AGENDA

ORMOND BEACH
BOARD OF ADJUSTMENT AND APPEALS

November 5, 2014
ORMOND BEACH
HR TRAINING ROOM **7:00 P.M.**

I. ROLL CALL

II. APPROVAL OF THE MINUTES

A. October 1, 2014

III. NEW BUSINESS

A. <u>Case No. V2015-003: 62 Chippingwood Lane rear and side yard setback room addition variance</u>

This is a request for rear and side yard variances submitted by Greg Reynolds of Greg Reynolds Construction, LLC, authorized agent acting on behalf of Doran Eldar and Taly Barak, owners of 62 Chippingwood Lane to construct an addition (15' by 15') within the required rear and side yard setbacks. The subject property is zoned R-5 (Multi-Family Medium Density). The applicant is requesting the following two variances:

1. **Rear Yard**: Chapter 2, Article II of the Land Development Code, Section 2-18.B.9.b., requires a rear yard setback of a 20' from the property line to the principal structure. The applicant is requesting a rear yard setback of 5' to construct a room addition, requiring a variance of 15' to the required 20' rear yard setback.
2. **Side Yard**: Chapter 2, Article II of the Land Development Code, Section 2-18.B.9.c., requires a side yard setback of 20' from the property line to the principal structure. The applicant is requesting a side yard setback of 1.67' to construct a room addition, requiring a variance of 18.33' to the required 20' side yard setback.

IV. OTHER BUSINESS

V. ADJOURNMENT

M I N U T E S

BOARD OF ADJUSTMENT

October 1, 2014 **7:00 p.m.**

Commission Chambers
22 South Beach Street
Ormond Beach, Florida

I. ROLL CALL

Members Present	Staff Present
Tony Perricelli	Steven Spraker, Senior Planner
Ryck Hundredmark	Ann-Margret Emery, Deputy City Attorney
Jean Jenner	Melanie Nagel, Minutes Technician
Norman Lane	
Dennis McNamara, Chair	

II. APPROVAL OF THE MINUTES

A. September 3, 2014 Minutes

Mr. Hundredmark moved to approve the September 3, 2014 Minutes as submitted. Mr. Perricelli seconded the motion. Vote was called, and the motion was approved.

III. NEW BUSINESS

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

Mr. Spraker, Senior Planner, City of Ormond Beach, stated this is an application for a floor area variance for a new home construction at 1320 North Beach Street. Mr. Spraker explained the location, orientation, and characteristics of the subject property and presented the staff report. Mr. Spraker stated staff is recommending approval.

Mr. Lane stated that he had read the letter from the neighbor, and asked how staff responded to the letter. Mr. Spraker replied there was a copy of a letter included in the packet that was sent back to Mr. Crosby. We provided a copy of the 1978 plat, which was the Oak Forest plat. There was no original plat agreement for Oak Forest or Daytona Shores. The City Staff and City Clerk couldn't find any information for 1320 Beach Street, because it is a vacant lot.

Mr. Lane stated that in the letter from Mr. Crosby, he states that the lot is not approved as a residential lot. Does this have any validity? Mr. Spraker stated that the platting for this lot was done with Volusia County in 1925, and then was annexed into the City of Ormond Beach. In the Planning Staff's opinion, it is a valid lot of record. Basically, the owner has the right to develop their property the

same as any other lot. The Land Development Code states that non-conforming lots can be developed, provided the owner meets the setbacks or obtains a variance.

Mr. Hundredmark understands that the garage is not included in the square footage, but if it were, would the total square footage be close to 2100 sq. ft. Mr. Spraker confirmed that it would.

Mr. Marco Morino, 9 Eileen Terrace, feels that the person wanting to build on this lot is breaking the laws of the City of Ormond Beach. Mr. Morino looked on the internet, and a city ordinance states that to build in the city, you have to have ½ acre lot or larger. The applicant doesn't have enough room to build – he can only build up. This is not the area to build up, and it is wrong to allow it.

Mr. Pete Jansen, 1324 N Beach Street, stated that he did not receive a copy of the variance in the mail, so he didn't have the proper time to get counsel if he needed to. Every other lot is 100' x 100' and he feels it is like trying to fit a circle into a square peg. Mr. Jansen stated he bought in this neighborhood because of the lot sizes and the way the houses look, and this proposed house will affect his property value.

Mr. Papken Kazazian, 1321 N Beach Street, stated that he built his house in 1998, and the reason he built there, is the houses are on a lot of property, and they were told that they could not put two houses on one 100' lot. If this variance is allowed, the value of their property will go down, and he could ask for a variance to put a second story on his home and rent to someone else. It is not fair to let someone build a small house by his property.

Ms. Mary Ann Morris, 5 Robin Court, stated that she lives directly behind 1320 N Beach Street, and she does not object to developing the property because it has been a nuisance to her with all of the critters that live in the lot. She has had trees fall on her property, and has had to remove them herself. No one has done anything to clear up the lot in the 30 years she has lived there. Ms. Morris stated she has no objections and will be glad to see this property developed.

Mr. Syd Crosby, 1325 N Beach Street, referenced what he relied on when he bought his property - the Ormond Beach zoning regulations. Section 213, R-2, Single Family, Low Density Zoning District states "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." The dimension standards are very clearly laid out, and there is a big difference between 10,000 sq. ft. and 5,000 sq. ft. and this will devalue a lot of people's property.

Mr. Crosby continued that the Staff Report states the property is non-conforming. The plat of 1906 and 1925 shows two 25' lots, 110' deep, lots 25 & 26. The plat of 1978 shows a 50' parcel, 110' deep, without a lot number. The 1978 Oak Forest plat did not amend the 1925 Daytona Shores plat for the property at 1320 N Beach Street. There were no rights to build on this lot in 1978, no more than there are rights today to build. The owner has a right to divide it, sell off part of

it, the right to market it to utilities, he has lots of rights. Mr. Crosby concluded that building a house that is below the standards of what is there now is not one of these rights.

Mr. Larry Volenec, 77 Pickamore Circle, stated that he passes by this property often and has always wondered what this small piece of property is doing in the middle of a subdivision. Mr. Volenec believes that Land Use Regulations help the integrity and the character of the community and future owners. The city has permitted the installation of very large communications equipment in the ROW of this property. This equipment covers almost 50% of the frontage of the property, and will make it impossible for safe vehicular egress onto Beach Street.

Mr. Volenec continued that if this variance is granted, his guess is that this house is being built speculatively and will be sold, and then the new property owners will come before this board and want the AT&T and BrightHouse equipment removed from their property. Please protect the existing homeowners and any future homeowner of this property from this type of development, which is incompatible in the existing neighborhood. Mr. Volenec would like to see a win-win, and asked Staff to work with the property owner and possibly get a grant to help purchase the property and clear the lot up, and then preserve it as an undeveloped green space in the city.

Ms. Marie Marino, 9 Eileen Terrace, commented on the statements by Ms. Morris about the property being infested with animals. Whoever owns the property should be maintaining it. It should be cleaned and cleared, and taken care of, and then there wouldn't be the problem with rodents and debris and garbage. The Health Department needs to look into this.

Ms. Beverly Crosby, 1325 N Beach Street, has great concern for all of the neighbors. If they live south of the property, they never saw the variance sign. If they lived north of the property, they drove by it every day, and assumed that it was a utility variance that was being asked for. There is something wrong with the way this variance is advertised. Ms. Crosby walked up and down her street inviting people to the meeting. Only five people, other than the two owners, got letters about the variance. It doesn't seem fair to not notify the neighbors, who will definitely be affected.

Ms. Crosby continued that Ormond Beach has a wonderful lot maintenance order that gives the owner notice to clean up a property, and if it's not, they will clean it up and put a lien on the property. Only government can give a person the right to do something. Ms. Crosby had spoken with the neighbor to the property, and at one time he had gone to the City and wanted to buy this piece of land to protect his property, and he was told by the City to not worry about it, that it was a non-buildable lot. Who do we believe?

Mr. Jon Day, 1400 N Beach Street, stated that he has a number of concerns about this variance, most of which have already been discussed. But, the one that concerns him the most is the precedence that this sort of thing brings upon the City and their neighborhood. If the variance is granted, why not other properties? If a storm damages a home, why not tear it down and put two properties in there?

It just seems that this will open up a can of worms, and he would appreciate the Board voting against this change.

