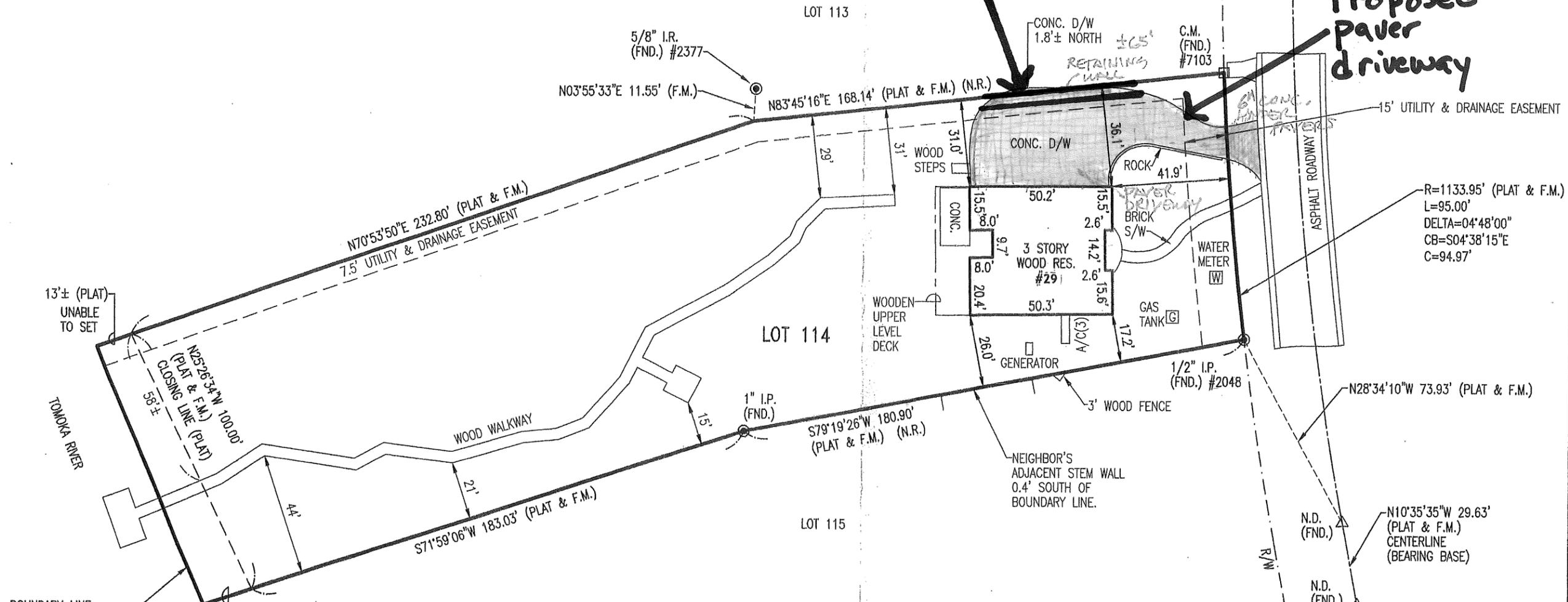
Proposed driveway plan 29 River Ridge Trail

Area of 0' driveway setback. Variance of 3' sought from 3' setback requirement



RIVERRIDGE TRAIL (50' R/W)

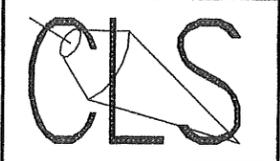
Proposed paver driveway



LEGEND / ABBREVIATIONS

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

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



PREPARED FOR: WALTER P. CRAIG, JR.
 NOT VALID UNLESS SIGNED BY A PROFESSIONAL SURVEYOR AND MAPPER AND SEALED WITH AN EMBOSSED SEAL

- GENERAL NOTES:
1. DATE OF FIELD SURVEY: 06-21-13
 2. DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.
 3. THIS SURVEY IS BASED ON EXISTING FIELD MONUMENTATION.
 4. NO UNDERGROUND FOUNDATIONS WERE LOCATED.
 5. NO UNDERGROUND UTILITIES WERE LOCATED EXCEPT AS SHOWN.
 6. BEARINGS REFERENCED TO THE CENTERLINE OF RIVERRIDGE TRAIL, BEING N10°35'35"W.
 7. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER.
 8. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF AN ABSTRACT. THERE MAYBE ADDITIONAL EASEMENTS, RESTRICTIONS AND/OR OTHER MATTERS NOT SHOWN THAT COULD AFFECT THIS PROPERTY THAT MAYBE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
 9. LEGAL DESCRIPTION FURNISHED BY CLIENT.

