



AGENDA

ORMOND BEACH BOARD OF ADJUSTMENT AND APPEALS

February 4, 2015

ORMOND BEACH CITY COMMISSION CHAMBERS

7:00 P.M.

I. ROLL CALL

II. APPROVAL OF THE MINUTES

A. January 7, 2015

III. OLD BUSINESS

A. **Case No. 2015-034: 185A Cardinal Drive, side yard variance.**

This is a request for a side yard variance submitted by Mr. Steve Abel, Abel Construction Enterprises, on behalf of the property owners, Laura and Radu Stanciulescu, of 185A Cardinal Drive. The property is zoned as R-4, Single Family Medium Residential. Chapter 2, Article II of the Land Development Code, Section 2-17(B)(9)(c) requires a 20' side yard setback. The applicant is requesting a side yard setback of 6' for a glass room addition, requiring a side yard variance of 14' from the required 20' setback to the side property line.

IV. NEW BUSINESS

A. **Case No. 2015-043: 711 South Atlantic Avenue, front yard variance.**

This is a request for a front yard variance submitted by Jeffrey Brock, Smith Bigman Brock, P.A., agent on behalf of the property owner Embassy Investment VII – Coral Beach LLC to maintain a porte cochere at the Coral Beach Motel located at 711 South Atlantic Avenue. Pursuant to Chapter 2, Article II of the Land Development Code, Section 2-27(B)(9)(a), the required front yard setback in the B-6 zoning district is 30' from the property line. The property at 711 South Atlantic Avenue was previously granted a variance on July 31, 2013 of 20' to the required 30' front yard setback, with a resulting setback of 10' for the porte cochere structure.

Based on site conditions, it was necessary to install the porte cochere with a 6.73' front yard setback requiring a new variance application. The applicant is requesting a variance to maintain the existing porte cochere at a setback of 6.73', requiring a 3.27' variance to previously approved variance (July 31, 2013) or a 23.27' variance to the 30' zoning setback.

B. Case No. 2015-044: 417 Cherrywood Drive, pool screen enclosure variance.

This is a request to reconstruct a pool screen enclosure from Ms. Sandra J. Stuart, property owner of 417 Cherrywood Drive after damage as the result of a fallen tree. 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 seeks to replace an existing pool screen enclosure in the exact same location, with no expansion of the screen enclosure proposed. The pool screen enclosure was damaged as the result of a tree falling on top of the enclosure. In order to re-construct the existing pool screen enclosure, a 5' variance is needed to the required pool screen enclosure setback of 10'. The resulting pool screen enclosure setback shall be 5' to the rear property line.

V. OTHER BUSINESS

VI. ADJOURNMENT

CITY OF ORMOND BEACH

FLORIDA

PLANNING

MEMORANDUM

TO: BOAA Members

FROM: Steven Spraker, AICP, Senior Planner

DATE: January 22, 2015

SUBJECT: 185A Cardinal Drive

At the January 7, 2015 Board of Adjustment and Appeals meeting the variance application for 185A Cardinal Drive was continued based on the property owner and contractor being unable to attend the meeting. At the meeting, an abutting property owner did address the board and raise objections to the variance request. The minutes from this meeting are included in this packet.

The property owner of 185A Cardinal Drive has prepared an additional letter which is included as an attachment to this memorandum. The staff report for the variance application is unchanged from the January packet and has been included with the Board's packet. Planning staff did re-advertise (newspaper advertisement, site postings, and abutter letters) the variance application. If there are any questions, I can be contacted at (386) 676-3341 or by e-mail at Steven.Spraker@ormondbeach.org. Thank you.

Application for Variance - 185A Cardinal Drive. Ormond Beach, Fl.

Owners' Statement submitted in advance of the Board of Adjustments and Appeals meeting on Feb. 4th, 2015 and response to neighbour's concern raised at the Jan. 7th Board meeting.

To the attention of the Board of Adjustments and Appeals members:

We regret deeply not being able to attend the Board's meeting on January 7th, 2015. Work commitments prevented us from being present and unfortunately, our representative, Steve Abel, was unable to attend as well. We have communicated several times in advance with Mr. Steven Spraker - he has been most helpful in helping us understand the process and City requirements, and in helping us prepare the variance application. We advised him of our inability to attend and he was kind to confirm that the matter will be discussed again at the Board's February 4th meeting. Our representative confirmed his attendance on February 4th and we are confident that he can address the technical questions Board members may have; However, this project is very important to us and we really wish to be present as well, in order to address any questions the Board may have directly for us, and/or address any concern expressed by any neighbour.

As we make travel arrangements for February 4th, we also know that the nature of our jobs might prevent us from attending at the very last minute. With this possibility in mind, we wish to respectfully submit to the Board our statement in advance, in the hope that it will clarify our intention in applying for this zoning variance, as well as address the objection raised by one abutting neighbour at the Jan. 7th meeting.

- We purchased the unit at 185A Cardinal Dr. in March, 2013 after a brief visit; we fell in love with the Ocean Village Villas, with the feeling of community of this development and with the city of Ormond Beach. We had researched vacation properties in the "sun" for several years and in visiting some friends who own a similar property in Ocean Village Villas, we recognized instantly that the city itself and the neighbourhood are real gems. We are both very busy professionals and the stress of our day to day work makes us feel extremely grateful to have the opportunity to spend vacations with our family here, and to contemplate spending extended periods of time when we retire. Ormond Beach and the Ocean Village Villas are truly remarkable communities.
- Since then, we took every opportunity we had to enjoy our new home, as well as to improve it. We spent every vacation and long weekend here, sometimes just by ourselves, sometimes accompanied by our two children. To us, this "home away from home" is strictly for our family's enjoyment and we cannot envision even remotely renting it to any strangers or selling this lovely property. We look forward to a lifetime of enjoyment of this beautiful place.
- We used every visit to improve the property, taking care of both minor and major repairs. Several local companies have helped us furnish the property, repair the roof, update the electrical wiring, renovate the bathroom, fix the A/C, strengthen the porch structure, improve the landscaping, and provide us with utility services. We have been long term homeowners in Canada and believe firmly that maintaining and improving a property means money well spent, representing an investment not just in our property, but in the community at large as well.
- We met several neighbours and developed a few new and treasured friendships in our new community. We had dinner with a few of them, spent time on our porches talking at length, exchanged holiday gifts

and unique Canadian recipes, and walked the beautiful beach together. They made us feel welcomed and at home. It is as difficult to express how much we value our new community and relationships with our neighbours, as it is to imagine that we would do anything obnoxious enough to damage them.

- We wish to continue to improve our property, and by extension, our community. We hope that the current zoning variance application is met with the Board's approval, as it would allow us to build a much needed Florida room. In its current form, our unit has one bedroom and visits of our two children make the space feel tight. An addition would allow us to simply be more comfortable during those visits or when we will spend months at a time in Ormond Beach, once retired. It is a significant expense but after discussing this at length with our contractor, Steve Abel, we believe firmly that investing in this project is the most constructive step we can take. Fortunately, our HOA sees this project in the same light and provided us their formal support to improve the property.
- We understand that one of our abutting neighbours, Mr. Tony Ortona, was present at the January 7th Board meeting and expressed his concern about potential noise disturbance in the future and proximity of the proposed addition to his/our property line. We have never met or seen Mr. Ortona during any of the many days spent at our property since March 2013; for that matter, we have never seen anyone present on his property during all this time. We wished to address his concern and tried contacting him; unfortunately, he did not reply to our attempts.
- Related to his concern, we wish to clarify and reiterate to the Board several points:
 1. This property is for the strict use and enjoyment of our family. We do not plan to rent or sell it; on the contrary, we love our community and plan to continue to improve and enjoy our property for decades to come.
 2. Our two grown children (a 24 year old engineer and an 18 year old college student) spent significant time with us at our property and enjoyed the same cordial relationships with all our neighbours and friends there. Noise was never an issue, not even remotely, not to any degree, not at any time. There is absolutely no reason to believe that anyone in our family will subject the neighbourhood to any level of noise pollution.
 3. Mr. Ortona's objection is a subjective concern, based on potential noise in the future, not on any past facts. The notion of preventing improvement of a property based on "if's" and "maybe's" seems unreasonable, especially since the HOA provided their approval to this project; we are confident that if future potential noise would have been a possibility to concern the HOA, approval would not have been granted. Moreover, noise control and regulations, disturbances and public order, are already regulated by the City and respective law enforcement agencies (somewhat out of the scope of our neighbour's sphere of influence)-should such potential, future noise materialize somehow and come from our property or any other property for that matter, we are confident that authorities tasked with maintaining public order are going to deal with the situation; as a result, we fail to see Mr. Ortona's objection as being justified.
 4. The variance application is necessary due to the 20' side yard setback. The applications submitted to the Board requests a side yard setback of 6' for a glass room addition, requiring a side yard variance of 14' from the required 20' setback to the property line. If approved, the distance between the

proposed addition and the property line will be 6'; this is not meaningfully different than the distance between the property line and Mr. Ortona's driveway/garage. Mr. Ortona built a driveway and garage on his property, facing the property line we share, based on a similar variance application (Case No. 10V-104, June 2, 2010).

5. As a result, there is a minimal difference between the two properties (or our building and his garage) given the current layout; if the proposed addition is built, the distance between this addition and Mr. Ortona's driveway/garage continues to be minimal or, in other words, should there potentially be any noise in the future (Florida room or not), coming from us or any other neighbour, the noise effect on the surrounding area is still the same, as properties are generally close enough to each other for noise to travel anyway.
6. Our application for a setback variance is not materially different or different in principle from the setback variances that Mr. Ortona applied for in the past and which were approved.
7. Given the layout of the Ocean Village Villas, the distances between properties are generally the same. Many glass room additions have been built in this subdivision over the years, all subject to the same constraints, same potential outcomes, same detailed applications to the HOA, same scrutiny in the review of these applications, same HOA approval granted after careful consideration of all relevant factors. Our application to the HOA was not different in any way than previously proposed similar projects in the subdivision, and their approval was granted based on the same lengthy process.
8. The Board of Adjustments and Appeals has approved other variances in this subdivision in the past.

Given the zoning constraints of the Ocean Village Villas, our commitment to long term ownership in this wonderful community and continuous improvement of the property, our clarification of intended use of the property, the preliminary HOA approval, the detailed report prepared by City staff and any technical questions our representative will answer should Board members have any, it is our hope that consideration is given to our statement, should we not be able to attend the Feb. 4th meeting. We will make all possible efforts to attend.

In closing, we thank you for the consideration accorded to our statement and our application, hope that we addressed all known issues to the Board's satisfaction, and that the Board will approve the variance as submitted.

Sincerely,

Radu and Laura Stanciulescu

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: December 29, 2015

SUBJECT: 185A Cardinal Drive

APPLICANT: Mr. Steve Abel, Abel Construction Enterprises (applicant),
on behalf of the property owners, Laura and Radu
Stanciulescu

FILE NUMBER: 2015-034

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION:

This is a request for a side yard variance submitted by Mr. Steve Abel, Abel Construction Enterprises, on behalf of the property owners, Laura and Radu Stanciulescu, of 185A Cardinal Drive. The property is zoned as R-4, Single Family Medium Residential. Chapter 2, Article II of the Land Development Code, Section 2-17(B)(9)(c) requires a 20' side yard setback. The applicant is requesting a side yard setback of 6' for a glass room addition, requiring a side yard variance of 14' from the required 20' setback to the side property line.

BACKGROUND:

The property is designated as "Medium Density Residential" on the City's Future Land Use Map (FLUM) and is zoned R-4 (Single Family Medium Residential) on the City's Official Zoning Map. The existing use of the property is consistent with the FLUM designation and zoning district.

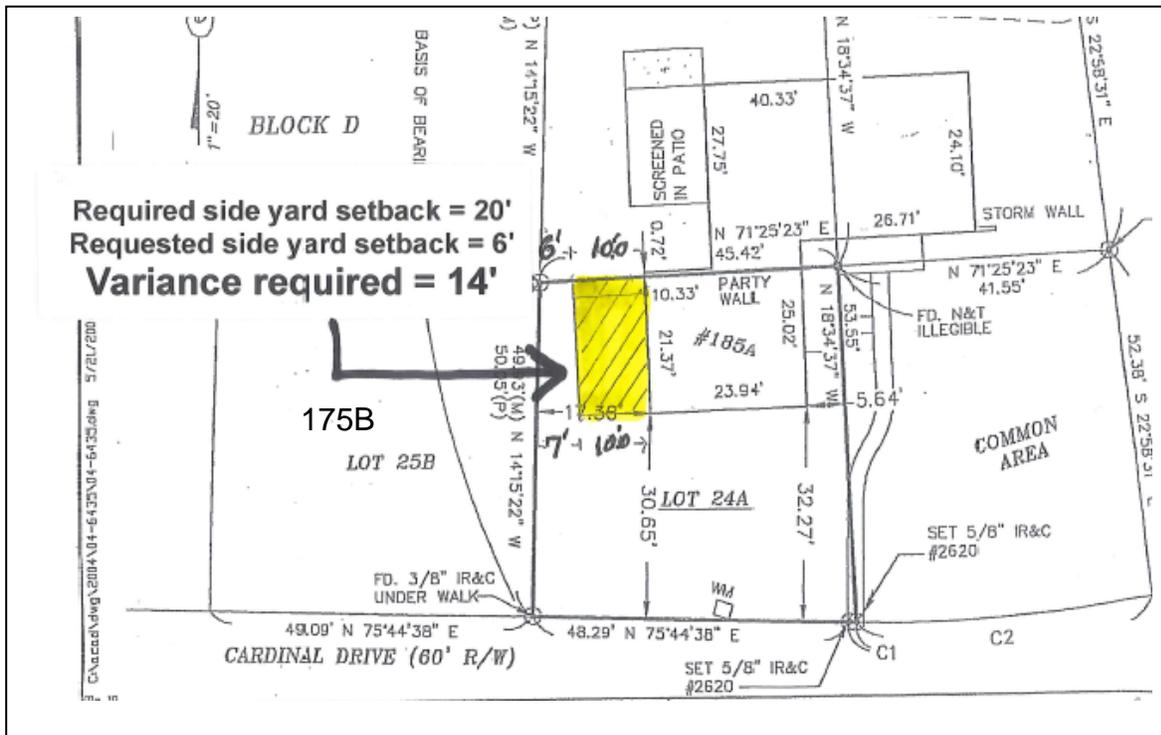
The subject property is located within Ocean Village Villas which was originally constructed in 1948. In the late 1980's and early 1990's the Ocean Villas Village entered into a Development Agreement (Resolution 89-70) with the City and began the process of platting the existing structures into single family, duplexes, triplexes, and 4-plexes. The existing structures were typically between 400 to 700 square feet and were previously used as vacation cottages.