Mr. Khazraee, 763 N Beach Street, who is the applicant's contractor, stated he listened to everyone's comments and doesn't understand some of them. The comment that the utilities in the ROW will block the view of someone exiting the property is untrue, since it is 35-40 feet from the property line to the asphalt road, and there is a good view to exit the property. Also, the original owner of the property did not want this land to become part of the subdivision. The person who purchased the property received a letter from the City in 2006 stating the property could be developed, but they would have to meet the setbacks and also the square footage. Mr. Khazraee stated it was decided that rather than get a variance to the setbacks and building too close to the neighbors, they would request a variance to go up with the building.

Mr. Morino stated that the contractor is looking out for himself and wants to make money, and whatever he builds he just washes his hands and doesn't care what happens. Mr. Morino reminded everyone that he loves Ormond Beach and bought a home here in 1992. Two years after he moved here, someone wanted to build an apartment at their home for a parent to live in, and letters were sent to people in the neighborhood. Mr. Morino didn't object, but now these people have died, new owners took over, and they rent the apartment, which is not allowed. The contractor won't care what happens at this property.

Mr. Jansen stated that 763 Beach Street (contractor's home), is a 2-1/2 acre lot, which is very different than the 100' lots this neighborhood has. You could put eight to ten of those 50' lots across the front of his lot. That is quite a difference from the resident's in this neighborhood.

Mr. Perricelli asked Mr. Spraker about the non-conforming lot. Mr. Spraker replied that the Land Development Code has non-conforming provisions, so basically if something is in existence when a code changes, you don't lose all of your rights. Mr. Spraker stated property owners have the ability to develop non-conforming lots, provided you meet the setbacks or you get a variance.

Mr. Perricelli stated that everyone must not be understanding that the contractor could build 2100 square feet on this property without coming to the Board. The Board can't say that the contractor can't build on the lot. If he followed the correct setbacks, and the required square footage, he can build on this lot. Is that correct? Mr. Spraker stated that was correct. Mr. Perricelli stated what he is hearing is that no one wants the contractor to build on the lot, but the Board isn't here for that. If the contractor is able to make the square footage, he's allowed to build on this lot. Mr. Spraker stated if the contractor wanted to build a 3-story house, and it was within the 30' zoning height, he could get a permit and go forward.

Mr. McNamara inquired about the history of the lot and the Oak Forest subdivision being plotted around the two lots.

Mr. Spraker explained that the original plat was done in 1925, and as time went on Ormond Beach incorporated the properties. There was a zoning ordinance passed in 1956 and again in 1978, and after that time a developer constructed a subdivision around the subject property. The property rights didn't go away, it didn't move, basically it was built around. It still has the 1925 plat as a legal document.

Mr. Crosby stated when your ordinance, your regulations, your zoning requires a 10,000 square foot lot and a 100' frontage, why is the contractor having to get a variance? Why isn't he getting a variance for a smaller lot size? And why is a Planning Director giving legal advice and assuring people they can build on a non-conforming lot? The Planning Director told Mr. Crosby and his wife that the City cannot stop the contractor from building on the lot. When Mr. Crosby saw online that the construction had already been approved, he is wondering if we have the best government that money can buy, or can we rely on what the rules and regulations are.

Mr. McNamara closed the public discussion.

Mr. Jenner stated that when he first looked at the packet and saw the recommendation to approve he thought it was a mistake. If you look at the picture and you look at the lot size and you look at the property surrounding it, it doesn't belong there. Mr. Jenner asked when did the applicant acquire the property? Mr. Spraker stated in 2014. Mr. Jenner stated that if you buy a lot that is suited to build a shed, then that is what you can build on it. Mr. Jenner concluded that he could not vote for this.

Mr. Perricelli state that he understands Mr. Jenner's comments, but the problem is, it is a buildable lot. And if someone wants to put a 2100 sq. ft. house on the property, he doesn't have to come to the Planning Board. He could build it. Mr. Spraker replied that it is a buildable lot. Mr. Perricelli again asked if the contractor met the requirements, can he build on the lot. Mr. Spraker stated that is correct. Mr. Perricelli understands the neighbors concerns, but he can build on the lot.

Mr. Lane commented that the Board doesn't have to give him a variance to build a 2-story house. If he wants to build a 3-story, he can do that. So if the Board feels it is not the right thing for the neighborhood, and deny the variance, the Board can't stop him from building a house.

Mr. McNamara stated that when everyone in this neighborhood bought their lot or house, this lot existed. The lot has always been there. It might be undersized, but it has always been there. Mr. McNamara stated to deny someone their right to build on it, is wrong. The City was at fault when they approved the subdivision. They should have required the developer to use those two lots. Mr. McNamara concluded that the man can build a house there.

Mr. Lane stated there is the question of whether this lot fits into the neighborhood and devalues property. The Board is not giving or denying the applicant any rights by approving or disapproving the variance. But, if you look at what would

be better in the neighborhood, a 2-story house or a 3-story house, the 2-story house that is a little smaller than other homes in the neighborhood would be better than a 3-story house.

Following discussion, Mr. McNamara asked if there were any more questions. There were none. Mr. Jenner made a motion to deny the variance. Motion died for lack of a second.

Mr. McNamara asked if anyone else wanted to make a motion.

Mr. Hundredmark moved to approve the floor area variance, as submitted. Mr. Perricelli seconded the motion. Vote was called. Mr. Perricelli for; Mr. Hundredmark for; Mr. Jenner against; Mr. Lane for; Mr. McNamara for. The motion carried (4-1).

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

Mr. Spraker, Senior Planner, City of Ormond Beach, stated this is an application for a driveway setback variance at 29 River Ridge Trail. Mr. Spraker explained the location, orientation, and characteristics of the subject property and presented the staff report. Mr. Spraker stated staff is recommending approval.

Mr. Perricelli asked if the property owners were making the driveway wider than what it presently is. Mr. Spraker replied no, they are replacing what is already there. Mr. Perricelli asked if they were removing the concrete. Mr. Spraker stated he believes they are removing the existing concrete driveway and putting in pavers.

Mr. Lane asked if they were making the driveway wider. Mr. Spraker stated the present driveway goes to the property line now. They are just replacing it. There will be no more impact than what already exists.

Mr. Richard Littlejohn, contractor with Truscot Construction, explained that the existing driveway is right on the edge of the property line. The variance is needed to take the concrete out, build a retaining wall, and then bring the pavers right up to the retaining wall. Mr. Perricelli asked if the driveway was going to be completely taken out. Mr. Littlejohn stated that the driveway is cracked, and there is an existing storm drain that ruptured about five years ago and it damaged the driveway.

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

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

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

Mr. Spraker, Senior Planner, City of Ormond Beach, stated this is an application for a pool screen enclosure variance at 368 Tymber Run. Mr. Spraker explained

the location, orientation, and characteristics of the subject property and presented the staff report. Mr. Spraker stated staff is recommending approval.

Mr. Fred Leykamm, applicant, stated they are about 4' from the setback for the screen enclosure. The neighbor's property behind Mr. Leykamm is along I-95 and is not developable. The neighbor has no plans to build on that land, and has given a letter of support to Mr. Leykamm, as has his other neighbor. He would appreciate approval of the variance.

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

Following discussion, Mr. Jenner moved to approve the variance for the pool screen enclosure, as submitted. Mr. Hundredmark seconded the motion. Vote was called, and the motion was unanimously approved.

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

Mr. Spraker, Senior Planner, City of Ormond Beach, stated this is an application for a front yard variance at 869 South Atlantic Avenue (Riptides Restaurant). Mr. Spraker explained the location, orientation, and characteristics of the subject property and presented the staff report. Mr. Spraker stated staff is recommending approval.

Mr. McNamara asked if the landscaping was going to be re-done. Mr. Spraker stated that it was.

Mr. Stan Hoelle, Architect, commented that they would not be enclosing the deck area, but just covering it. It is intended to keep people out of the elements. If patrons have to wait to get in to eat, they have to sit in the hot sun or would get wet if it is raining. Mr. Perricelli asked if it would be a metal roof that matches the existing roof. Mr. Hoelle replied that it would.

Mr. Shawn Flaherty, General Manager of Riptides, stated that there is no waiting area inside the restaurant, so with the heat and then rainfall each evening there was nowhere for the people to wait. The new landscaping around the front will preserve the trees, but bushes will be moved or replaced.

Mr. Hoelle added that the building needs a facelift. It has looked this way for years, and has been fixed up as best as it can be, but with a new face on it, it will look like a brand new restaurant.

Mr. Lane asked if this was going to be just a waiting area that would not be serving anything. Mr. Hoelle explained that people will be able to get a drink and then go outside with it while they wait for their table.

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

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

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

Mr. Spraker, Senior Planner, City of Ormond Beach, stated this is an application for a rear yard variance at 1190 North US Highway 1. Mr. Spraker explained the location, orientation, and characteristics of the subject property and presented the staff report. Mr. Spraker stated staff is recommending approval.