BOUNDARY SURVEY

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

06-21-13

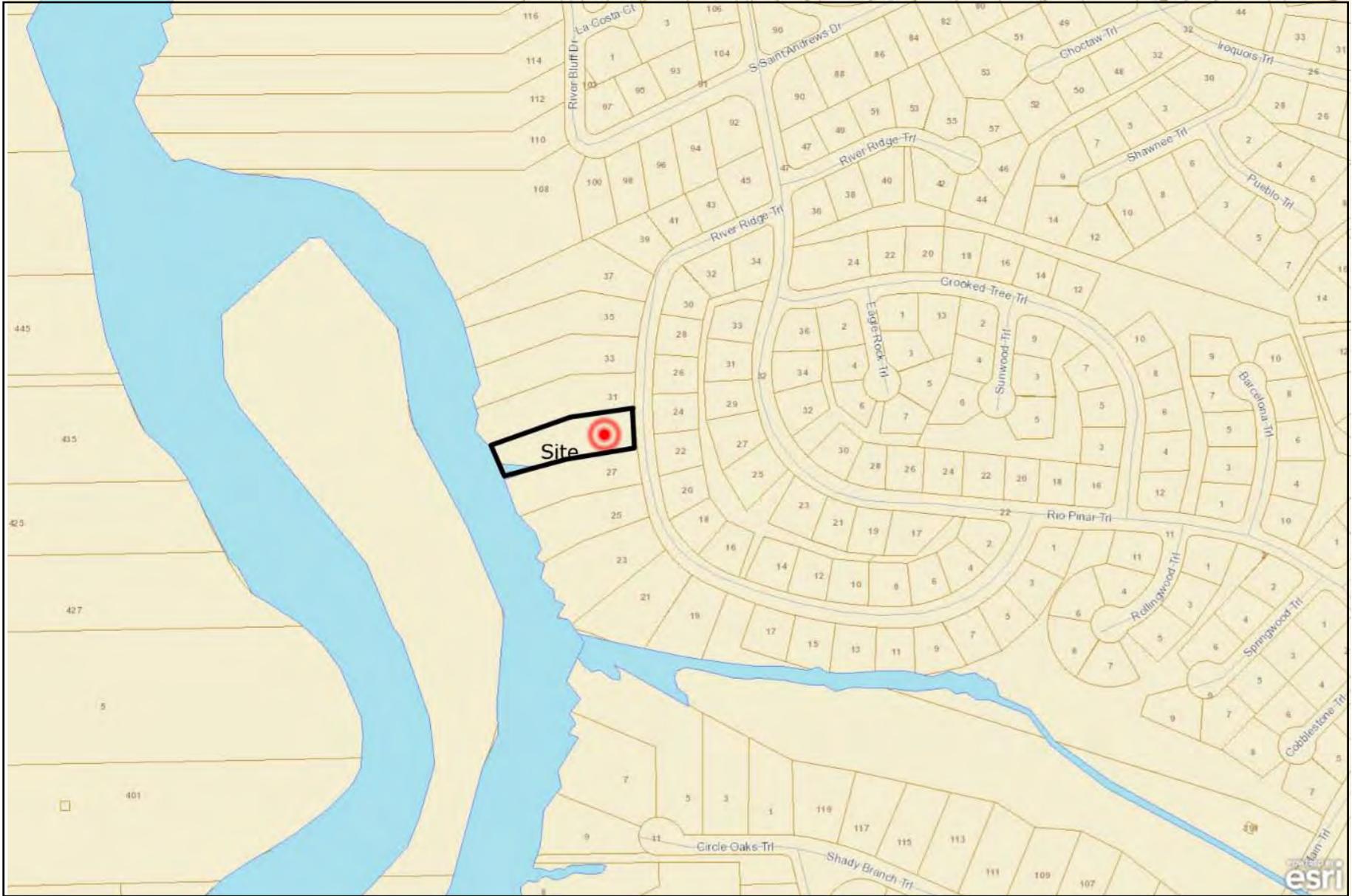
GREGG S. CULLUM P.S.M. DATE: 06-21-13

JOB #:	2013-220
DATE:	06/21/13
SCALE:	1" = 40'
DRAWN BY:	GSC
CHECKED BY:	GSC
FIELD BOOK/PAGE:	84-78
SHEET	1 OF 1

Exhibit B

Maps and pictures

29 River Ridge Trail location map



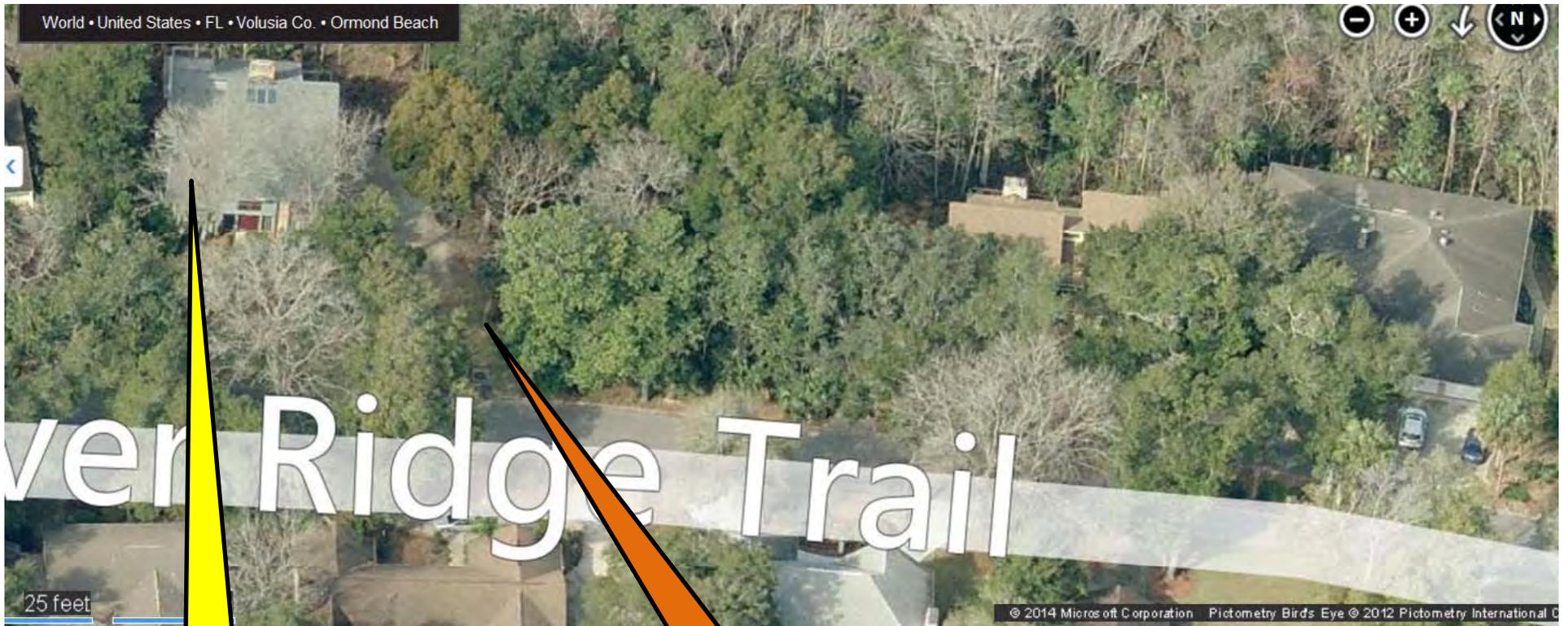
430 ft



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.

Powered by
VANTAGEPOINTS

29 River Ridge Trail



29 River
Ridge Trail

Driveway



Driveway

09/12/2014



Side entry
garage

09/12/2014



**Note the grade
difference at the
property line**

09/12/2014



Note the grade difference at the property line

09/12/2014

Exhibit C

Variance Application



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

14-118

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 RICHARD LITTLEJOHN / TRUSCOT CONT

Full Address 873 HULL ROAD SUITE 23 ORMOND BEACH FL 32174

Telephone 386-383-3804 Email RICHY@TRUSCOTINC.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 WAITER, MARY CRAIG

Full Address 29 RIVER RIDGE TRAIL ORMOND BEACH FL 32174

Telephone Email WPANDJAN@AOL.COM

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

PROPERTY DETAILS

Full Address 29 RIVER RIDGE TRAIL ORMOND BEACH FL 32174

Parcel ID Number 4217-01-02-1140

Legal Description LOT 114 TRAILS SUBUNIT 2 MB33 Pg 154 PER OR 4568PG

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:

ALLOW DRIVE (EXISTING TO BE REMOVED) REPLACED WITH PAVERS
& RETAINING WALL WITHIN 3' OF ADJACENT PROPERTY, THAT IS ALSO
OWNED BY SAME

ABUTTING PROPERTY OWNERS

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

Signature	Street Address	For	Against
X 	29 River Ridge OB	<input checked="" type="checkbox"/>	<input checked="" 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:

OWNER OF 29 RIVER RIDGE ALSO OWNS LOT ADJACENT

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

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

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

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

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

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

8. Granting this variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, buildings or structures in the same zoning district:

CRITERIA: NONCONFORMING

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

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

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

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

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

[Empty box for response to question 4]

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

[Empty box for response to question 5]

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

[Empty box for response to question 6]

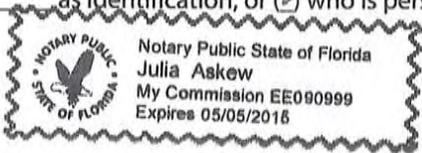
CERTIFICATION

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

X Signature: [Handwritten Signature]

STATE OF FLORIDA
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 21st day of August 2014, by Richard Littlejohn as PRES. (title*) for Project Construction (name of corporation*), who () provided _____ as identification, or (X) who is personally known to me.



[Handwritten Signature]
Notary Public, State of Florida
My Commission Expires: 5/5/2015

* 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.

From: **TruScot** richy@truscotinc.com
Subject: Fw: 29 River Ridge Trail, potential variance
Date: August 11, 2014 at 1:17 PM
To: jrs6667@yahoo.com

Richy Littlejohn
Truscot Construction Inc.
873 Hull Road, Suite #23
Ormond Bch. Fl. 32174.
St. Lic. # CBC 125 1919
Cell # (386) 383 3804
Fax # (386) 677 7674

From: [Spraker, Steven](#)
Sent: Monday, July 07, 2014 1:08 PM
To: 'richy@truscotinc.com'
Subject: 29 River Ridge Trail, potential variance

Planning staff discussed the potential variance at 29 River Ridge Trail regarding the driveway that would have a zero foot setback. Staff also visited the site this morning. Based on the location of the building, the existing conditions, and the fact that the property owns the adjoining vacant parcel, staff would support a variance to reduce the driveway setback to zero as currently exists.

I have attached a variance application, a flowchart of the process, and guidance notes for your information and use. Please contact me with any questions or if you need additional information.