The Ocean Village Villas Development Agreement did not provide any modifications to the R-4 zoning setbacks. Beginning in 1992, there was a realization that the existing structures did not comply with R-4 zoning setbacks and that renovation, expansion, and repair of the existing structures would have setback conflicts. City staff had various correspondences with the Ocean Village Villas Homeowners Association and in 1999 encouraged the amendment of the 1989 Development Order. In 2000, the Planning Director stated that City staff would support setbacks of 15' for the rear yard and 7' for the side yards. Staff has met with the Ocean Village Villas Homeowners Association who has attempted to work toward a solution for the setbacks but require approval of the individual property owners of the project. There has been no Development Order

amendment and property owners seeking expansions and renovations have done so through the variance process.

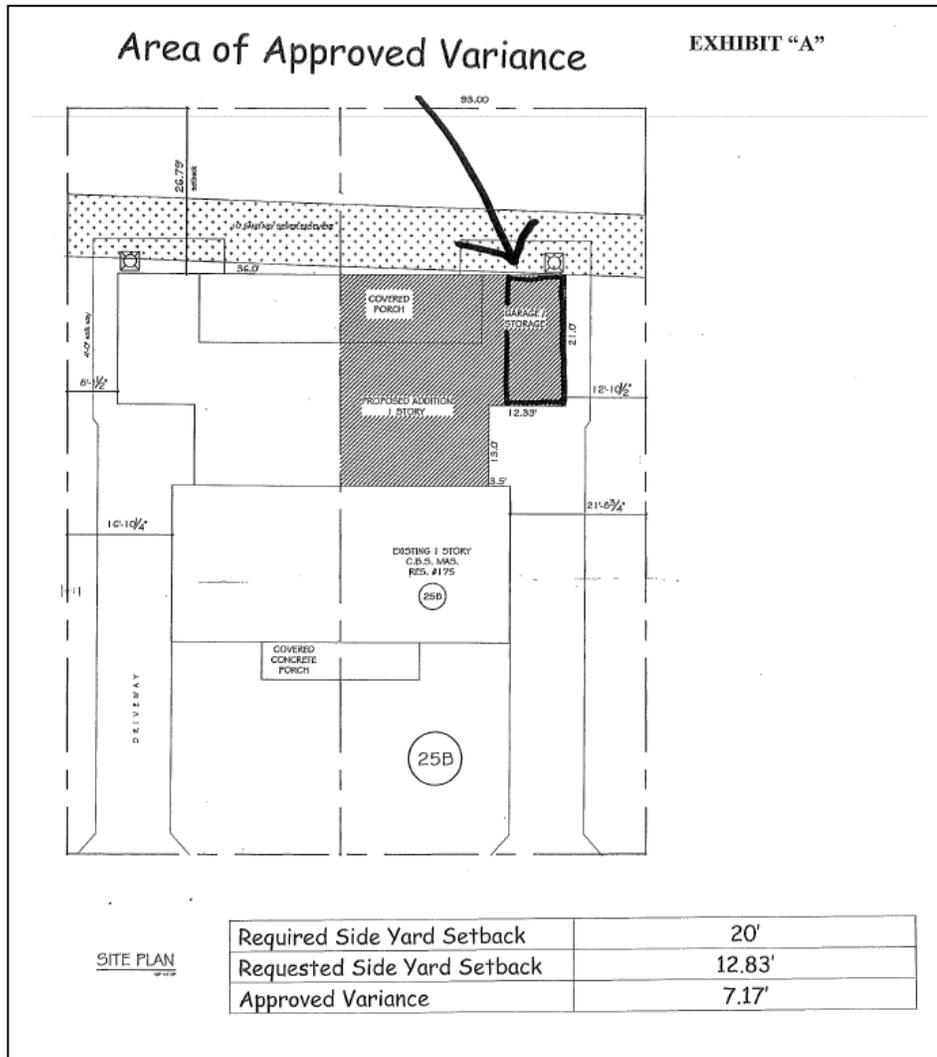
APPLICANT'S REQUEST: SIDE YARD SETBACK VARIANCE

The property is zoned as R-4, Single Family Medium Residential. Chapter 2, Article II of the Land Development Code, Section 2-17(B)(9)(c) requires a 20' side yard setback. The applicant is requesting a side yard setback of 6' for a glass room addition, requiring a side yard variance of 14' from the required 20' setback to the side property line. The variance exhibit is shown below:



Staff has received correspondence from the abutting property owner at 175 B Cardinal Drive regarding the proposed variance. The concerns from the homeowner include the proposed addition would be too close to the bedroom and take away the privacy between units.

The property at 175 Cardinal obtained variance approvals on June 2, 2010 for the A and B units of the duplex in order to expand the abutting property to the west. The expansion of the 175B Cardinal duplex property was primarily in the rear yard and did encroach into the required 20' setback by 7.17' within the rear portion of the site. The 2010 variance exhibit is shown below:



By comparing the 175B Cardinal Drive project survey and plot plan with the current application, the following distances would be applicable:

1. The 185A Cardinal Drive proposed setback is 6' from the property line.
2. The 175B Cardinal Drive existing building setback abutting their property line is 22.17'.
3. The 175B Cardinal Drive driveway is approximately 10' from the property line or 16' from the 185A Cardinal Drive proposed structure.
4. The distance between the structures at 185A Cardinal Drive and 175B Cardinal Drive is currently 38' at the closest point. The variance would reduce this dimension to 28' at the closest point with a proposed 6' building setback for 185A Cardinal Drive.

Site Picture



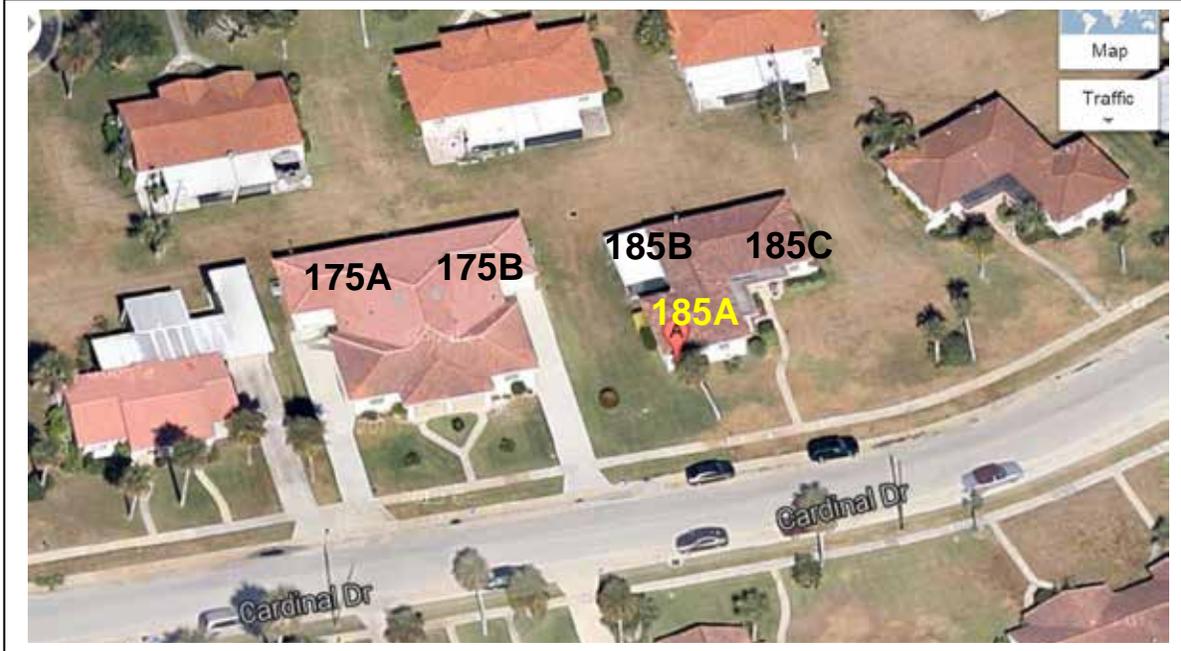
Adjacent land uses and zoning:

	Current Land Uses	Future Land Use Designation	Zoning
North	Triplex	"Medium Density Residential"	R-4 (Single Family Medium Residential)
South	Triplex	"Medium Density Residential"	R-4 (Single Family Medium Residential)
East	Triplex	"Medium Density Residential"	R-4 (Single Family Medium Residential)
West	Duplex	"Medium Density Residential"	R-4 (Single Family Medium Residential)

ANALYSIS:

The subject property is part of a three unit triplex. Unit A faces Cardinal Drive and unit B is located behind unit A, sharing a common wall. Unit B adjoins unit C to the east property line. There is a 10' by 10' common area located to the east of unit A and south of unit C.

Site Aerial



Source: Goggle maps

Unit A has limited opportunities to expand the existing living area based on unit B located to the north property line, the common area located along the west property line, and the front yard abutting the south line of the building. The Volusia County Property Appraiser shows that the building at 185A Cardinal Drive was constructed in 1947 and has 504 square feet of living area. The proposed room addition is 10' by 21.37" or 213.7 square feet.

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."

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

Argument for the variance: The R-4 zoning classification requires a minimum lot area of 15,000 square feet for triplexes. The property for all three units is less than 15,000 square feet and does not meet the lot standards. The lack of lot area further demonstrates that the redevelopment of this area did not consider the zoning designation and required setbacks.

Argument against the variance: One could argue since the minimum lot area is not met, no variances should be granted. It is important to view the entire history of this development and acknowledge that the existing setback standards are not appropriate for the built structures and the variance process is the only method to allow redevelopment and modernization.

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

Argument for the variance: There is no other practical alternative for the construction of the building addition at 185A Cardinal Drive. As stated earlier, the subject unit is bordered by 185C Cardinal Drive to the north, common area to the east, and the front yard to the south. The existing building configuration and the R-4 zoning district dimensions limit the ability to expand and meet the required setbacks.

Argument against the variance: None. Given the established lot lines, there is no ability to add building square footage. The only alternative option is not to allow the construction of the room addition.

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

Argument for the variance: The existing triplex residential use is a permitted use in the R-4 zoning district and is consistent with the purpose of this zoning district.

Argument against the variance: None.

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

Argument for the variance: The proposed building addition shall maintain the front building setback and will extend from the side plane of the existing structure.

Argument against the variance: The building addition does extend into the side yard towards the building at 175B Cardinal Drive with that property owner expressing concerns regarding the variance. One could argue that the building does extend beyond the existing building line and should be denied.

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

Argument for the variance: The request is in scale with the adjacent structures and will be a one-story structure. The request is an investment into the Ocean

Village Villas area. The Ocean Village Villas has architectural controls separate of the City Land Development Code that have approved the request and will ensure consistency of the proposed addition. The proposed addition will make the existing unit more functional for the property owners.

Argument against the variance: One could argue that the glass room addition at a 6' side yard setback is too close to the side property line.

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

Argument for the variance: The proposed glass room addition will not impact adjacent properties by limiting view or increasing light or noise. The remaining side yard setback is adequate to provide buffering and distance from the abutting property.

Argument against the variance: The addition is only 6' from the property line and is too close to the property line.

RECOMMENDATION: City Planning staff has, over time, indicated an acknowledgment that the R-4 zoning district setbacks are mis-applied to the Ocean Village Villas development and the Development Order should be amended. Beginning in 2000, the City Planning Director stated a willingness to amend the project setbacks. Staff believes that the variance allows the redevelopment, modernization, and is a necessary investment to maintain properties within the Ocean Village Villas.

It is recommended that the Board of Adjustments and Appeals **APPROVE** a side yard setback of 6' for a glass room addition, requiring a side yard variance of 14' from the required 20' setback to the side property line.