Mr. Lane would like to understand a little more about the Right of Way and exactly what does it mean? Mr. Spraker explained that Wall Street is at the very southern edge of the property and there is the unopened ROW which is called Railroad Street. Mr. Spraker continued that Railroad Street is a 50' unimproved ROW, with the Florida East Coast Railroad 100' ROW abutting Railroad Street. Railroad Street dead-ends into Ormond Crossings property at the north and there will never be a street that goes from Wall Street to Hull Road.

Mr. Lane asked what the original intent was for the ROW. Mr. Spraker explained that these were very early plats that were established with what was felt the development pattern would be. There are a lot of these unopened roadways along US 1, which are not valid ROW, and as people develop these areas, they end up vacating them. Staff has encourage the applicant to vacate their ROW, and they are moving forward, but have to work with the railroad on this, and the railroad is moving slowly on the issue.

Mr. Lane asked about the loading docks that are going to be built, since it looks like the picture shows there are already loading docks there. Mr. Spraker asked the applicant to come forward and explain what they are doing.

Ms. Mischelle Romesberg, applicant, explained the variance is for a proposed improvement, to expand and bring more business into their manufacturing facility. The proposal is to take the current warehouse and make it into manufacturing space. Currently there is a covered loading dock area, and a concrete pad with some containers on it. The proposal is to remove the containers and make this area a manufacturing environment versus a warehousing environment with a more permanent structure.

Ms. Romesberg also explained the proposal for the tanks. The hope is to have two bi-product tanks and two raw material storage tanks. They looked at other locations for them, but feel the back of the building is the best place to put them.

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

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

V. OTHER BUSINESS

A. Pool screen enclosure, Land Development Code amendments

Mr. Spraker, Senior Planner, City of Ormond Beach, stated that in the packet is a draft staff report for pool screen enclosures, based on discussion from the September meeting. The goal is to marry the setbacks for both pools with screen enclosures and pools without screen enclosures, so there would be a 5' setback for both rear and side yards. Mr. Jenner stated that when someone buys a house and the pool has been there for 25-30 years and they want to put the screen enclosure up, this is different than the person who builds a brand new pool and knows what the rules are. How can we accommodate the older pools?

Mr. Spraker stated that the proposed amendment reads that pools constructed prior to December 15, 2014 (2nd reading date) that sit closer than 5' to the rear or side property line, with or without a screen enclosure, shall be permitted to construct or re-construct a pool screen enclosure within the 5' setback. The pool screen enclosure shall not be constructed any closer than the existing pool. So basically, if someone has a pool that's at 3', they can get a building permit for the screen enclosure.

Mr. Hundredmark stated that basically this amendment would eliminate two or three of the variance cases the Board has had in the last few months. Steven stated it would probably eliminate 90% of your screen enclosure cases. There will still be cases come to the Board, but you will take a majority out of them.

Mr. Lane questioned if this applies to new construction as well. He thought that when this was first discussed, we were going to grandfather in pools that existed, but that new construction would have to conform to the existing rule. Mr. Spraker explained that you allow a deck at 5' and the screen enclosure has to be 10', so is the direction of the Board to require a variance if you want to go down to 5' for the screen enclosure. Mr. Lane thought that is what had been talked about. There shouldn't be pool enclosures so close to the lot line, but we need to allow for the hardships of pools that had been built some time ago.

Mr. Spraker questioned if the Board is only interested in existing pools to be allowed to build a screen enclosure, no matter where they are at. Mr. Hundredmark asked why you would have a different set of rules for new pools over old pools. Mr. Lane stated that there are a lot of rules that change over time. Mr. Hundredmark stated that if we are going to include old pools, why should the public go through getting a variance because they want to put a screen up on a new pool.

Mr. Spraker asked for clarification that the Board wants to maintain the 10' setback for new construction for a screen enclosure and allow existing pools that are closer than 10' the ability to either re-construct or construct a new pool screen enclosure if the pool was already there. Mr. Jenner asked if this would take care of the 90% and Mr. Spraker stated no, it would drop it back down to 50%. The last two variances the Board had would still have needed variances. Mr. Spraker

will take what this Board is requesting to the Planning Board and City Commission and see what they do with it.

VI. ADJOURNMENT

As there was no other business, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

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Steven Spraker, AICP, Senior Planner

ATTEST:

_____
Dennis McNamara, Chair

Minutes prepared by Melanie Nagel.

Pursuant to section 286-0105, Florida Statutes, if any person decides to appeal any decision made by the board of adjustment with respect to any matter considered at this public meeting, such person will need a record of the proceedings and for such purpose, such person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

All persons appealing to the board of adjustment must be present, or represented at the public hearing scheduled for the consideration of his request. Failure to be present or to be represented, results in the automatic refusal by this board to grant permission for any variance. In order to allow the meeting to proceed in an orderly fashion, the board, by motion, may limit the time allowed for remarks concerning a specific agenda item to a maximum of thirty (30) minutes for city staff, the designated representative of the applicant and the designated representative of any organized group and to five (5) minutes for members of organizations and other individual speakers. Additional time shall be allowed to respond to questions from the board.

Persons with a disability, such as a vision, hearing or speech impairment, or persons needing other types of assistance and who wish to attend city commission meetings or any other board of committee meeting may contact the city clerk in writing, or may call 677-0311 for information regarding available aids and services.

STAFF REPORT

City of Ormond Beach
Department of Planning

DATE: October 20, 2014

SUBJECT: 62 Chippingwood Lane Room Addition – Rear and Side Yard Setback Variances

APPLICANT: Grey Reynolds, Greg Reynolds Construction, LLC, authorized agent acting on behalf of Doran Eldar and Taly Barak, owners

FILE NUMBER: V-2015-003

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

INTRODUCTION:

This is a request for rear and side yard setback variances submitted by Greg Reynolds of Greg Reynolds Construction, LLC, authorized agent acting on behalf of Doran Eldar and Taly Barak, owners of 62 Chippingwood Lane to construct a room addition (15' by 15') within the required rear and side yard setbacks. The applicant is requesting the following two variances:

1. **Rear Yard**: Chapter 2, Article II of the Land Development Code, Section 2-18.B.9.b., requires a rear yard setback of a 20' from the property line to the principal structure. The applicant is requesting a rear yard setback of 5' to construct a room addition, requiring a variance of 15' to the required 20' rear yard setback.
2. **Side Yard**: Chapter 2, Article II of the Land Development Code, Section 2-18.B.9.c., requires a side yard setback of 20' from the property line to the principal structure. The applicant is requesting a side yard setback of 1.67' to construct a room addition, requiring a variance of 18.33' to the required 20' side yard setback.

BACKGROUND:

The property is designated "Medium Density Residential" on the City's Future Land Use Map (FLUM) and is zoned R-5 (Multi Family Medium Density) on the City's Official Zoning Map. The existing use of the property is consistent with the FLUM designation and zoning district. The subject property is a multifamily unit within the Gardens of New Britain. There are two units within the building of the subject request. The Gardens of New Britain multi-family development was approved in 1977 by the City Commission with Resolution 77-106 and amended with Resolution 78-104. As shown below, the development is bounded by Ormond Shores Drive and public property owned by the city of Ormond Beach to the north.

The adjacent land uses and zoning for the surrounding properties are that of the subject property.