Thank you

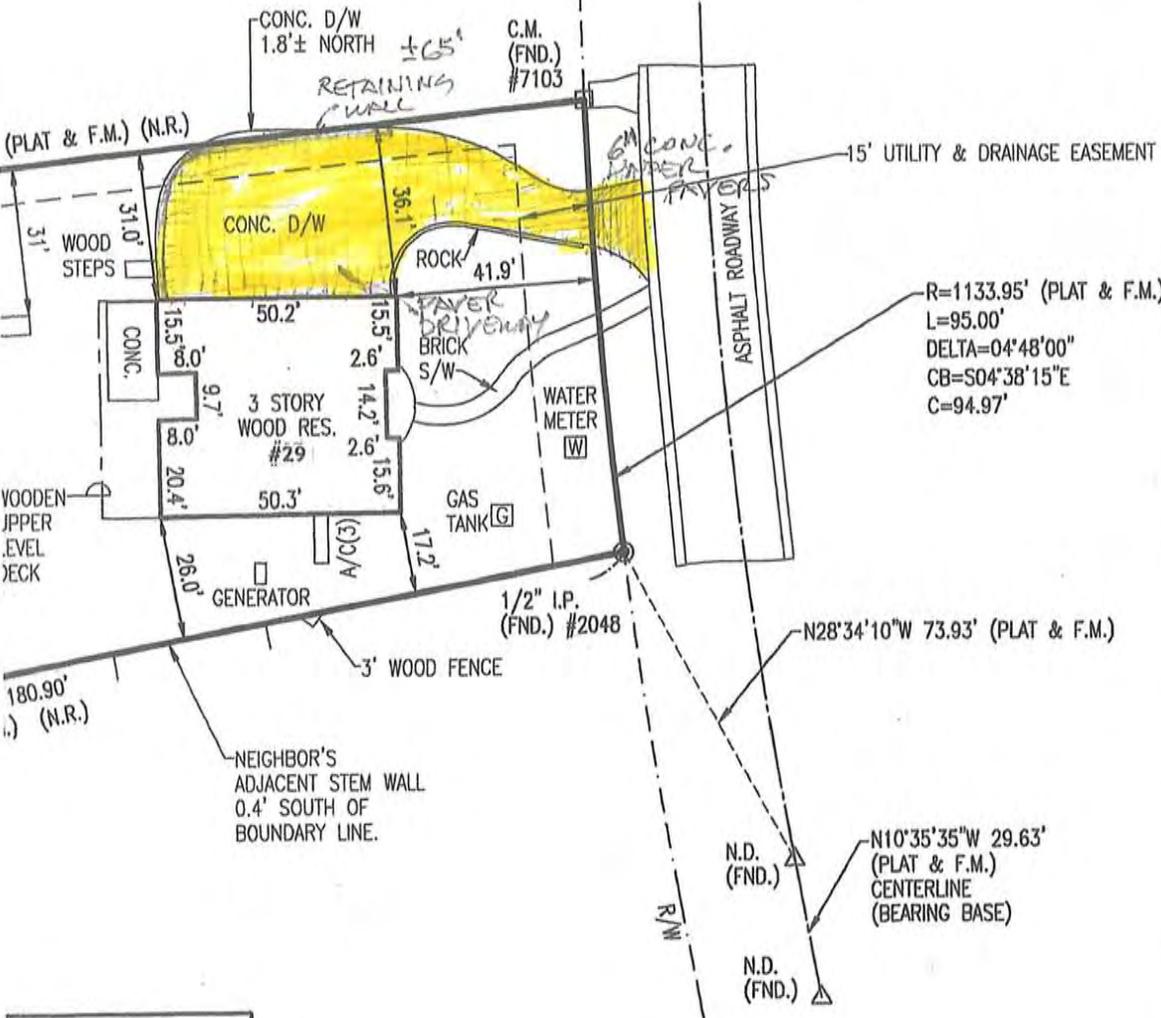
Steven

Steven Spraker, AICP
Senior Planner

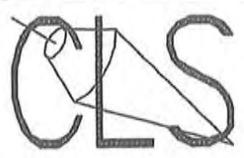
LEGEND / ABBREVIATIONS	
R/W	RIGHT OF WAY
ASPH.	ASPHALT
PLAT	PLAT DATA
F.M.	FIELD MEASURED
FND.	FOUND
I.P.	IRON PIPE
I.R.	IRON ROD
CONC.	CONCRETE
TYP.	TYPICAL
S/W	SIDEWALK
F.F.E.	FINISHED FLOOR ELEVATION
NR	NON-RADIAL
N.D.	NAIL & DISC
OHE	AERIAL UTILITIES
A/C	AIR CONDITIONER
(N.R.)	NON-RADIAL



RIVERRIDGE TRAIL (50' R/W)



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



PREPARED FOR: **WALTER P. CRAIG, JR.**

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

BOUNDARY SURVEY

SURVEYOR'S CERTIFICATION:

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

6-21-13

GREGG S. CULLUM P.S.M.

DATE:

JOB #: 2013-220

DATE: 06/21/13

SCALE: 1" = 40'

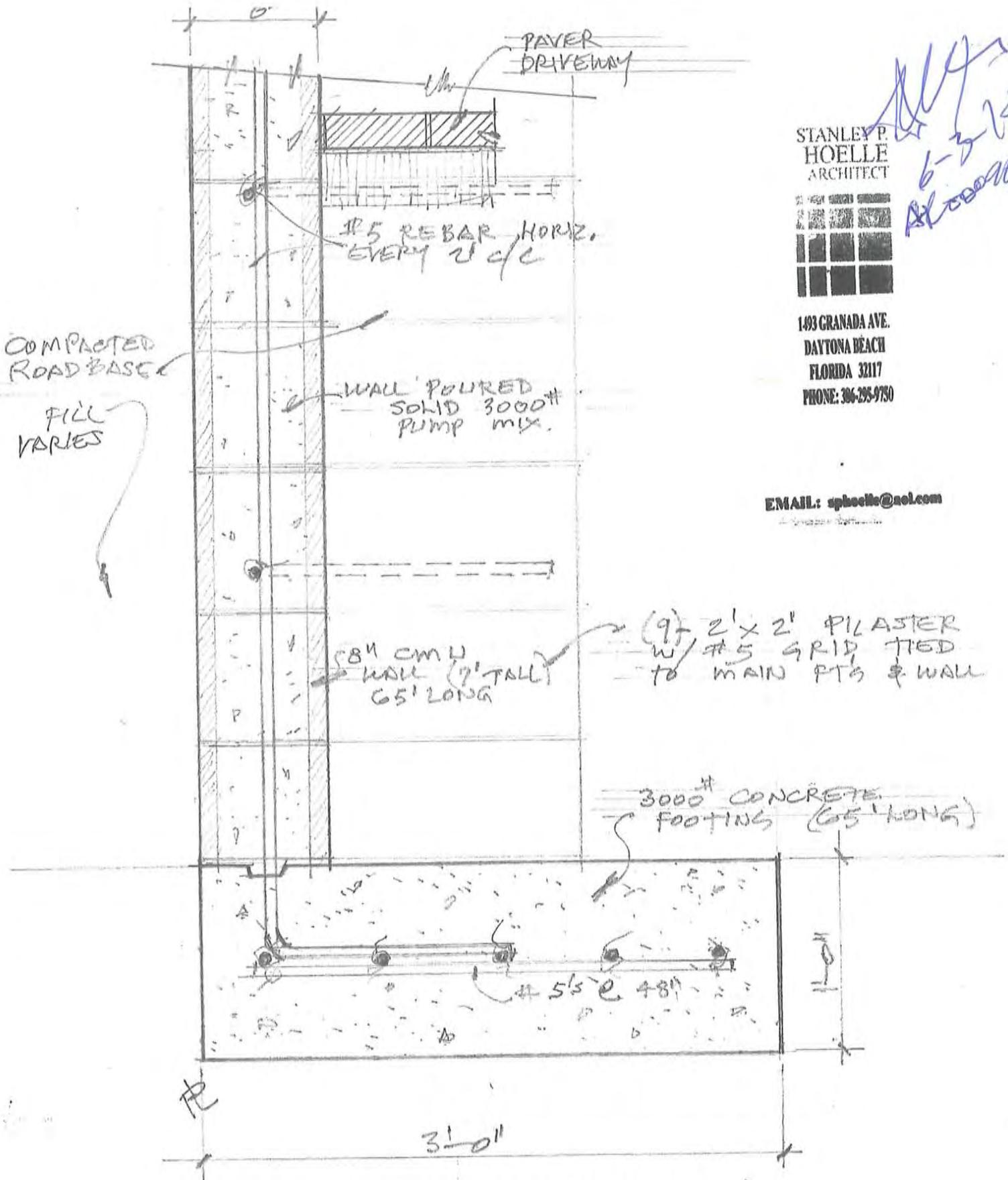
DRAWN BY: GSC

CHECKED BY: GSC

FIELD BOOK/PAGE: 84-78

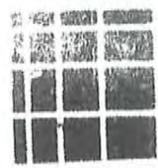
SHEET 1 OF 1

5'35"W.
 LICENSED SURVEYOR & MAPPER.
 ADDITIONAL EASEMENTS,
 PROPERTY THAT MAYBE FOUND IN




 6-3-14
 AL 0009633

STANLEY P. HOELLE ARCHITECT



1493 GRANADA AVE.
 DAYTONA BEACH
 FLORIDA 32117
 PHONE: 386-295-9750

EMAIL: sphoelle@aol.com

RETAINING WALL REPLACEMENT DETAIL

1/2" = 1'-0"

29 RIVERRIDGE TRAIL

SD-1

LEGAL DESCRIPTION (AS FURNISHED):

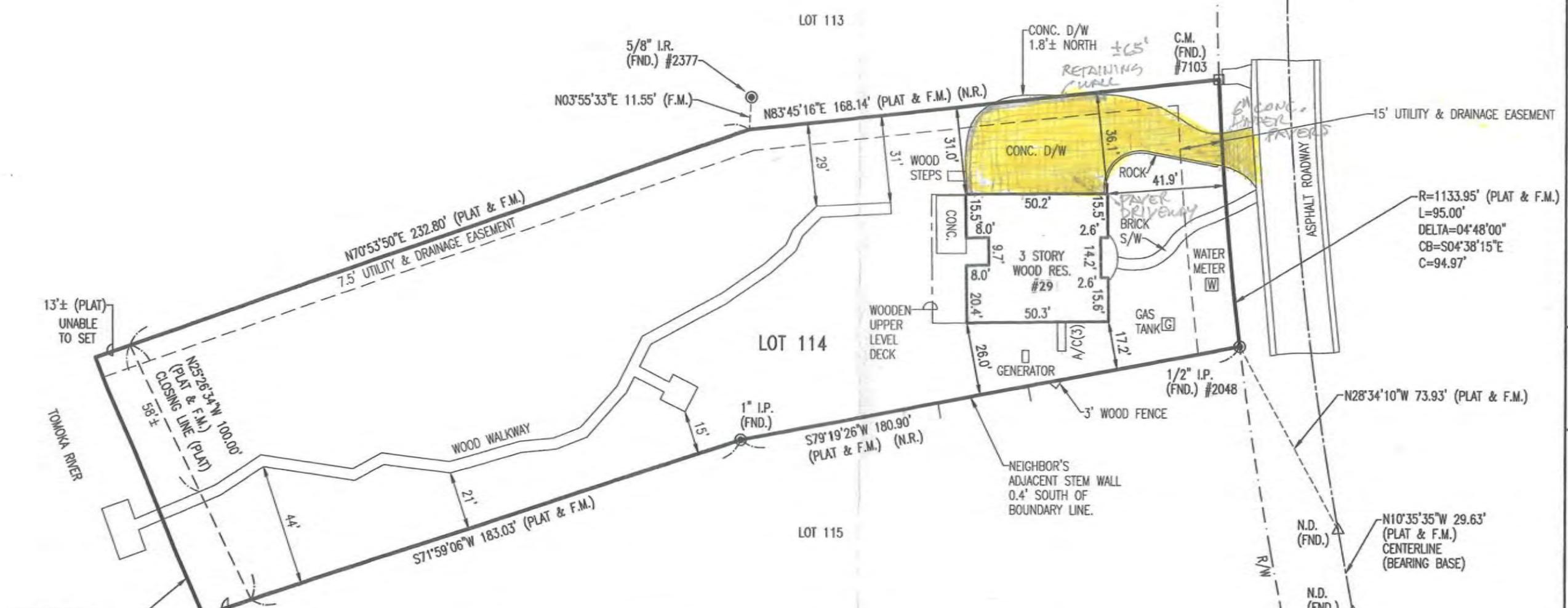
LOT NUMBER(S): 114 BLOCK NUMBER: SUB'N.: THE TRAILS SUBDIVISION, UNIT 2
 MAP BOOK: 33 PAGE(S): 154 PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.
 ADDRESS: 29 RIVERRIDGE TRAIL ORMOND BEACH FL. 32174 VOLUSIA COUNTY, FLORIDA.