Attachments:

- 1: Variance Exhibit
- 2: Maps and pictures
- 3: Variance application

ATTACHMENT 1

Variance Exhibit

185A Cardinal Drive Plot Plan

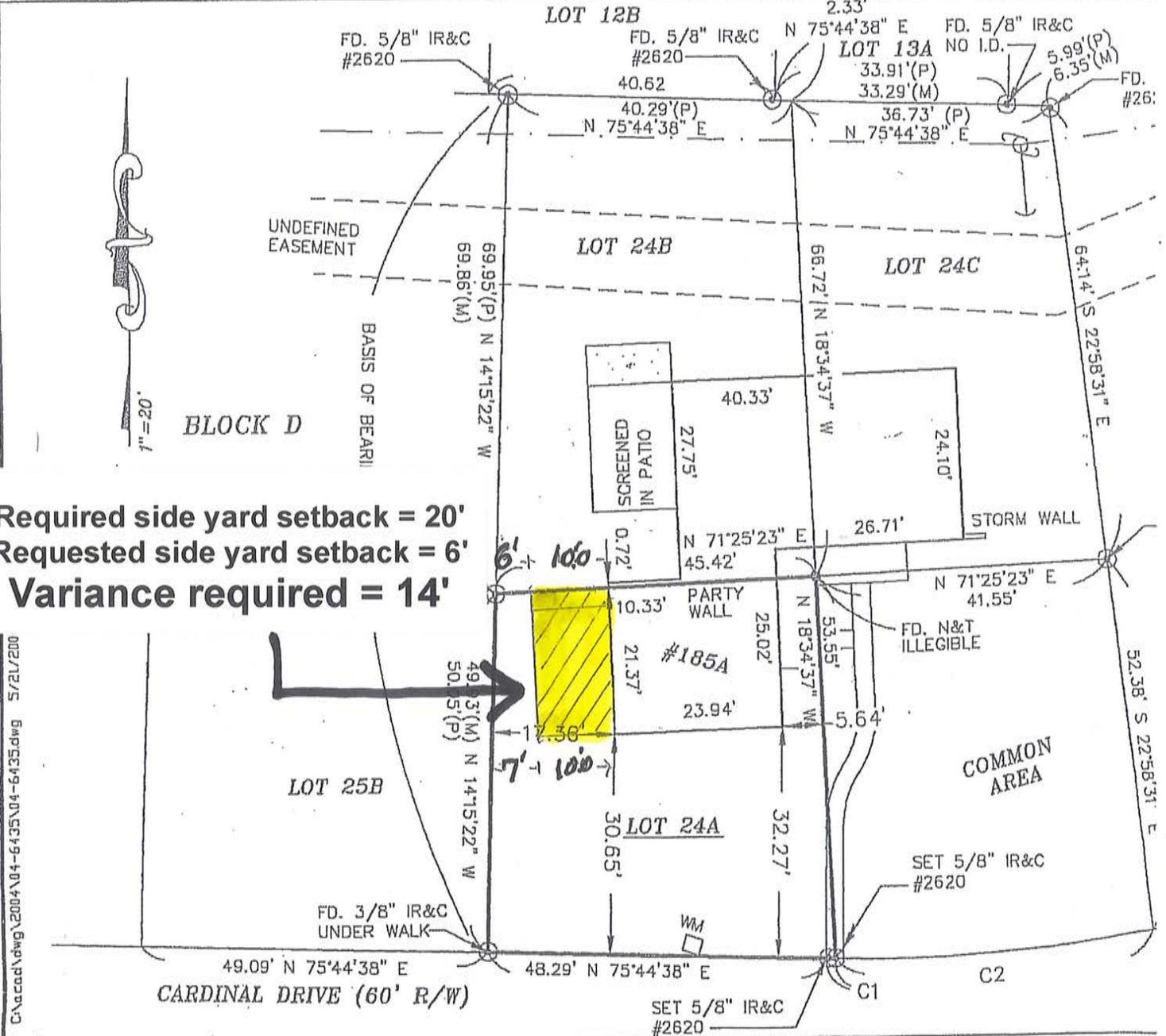
LEGEND * = DEGREES, ' = MINUTES, " = SECONDS:
WHEN USED IN A BEARING
' = FEET, " = INCHES: WHEN USED IN A DISTANCE
CL = CENTERLINE
Δ = DELTA = CENTRAL ANGLE
-x- = FENCE
⊙ = FIRE HYDRANT
☆ = LIGHT POLE
± = MORE OR LESS
⊕ = UTILITY POLE

OH-E = OVERHEAD ELECTRIC
OH-T = OVERHEAD TELEPHONE
⊙ = SET 5/8" IR&C (#2620)
UNLESS OTHERWISE NOTED
⊕ = WATER VALVE
A/C = AIR CONDITIONER
A = ARC LENGTH
AC = ACRES
ASPH = ASPHALT
BFE = BASE FLOOD ELEVATION

⊕ = UTILITY POLE
(C) = CALCULATED
CATV = CABLE TV
C&G = CURB & GUTTER
CH = CHORD DISTANCE
CH. BR. = CHORD BEARING
CLF = CHAIN-LINK FENCE
C.M. = CONCRETE MONUMENT
CMP = CORRUGATED METAL PIPE
C.O. = CLEAN OUT

(D) = DEED CALL
(DESC) = DESCRIPTION
E = EAST
EL = ELEVATION
EM = ELEC. METER
ESMT = EASEMENT
(F) = FIELD MEASUREMENT
FD = FOUND
F.D.O.T. = FLORIDA DEPARTMENT
OF TRANSPORTATION
N = NO

PROPERTY LIES IN FLOOD ZONE _____ PER PLOT OF DESCRIBED PROPERTY (AS SCALED)
ON FIRM COMMUNITY PANEL NUMBER _____ DATED _____
PUBLISHED BASE FLOOD ELEVATION _____
COMMUNITY ESTIMATED BASE FLOOD ELEVATION _____



Required side yard setback = 20'
Requested side yard setback = 6'
Variance required = 14'

C:\acctd\dwg\2004\04-6435\04-6435.dwg 5/21/2004 9:10

SHEET 1 OF 1 SHEETS JOB NO. 04-6435 FILE NO. 04-6435 SCALE 1"=20'

PREPARED BY:
A.A. WILBERT JR., LAND SURVEYING, INC.
54-A VINING CT. ORMOND BEACH, FLORIDA 32176-6641
(386) 676-9056

A.A. Wilbert Jr.
P.L.S. # 2620 L.B. # 4267 VALID ONLY WITH EMBOSSED SEAL

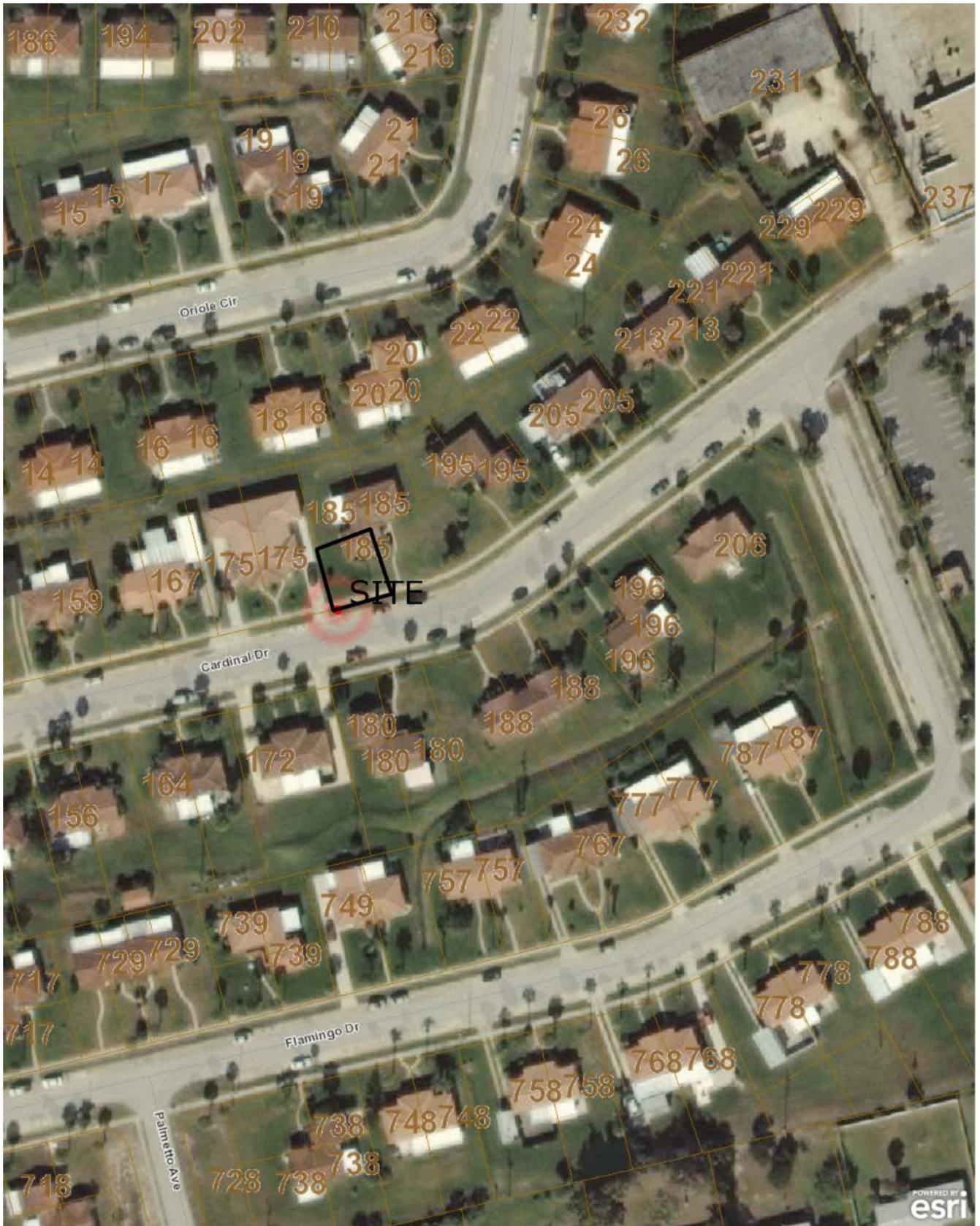
UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID

GENERAL NOTES:
NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY AND OR OWNERSHIP FURNISHED THIS SURVEYOR, EXCEPT AS SHOWN. THERE MAY BE ADDITIONAL RESTRICTIONS AT OTHER MATTERS THAT ARE NOT SHOWN ON THIS PLAT OF SURVEY THAT MAY BE FOUND IN THE RECORDS OF THIS COUNTY. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE LOCATED EXCEPT AS SHOWN. SURVEY PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OR O OF TITLE. ALL MEASUREMENTS SHOWN ARE IN FEET AND HUNDREDTHS THE

THE TERM CERTIFIED AS USED IN THIS STATEMENT, IS UNDERSTOOD TO BE THE PROFESSIONAL O OF THIS SURVEYOR AND FIRM WHICH IS FORMULATED ON HIS BEST KNOWLEDGE, INFORMATION BELIEF, AND AS SUCH, IT DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY, EITHER EXPRESS IMPLIED, FURTHERMORE, THIS SURVEYOR AND FIRM DOES NOT ASSUME RESPONSIBILITY AND NOT BE LIABLE FOR CLAIMS ARISING FROM ERRONEOUS OR INCORRECT INFORMATION FURNISH THE OWNER, LENDER, OR OWNER'S CONTRACTORS OR OTHERS, WHICH IS USED AS A BASIS FORMULATE THIS SURVEYOR'S OPINION.

ATTACHMENT 2

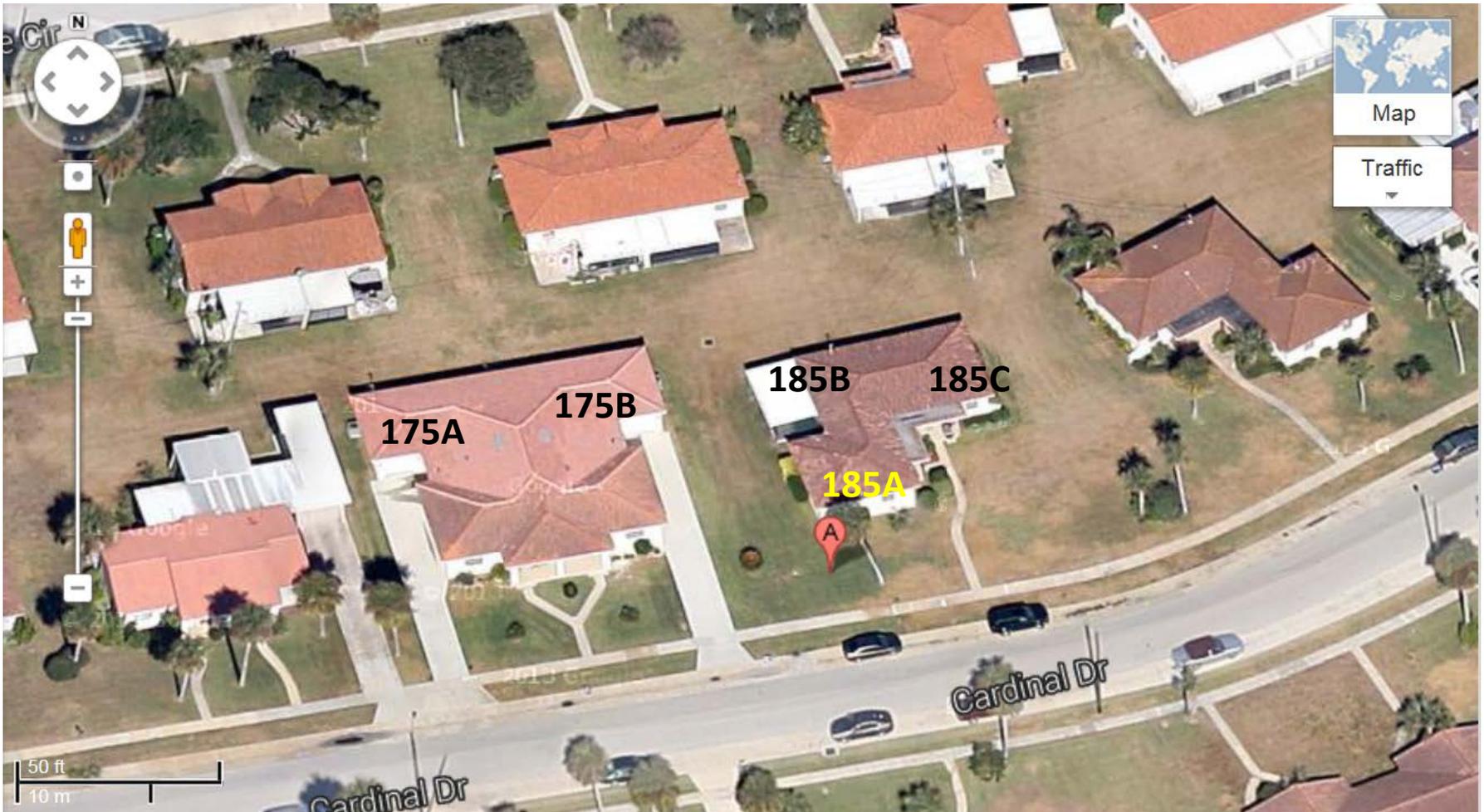
- Maps
- Pictures
- Setback correspondence