Adjacent land uses and zoning:

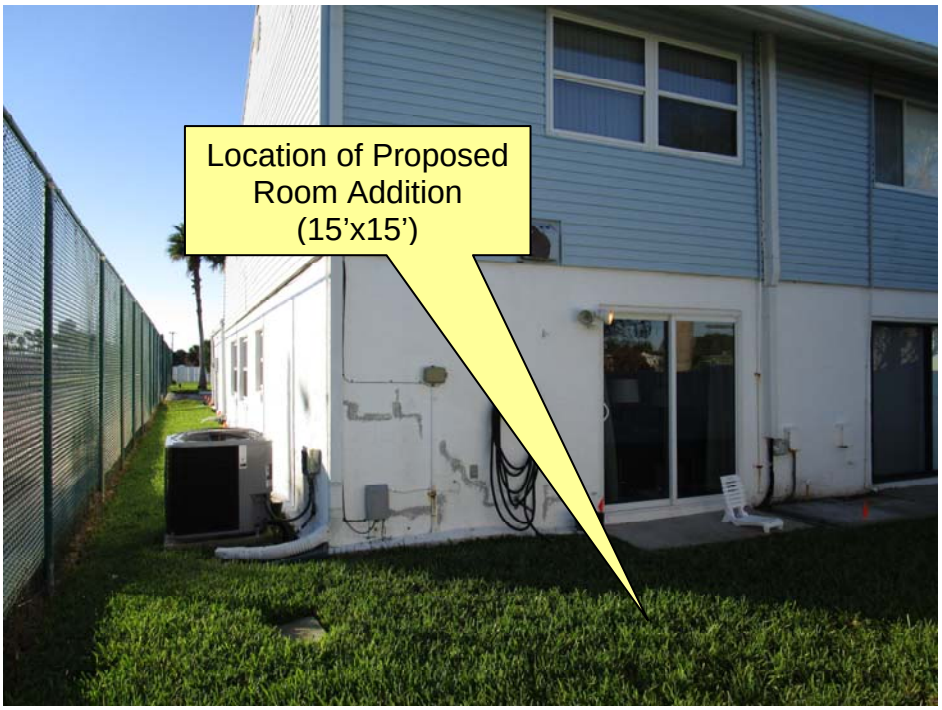
	Current Land Uses	Future Land Use Designation	Zoning
North	City of Ormond Beach	"Medium Density Residential"	R-5 (Multi Family Medium Density)
South	New Britain multi-family	"Medium Density Residential"	R-5 (Multi Family Medium Density)
East	Tennis Courts	"Medium Density Residential"	R-5 (Multi Family Medium Density)
West	New Britain multi-family	"Medium Density Residential"	R-5 (Multi Family Medium Density)

The applicant is seeking to construct a hard roof room addition that is 15' in width and 15' in depth, as shown below. The resulting rear yard setback would be 5' while the resulting side yard setback would be 1.67'. Room additions are common in this development, however, City staff has not been able to determine how these structures have been permitted within the required 20' rear and side yard setbacks.

62 Chippingwood (facing north):

Area of proposed addition at 62 Chippingwood (facing east):

Area of proposed addition at 62 Chippingwood (facing south):



Example of existing room addition at 56 Chippingwood Lane (facing west).

Research through the 1977 and 1978 approvals does not indicate the establishment of rear or side yard setbacks for a room addition, other than the

zoning district requirements. There have been few building permits over the last 15 years for room additions. Staff did find two permits that allowed the construction of sunrooms at a setback less than 25', however, no documentation exists on how the reduced setback was allowed. The Home Owner's Association has no record of how alternative setbacks were utilized for the existing building additions.

ANALYSIS:

The R-5 zoning district setbacks do not reflect the existing built environment of the Gardens of New Britain multi-family development. Planning staff cannot find any evidence of alternative setbacks for this development. The existing built environment shows structures at approximately 10' to the rear property line and limited side yard setbacks. The subject property is part of a duplex. 62 Chippingwood Lane shares a common wall with 60 Chippingwood Lane. To the north of the property is a trail and open space owned by the City of Ormond Beach. To the east of the subject property are tennis courts owned by the Home Owners Association. Directly across the street, the property is also owned by the Home Owners Association and beyond the HOA property are additional dwelling units. In 2012, the Board approved a rear yard variance for 9.56' for 26 Chippingwood Lane for a room addition.

View from 62 Chippingwood facing north:

Section 2-18.B.9.b., and Section 2-18.B.9.c require a rear yard setback of a 20' and a side yard setback of 20' respectively from the property lines to the principal structure. The property owners are requesting a 15' rear yard variance and an 18.33' side yard variance to construct a room addition at a rear yard setback of 5' and a side yard setback of 1.67'. Key aspects of this application include:

1. The addition sought is a 15' x 15' room addition, with a final rear yard setback of 5' and side yard setback of 1.67'.

2. The built environment and 2012 variance have maintained a 10' rear yard setback.
3. The subject property abuts a City park and the subdivision tennis courts and would not negatively impact surrounding property owners.
4. The sole abutting neighbor has provided written support of the variance addition.

Potential Alternatives:

1. Grant the applicant's request as follows:
   a. Allow a 5' setback on the rear yard, granting a 15' variance; and
   b. Allow a 1.67' setback on the side yard, granting an 18.33' variance.
2. Grant a modification of the setbacks as recommended by staff as follows:
   a. Allow a 10' setback on the rear yard, granting a 10' variance; and
   b. Allow a 1.67' setback on the side yard, granting an 18.33' variance.
3. Deny the request as presented and not allow the construction of the room addition.

Neighbor Input:

There are no objections from any of the abutting property owners. The neighbor to the west has provided their signature in the applicant's application supporting the variance request as well as the Home Owners Association located to the east. The City of Ormond Beach owns the property to the north of the subject property.

CONCLUSION:

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

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

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

Argument for the variance: The applicant states in the submittal that a number of units have room additions and the building location would not allow the room addition expansion. An additional special circumstance is that the approving Resolution does not contain any provisions to allow these types of improvements. Previous room additions have been permitted at some point by the City of Ormond Beach, but it is not clear what setbacks were utilized.

Argument against the variance: The Gardens of New Britain development is governed by the current R-5 zoning district and 1977 approval does not provide any relief. The Home Owners Association could apply to amend the 1977 approval to reduce the rear and side yard setbacks community wide.

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

Argument for the variance: The Property Appraiser's website shows the applicant as the homeowner since 2014. The applicant did not cause the building location or have a part in the approval of the 1977 approval.

Argument against the variance: None. The applicant has not had any role in the approval of the project.

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 literal application of the regulation would prevent the construction of the addition and would cause a hardship. Hard roof room additions are a common amenity to multiple units within the development and denial of the variance would prevent the property owners from what others currently enjoy.

Argument against the variance: Multiple other properties enjoy room additions. One could argue that the Home Owners Association should apply for amendment to the 1977 development order, but this action is not within the scope of what an individual homeowner can perform.

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: Based on the building location and required 20' rear yard setback and the required 20' side yard setback, there is no other alternative for the construction of a room addition. The subject property abuts green space to the north and tennis courts to the east. Only one property owner, who has provided their signature in support of the requested variances abuts the subject property.

Argument against the variance: One could argue that the room addition should not be constructed because it would expand a non-conforming structure. The existing rear yard setback is conforming. In addition, an argument can be made that the room addition, if approved, could be reduced to a 10' room addition to allow at 10' rear yard setback.

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

   Argument for the variance: The variance is not based exclusively on the desire to reduce the cost of the construction of the project.

   Argument against the variance: None. The variance is not based exclusively on the desire to reduce the cost of the construction of the project.

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

   Argument for the variance: The request will not increase congestion, fire danger or public hazards.

   Argument against the variance: None. The variance will not create any hazards to the public.

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

   Argument for the variance: As shown in the illustration above in the staff report and the exhibits, room additions within building setbacks are common in this development. The proposed addition is in character with the development pattern and will not substantially diminish property values, nor alter the essential character of, the area surrounding the site.

   Argument against the variance: None. Room additions are common in this development and will not negatively impact any surrounding property owners. Previous approvals have limited hard roof structures to a 10' rear yard setback.

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

   Argument for the variance: The purpose of the variance process is to confer rights that are denied to a particular applicant because of a special condition or unique circumstance for their property. The special condition

is related to the location of the existing building and the setback standards applied to the multi-family development.

Argument against the variance: None. The variance process exists to provide property owners relief from land development standards based upon certain conditions.

POSSIBLE BOARD ACTIONS: As previously stated, the BOAA has the following options:

1. Grant the applicant's request as follows:

   a. Allow a 5' setback on the rear yard, granting a 15' variance; and

   b. Allow a 1.67' setback on the side yard, granting an 18.33' variance.

   Staff is concerned that the requested addition would extend further out from the existing structure than what has been approved for variances in the same subdivision in the past. However, it could be argued that the requested rear yard variance for a room addition does not impact the property any more than if the applicant were to ask for a variance with a final rear yard setback less than 5'. In addition, since the property to the north is green space and the property to the east are tennis courts, only one property owner directly to the west will be impacted and that property owner has provided written support of the requested 15' x 15' room addition.

2. Grant a modification of the setbacks recommended by staff as follows:

   a. Allow a 10' setback on the rear yard, granting a 10' variance 5'; and

   b. Allow a 1.67' setback on the side yard, granting an 18.33' variance.

   Allowing alternative setbacks that would enable the BOAA to make a decision consistent with approved variances in the same subdivision in the past.