LEGEND / ABBREVIATIONS

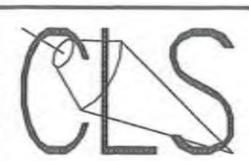
R/W	RIGHT OF WAY
ASPH.	ASPHALT
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FND.	FOUND
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I.R.	IRON ROD
CONC.	CONCRETE
TYP.	TYPICAL
S/W	SIDEWALK
F.F.E.	FINISHED FLOOR ELEVATION
NR	NON-RADIAL
N.D.	NAIL & DISC
OHE	AERIAL UTILITIES
A/C	AIR CONDITIONER
(N.R.)	NON-RADIAL



RIVERRIDGE TRAIL (50' R/W)



CULLUM LAND SURVEYING INC.
 GREGG S. CULLUM
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PREPARED FOR: WALTER P. CRAIG, JR.
 NOT VALID UNLESS SIGNED BY A PROFESSIONAL SURVEYOR AND MAPPER AND SEALED WITH AN EMBOSSED SEAL

- GENERAL NOTES:
1. DATE OF FIELD SURVEY: 06-21-13
 2. DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.
 3. THIS SURVEY IS BASED ON EXISTING FIELD MONUMENTATION.
 4. NO UNDERGROUND FOUNDATIONS WERE LOCATED.
 5. NO UNDERGROUND UTILITIES WERE LOCATED EXCEPT AS SHOWN.
 6. BEARINGS REFERENCED TO THE CENTERLINE OF RIVERRIDGE TRAIL, BEING N10°35'35"W.
 7. NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER.
 8. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF AN ABSTRACT. THERE MAYBE ADDITIONAL EASEMENTS, RESTRICTIONS AND/OR OTHER MATTERS NOT SHOWN THAT COULD AFFECT THIS PROPERTY THAT MAYBE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
 9. LEGAL DESCRIPTION FURNISHED BY CLIENT.

BOUNDARY SURVEY

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

GREGG S. CULLUM P.S.M. #7129 DATE: 06-21-13

JOB #:	2013-220
DATE:	06/21/13
SCALE:	1" = 40'
DRAWN BY:	GSC
CHECKED BY:	GSC
FIELD BOOK/PAGE:	84-78
SHEET	1 OF 1

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: September 22, 2014

SUBJECT: 368 Tymber Run

APPLICANT: Fred Leykamm, property owner

FILE NUMBER: V14-127

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

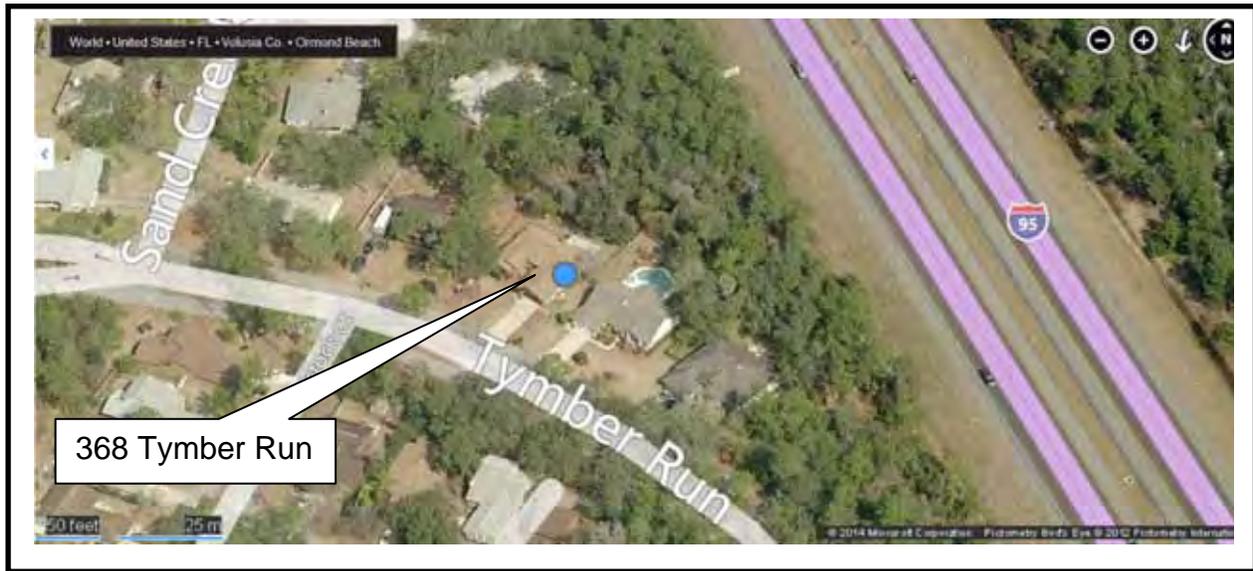
INTRODUCTION: This is a request for a pool screen enclosure variance from Mr. Fred Leykamm, property owner of 368 Tymber Run to construct a pool screen enclosure over a pool under construction. Section 2-50(X)(1)(c)(2) of the Land Development Code requires a 10' setback for a pool screen enclosure to the rear property line. The variance request from Mr. Leykamm seeks to allow a pool screen enclosure over a pool under construction with a 4.84' variance to the required pool screen enclosure setback of 10', with a resulting setback of 5.16' to the rear property line.

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 use of the property is consistent with the FLUM designation and zoning district.

Table 1: Adjacent land uses and zoning:

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

Site Aerial



Source: Bing Maps

Site picture, September 12, 2014



The subject property is 80' wide by 110' deep and is a non-conforming lot of record based on the property's width. According to the Volusia County Property Appraiser, the house was constructed in 1988. The property is part of the Tymber Creek subdivision that was annexed into Ormond Beach. The property owner recently obtained a pool permit without a screen enclosure and applied for a permit to install a pool screen enclosure at a 5.16' setback. The pool screen enclosure permit was denied based on the fact it was not located 10' from the rear property line.

At the August Board of Adjustment and Appeals meeting, the Board considered a similar variance request related to a pool screen enclosure and requested that Planning staff prepare a Land Development Code amendment to match the setback for a pool with or without a screen enclosure to 5'. The Board also desired to allow existing non-conforming pools and/or screen enclosures the ability to add or repair a screen enclosure at the existing pool setback, even if it was less than 5'. This Land Development Code amendment is underway and is tentatively scheduled for City Commission review in December of this year.

The subject property's rear yard abuts a triangle portion of the abutting property which has limited ability to be developed based upon setback requirements. Beyond this triangle portion of the abutting lot is Interstate I-95. The applicant has contacted the abutting property owners who have provided letters of no objection to the requested variance.

ANALYSIS:

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

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

1. **Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.**

Case for the variances: The special condition relates to the location of the existing house structure with a front yard 42.95' setback that limits the rear yard setback to 20'. The rear yard setback of 20' limits the ability to construct the pool and pool screen enclosure.

Case against the variances: One could argue that given the location of the existing house and the regulations in the Land Development Code, the property owner can only have the pool without the screen enclosure.

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

Case for the variances: The applicants purchased the property after the house was constructed. The special conditions did not result from the actions of the applicant.

Case against the variances: 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 variances: The literal interpretation of the zoning regulations would prevent the construction of the pool screen enclosure. Meeting the 10' rear screen enclosure setback would require the enclosure to be located entirely in the pool water and is not possible. This condition is a direct cause of the location of the existing house. Pool screen enclosures are commonly enjoyed by other properties in the City of Ormond Beach in the same zoning district.

Case against the variances: The Land Development Code establishes standards for screen enclosure setbacks and based on individual properties, not all sites can have pool screen enclosures.

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 variances: There is no practical alternative if a screen enclosure is to be allowed. As stated previously, applying the setbacks would require the pool screen enclosure in the water of the pool. The request is the minimum necessary in order to allow the construction of the screen enclosure. Staff has received letters of no objections from the abutting property owners.

Case against the variances: As stated in criteria 3, property owners do not have an absolute right to screen enclosures at less than 10' to the rear property. In the past, one primary consideration of variance applications has been the impact to neighboring properties.

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 variances: The variance is not sought to reduce the cost of the construction of the pool screen enclosure.