LOCATION MAP
185A Cardinal Drive



Cardinal Drive site aerial



Source: Google Maps

175B Cardinal Drive

Area of
proposed
room

185A Cardinal Drive



Area of
proposed
room

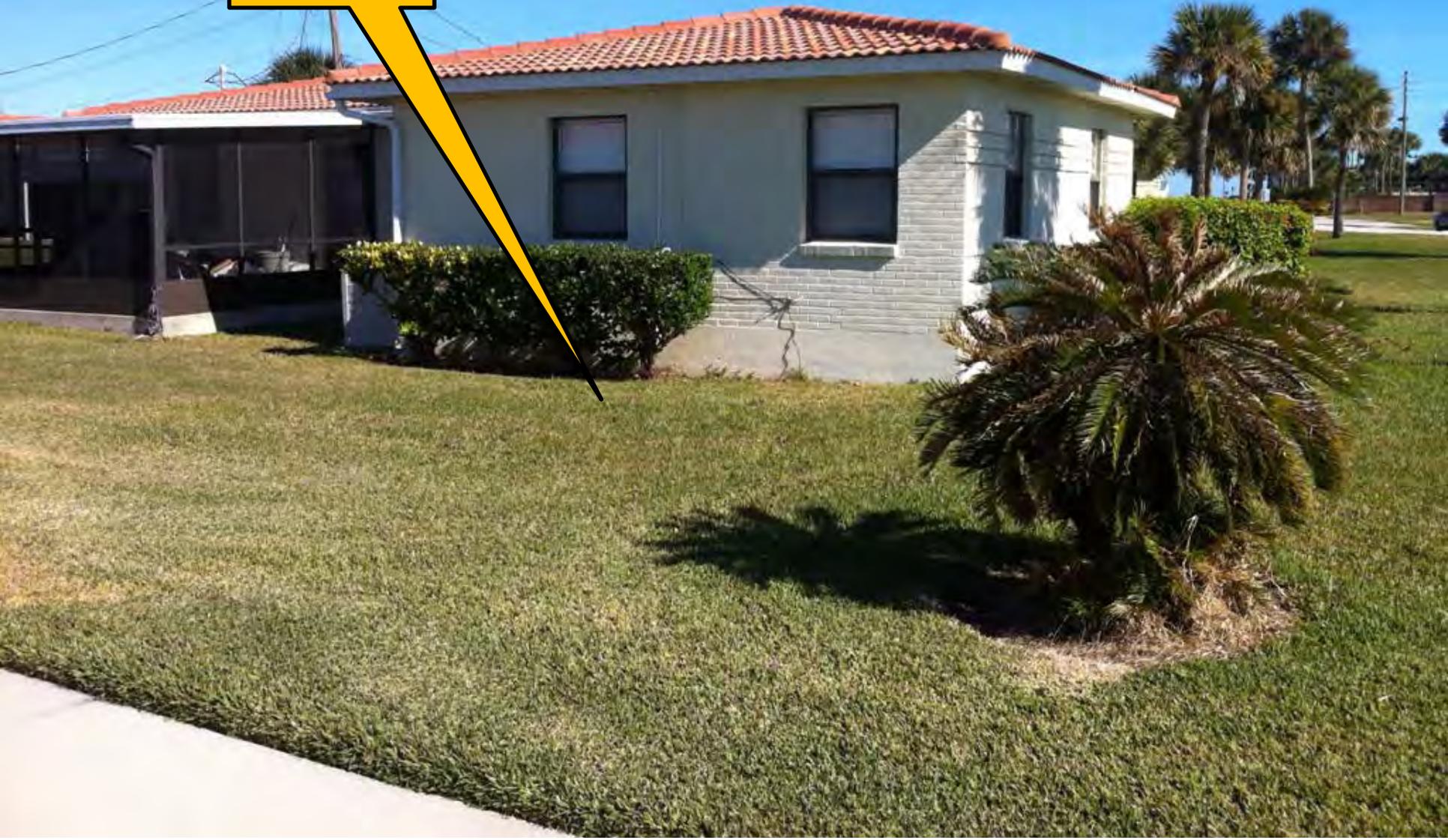


175B Cardinal Drive



Area of
proposed
room

185A Cardinal Drive



185 Cardinal Drive
triplex



Other examples of room additions
on the side of units within complex



CITY OF ORMOND BEACH
FLORIDA

PLANNING

MEMORANDUM

TO: Ocean Village Villas HOA
FROM: Don O'Donniley, Director of Planning
DATE: April 4, 2000
SUBJECT: Set Back Requirements

Staff has examined your request concerning set back requirements. The current set back requirements for side yards are twenty feet (20') and for rear yards, thirty feet (30') After reviewing the site plan as approved, staff has examined alternative set backs of fifteen feet (15') for rear yards and a minimum of seven for side yards.

An application would have to be submitted by the HOA on behalf of the property owners to amend the current Development Order to establish the alternate set backs. A fee of three hundred dollars (\$300.00) is required.

Our analysis has shown that most units adjoin a common area and this affords some degree of protection. The units are small and the current market favors larger units, with more space. However several concerns remain. First, the zoning district permits building heights of thirty feet (30'). This could result in additions to existing structures out of character with existing development. In addition, the additions will not be limited to existing building materials (spanish motif) and could damage the overall unity of architecture style; resulting in a decline in property values. Should the HOA suggest architectural controls, past experience has shown an unwillingness to expend the funds necessary to meet these standards. The result is no real relief will have been obtained and discord will occur around what is acceptable and what is not acceptable. Last, the regulations also limit maximum lot coverage to thirty five percent (35%). There will be instances where the amendment would expand the set back but the lot coverage limitation would not permit the size addition proposed by the owner.

88-24
File



CITY OF ORMOND BEACH

Public Works Department • Building Division • 22 South Beach Street • Ormond Beach, FL 32174 • (904) 676-3233 • Fax (904) 676-3361

November 2, 1999

Ocean Village Homeowners Assoc.
President
229 Cardinal Drive
Ormond Beach, Florida 32176

Dear Sir/Madam:

Per request of the Board of Adjustments and Appeals I am writing this letter for informational purposes regarding the construction of additions, to the structures in Ocean Villas Village.

The setback issue was addressed in 1992 by a previous Planning Director and Building Official. The current Planning Director, Don O'Donniley, concurred with the previous findings that Table 5-1 (enclosed) will be used for zero-lot line R-4 Zoning having one dwelling unit; and Table 5-2 (enclosed) for zero-lot line duplex and triplex lots.

The application of these standards has resulted in the denial of many permit requests leaving the option of requesting a variance from the Board of Adjustments and Appeals as the only recourse.

If the HOA sees this course of action as a problem for your residents, you may want to seek assistance through modifying the original Development Order. The HOA would need to file an application with the Planning Department then the proposed Development Order would be considered by the City Commission.

If I can be of any further assistance, please feel free to call me at 676-3233.

Sincerely,

Gary Hiatt
Plans Examiner

- c: Ted MacLeod, Public Works Director
- Don O'Donniley, Planning Director
- Robert A. Dunn, Chief Building Official

RECEIVED JUL 07 1992

CBO/NANCY/798 Flamingo ✓

MEMORANDUM

DATE: June 22, 1992
TO: Robert S. Tredik, Chief Building Official
FROM: Julia Pinnell, Assistant City Attorney
RE: Ocean Village Villas



I finally had an opportunity to discuss your concerns regarding Ocean Village with Fred today. Fred is of the opinion, as am I, that the dimensional requirements for the R-4 district in Table 5-2 should be applied to the multi-family, duplex and triplex units and the dimensional requirements for the R-4 district in Table 5-1 should be applied to the single family units at Ocean Village.

Because application of these standards will likely result in the denial of many permit requests from Ocean Village residents, Fred suggested that we recommend, either to the developer or the homeowner's association, that rather than having each applicant seek a variance from the Board of Adjustments, that the developer or H.O.A. seek assistance from the City Commission (i.e. change the development agreement or enact a resolution).

However, for the time being, it is our opinion that the above standards apply to Ocean Village.

CITY OF ORMOND BEACH

FLORIDA



The Birthplace of Speed

OFFICE OF CHIEF BUILDING OFFICIAL

April 9, 1992

Mr. James V. Durham
1021 3rd. Street
Port Orange, FL 32119

RE: 768-B FLAMINGO DRIVE

Dear Mr. Durham:

On April 7, 1992, this office received a permit application from you for the above referenced location. Please accept this letter as notification that we are not able to approve your permit for a garage addition at this time.

The referenced property, located within Ocean Village Villas, was approved by the City Commission under a blanket Development Order (D.O.) that authorized specific work. Any additional work outside the scope of the D.O. would require an amendment to the D.O. and be approved by the City Commission. The amendment request must be presented by the developer or homeowner's association.

If you should require additional information regarding the above please feel free to contact me directly at 676-3233.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. S. Tredik". The signature is fluid and cursive, written over a white background.

Robert S. Tredik
Chief Building Official

RST/neb

cc. Nancy Bishop, Plans Examiner
Richard Jacobs, Planning Director
D. S. Patel, Ocean Village Villas

Flam.1tr

ATTACHMENT 3

Applicant provided
information

Dec. 1st, 2014

Laura Stanciulescu
185A Cardinal Dr.
Ormond Beach, FL
32176

or

1112 Cedarwood Pl.
Burlington ON
L7T4k6
Tel. 905-631-1510

To whom it may concern:

The undersigned authorizes Steve Abel, of Abel Construction Enterprises, located at 2312 Crescent Ridge Rd., Daytona Beach, FL 32118, tel. 386-255-6588, to apply on my behalf to the City of Ormond Beach for a zoning variance related to the building of a proposed Florida room on my property located at 185A Cardinal Dr. Ormond Beach FL 32176.

The authorized further authorizes Steve Abel to represent me in all communication with the City of Ormond Beach in relation to the zoning variance and obtaining the building permit for the proposed building.



Laura Stanciulescu

On this, the 1st day of December, 20 14, at the city of Hamilton, in the Province of Ontario, personally appeared Laura Stanciulescu, whose identity was proven to me by producing a valid Ontario Driver's Licence no. 58115-44306-46024 bearing a photo matching his or her likeness, and acknowledged executing the foregoing instrument for the purpose(s) stated therein.



Michael George Grosman
Notary Public
Province of Ontario



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: STEVE ABEL - ABEL CONSTRUCTION ENTERPRISES

Full Address: 2312 CRESCENT RIDGE RD., DAYTONA BEACH, FL 32118

Telephone: 386-255-6588 Email: STEVEABEL08@BELLOUTH.NET

* 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: LAURA or RADU STANCIULESCU

Full Address: 1112 CEDARWOOD PL. BURLINGTON, ON, L7T4K6 CANADA

Telephone: 905-631-1510 Email: RADUANDLAURA.S@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: 185A CARDINAL DR, ORMOND BEACH FL 32176

Parcel ID Number: 42232504024A

Legal Description: LOT 24-A BLK.D OCEAN VILLAGE VILLAS
L.A.S MB 42 PGS 192 to 197 INC
PER OR 3910 PG 3563 PER OR 5340
VOLUNTA COUNTY, FLORIDA

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:

ADD ADDITION TO EXISTING STRUCTURE.

Addition tube bronze aluminum frame glass roof. 10x21.57
request set back to 6' on west side.

ABUTTING PROPERTY OWNERS

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

Signature	Street Address	For	Against
ABUTTING PROPERTY OWNERS:			
have difficulty contacting them and many do not reside on property year round. HOA takes into consideration all property owners' interests before granting approval. Date stamped HOA approval (enc) is enclosed.		<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:

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:

*BASED ON LOCATION OF EXISTING STRUCTURE TO PROPERTY LINE,
THERE IS NO OTHER AREA TO POSITION PROPOSED ADDITION
TO CONFORM TO SETBACK REQUIREMENTS*

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:

YES, ADDITION IS ALLOWED IN R4 ZONING DISTRICT.