3. Deny the request as presented and not allow the construction of the addition.

STAFF RECOMMENDATION

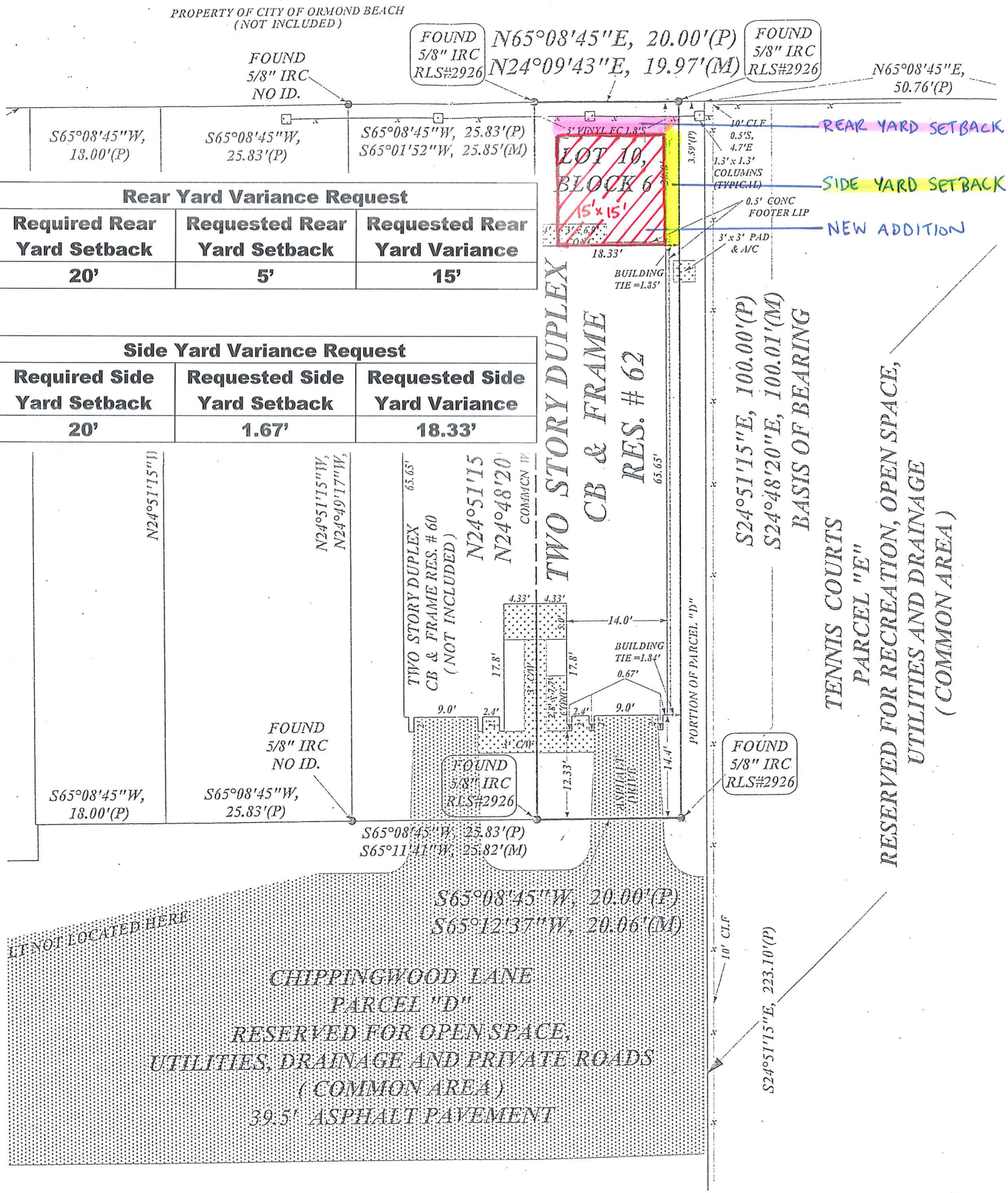
Staff acknowledges that the setbacks within the zoning district do not match the existing built environment for the Gardens at New Britain development. Staff also supports the redevelopment of residential units as a means to stabilize neighborhoods. It is recommended that the Board of Adjustment and Appeals **APPROVE** the requested variance and grant the following setback reductions:

1. Allow a 10' setback on the rear yard, granting a 10' variance; and
2. Allow a 1.67' setback on the side yard, granting an 18.33' variance.

Exhibit A

Variance Exhibit

62 Chippingwood Lane Rear and Side Yard Variance



Rear Yard Variance Request

Required Rear Yard Setback	Requested Rear Yard Setback	Requested Rear Yard Variance
20'	5'	15'

Side Yard Variance Request

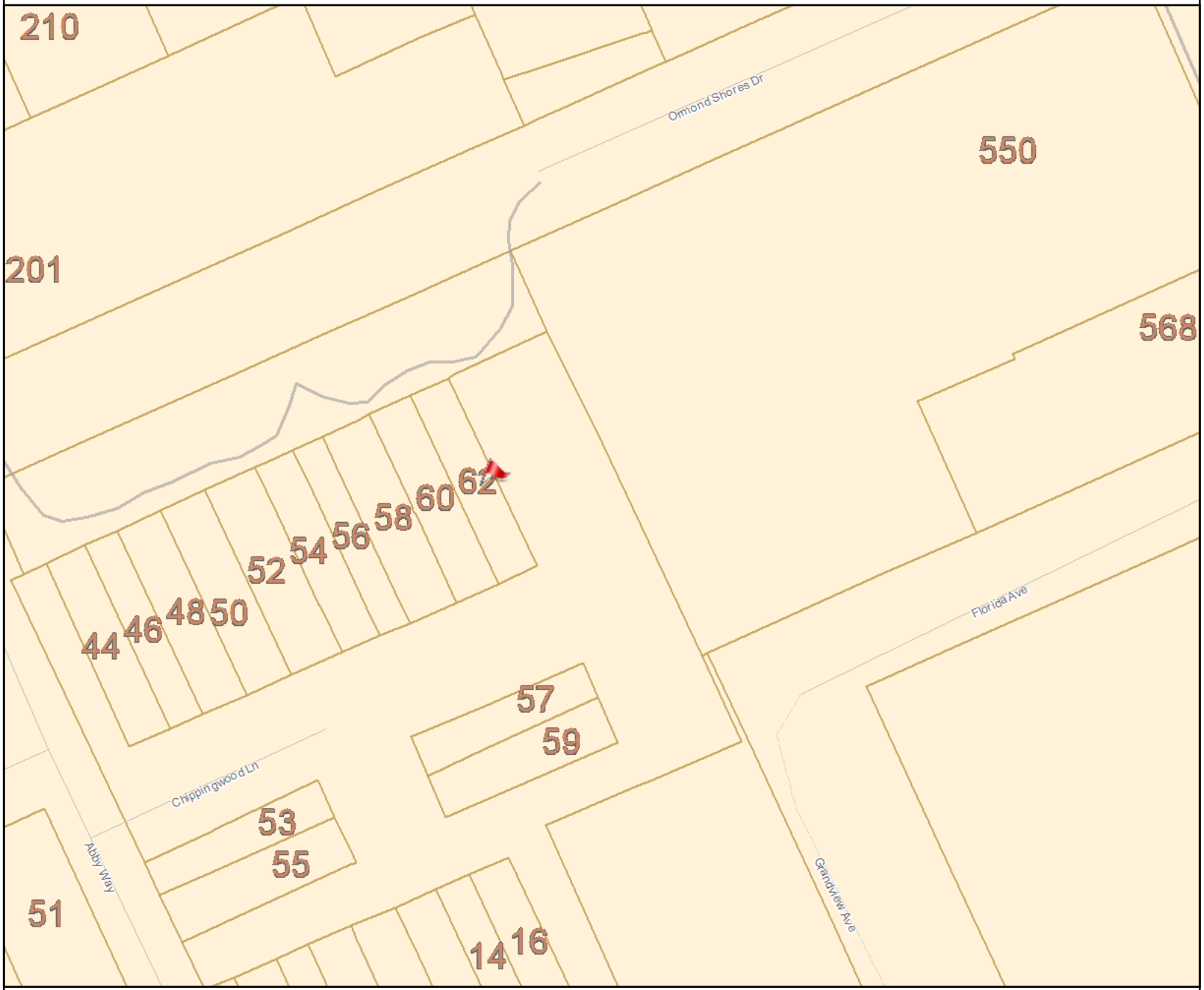
Required Side Yard Setback	Requested Side Yard Setback	Requested Side Yard Variance
20'	1.67'	18.33'

ALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A LICENSED FLORIDA SURV.