Case against the variances: 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 variances: The request will not increase congestion, fire danger or public hazards.

Case against the variances: 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 variances: The request will not diminish property values or alter the character of the surrounding area. One purpose of the variance process is to measure the impact of the improvement subject to the variance on adjoining properties. Staff has not received any objections and believes that the screen enclosure would not alter the character of the neighborhood.

Case against the variances: 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 variances: By approving the subject variance the city is not conferring a special privilege on the applicant that is denied by other property owners in the same zoning district.

Case against the variances: One can argue that granting the variance requests will lead to multiple applications for screen enclosures for pools with less than a 10' rear setback. Staff would state that there have been approved requests in the past for these types of situations, most recently 11 Bridge Terrace, 176 Woodland Avenue, and 141 Country Club. 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.

RECOMMENDATION: It is recommended that the Board of Adjustments and Appeals **APPROVE** a pool screen enclosure over a pool under construction with a 4.84' variance to the required pool screen enclosure setback of 10', with a resulting setback of 5.16' to the rear property line.

Exhibits:

- A: Variance Exhibit
- B: Maps and pictures
- C: Variance application

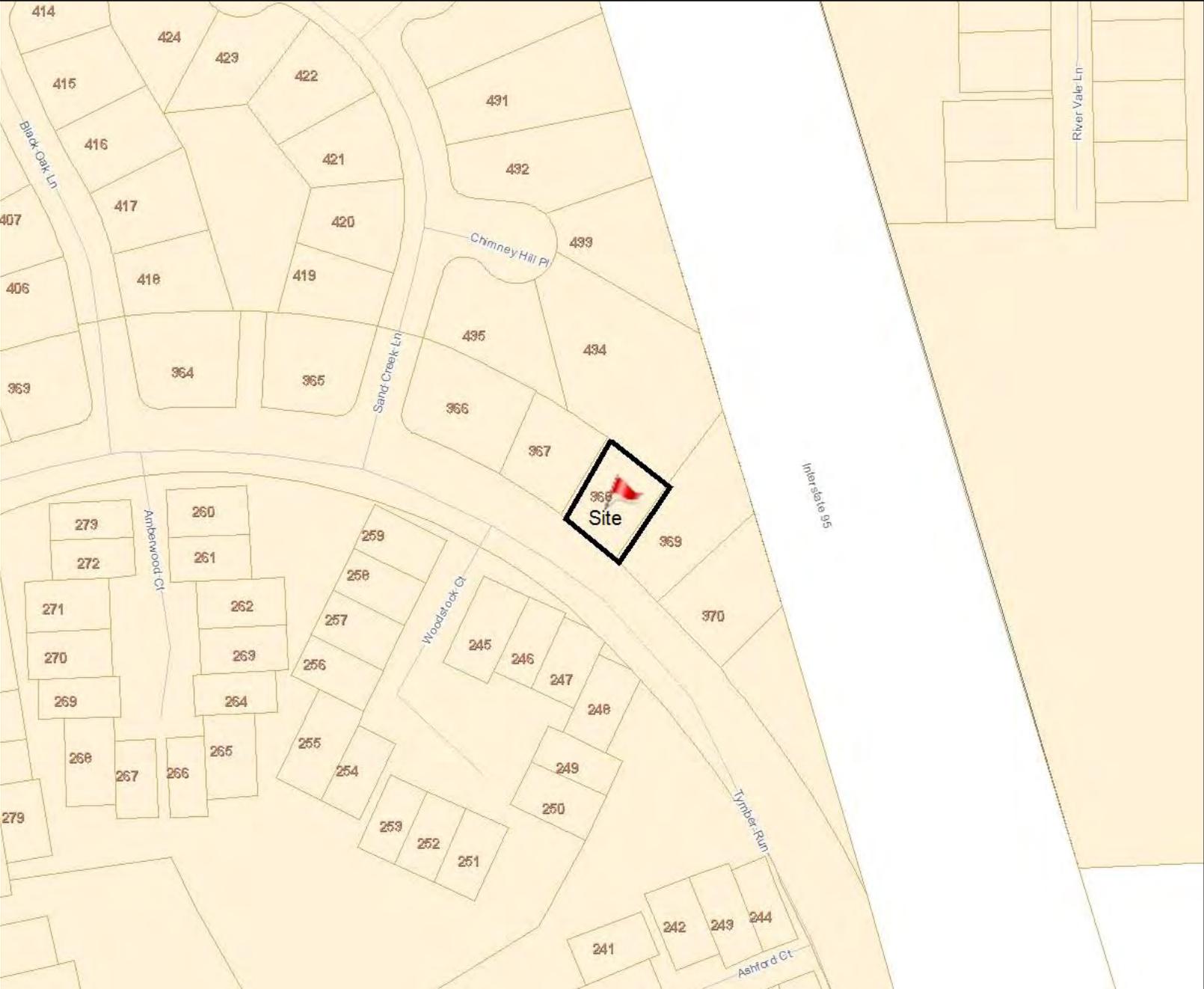
Exhibit A

Variance Exhibit

Exhibit B

Maps and pictures

368 Tymber Run location map



- Sidewalks
 - Golf Courses
 - Address Points
 - ⚡ Traffic Signals
 - ✈ Airport and Railroad
 - AIRPORT
 - ➔ RAILROAD
 - City Streets
 - DIRT
 - MAJOR
 - PAVED
 - Water Features
 - Property Lines
 - City Limits
 - ORMOND BEACH
 - HOLLY HILL
 - DAYTONA BEACH
- 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.



368 Tymber Run



Source: Bing Maps

368 Tymber Run



Area of pool and
proposed screen
enclosure

09/12/2014



Exhibit C

Variance Application



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 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 Fred and Eileen Leykamm

Full Address 368 Tymber Run

Telephone 386-405-3753 Email ftleykamm@hubbell.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 Fred and Eileen Leykamm

Full Address 368 Tymber Run

Telephone 386-405-3753 Email ftleykamm@hubbell.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 368 Tymber Run

Parcel ID Number 4125-05-00-3680

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:

A 4 foot 10 inch Variance to pool screen enclosure set back

ABUTTING PROPERTY OWNERS

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

Signature	Street Address	For	Against
attached letters / John Ferrence	369 Tymber Run	<input checked="" type="checkbox"/>	<input type="checkbox"/>
attached letters / Mathew Simpson	367 Tymber Run	<input checked="" type="checkbox"/>	<input type="checkbox"/>
attached letters/ Darren Brown	434 Chimney Hill Place	<input checked="" type="checkbox"/>	<input type="checkbox"/>

CRITERIA: CONFORMING

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

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:

Based on layout of existing house and angle of property no other way/place to locate pool and screen enclosure

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

Bought property and did not cause condition created

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:

Based on location and minimal size of pool no way to construct smaller screen enclosure. Have met with all neighbors and they have no objections to enclosure. Signed letters attached.

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:

Due to the lay out of the property at 368 Tymber and house upon this property a pool can only be constructed along the back side of house adjoined to the existing screen porch. The requested screen porch for pool seeking the variance to set back requirement does not encroach on property of 434 Chimney Hill. It will not create any sight issues as this is a deeply wooded section in back corner of property.

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

This is not sought to reduce the cost.

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

A screened enclosure for pool greatly enhances safety and security

Property adjoining property is deeply wooded and poses no hazard to the public.

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

The screen enclosure is within 2.5 feet on one corner and 4.8 feet on the other of being compliant. This investment into 368 Tymber should increase surrounding property values.

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:

Screen enclosures are common improvements to a pool and have no objections from neighbors.

CRITERIA: NONCONFORMING

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

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

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

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

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

[Empty response box for question 4]

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

[Empty response box for question 5]

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

[Empty response box for question 6]

CERTIFICATION

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

Signature: Fred Leykam

STATE OF FLORIDA
COUNTY OF DUNESIA

The foregoing instrument was acknowledged before me this 3rd day of Sept., 2014, by Fred Ley Kamh as _____ (title*) for _____ (name of corporation*), who provided _____ as identification, or () who is personally known to me.



Stacy M Reed
Notary Public, State of Florida
My Commission Expires: 9/3/2016

* 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.

September 2nd, 2014

City of Ormond Beach
Planning Department

RE: Requested Variance to 10 foot setback for screen pool enclosure for 368 Tymber Run.

To Whom It May Concern:

I, **Darren Brown**, owner of property at **434 Chimney Hill Place**, support the request for a variance submitted by **Fred and Eileen Leykamm** owners of 368 Tymber Run. The current plan for the screen enclosure for the already permitted pool is satisfactory to me and very close to being in compliance of the 10 foot setback requirement. The area where the screen enclosure is to be built will not encroach on any existing structures on my property. It is a deeply wooded section at the outside corner of my property.

Thank you for considering and approving the variance application submitted by the Fred and Eileen Leykamm

Respectfully,



Darren Brown.

September 2, 2014

City of Ormond Beach
Planning Department

RE: Requested Variance to 10 foot setback requirement for screen pool enclosure for 368 Tymber Run

To Whom It May Concern:

I, **John Ferrence**, owner of property at **369 Tymber Creek**, support the request for a variance submitted by **Fred and Eileen Leykamm**.