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

[Empty box for answer to question 4]

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

yes, proposed addition is consistent with other expansions in this development.

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

no, addition will not impact negatively surrounding properties.

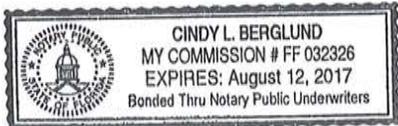
CERTIFICATION

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 5th day of Dec, 2014, by William S Abel 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.

Prepared by:
Margie Patchett
Adams Cameron Title Services, Inc.
444 Seabreeze Blvd, Suite 170
Daytona Beach, Florida 32118

File Number: 20907

General Warranty Deed

Made this March 8, 2013 A.D. By **Zachary Albahae a/k/a Zachary M. Albahae and Adele Albahae, Individually and as Co-Trustees of the Zachary and Adele Albahae Joint Revocable Trust dated May 27, 2004**, 10866 NW 14th Street, Coral Springs, FL 33071, hereinafter called the grantor, to **Radu Stanculescu and Laura Stanculescu, husband and wife**, whose post office address is: 1112 Cedarwood Place, Burlington, ON L7T 4K6, hereinafter called the grantee:

(Whenever used herein the term "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 Ten Dollars, (\$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, Florida, viz:

Lot 24A, Block D, Ocean Village Villas, according to the map or plat thereof, as recorded in Map Book 42, Page(s) 192 through 197, inclusive, of the Public Records of Volusia County, Florida.

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

Parcel ID Number: 4223-25-04-024A

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

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully 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 of all encumbrances except taxes accruing subsequent to December 31, 2012.

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

Signed, sealed and delivered in our presence:

(sign) [Signature]
Witness Printed Name Joseph Laudando

(sign) [Signature] (Seal)
Zachary Albahae a/k/a Zachary M. Albahae, Individually and as Co-trustee of the Zachary and Adele Albahae Joint Revocable Trust dated May 27, 2004
Address: 10866 NW 14th Street, Coral Springs, FL 33071

(sign) [Signature]
Witness Printed Name Joseph C. Conditina

(sign) [Signature] (Seal)
Adele Albahae, Individually and as Co-trustees of the Zachary and Adele Albahae Joint Revocable Trust dated May 27, 2004:

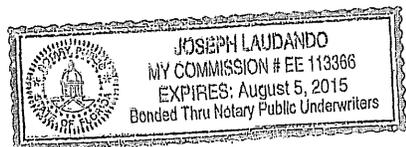
State of Florida
County of Broward

The foregoing instrument was acknowledged before me this 6 day of March, 2013, by Zachary Albahae a/k/a Zachary M. Albahae and Adele Albahae, Co-Trustees of the Zachary and Adele Albahae Joint Revocable Trust dated May 27, 2004, who is/are personally known to me or who has produced drivers license as identification.

(sign) [Signature]
Notary Public
Print Name: Joseph Laudando

My Commission Expires: 8/05/2015

(seal)



Stanciulescu, Laura

From: Radu and Laura S <raduandlaura.s@gmail.com>
Sent: Monday, December 01, 2014 8:24 PM
To: Stanciulescu, Laura
Subject: Fw: ARC Approval - Radu and Laura Stanciulescu - 185A Cardinal Drive -- Glass/acrylic Florida Room
Attachments: Document1.docx
Follow Up Flag: Follow up
Flag Status: Flagged

From: cbha
Sent: Wednesday, November 12, 2014 1:36 PM
To: raduandlauras@gmail.com
Cc: [Ocean Village Villas](#) ; [Steven Spraker](#) ; steveabel08@bellsouth.net ; [Kathie Renz](#) ; [Ted Cardinal](#) ; [Monique Kelley](#)
Subject: ARC Approval - Radu and Laura Stanciulescu - 185A Cardinal Drive -- Glass/acrylic Florida Room

Dear Radu and Laura,

Re: 185A Cardinal Drive, Ormond Beach, FL 32176

Attached please find your ARC approval for construction of a glass/acrylic Florida room to the rear (west side) of your home. If you will please print out then sign the document, you can return your signed copy to Karen Novak, manager at the Ocean Village Villas HOA, 635 Flamingo Dr., Ormond Beach, FL 32176. You are also welcome to FAX the signed copy to 386-677-8078 or email it to oceanvillagehoa@cfl.rr.com.

Please see paragraph one of the ARC Approval which addresses Steve Abel's email request to bring in fill to raise the elevation and denial of that request.

Any changes/deviations to the original plans/specifications submitted no matter how minor, will require additional approval by the ARC. The Association requires a copy of the licenses, certificate of insurance and permits of all contractors who will be involved in the construction. Advise all construction workers that they MUST NOT DRIVE OR PARK ON THE GRASS.

A copy of the building permit issued by the City of Ormond Beach must be received by the office PRIOR to the START of construction. Nothing in this approval is valid unless all the necessary prerequisites established by the Association have been met. Upon receipt by the Association of your signed acceptance of the terms of this approval, a copy of your approval letter, with our corporate seal upon it, will be sent directly to the City of Ormond Beach to await your permit application. This approval is valid for six months from the date of issue.

Thank you for applying to the ARC. We hope you will enjoy your new construction.

All the best,
Ocean Village Villas Architectural Review Committee

OCEAN VILLAGE VILLAS HOMEOWNERS ASSOCIATION, INC.

635 FLAMINGO DR. ORMOND BEACH, FL 32176

Phone: 386-677-9013 FAX: 386-677-8078

Email: oceanvillagehoa@cfl.rr.com

November 21, 2014

Radu and Laura Stanciulescu
1112 Cedarwood Pl.
Burlington, Ontario, CA L7T 4K6

RE: Your property at 185A Cardinal Dr., Ormond Beach, FL 32176

Dear Radu and Laura,

The ARC received your request, dated November 3, 2014. Based upon this addendum to your original request dated April 22, 2013 (for which the ARC gave preliminary approval on October 20, 2014), the ARC gives final approval for your project as submitted. They approve installing a 21' X 10' concrete slab on the west side of your property. They also approve constructing a 10' X 18.6' glass/acrylic Florida room on the west side of your residence with a door on the north side. This would include converting one of the existing windows on your west wall to a door as access to the new glass/acrylic room. The contractor will be Abel Construction Enterprises located at 2312 Crescent Ridge Rd, Daytona Beach. An informal request by email to raise the elevation by using fill was received by the contractor. The ARC cannot approve raising the elevation of the property. They will, however approve raising the height of the slab by pouring a thicker foundation, as was done for the Florida room of the adjoining property. For assistance, the ARC provides the following from the ARC Guidelines:

QUOTE

4. **Glass/Acrylic Florida Rooms.** Glass enclosed rooms shall be kept free and clear of unsightly material and shall not be used as a storage area that creates a visible nuisance to other owners or residents. Glass enclosed rooms shall be constructed of bronze aluminum. Windows shall be sliders or double-hung in style and trimmed in bronze. The glass shall be either clear or tinted bronze except when facing Zone 1 or Zone 2; then the glass shall be tinted bronze. A glass/acrylic Florida room shall not be added to the front (Zone 1) of any unit.

Please note that an exception exists that allows placing a glass/acrylic Florida room in Zone 2. This exception applies to triplex units only. A Florida room is permitted in Zone 2 of some one bedroom units in a triplex when the Florida room cannot be put anywhere else due to common areas, unconventional property lines, and rights of way.

The roof shall be white aluminum with white or bronze fascia and soffit and a bronze downspout. No solid aluminum panels are permitted with the exception of a maximum 24-inch high kickplate. Rooms shall be constructed on an approved concrete slab at least four (4) inches thick or on an existing slab.

Sliding glass doors are permitted. Doors are not permitted to open into the front yard (Zone 1). In the

case of some one-bedroom units of a triplex or quadplex, the door may open into the side yard (Zone 2). This should be a rare occurrence and shall only be allowed when it cannot open into the rear yard (Zone 3) due to property line irregularities.

Any screen room or **Glass Enclosed Florida Room**, porch, supporting posts; fence, soffit, fascia, windows or doors in need of repair or replacement may be replaced or repaired without ARC approval provided that such structures shall be repaired or replaced in the same exact style as the original structure. **However, a notice of intent to repair or rebuild a structure must be delivered to the Association within 60 days of the damage to or destruction of a structure and prior to the repair or rebuild.** Otherwise, all provisions of the ARC guidelines will apply for any repair or rebuilding after 60 days has past. Failure to apply to and have your project approved by the ARC will be considered a violation of the ARC guidelines.

2. **Landscaping.** Landscaping is considered an exterior modification and must receive ARC approval prior to implementing any such plans.

Dwelling Unit Owners are responsible for the replacement of sod (meaning grass) on their Lot. The association will provide basic lawn maintenance understood to mean that it will mow the lawn and maintain gardens. The association will weed and cut back gardens and flower beds that are overgrown, and will trim bushes and shrubs such as but not limited to Hibiscus and Oleander to a reasonable size. The association will ensure that the Lot is free of invasive species of trees, plants or bushes. Several examples of invasive species are Brazilian pepper tree and Salt Bush. The list of invasive species of plants is too long to quote here but it is available from a variety of sources. Individual taste and preferences allow owners to plant the flowers, bushes, and shrubs of their choice.

In matters of non-compliance, Article VI, Section 12 of the Declaration of Covenants states that the association shall have the right but not the duty to enter upon any lot or dwelling unit for the purposes of mowing, removing, clearing, cutting, or pruning of underbrush, weeds and other unsightly growth, which in the opinion of the association detracts from the overall beauty, setting, and safety of the property. Such entrance for the purpose of mowing, cutting, clearing or pruning shall not be deemed a trespass but shall be deemed a license coupled with an interest.

As explained in Florida Statute 373.185 (3)(a)(b)(c) Florida Friendly Landscaping and Xeriscaping is permitted and encouraged because it saves water (and money) and is an environmentally sound approach to grounds maintenance. Native ground covers such as but not limited to Sunshine Mimosa are approved for use in place of sod. Once established, ground cover requires little or no water because it is drought tolerant, salt resistant, and virtually impervious to insects such as mole crickets and chinch bugs.

The planting of fruit trees or vegetable gardens is not permitted. Both are prohibited because they attract a variety of vermin and agricultural diseases.

Plantings of shrubs, flowers, and decorative bushes in existing flower beds or around the perimeter of the house is permitted without ARC approval. Plantings shall not be scattered throughout the property unless approved by the ARC because of the likelihood of interfering with the irrigation system and lawn maintenance.

Large shrubs like Oleander are permitted but must be situated and cared for so as not to interfere with the irrigation system or lawn maintenance. Oleanders as tall as the Dwelling Unit is high are

demonstrably overgrown.

The only approved trees for planting is the palm tree. The City of Ormond Beach has and enforces a detailed ordinance governing the removal of existing trees. It would be wise to check with the City of Ormond Beach before removing any hard wood trees or palm trees.

We are aware that trees other than palm trees are on Village property. Given the above restrictions on their removal, we must live with them. There are also invasive species, such as the Brazilian pepper tree, that the City requests we remove whenever we find them. A knowledgeable landscaper can easily identify them and take them out.

Lawn ornaments shall be restricted to flowerbeds. A maximum of two (2) lawn ornaments per flowerbed is permitted in the front yard (Zone 1) and side yard (Zone 2). Lawn ornaments over two (2) feet in height shall be limited to the rear yard (Zone 3). Lawn ornaments may not exceed four (4) feet in height and shall be situated in such a manner as not to be objectionable or present an unsightly view to a neighbor or to the community at large. Lawn ornaments in the rear yard shall be restricted to a flower bed or patio area so as not to interfere with lawn care maintenance.

Pavers are authorized and may be used provided the color and style is consistent with the architectural scheme of the community.

24. Conflicting Provisions. Where any ARC guideline conflicts with any provisions of applicable federal, state, or local law, the ARC guidelines will control unless expressly prohibited by law. In case of any conflict between the ARC guidelines and the Amended and Restated Declaration, the Amended and Restated Declaration shall control, and in the case of any conflict between these ARC guidelines and the Articles of Incorporation and the Bylaws of the Association, the Articles of Incorporation and the Bylaws of the Association shall control.

END QUOTE

Any changes/deviations to the original plans/specifications submitted no matter how minor, will require additional approval by the ARC. Unless the work is being done by the owner, prior to the start of construction the Association requires a copy of the licenses, certificate of insurance and permits of all contractors who will be involved in the construction. Advise all construction workers that they **MUST NOT DRIVE OR PARK ON THE GRASS.**

A copy of the building permit issued by the City of Ormond Beach must be received by the office **PRIOR** to the **START** of construction. Nothing in this approval is valid unless all the necessary prerequisites established by the Association have been met. Upon receipt by the Association of your signed acceptance of the terms of this approval, a copy of your approval letter, with our corporate seal upon it, will be sent directly to the City of Ormond Beach to await your permit application. This approval is valid for six months from the date of issue. Thank you for applying to the ARC. We hope you will enjoy your new construction.