Exhibit B

Location Map

62 Chippingwood Lane 10.20.14



Sidewalks

Golf Courses

Address Points

Traffic Signals

Airport and Railroad

AIRPORT

RAILROAD

City Streets

DIRT

MAJOR

PAVED

Water Features

Property Lines

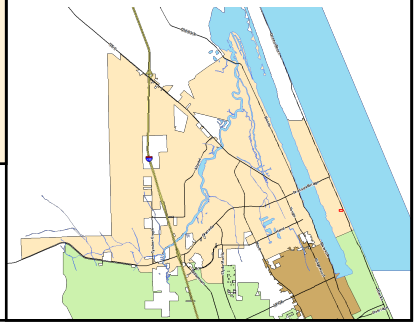
City Limits

ORMOND BEACH

HOLLY HILL

DAYTONA BEACH

69 ft



GIS data is provided on an "as is" basis. The accuracy or reliability of the data is not guaranteed or warranted in any way. The City of Ormond Beach specifically disclaims any warranty either expressed or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular use. The entire risk as to quality and performance of the data is with the end user. In no event will the City, its staff or it's representatives be liable for any direct, indirect, incidental, special, consequential, or other damages, including loss of profit, arising out of the use of this data even if the City has been advised of the possibility of such damages.

Exhibit C

Applicant Provided Information

CITY OF ORMOND BEACH
Planning Department
22 South Beach Street, Ormond Beach, FL 32174
Tel: (386) 676-3238 www.ormondbeach.org comdev@ormondbeach.org

v3.2013

REC'D OCT 10 2014 ~~14-3~~ 15-3

VARIANCE - APPLICATION

For Planning Department Use

Application Number _____ *Date Submitted* 10/10/14

APPLICATION TYPE AND FEES

	Application	Advertising Deposit for Advisory Board	Advertising Deposit for Commission	Total*
☑ Residential or Commercial	350	350	N/A	700
☐ 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: Greg Reynolds of Greg Reynolds Construction, LC

Full Address: 1700 Ridge Ave, Holly Hill, FL 32117

Telephone: 386-671-2569 Email: grclc@yahoo.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: Doron Eldar and Taly Barak

Full Address: 62 Chippingwood Ln, Ormond Beach, FL 32176

Telephone: 386-898-7939 Email: talyeldar@gmail.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: 62 Chippingwood Ln, Ormond Beach, FL 32176

Parcel ID Number: 4223-21-06-0100

Legal Description: LOT 10 BLK 6 NEW BRITAIN III MB 35 PG164 PER OR 3181 PG165 5 PER OR 6581 PGS 0183-0184 PER OR 6957 PG 4959 PER OR 6957 PG 4960

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 approval of a 15' variance into the required 20' rear setback for an addition in the rear yard resulting in a final setback of 5'. Also request approval of a 18.33' variance into the required 20' side yard setback resulting in a final setback of 1.67'.

ABUTTING PROPERTY OWNERS

Please provide abutting property owner (only one abutting Property) signatures or provide letters indicating position toward the request.

	Signature	Street Address	For	Against
Neighbor	[illegible]	60 Chippingwood Lane	☑	☐
HOA	[illegible]	35 Chippingwood Lane	☑	☐
			☐	☐

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:

Many other units have additions similiar to the one we propose. The existing setbacks are limiting our ability to add the addition.

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

We would like to improve the residence and must apply and be approved for a variance in order to do so.

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:

Many properties in the same subdivision already have approved additions/improvements to the rear of their properties and are enjoying the use of their additional living spaces. We feel this variance should be approved and the current setbacks create an undue hardship.

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

There are no other alternatives. The rear of the property is the only land available for adding living space.

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

The purpose in requesting this variance is not 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:

This is a private residence and the addition should add no additional street congestion, danger or hazard to the public, especially since the property is an end unit on a dead end road.

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:

Agree to the above. Proposed addition will not negatively impact the one neighboring property, or community.

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:

We are not asking for special privileges. The existing additions are enjoyed by other residents in the community and we would like the same permission to build and enjoy ours.

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: Grey Reynolds

STATE OF FLORIDA
COUNTY OF Volusia
The foregoing instrument was acknowledged before me this 10th day of October, 2014, by GREY REYNOLDS, as president/owner (title*) for Greg Reynolds Construction Inc (name of corporation*), who (_) provided _____ as identification, or (X) who is personally known to me.

GAIL JOHNSON
MY COMMISSION # EE 165581
EXPIRES: February 18, 2016
Bonded Thru Notary Public Underwriters

Gail Johnson
Notary Public, State of Florida
My Commission Expires:

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

October 8, 2014

RE: **Proof of designated agent**

62 Chippingwood Lane, Ormond Beach, FL 32176

Parcel ID: 4223-21-06-0100

Owners: Doron Eldar and Taly Barak

386-898-7939

Doron Eldar and Taly Barak, owners of 26 Chippingwood Ln, Ormond Beach, designate Greg Reynolds of Greg Reynolds Construction, LC as their agent to represent them as their Builder in the process of applying for and securing a Variance through the City of Ormond Beach.

Homeowners:

Signature: _____ Date: 10/9/14

Doron Eldar

Signature: _____ Date: 10/9/14

Taly Barak

NOTARY:

Signature: _____ Date: 10/9/14

Print: Maleka Brown

Stamp:

MALEKA BROWN
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF068805
Expires 11/6/2017

Instrument# 2014-160173 # 2
Book: 7028
Page: 4790

In Witness Whereof, the grantors have hereunto set grantors' hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

_____ _____
Witness signature **WILLIAM E. DUPLIS, III**

JOHN F. RIE
_____
Print witness name

_____
Witness signature

Joe Amara
_____
Print witness name

STATE OF
COUNTY OF

The foregoing was sworn to and subscribed to before me by **William E. Duplis, III**, this 27 day of **August,** 2014, who:

( ) is/are personally known by me;
(✓) produced current Florida Driver's License(s) as identification;
( ) produced _____ as identification.

_____
SIGNATURE OF NOTARY

_____
PRINTED NAME OF NOTARY
MY COMMISSION EXPIRES:

JOHN PYLE
MY COMMISSION # FF 092582
EXPIRES: March 16, 2018
Bonded Thru Notary Public Underwriters

Instrument# 2014-160173 # 3
Book: 7028
Page: 4791
Diane M. Matousek
Volusia County, Clerk of Court

Witness signature

CINDY JOAN KNAPP

Mechelle LaPierre
Print witness name

Witness signature

Shannon St Pierre
Print witness name

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

The foregoing was sworn to and subscribed to before me by **Cindy Joan Knapp**, this 28 day of August, 2014, who:

( ) is/are personally known by me;
( ) produced current Florida Driver's License(s) as identification;
(✓) produced NH DRIVER'S LICENSE as identification.

SIGNATURE OF NOTARY
FAITH MERCHANT
PRINTED NAME OF NOTARY
MY COMMISSION EXPIRES:

FAITH MERCHANT, Notary Public
My Commission Expires May 25, 2016

09/05/2014 02:47 PM
Doc stamps 840.00
(Transfer Amt $ 120000)
Instrument# 2014-160173 # 1
Book: 7028
Page: 4789

Prepared By :
EDMOND L. SUGAR, P.A.
EDMOND L. SUGAR, ESQUIRE
5741 SHERIDAN STREET
HOLLYWOOD, FLORIDA 33021
954-925-3700
954-989-8992 FAX NUMBER
ED@EDSUGARLAW.COM E-MAIL

----------[SPACE ABOVE THIS LINE FOR RECORDING DATE]----------

WARRANTY DEED

This Warranty Deed, Made this 27 day of August, 2014 A.D., Between **William E. Duplis, III, a single man, whose Post Office address is 24 Ormond Shores Dr., Ormond Beach, FL. 32176 and Cindy Joan Knapp, a married woman,** whose Post Office address is 12 Wood Drive, Atkinson, N.H. 03811**grantor**, and **Doran Eldar and Taly Barak, husband and wife**, whose post office address is 62 Chippingwood Lane, Ormond Beach, FL. 32176, **grantee.**

(Wherever used herein, the term "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and successors and assigns of corporations, trusts and trustees, wherever the context so admits or requires.)

Witnesseth that the **GRANTOR,** for and in consideration of the sum of **TEN DOLLARS,** and other good and valuable consideration to **GRANTOR** in hand paid by **GRANTEE,** the 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 the County of Volusia State of FLORIDA to wit:

Lot 10, Block 6, NEW BRITAIN SUBDIVISION, SECTION THREE, according to map or plat thereof as recorded in Map Book 35, Page 164 of the Public Records of Volusia County, Florida.