Respectfully,



John Ferrence

9/2/14

September 2, 2014

City of Ormond Beach
Planning Department

RE: Requested Variance to 10 foot setback requirement for screen pool enclosure for 368 Tymber Run

To Whom It May Concern:

I, **Mathew Simpson** owner of property at **367 Tymber Creek**, support the request for a variance submitted by **Fred and Eileen Leykamm**.

Respectfully,



Mathew Simpson

This Instrument was prepared by
and Return to:

MICHAEL A. PYLE, P.A.
1265 W. Granada Blvd., Ste. 1
Ormond Beach, FL 32174

Property Appraiser's Parcel ID No: **4125-05-00-3680**

04/12/2002 10:16
Doc stamps 147.70
(Transfer Amt \$ 10)
Instrument # 2002-079080
Book: 4847
Page: 3682
Diane M. Matousek
Volusia County, Clerk of Court

Warranty Deed

(STATUTORY FORM -- §689.02, F.S.)

This Indenture, made this 29th day of January, 2002, **Between**

WALTER DUBIEL and MILDRED DUBIEL, husband and wife, whose post office address is 83 Mulberry Street, Hamburg, County of Sussex, State of New Jersey, GRANTOR*,

and

FRED T. LEYKAMM and EILEEN LEYKAMM, husband and wife, whose post office address is 368 Tymber Run, Ormond Beach, County of Volusia, State of Florida, GRANTEE*,

Witnesseth, That said Grantor, for and in consideration of the sum of TEN AND 00/100 (\$10.00) Dollars and other good and valuable considerations to said grantor in hand paid by said grantee, and receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantee and grantee's heirs and assigns forever the following described land, situate, lying and being in Volusia County, Florida, to-wit:

All of the Grantors' interest in the following property, being an undivided one-half (1/2) interest in and to: Lot 368, TYMBER CREEK PHASE II, a subdivision according to map in Map Book 35, Page 116 to 126, inclusive, Public Records of Volusia County, Florida.

SUBJECT TO taxes for 2002 and subsequent years.

SUBJECT TO easements, conditions and restrictions of record, if any, the mention of which herein shall not operate to reimpose same.

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

*"Grantor" and "grantee" are used for singular or plural, as context requires.

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:
(Witnesses are as to all Grantors unless otherwise indicated)

Janece D. Pasulli
(First Witness)

Janece D. Pasulli
Printed or typed name

Amy Stewart
(Second Witness)

Amy Stewart
Printed or typed name

Walter Dubiel
WALTER DUBIEL (Seal)

Mildred Dubiel
MILDRED DUBIEL (Seal)

STATE OF NEW JERSEY
COUNTY OF SUSSEX

The foregoing instrument was acknowledged before me this 29th day of January, 2002, by **WALTER DUBIEL and MILDRED DUBIEL** who are personally known to be the person described in or have produced driver's licenses, or as identification.

My commission expires:

June 2, 2004

Theresa E. Diener
NOTARY PUBLIC

Theresa E. Diener
(Printed, typed or stamped name)

Commission Expires 6/2/2004

1/4" IP
FD. NO ID
LIGHT CATV
POLE PEDESTAL

N32°32'24"E 110.00'(P)
N32°34'13"E 109.96'(FM)

2" IRC
0.3' GR. CORNER
10.2'

5' D/U ESMT.

4' PICKET FENCE

ELEC. PEDESTAL

42.95'

15.76'

46.5'

PWR METE

21.56'

52'

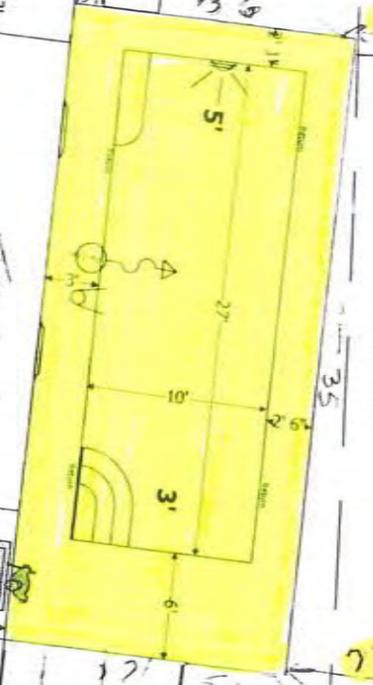
New Pool Enclosure
35' x 15.6"
w/ existing slab / footer

R=810.00 (P)
L=92.629
Tan=46.229
Δ=6.33'06"

R=810.00 (FM)
L=92.48
Tan=46.229
Δ=6.32'50"

368

1 STORY BRICK
RESIDENCE #368



5' D/U ESMT.

4' WOOD FENCE

24.3'

23.4'

25.0'

24.5'

SCREENED PORCH

35.5"

1/2" IRC
FD. #368
W/M

4" X 4" CM
FD. NO ID
S/O.19'
E/O.16'

N39°05'30"E 110.00'(P)
N39°06'22"E 107.60'(FM)

5' D/U ESMT.

4' WOOD FENCE

6' WOOD FENCE

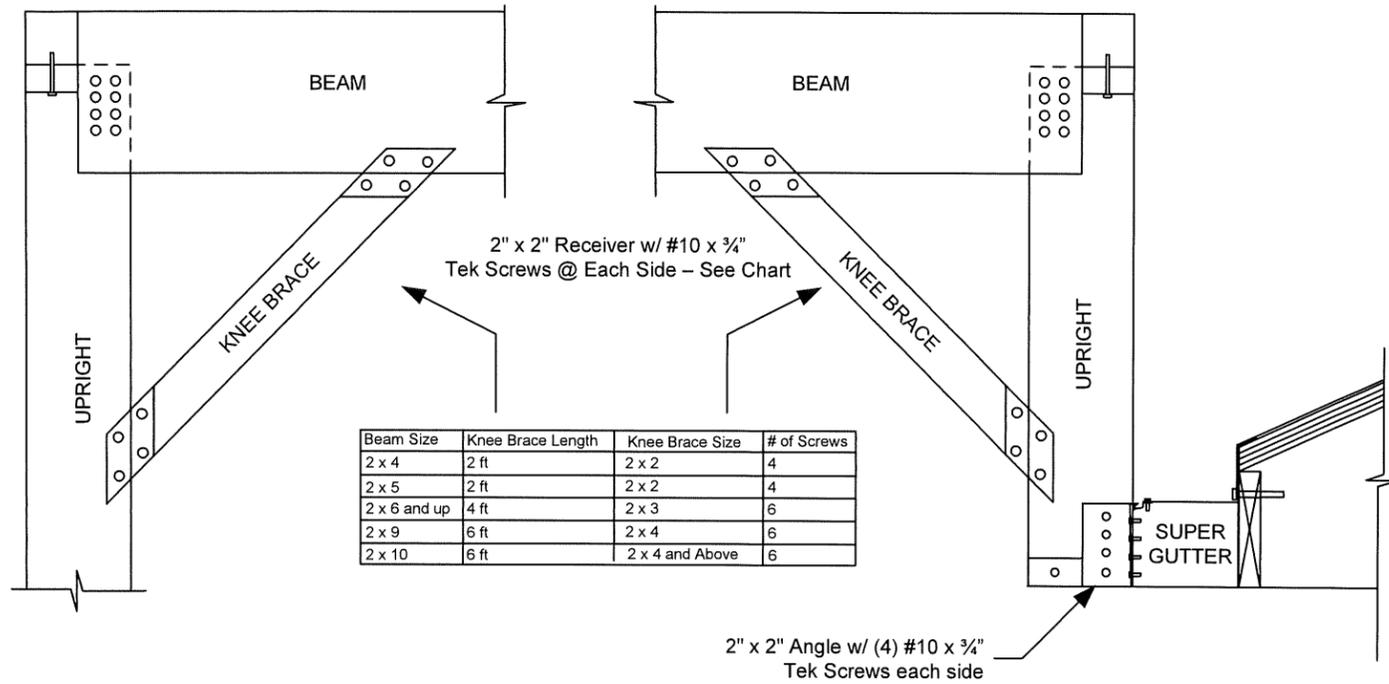
9.8'

12.60'

0.55'