By signing below, you agree to accept the terms of this approval. You also agree to allow the Architectural Review Committee (ARC) and the Homeowners' Association (HOA) management to enter onto your property to inspect your new construction while in process as well as to make a final inspection of all work. Failure to sign and agree with approval letter in its entirety will nullify this approval and approval will be considered denied. A copy of this letter needs to go to

the contractor to make sure all the specifications regarding materials, sizes, etc. are complied with.



SIGNATURE

DATE

Sincerely,
The Architectural Review Committee
Ocean Village Villas Homeowners Association

CC: Board of Directors, Ocean Village Villas Homeowners Association; Steven Spraker, Senior Planner, City of Ormond Beach Planning Department; Steve Abel, Abel Construction Enterprises; ARC members

PLOT PLAN

LEGEND * = DEGREES, ' = MINUTES, " = SECONDS:
 WHEN USED IN A BEARING
 ' = FEET, " = INCHES: WHEN USED IN A DISTANCE
 C.L. = CENTERLINE
 Δ = DELTA = CENTRAL ANGLE
 -X- = FENCE
 * = FIRE HYDRANT
 ☆ = LIGHT POLE
 + = MORE OR LESS
 ⚡ = UTILITY POLE

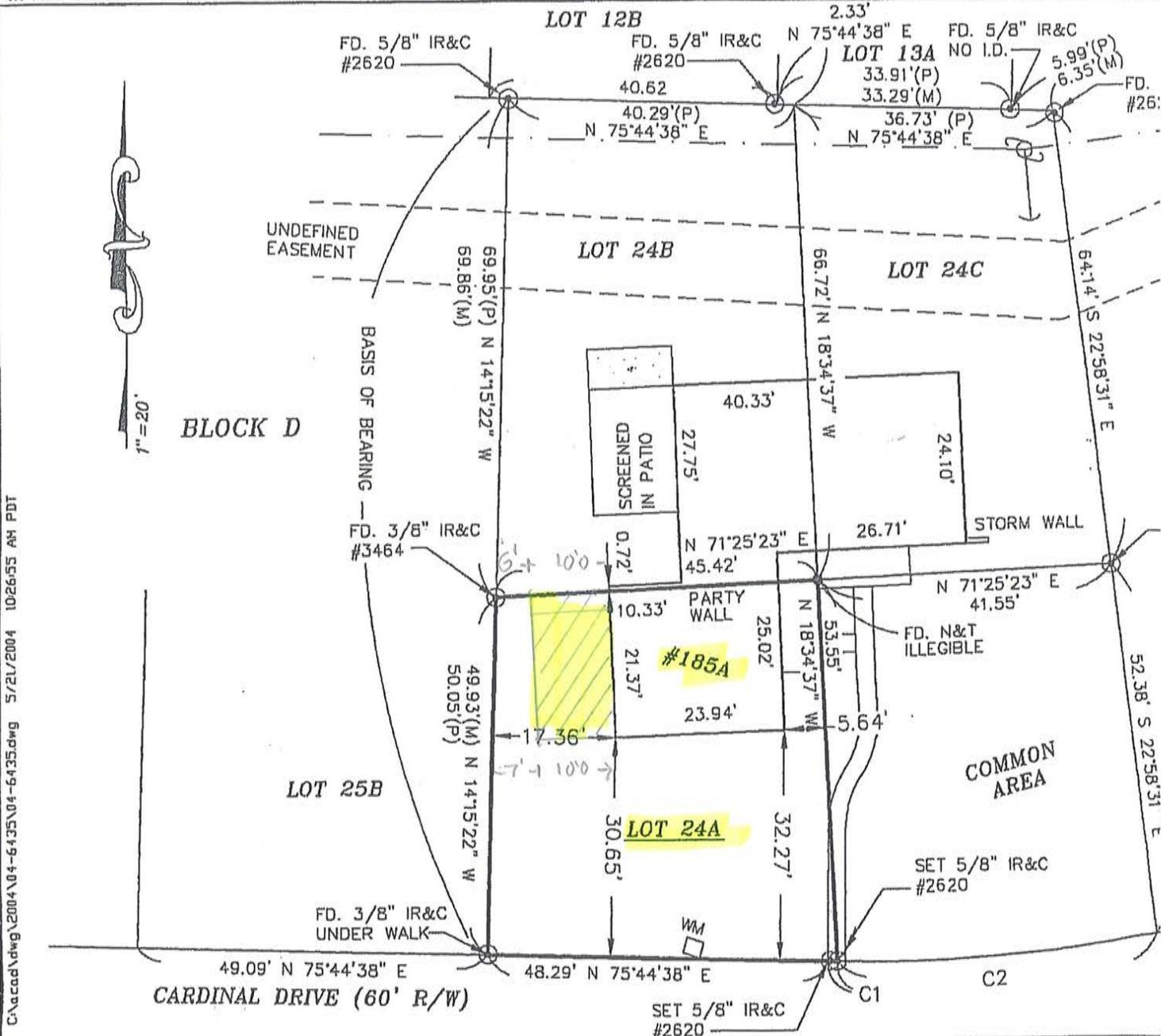
OH-E = OVERHEAD ELECTRIC
 OH-T = OVERHEAD TELEPHONE
 ⊙ = SET 5/8" IR&C (#2620)
 ⊕ = WATER VALVE
 A/C = AIR CONDITIONER
 A = ARC LENGTH
 AC = ACRES
 ASPH = ASPHALT
 BFE = BASE FLOOD ELEVATION

BM = BENCHMARK
 (C) = CALCULATED
 CATV = CABLE TV
 C&G = CURB & GUTTER
 CH = CHORD DISTANCE
 CH. BR. = CHORD BEARING
 CLF = CHAIN-LINK FENCE
 C.M. = CONCRETE MONUMENT
 CMP = CORRUGATED METAL PIPE
 C.O. = CLEAN OUT

(D) = DEED CALL
 (DESC) = DESCRIPTION
 E = EAST
 EL = ELEVATION
 EM = ELEC. METER
 ESMT = EASEMENT
 (F) = FIELD MEASUREMENT
 FD = FOUND
 F.D.O.T. = FLORIDA DEPARTMENT OF TRANSPORTATION

FP&L =
 FR = FF
 IR&C =
 I.P. = IF
 I.R. = IF
 (M) =
 MAS =
 MB = M
 MH = V
 N = NO

PROPERTY LIES IN FLOOD ZONE _____ PER PLOT OF DESCRIBED PROPERTY (AS SCALED)
 ON FIRM COMMUNITY PANEL NUMBER _____ DATED _____ PUBLISHED BASE FLOOD ELEVATION _____
 COMMUNITY ESTIMATED BASE FLOOD ELEVATION _____



SHEET 1 OF 1 SHEETS JOB NO. 04-6435 FILE NO. 04-6435 SCALE 1"=20'

PREPARED BY:
A.A. WILBERT JR., LAND SURVEYING, INC.
 54-A VINING CT. ORMOND BEACH, FLORIDA 32176-6641
 (386) 676-9056

A.A. Wilbert Jr.
 P.L.S. # 2620 L.B. # 4267 VALID ONLY WITH EMBOSSED SEAL
 UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID

GENERAL NOTES:
 NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY AND OR OWNERSHIP FURNISHED THIS SURVEYOR, EXCEPT AS SHOWN. THERE MAY BE ADDITIONAL RESTRICTIONS IN OTHER MATTERS THAT ARE NOT SHOWN ON THIS PLAT OF SURVEY THAT MAY BE FOUND IN THE RECORDS OF THIS COUNTY. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE LOCATED EXCEPT AS SHOWN. SURVEY PERFORMED WITHOUT THE BENEFIT OF AN ABSTRACT OR OF TITLE. ALL MEASUREMENTS SHOWN ARE IN FEET AND HUNDREDTHS THEREOF.

THE TERM CERTIFIED AS USED IN THIS STATEMENT, IS UNDERSTOOD TO BE THE PROFESSIONAL OPINION OF THIS SURVEYOR AND FIRM WHICH IS FORMULATED ON HIS BEST KNOWLEDGE, INFORMATION BELIEF, AND AS SUCH, IT DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY, EITHER EXPRESS IMPLIED, FURTHERMORE, THIS SURVEYOR AND FIRM DOES NOT ASSUME RESPONSIBILITY AND IS NOT BE LIABLE FOR CLAIMS ARISING FROM ERRONEOUS OR INCORRECT INFORMATION FURNISH THE OWNER, LENDER, OR OWNER'S CONTRACTORS OR OTHERS, WHICH IS USED AS A BASIS TO FORMULATE THIS SURVEYORS OPINION.

C:\arcad\dwg\2004\04\435\04-6435.dwg 5/21/2004 10:26:55 AM PDT



FILE NO.
04-6435

SCALE
1"=20'

GENERAL NOTES:
NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS
SHOWN ON THIS SURVEY EXCEPT AS SHOWN

MINUTES
BOARD OF ADJUSTMENT

January 7, 2015

7:00 p.m.

Commission Chambers
22 South Beach Street
Ormond Beach, Florida

I. ROLL CALL

Members Present

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

Staff Present

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

II. ADMINISTRATIVE ITEMS

A. Election of Chairperson and Vice-Chair

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

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

B. Approval of the 2015 Rules of Procedures

Mr. Hundredmark moved to approve the 2015 Rules of Procedures. Mr. Lane seconded the motion. Vote was called, and the motion unanimously approved.

C. Acceptance of the 2015 BOAA Calendar

Mr. Lane moved to adopt the 2015 BOAA Calendar. Mr. Hundredmark seconded the motion. Vote was called, and the motion unanimously approved.

III. APPROVAL OF THE MINUTES

A. December 3, 2014 Minutes

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

IV. NEW BUSINESS

A. Case No. 15-036: 511 Laurel Drive, pool screen enclosure variance

Mr. Spraker, Senior Planner, City of Ormond Beach stated this is an application for a pool screen enclosure variance at 511 Laurel Drive. Mr. Spraker explained the location, orientation, and characteristics of the subject property and presented the staff report. Mr. Spraker stated staff is recommending approval.

Ms. Mary Perry, 511 Laurel Drive, Ormond Beach, applicant, stated that without the variance, the pool would be closer to the size of a hot tub. They requested the variance so they can have a pool and screen enclosure that would be a fair size.

Mr. Lane stated that he didn't see anything in the packet about contacting abutters. Mr. Spraker stated that there was a place on the application where the abutting property owners had signed and checked that they were for the variance.

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

Mr. Lane questioned if the easement vacation was only for this property or for the whole street. Mr. Spraker stated it was only for a portion of the property which runs along the rear and the side yards.

B. Case No. 15-034: 185A Cardinal Drive, side yard variance

Mr. Spraker, Senior Planner, stated that the applicant for 185A Cardinal Drive could not leave Canada right now and the contractor is out of the country. Our rules and procedures allow the item to be continued to the next meeting. It is unique that the adjoining property owner is here, and Mr. Spraker would like to get the two property owners together to talk and try to resolve the issues prior to next month's Board meeting. Mr. Spraker requested a continuance of the case.

Following discussion, Mr. Jenner moved to continue Case No. 15-034 to the February meeting. Mr. Lane seconded the motion. Vote was called, and the motion was unanimously approved.

Following the vote to continue, the adjoining property owner, Mr. Antonio Ortona, 175B Cardinal Dr, stated that he and his wife would not be able to attend the February meeting, so they want it on record that they object to the proposed addition, because it would put it too close to their bedroom. They would not have opposed it, if it had been a driveway or carport, but don't believe there is enough land to justify the room. These homes are very poorly insulated, and they feel that a living area 15' away from their bedroom is too close.

Mr. Spraker explained that the two property owners have not talked, because they don't live here full time. He would like to get a written statement from Mr. Ortona, stating his objections, which he could pass on to Mr. Stanciulescu.

V. OTHER BUSINESS

None.

VI. ADJOURNMENT

As there was no other business, the meeting was adjourned at 7:18 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: January 22, 2015

SUBJECT: 711 South Atlantic Avenue

APPLICANT: Jeffrey Brock, Smith Bigman Brock, P.A., agent on behalf of the property owner Embassy Investment VII – Coral Beach LLC

FILE NUMBER: 2015-043

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION:

This is a request for a front yard variance submitted by Jeffrey Brock, Smith Bigman Brock, P.A., agent on behalf of the property owner Embassy Investment VII – Coral Beach LLC to maintain a porte cochere at the Coral Beach Motel located at 711 South Atlantic Avenue. The subject property at 711 South Atlantic Avenue is zoned B-6 (Oceanfront Tourist Commercial). The subject property is located at 711 South Atlantic Avenue is zoned B-6 (Oceanfront Tourist Commercial). Pursuant to Chapter 2, Article II of the Land Development Code, Section 2-27(B)(9)(a), the required front yard setback in the B-6 zoning district is 30' from the property line. The property at 711 South Atlantic Avenue was previously granted a variance on July 31, 2013 of 20' to the required 30' front yard setback, with a resulting setback of 10' for the porte cochere structure.

Based on site conditions, it was necessary to install the porte cochere with a 6.73' front yard setback requiring a new variance application. The applicant is requesting a variance to maintain the existing porte cochere at a setback of 6.73', requiring a 3.27' variance to previously approved variance (July 31, 2013) or a 23.27' variance to the 30' zoning setback. The variance application is for the existing porte cochere structure only and no other construction is proposed.