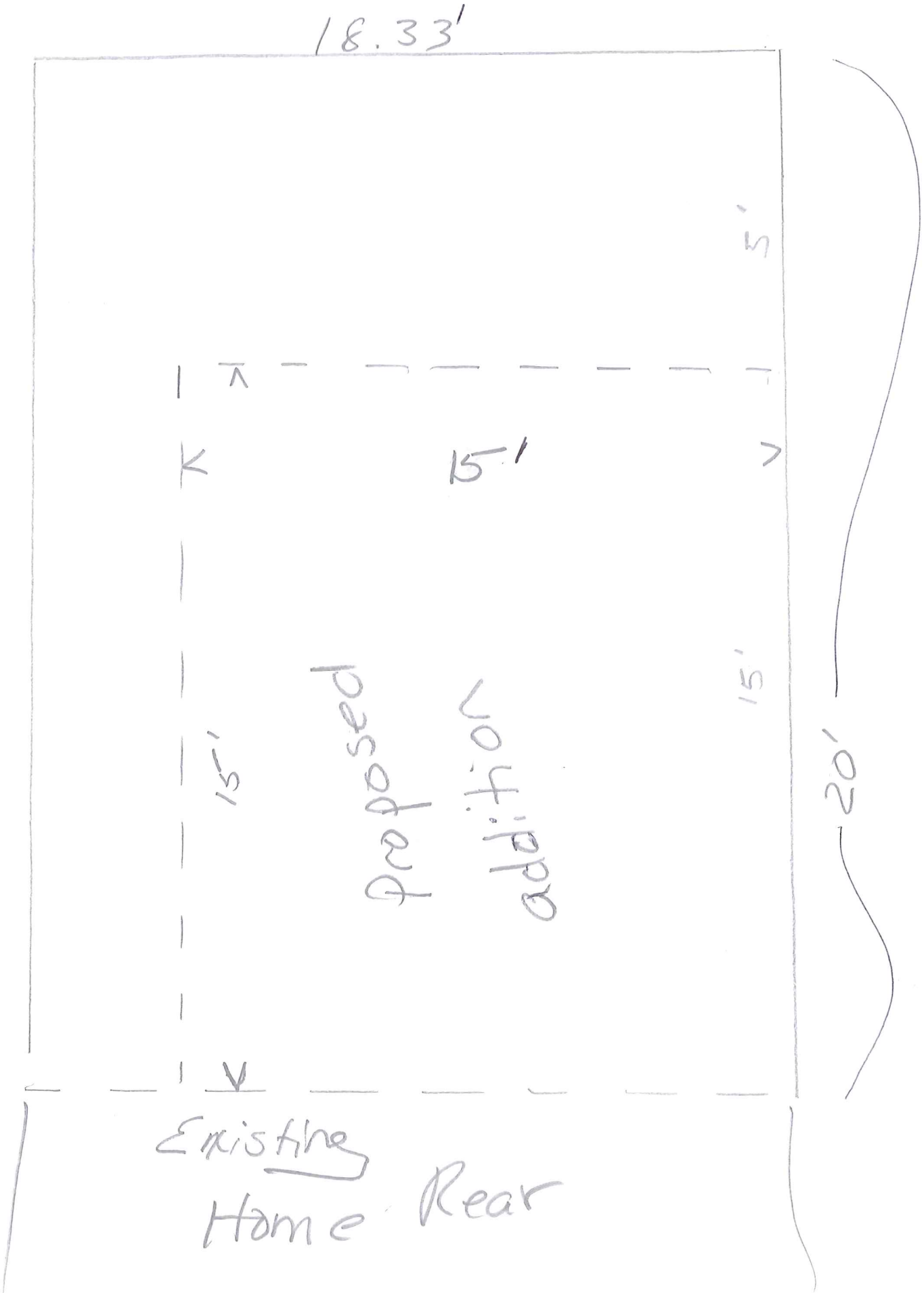
PARCEL ID NUMBER: 4223-21-06-0100

N.B. GRANTOR CINDY JOAN KNAPP STATES THAT AT ALL TIMES MATERIAL, FROM THEIR ACQUISITION OF THEIR PROPERTY INTEREST THROUGH CONVEYANCE, THAT THE FORGOING PROPERTY WAS NEITHER THEIR STATUTORY NOR CONSTITUTIONAL HOMESTEAD; NOR THAT OF ANY MEMBER OF THEIR FAMILY, AND THAT THEIR PRINCIPAL RESIDENCE IS IN THE STATE OF NEW HAMPSHIRE AT THE ADDRESS APPEARING ABOVE.

Together with all the tenements and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever. Subject to taxes for 2014 and subsequent years; zoning and/or restrictions and prohibitions imposed by any governmental authority, covenants, conditions, restrictions, easements, and limitations of record, if any.