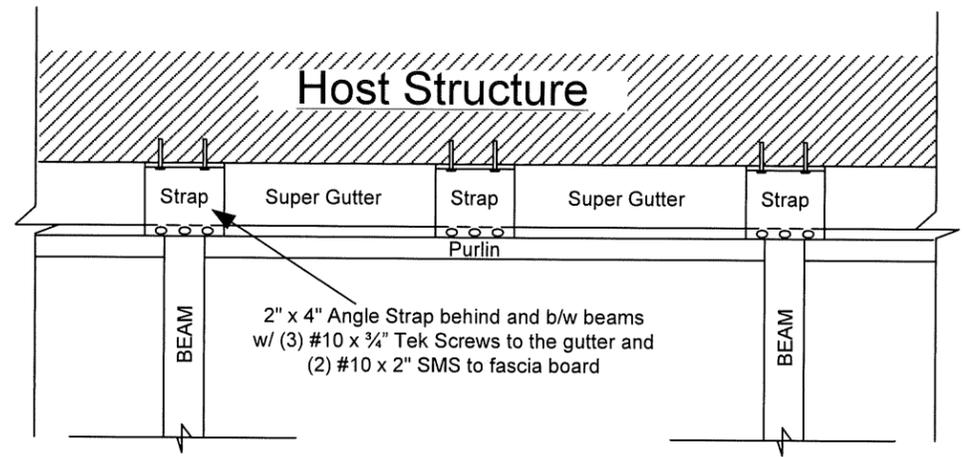
FIELD SHEET

SECTION

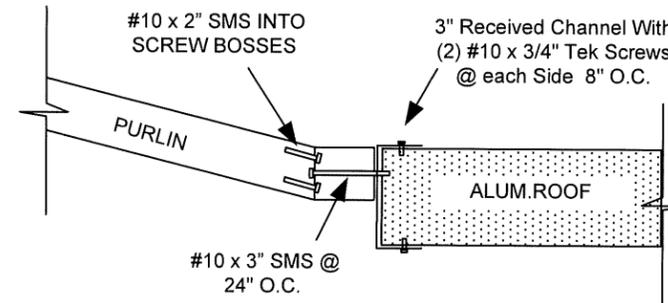


**KNEE BRACE DETAIL
(FRONT WALL)**

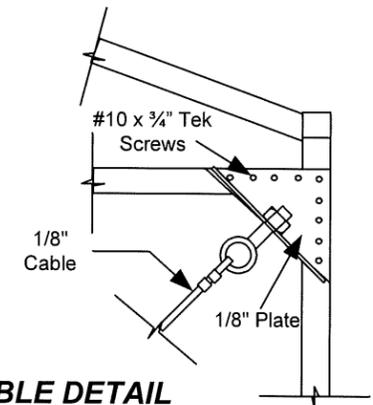
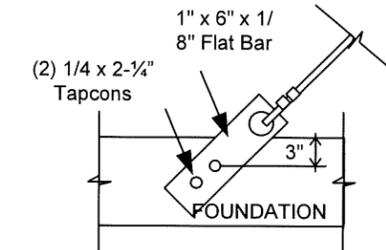
**BEAM TO GUTTER/
KNEE BRACE DETAIL**



GUTTER STRAP DETAIL



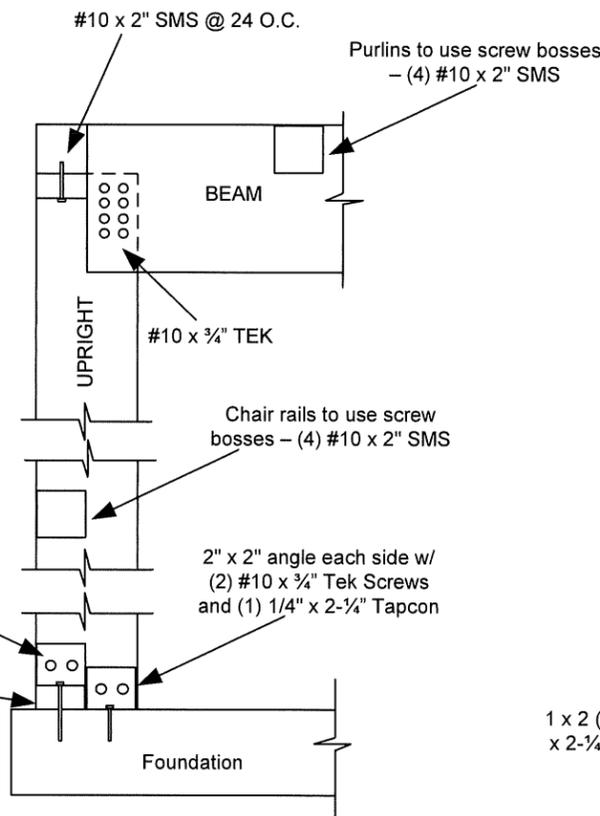
**PURLIN TO ALUMINUM ROOF
DETAIL**



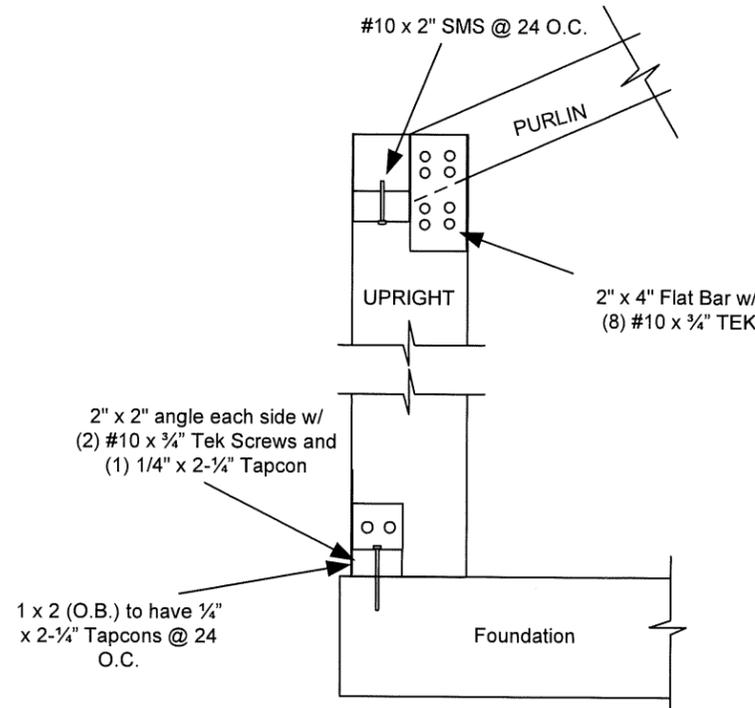
CABLE DETAIL

Minimum Screws Each Side Fasteners #10

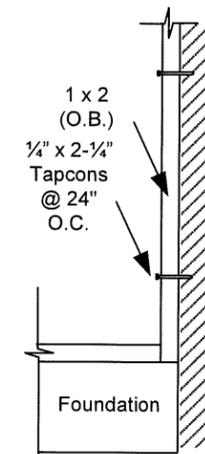
SMB	# SCREWS
2 x 4	6
2 x 5	6
2 x 6	8
2 x 7	12
2 x 8	14
2 x 9	16
2 x 10	18



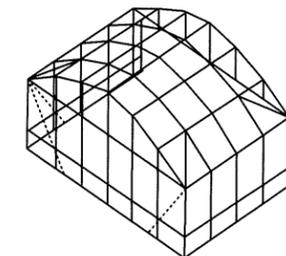
BEAM/ UPRIGHT DETAIL



SIDE WALL/ PURLIN DETAIL



SIDE WALL DETAIL



TYPICAL DOME ROOF

Ultimate Wind Speed 130 MPH
 Design Wind Speed 130 MPH
 Nominal Wind Speed 101 MPH
 Wind Force FBC 1609
 Exposure Category C
 Design Wind Pressure for Components Maximum - 41.2 PSF
 Roof Live Load = 20 PSF
 Floor Live Load = 40 PSF
 Soil Bearing = 1500 PSF
 Risk Category I

These standards and plans meet the 2010 Florida Building Code Building, Section 1609