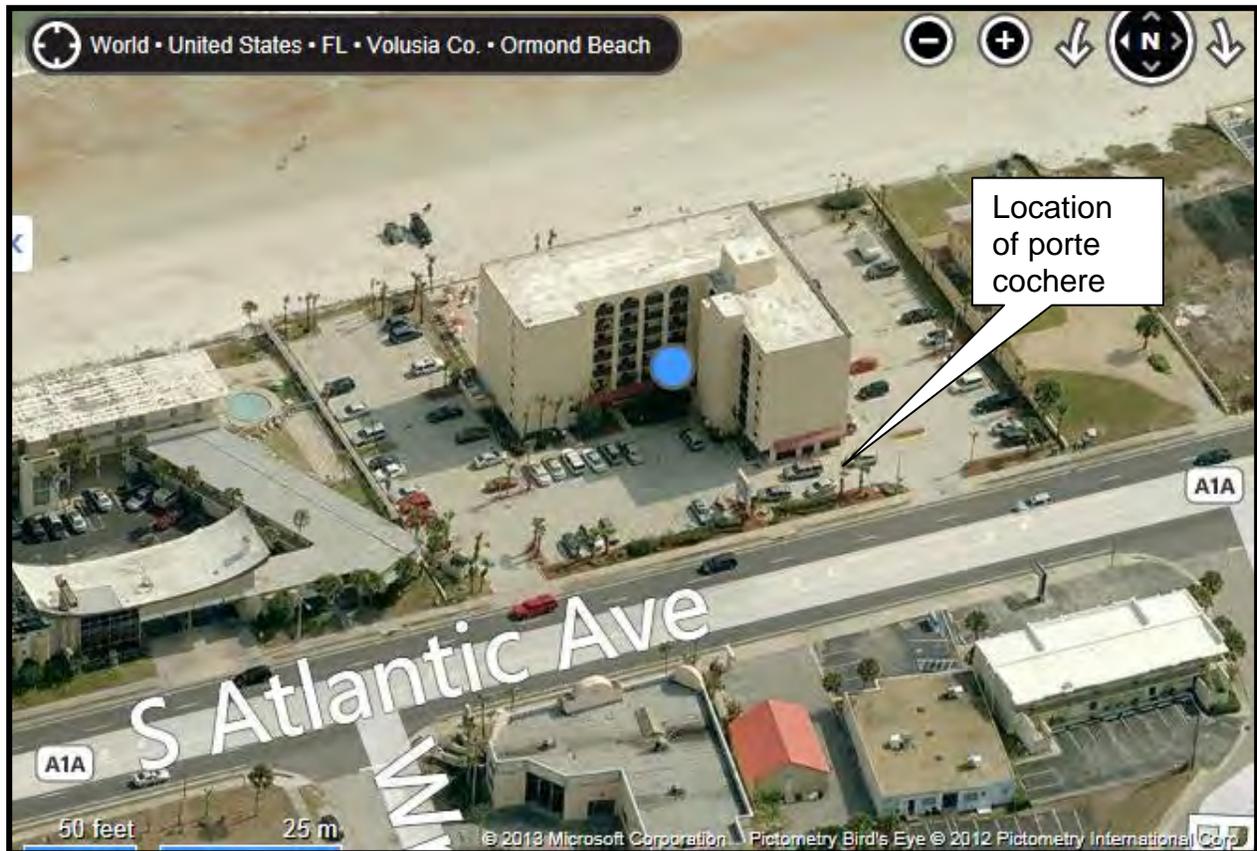
BACKGROUND:

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

Adjacent land uses and zoning:

	Current Land Uses	Future Land Use Designation	Zoning
North	Transient Lodging	"Oceanfront Tourist Commercial"	B-6 (Oceanfront Tourist Commercial)
South	Transient Lodging	"Oceanfront Tourist Commercial"	B-6 (Oceanfront Tourist Commercial)
East	Atlantic Ocean	NA	NA
West	Commercial Uses	"Highway Tourist Commercial"	B-7(Highway Tourist Commercial)

Site Aerial:



Source: Bing maps

Site pictures, January 16, 2015



According to the Volusia County Property Appraiser, the structure at 711 South Atlantic Avenue was constructed in 1990. The existing building contains 98 transient lodging units on seven floors. On February 2, 2010, the City Commission approved Ordinance 2010-03, which authorized a height exemption for the existing building which would allow the repair, reconstruction of the building at the same height and building footprint as existed on November 14, 2006.

On July 31, 2013, the Board of Adjustment and Appeals authorized the installation of a porte cochere at a setback of 10', requiring a 20' variance. On June 17, 2014, the City Commission approved Ordinance 2014-24 that approved a re-plat to eliminate the 30' building setback on the Rosemont plat. During the construction of the porte cochere, it was necessary for the contractor to adjust the location of the support columns to place them within the landscape area to avoid utilities and the existing driveway. During the re-financing of the property, the setback encroachment into the setback approved by the variance was discovered and the applicant is seeking a second variance to make the porte cochere a conforming structure.

ANALYSIS:

The subject property at 711 South Atlantic Avenue is zoned B-6 (Oceanfront Tourist Commercial). The applicant is requesting a variance to maintain the existing porte cochere at a setback of 6.73', requiring a 3.27' variance to previously approved variance (July 31, 2013) or a 23.27' variance to the 30' zoning setback. Staff has not received any objections or inquiries since the variance case was advertised.

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: A porte cochere or canopy is a common feature for a transient lodging facility. The special condition is the location of the existing building in relationship to the property line. The variance seeks to allow a 3.27'

encroachment based existing site conditions from the previously approved variance.

Argument against the variance: None. The porte cohere is a common feature of a transient lodging facility and does not negatively impact surrounding properties.

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

Argument for the variance: The existing structure was constructed in 1990 and the existing building location did not result in any actions of the current property owners.

Argument against the variance: None. The location of the existing building was established prior to the current property owners.

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 application of the zoning district setbacks in relationship to front yard setback would not allow the construction of the porte cochere and would be an undue hardship. Similar porte cochere and canopies have been constructed along South Atlantic Avenue, with the Maverick Resort at 485 South Atlantic Avenue being the last property granted a variance for a canopy structure. It is not reasonable to deny a transient lodging use the ability to protect guests from inclement weather.

Argument against the variance: None.

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

Argument for the variance: There is no other alternative except the variance requested. The porte cochere is required to be located at the front of the transient lodging facility and cannot be located in the existing driveway or over the stormwater inlet. The requested variance is the minimum variance possible to make reasonable use of the property.

Argument against the variance: There is no other practical alternative to install a porte cochere at this location.

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 to reduce the cost of the construction of the project. The selected location is the most logical and practical place for the porte cochere.

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.

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

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

Argument for the variance: The request will not diminish property values or alter the character of the surrounding area. This area of the City is predominately tourist related and the requested porte cochere will provide protection for guest of the Coral Beach motel.

Argument against the variance: It is staff's opinion that the porte cochere will not diminish the property values of the surrounding properties.

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. Staff believes that this request is appropriate based on the existing structure location.

Argument against the variance: None.

RECOMMENDATION:

It is recommended that the Board of Adjustment and Appeals **APPROVE** a variance to maintain the existing porte cochere at a setback of 6.73', requiring a 3.27' variance to previously approved variance (July 31, 2013) or a 23.27' variance to the 30' zoning setback at the Coral Beach motel located at 711 South Atlantic Avenue.

ATTACHMENTS

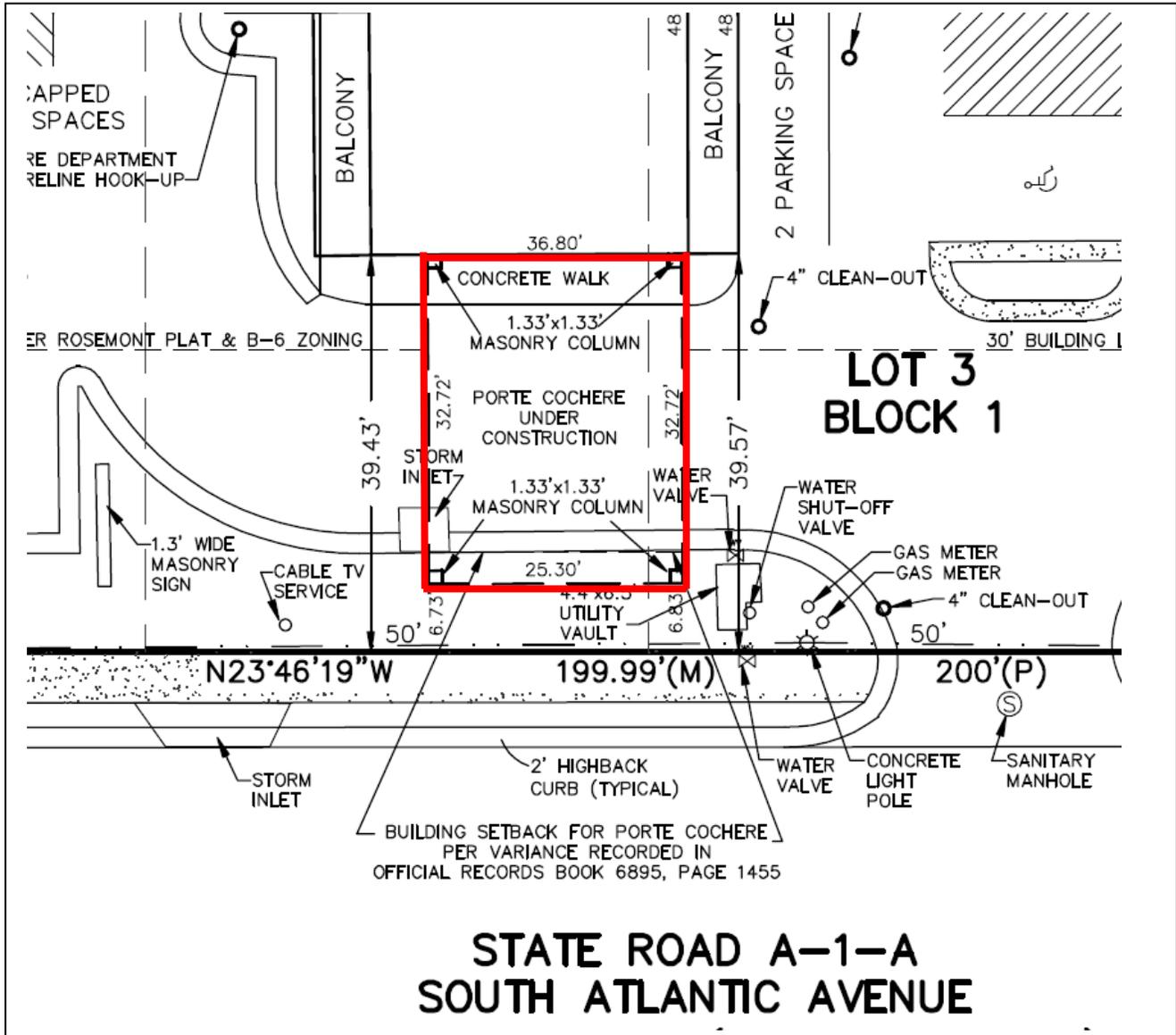
- A. Variance plot plan
- B. Maps and pictures
- C. July 31, 2013 variance order
- D. Applicant provided information

ATTACHMENT 1

Variance Exhibit

711 South Atlantic Avenue

Porte cochere close up plot plan

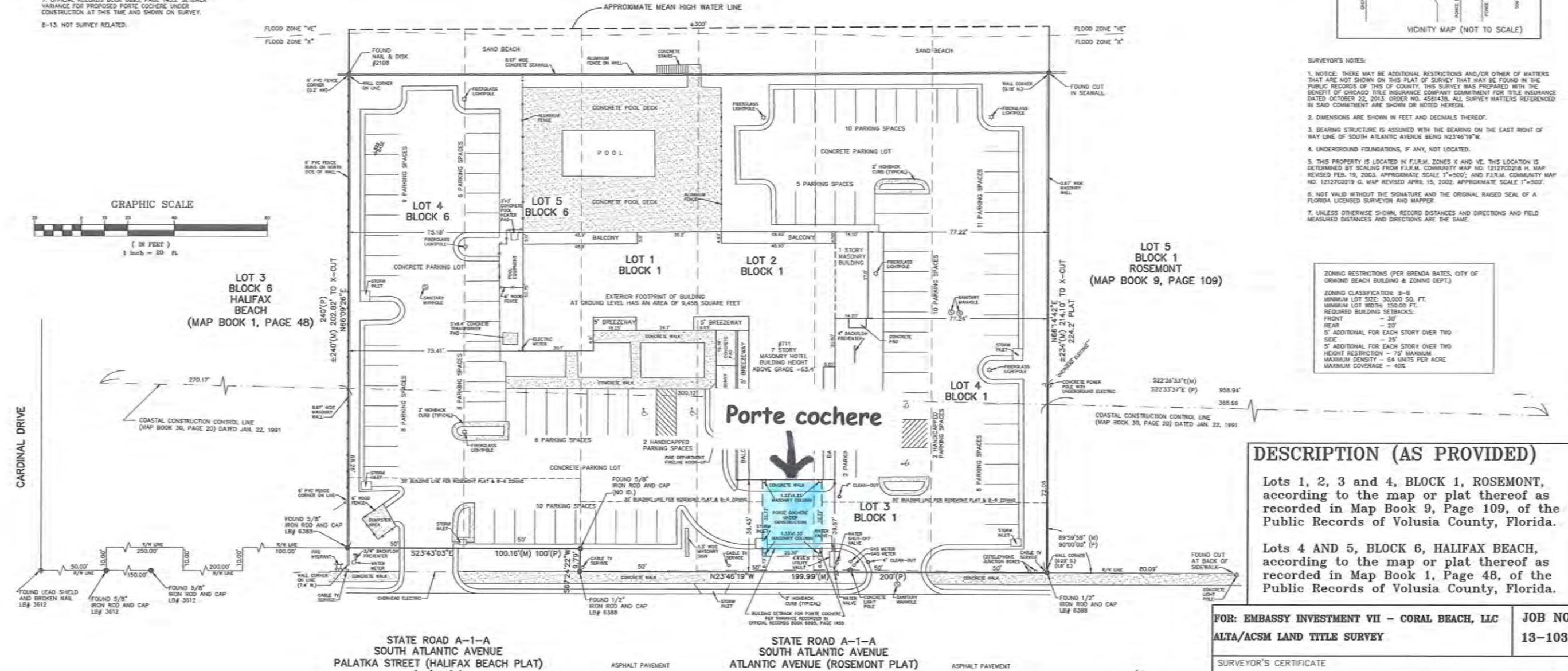
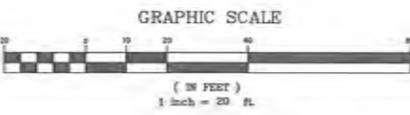
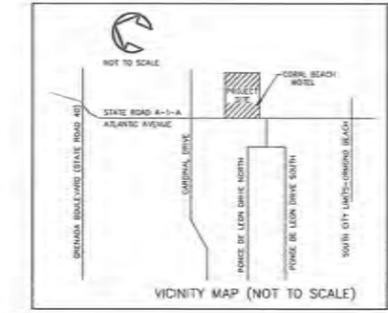