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

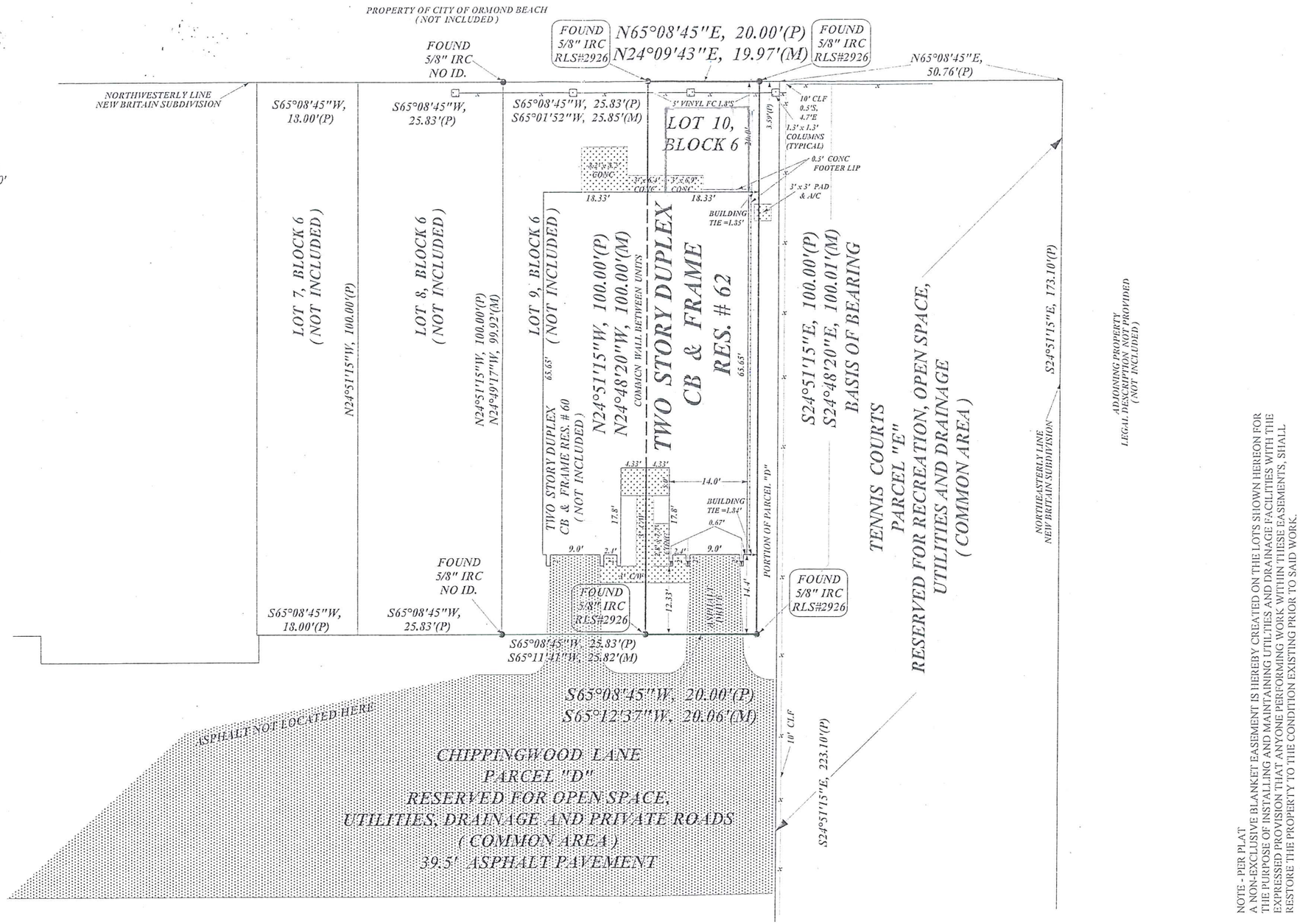

18.33'
5'
15'
15'
15'
20'
proposed addition
Existing Home Rear

L.81

L.3

LEGEND AND ABBREVIATIONS: DENOTES FENCE -X-X-X-/ WM=WATER METER/ AC=AIR CONDITIONER/ FH=FIRE HYDRANT/ CATV=CABLE TELEVISION/ FND=FOUND/ PI=POINT OF INTERSECTION/ EI=END OF FENCE/ WF=WOOD FENCE/ RES=RESIDENCE/ CONC=CONCRETE/ CW=CONCRETE WALK/ CD=CONC DRIVE/ LP=LIGHT POLE/ * = NOT SUBSTANTIATED BY FIELD MEASUREMENT/ (M)=MEASURED/ (P)=PLAT/ (D)=DEED/ PRM=PERMANENT REFERENCE MONUMENT/ C/L=CENTERLINE/ O/U=OVERHEAD UTILITY/ PP=POWER POLE/ FC=FENCE CORNER/ CLF=CHAIN LINK FENCE/ IP=IRON PIPE/ RAD=RADIAL/ (C)=CALCULATED/ P/L=PROPERTY LINE/ R/W=RIGHT-OF-WAY/ ID=IDENTIFICATION/ FR=FRAME/ (PK)=(PKO)=PROKRATTED/ (NR)=NON RADIAL/ IRC=IRON ROD AND CAP/ PCP=PERMANENT CONTROL POINT/ NGVD=NATIONAL GEODETIC VERTICAL DATUM/ USC&GS=UNITED STATES COASTAL AND GEODETIC SURVEY/ FLDNR=FLORIDA DEPARTMENT OF NATURAL RESOURCES/ CCCL=COASTAL CONSTRUCION CONTROL LINE/ SECTION/ INV=INVERT/ CMP=CORRUGATED METAL PIPE/ RCP=REINFORCED CONCRETE PIPE/ TYP.=TYPICAL/ TELE=TELEPHONE/ U/G=UNDERGROUND/ PT=POINT OF TANGENCY/ CH=CHORD/ EL=ELEVATION/ PC=POINT OF CURVATURE/ PT=POINT OF TANGENCY/ CBW=CONCRETE BLOCK WALL/ OR=OFFICIAL RECORD BOOK/ MB=MAP BOOK/ PG=PAGE/ SUBD=SUBDIVISION/ POB=POINT OF BEGINNING/ POC=POINT OF COMMENCEMENT/ CALC=CALCULATED/ (UP)=UNRECORDED PLAT/ (A)=ASSUMED/ RES.=RESIDENCE/ WT=WITNESS/ U/G=UNDERGROUND/ N=NORTH/ S=SOUTH/ E=EAST/ W=WEST/ NLY=NORTHERLY/ SLY=SOUTHERLY/ ELY=EASTERLY/ WLY=WESTERLY/ CBW=CONCRETE BLOCK WALL/ OR=OFFICIAL RECORD BOOK/ MB=MAP BOOK/ PG=PAGE/ SUBD=SUBDIVISION/ POB=POINT OF BEGINNING/ POC=POINT OF COMMENCEMENT/ CALC=CALCULATED/ (UP)=UNRECORDED PLAT/ (A)=ASSUMED/ RES.=RESIDENCE/

BOUNDARY SURVEY ~ ORMOND BEACH
VOLUSIA COUNTY ~ FLORIDA



NOTE - PER PLAT
A NON-EXCLUSIVE BLANKET EASEMENT IS HEREBY CREATED ON THE LOTS SHOWN HEREON FOR THE PURPOSE OF INSTALLING AND MAINTAINING UTILTIES AND DRAINAGE FACILITIES WITH THE EXPRESSED PROVISION THAT ANYONE PERFORMING WORK WITHIN THESE EASEMENTS, SHALL RESTORE THE PROPERTY TO THE CONDITION EXISTING PRIOR TO SAID WORK.

THE SURVEY DEPICTED HEREON IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER

SURVEYORS NOTES: 1) NO INSTRUMENTS OF RECORD DISPLAYING EASEMENTS, RIGHT-OF WAYS AND OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT WHERE SHOWN. 2) THE SURVEY DEPICTED HEREON IS SUBJECT TO ANY ADDITIONAL RECORDS THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. 3) NO UNDERGROUND INSTALLATIONS. CONCRETE FOOTERS, AND OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT WHERE SHOWN. 4) THE TERM CERTIFIED IS THE PROFESSIONAL OPINION OF THIS SURVEYOR AND DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY EITHER EXPRESSED OR IMPLIED. 5) ADJOINING PROPERTY DESCRIPTIONS WERE NOT FURNISHED TO THIS SURVEYOR EXCEPT WHERE SHOWN. 6) THIS SURVEY IS SUBJECT TO ANY FACTS DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH. THIS SURVEY IS CERTIFIED BASED ON THE SURVEY DATE AND NOT ON THE DATE OF SIGNATURE 7) UTILITY EQUIPMENT OR MACHINERY BOTH ABOVE AND BELOW GROUND NOT LOCATED UNLESS SHOWN. 8) FENCES PHYSICAL RELATION TO PROPERTY LINES AND OR OTHER FEATURES EXAGERRATED FOR CLARITY. 9) THE PROPERTY DEPICTED IN THIS SURVEY IS SUBJECT TO ANY RESTRICTIONS, RESERVATIONS, LIMITATIONS.EASEMENTS AND RIGHT OF WAYS, WHETHER RECORDED OR NOT. 10) IF LOCATION OF EASEMENTS OR RIGHT-OF-WAY OF RECORD, OTHER THAN THOSES ON RECORD PLATS , IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER, PER FLORIDA STATUES RULE 61G17-6.0051(4)(e) 11) THIS SURVEYOR OR FIRM, DOES NOT ASSUME RESPONSIBILITY AND SHALL NOT BE LIABLE FOR CLAIMS ARISING FROM ERONEOUS OR INCORRECT INFORMATION FURNISHED BY THE OWNER, LENDER, OR OWNERS CONTRACTOR OR OTHERS, WHICH IS USED TO FORMULATE THIS SURVEYORS OPINION.

PREPARED BY

JAMES MARVIN BUNN PROFESSIONAL SURVEYOR INC.

PROFESSIONAL SURVEYOR AND MAPPER

LB # 7037 PSM # 5816

211 LIVE OAK STREET, NEW SMYRNA BEACH, FLORIDA 32168

PHONE (386) 424-0998 FAX (386) 424-0885

I THE UNDERSIGNED HEREBY CERTIFY THIS PLAT TO BE A TRUE REPRESENTATION OF A FIELD SURVEY MADE UNDER MY SUPERVISION AND MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYING IN THE STATE OF FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES SUBJECT TO ALL NOTES HEREON.

08/19/2014

DATE SIGNED

JAMES MARVIN BUNN PSM#5816

SUBJECT AREA LIES IN FLOOD ZONE "X" (AREAS OF MINIMAL FLOODING) PER FEDERAL EMERGENCY MANAGEMENT AGENCY FIRM FLOOD ZONE DETERMINED BY SCALING FROM FLOOD INSURANCE RATE MAPS COMMUNITY # 125156, PANEL #0218 SUFFIX J, DATED FEBRUARY 19, 2014. MAP NUMBER 12127C0218 J

CHECKED BY: JMB
DRAWN BY: JMB
FILED IN: LOOSE NOTES IN FOLDER
PARTY CHIEF: JMB
SURVEY DATE: 08/18/2014
SHEET 1 OF 1
IPFILE: 62CUTT
FILE: 62ChippingwoodLaneNewBritain.mcd
SURVEY TYPE: BOUNDARY AND SPECIFIC PURPOSE
FLOOD ZONE CLASSIFICATION

SURVEYORS NOTES:
1) BEARINGS ARE PLAT
2) BASIS OF BEARINGS REFER TO THE NORTHEASTERLY PROPERTY LINE OF LOT10, BLOCK 6, SHOWN HEREON AS N24°51'15"W(P)
3) DISTANCES REFER TO PLAT AND DEED OF RECORD
4) DISTANCES SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF
5) THE CERTIFICATION OF THIS SURVEY REFERS TO THE FIELD SURVEY DATE

DESCRIPTION PROVIDED BY CLIENT OR REPRESENTATIVES OF CLIENT
LEGAL DESCRIPTION: Lot 10, Block 6, NEW BRITAIN SUBDIVISION, SECTION THREE, according to map or plat thereof as recorded in Map Book 35, Page 164 of the Public Records of Volusia County, Florida.

Prepared For: Doron Eldar and Taly Barak
This Plat Is Certified
1) Doron Eldar and Taly Barak
2) Florida Titleworks, Inc.
3) Old Republic National Title Insurance Company