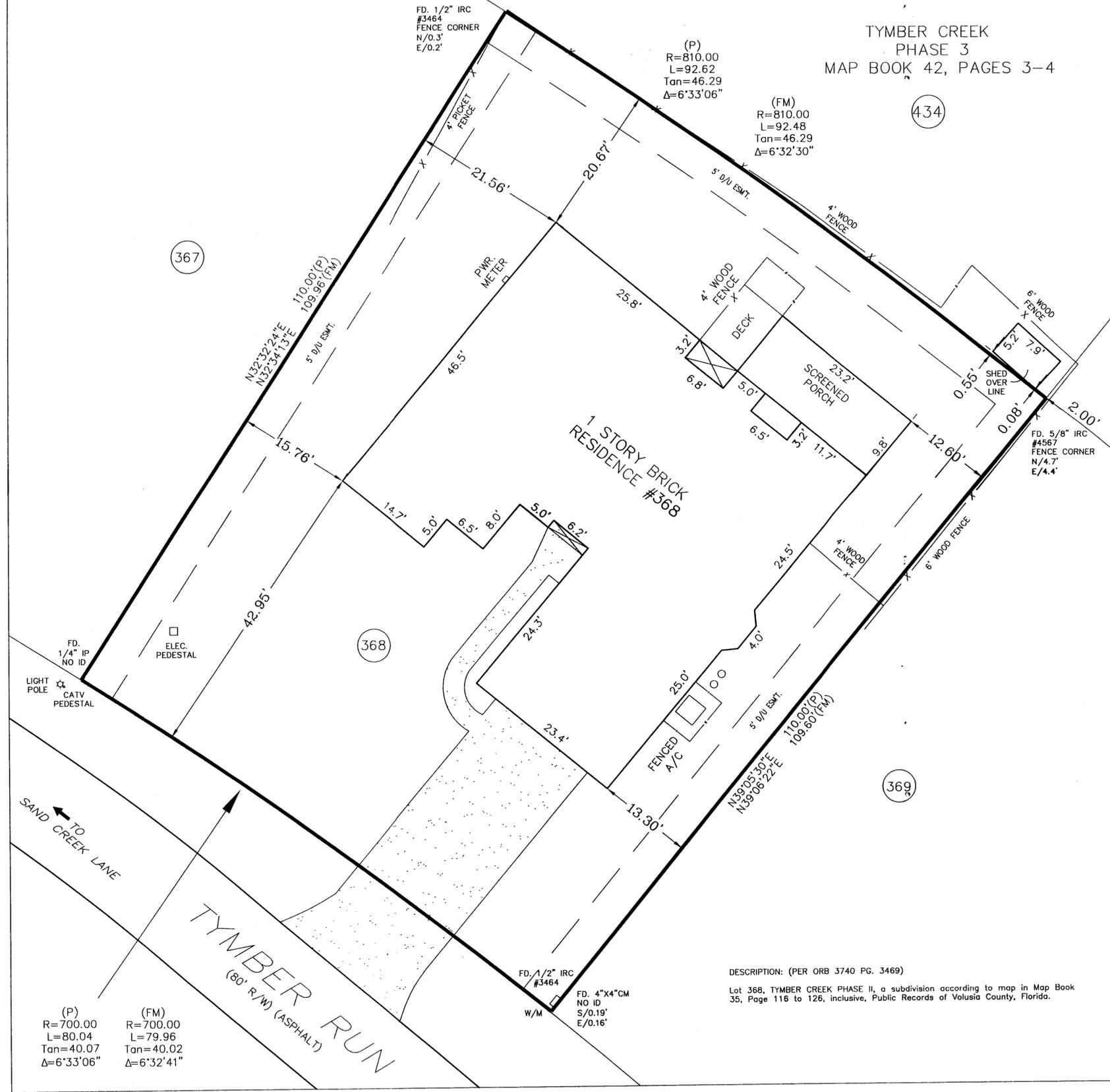
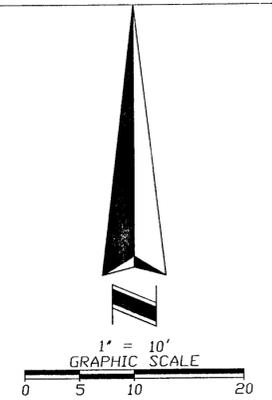
Leonard G. "Geoff" Wood, P.E. #47377

Leonard G. "Geoff" Wood

Leonard G. "Geoff" Wood, P.E. #47377
 3704 Bruton Road
 Plant City, FL 33565
 Telephone/ Fax (863) 646-5517
 Mobile (863) 430-2717

SECTION 24, TOWNSHIP 14 SOUTH, RANGE 31 EAST
ORMOND BEACH, FLORIDA

TYMBER CREEK
PHASE 3
MAP BOOK 42, PAGES 3-4



NOTE:
THIS PLAT AND/OR SKETCH OF SURVEY IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND/OR INDIVIDUALS SHOWN HEREON, ON THE MOST CURRENT DATE SHOWN, AND SHALL NOT BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL WHOMSOEVER. THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN HEREON THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY. THIS SURVEY /SKETCH IS PREPARED WITHOUT BENEFIT OF ABSTRACT OR TITLE SEARCH UNLESS OTHERWISE NOTED. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES. THIS SURVEY DRAWING IS THE PROFESSIONAL OPINION OF THIS SURVEYOR AND MAPPER AND THE FIRM, WHICH WAS PREPARED UTILIZING THE BEST AVAILABLE INFORMATION AND AS SUCH DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED. FURTHERMORE, THIS SURVEYOR AND FIRM DOES NOT ASSUME RESPONSIBILITY AND SHALL NOT BE HELD LIABLE FOR CLAIMS ARISING FROM ERRONEOUS OR INCORRECT INFORMATION FURNISHED TO THE SURVEYOR, WHICH WAS USED AS A BASIS IN THE PREPARATION OF THIS SURVEY DRAWING.

- NOTES:
- NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT OF WAY AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS SHOWN.
 - NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 - NO UNDERGROUND IMPROVEMENTS OR INSTALLATIONS OR OTHER INTERIOR IMPROVEMENTS HAVE BEEN LOCATED, EXCEPT AS SHOWN, AS PER THE REQUEST OF THE CLIENT.
 - UNLESS NOTED, LEGAL DESCRIPTION FURNISHED BY CLIENT.
 - FEATURES SHOWN BY SYMBOL AS INDICATED IN THE LEGEND ARE NOT TO SCALE.
 - THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE SEARCH, A TITLE SEARCH MAY REVEAL ADDITIONAL INFORMATION AFFECTING THE PARCEL AS SHOWN.
 - WHERE APPLICABLE, MONUMENT DIAMETERS, ETC., AND/OR LS OR LB NUMBERS ARE SHOWN NEAR RESPECTIVE SYMBOL ABOVE, UNLESS SHOWN IN LEGEND.
 - BEARINGS ASSUMED FROM PLAT, DEED, LEGAL DESCRIPTION.
 - UNLESS SHOWN, ONLY THOSE VISIBLE FEATURES IN THE IMMEDIATE VICINITY OF THE ABOVE DESCRIBED PARCEL BOUNDARY HAVE BEEN LOCATED.
 - SUBJECT PROPERTY LIES WITHIN ZONE "X", AREAS DETERMINED TO BE OUTSIDE 500 YEAR FLOOD PLAN AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, CITY OF ORMOND BEACH COMMUNITY #125136, PANEL #12127C0213 J, DATED FEBRUARY 19, 2014. THIS FLOOD INSURANCE RATE MAP IS NOT A SURVEY AND NO RESPONSIBILITY IS TAKEN FOR THE ACCURACY OF SAID MAP.

ABBREVIATIONS:

A/C = AIR CONDITIONER	ELEV. = ELEVATION	N/W = NAIL AND WASHER	S = SOUTH
(C) = CALCULATED	F.F. = FINISHED FLOOR	O.R. = OFFICIAL RECORDS	S/T = SEPTIC TANK
CL = CENTERLINE	FD. = FOUND	O/H = OVERHANG	S.F. = SQUARE FEET
CLF = CHAIN LINK FENCE	(FM) = FIELD MEASURED	O/E = OVERHEAD ELECTRIC LINE	TYP. = TYPICAL
CONC. = CONCRETE	I.D. = IDENTIFICATION	PG. = PAGE	W = WEST
CSL = CONCRETE SLAB	IP = IRON PIPE	(P) = PLAT (MAP) DIMENSION	W/F = WOOD FENCE
CB = CONCRETE BLOCK	IR = IRON ROD	P/P = POWER POLE	W/M = WATER METER
CM = CONCRETE MONUMENT	IR&C = IRON ROD AND CAP	P.C. = POINT OF CURVATURE	Δ = DELTA ANGLE
(D) = DEED OR DESCRIPTION	LS = LICENSED SURVEYOR	F.F. = FINISHED FLOOR	L = LENGTH OF CURVE
D/U = DRAINAGE/UTILITY EASEMENT	LB = LICENSED SURVEY BUSINESS	P.O.B. = POINT OF BEGINNING	R = RADIUS
E = EAST	N = NORTH	P/L = PROPERTY LINE	T = TANGENT DISTANCE
E/P = EDGE OF PAVEMENT	N/D = NAIL AND DISK	R/W = RIGHT-OF-WAY	C.B. = CHORD BEARING
ESM.T. = EASEMENT			CH. = CHORD DISTANCE

SYMBOLS:

⊕ = BENCH MARK	⊙ = WELL	⊠ = SIGN	▲ = NAIL
⊙ = UTILITY POLE	⊙ = SANITARY MANHOLE	⊠ = UTILITY CABINET	■ = CONCRETE MONUMENT
⊙ = GUY ANCHOR	⊙ = DRAINAGE MANHOLE	⊠ = GAS VALVE	● = FOUND SURVEY CORNER
⊙ = FIRE HYDRANT	⊙ = LIGHT POLE	⊠ = WATER METER	● = SET SURVEY CORNER
	⊙ = GUY POLE	⊠ = WATER VALVE	◀ = FLOOD LIGHT

EFIRD SURVEYING GROUP, INC.

475 S. BLUE LAKE AVENUE
DELAND, FLORIDA 32724
PHONE: (386) 740-4144 FAX: (386) 740-4155
e-mail: lefird@bellsouth.net
Certificate of Authorization Licensed Business Number 7230

Boundary Survey		I HEREBY CERTIFY THIS SURVEY DRAWING TO BE CORRECT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND COMPLIES IN FORM WITH THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, F.A.C. PURSUANT TO SECTION 472.027, FLORIDA STATUTES.	
Survey Date: 6/27/14	Drawing Number 14-0462	Scale: 1"=10'	Drawn By: JRE/JIM
For: FRED LEYKAMM EILEEN LEYKAMM		 LARRY R. EFIRD JR. 06/27/2014 Professional Surveyor & Mapper No. 5823	

DESCRIPTION: (PER ORB 3740 PG. 3469)
Lot 368, TYMBER CREEK PHASE II, a subdivision according to map in Map Book 35, Page 115 to 126, inclusive, Public Records of Volusia County, Florida.

(P) R=700.00
L=80.04
Tan=40.07
Δ=6°33'06"

(FM) R=700.00
L=79.96
Tan=40.02
Δ=6°32'41"