Required front yard setback:	30'
Previously approved variance:	20'
Previously approved setback:	10'
Requested variance:	3.27' to previously approved variance (July 2013) or 23.27' to the 30' zoning setback
Requested setback:	6.73'

711 South Atlantic Avenue Porte cochere plot plan

ATLANTIC OCEAN
MEAN HIGH WATER LINE SURVEY NOT
PREPARED AT CLIENTS REQUEST
BEACH

NOTES REGARDING SCHEDULE B, SECTION II
EXCEPTIONS TO TITLE COMMITMENT
1-5. NOT SURVEY RELATED.
6. OFFICIAL RECORDS BOOK 5445, PAGE 355. BUILDING
HEIGHT SHOWN ON SURVEY.
7. OFFICIAL RECORDS BOOK 6895, PAGE 1455. SETBACK
VARIANCE FOR PROPOSED PORTE COCHERE UNDER
CONSTRUCTION AT THIS TIME AND SHOWN ON SURVEY.
8-13. NOT SURVEY RELATED.



SURVEYOR'S NOTES:

- NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN ON THIS PLAT OF SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. THIS SURVEY WAS PREPARED WITH THE BENEFIT OF CHICAGO TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE DATED OCTOBER 22, 2013 ORDER NO. 4581438. ALL SURVEY MATTERS REFERENCED IN SAID COMMITMENT ARE SHOWN OR NOTED HEREIN.
- DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
- BEARING STRUCTURE IS ASSUMED WITH THE BEARING ON THE EAST RIGHT OF WAY LINE OF SOUTH ATLANTIC AVENUE BEING N23°46'19"W.
- UNDERGROUND FOUNDATIONS, IF ANY, NOT LOCATED.
- THIS PROPERTY IS LOCATED IN F.I.R.M. ZONES X AND VE. THIS LOCATION IS DETERMINED BY SCALING FROM F.I.R.M. COMMUNITY MAP NO. 1212700219 H. MAP REVISED FEB. 19, 2003. APPROXIMATE SCALE 1"=500'; AND F.I.R.M. COMMUNITY MAP NO. 1212700219 G. MAP REVISED APRIL 15, 2002. APPROXIMATE SCALE 1"=500'.
- NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- UNLESS OTHERWISE SHOWN, RECORD DISTANCES AND DIRECTIONS AND FIELD MEASURED DISTANCES AND DIRECTIONS ARE THE SAME.

ZONING RESTRICTIONS (PER BRENDA BATES, CITY OF ORMOND BEACH BUILDING & ZONING DEPT.)

ZONING CLASSIFICATION: B-6
MINIMUM LOT SIZE: 30,000 SQ. FT.
MINIMUM LOT WIDTH: 150.00 FT.
REQUIRED BUILDING SETBACKS:
FRONT - 30'
REAR - 20'
5' ADDITIONAL FOR EACH STORY OVER TWO
SIDE - 25'
5' ADDITIONAL FOR EACH STORY OVER TWO
HEIGHT RESTRICTION - 75' MAXIMUM
MAXIMUM DENSITY - 64 UNITS PER ACRE
MAXIMUM COVERAGE - 40%

DESCRIPTION (AS PROVIDED)

Lots 1, 2, 3 and 4, BLOCK 1, ROSEMONT, according to the map or plat thereof as recorded in Map Book 9, Page 109, of the Public Records of Volusia County, Florida.

Lots 4 AND 5, BLOCK 6, HALIFAX BEACH, according to the map or plat thereof as recorded in Map Book 1, Page 48, of the Public Records of Volusia County, Florida.

Required front yard setback = 30'
July 2013 approved variance = 20'
July 2013 approved setback = 10'

Requested variance: 3.27' to
previously approved variance (July 2013)
or 23.27' to the 30' zoning setback
Requested setback: 6.73'

ABBREVIATIONS	LEGEND
AKC	AKC CONDUIT
B/W	RIGHT OF WAY
Δ	TOPGRAPHIC
□	CORNER ANGLE
■	PIVOT
○	AKC LAYOUT
○	ORION BEARING
FLN CD	FLORIDA ROAD & LIGHT COMPANY
MSVS	NATIONAL SURVEYING VERTICAL POINT
MS & CS	WATER STATE DEPT. AND SURVEYING
●	IRON ROD WITH CAP
○	IRON PIPE
□	CONCRETE MONUMENT
▲	PERMANENT REFERENCE MONUMENT
△	PERMANENT CONTROL POINT
(R)	RADIAL LINE
(NR)	NON-RADIAL LINE
(E)	EXISTING ELEVATION
(P)	PROPOSED ELEVATION

FOR: EMBASSY INVESTMENT VII - CORAL BEACH, LLC		DATA COLLECTION FILE: 052892	
SCALE: 1"=20'	FIELD BOOK: 905	PAGE(S): 49	SHEET 1 OF 1
TYPE OF SURVEY	DATE	JOB NUMBER	PARTY CHIEF
ALTA/ACSM	SEPTEMBER 1, 2005	05-2882	J LAMB
TOPOGRAPHIC SURVEY			E SMALLWOOD
FOUNDATION LOCATION			S KRUGER
FINAL IMPROVEMENTS			
RE-CERTIFICATION	MAY 30, 2013	13-0492	J LAMB
RE-CERTIFICATION	OCT. 23, 2013	13-1031	J LAMB

PLAT PREPARED FOR THE FOLLOWING: (ONLY THE LAST DATE IS CERTIFIED ON SEALED COPY)			
BOUNDARY	CERTIFIED TO	DATE	JOB NUMBER
EMBASSY INVESTMENT VII - CORAL BEACH, LLC	HOMBURG, FLA.	OCT. 23, 2013	13-1031
CHICAGO TITLE INSURANCE COMPANY			
U.S. SMALL BUSINESS ADMINISTRATION			
NOT CERTIFIED TO ANY ENTITIES AND/OR INDIVIDUALS OTHER THAN THOSE LISTED ABOVE.			

FOR: EMBASSY INVESTMENT VII - CORAL BEACH, LLC **JOB NO. 13-1031**
ALTA/ACSM LAND TITLE SURVEY

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THIS PLAT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

J.E. ZAPERT, P.L.S. NO. 4049
STEVEN T. KRUGER, P.L.S. NO. 4722
C.O. VAN KLEECK, P.S.M. NO. 6149
VALID WITH SIGNATURE & EMBOSSED SEAL ONLY

SLIGER & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
3921 SOUTH NOVA ROAD
FORT ORANGE, FL 32127
(386) 761-5385
LICENSED BUSINESS CERTIFICATION NUMBER 3019
Copyright © 2013 Sliger & Associates, Inc.
WWW.SLIGERASSOCIATES.COM

ATTACHMENT 2

- Maps
- Pictures

711 South Atlantic Avenue Location Map



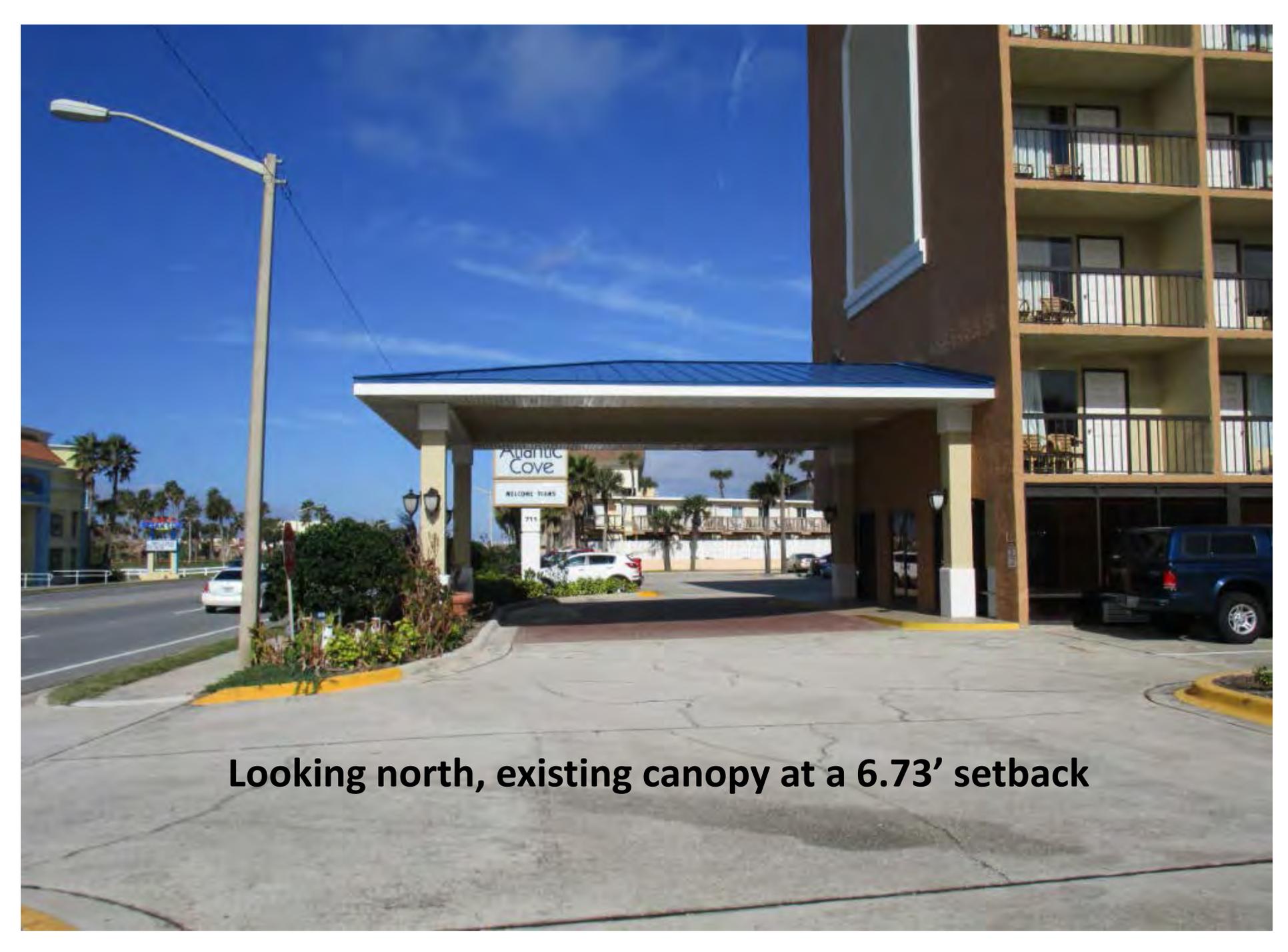
-  Golf Courses
-  Address Points
-  Traffic Signals
-  Airport and Railroad
-  AIRPORT
-  RAILROAD
- City Streets**
-  DIRT
-  MAJOR
-  PAVED
-  Water Features
-  Property Lines

178 ft



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





Looking north, existing canopy at a 6.73' setback



Existing stormwater inlet prevented column placement at a 10' setback.



Looking from S. Atlantic Avenue, existing canopy



Looking south, existing canopy at a 6.73' setback

ATTACHMENT 3

July 31, 2013 variance
development order

**BEFORE THE BOARD OF ADJUSTMENT AND APPEALS
OF THE
CITY OF ORMOND BEACH, FLORIDA**

APPLICANT: Embassy Investment VII – Coral Beach LLC
PROPERTY ADDRESS: 711 South Atlantic Avenue
PARCEL ID NO.: 4223-10-01-0010
SUBJECT: **Front yard setback variance**
CASE NO.: 13-77

ORDER

This matter came on to be heard before the City of Ormond Beach Board of Adjustment and Appeals on July 31, 2013, and upon the evidence and testimony presented herein, the Board finds as follows:

1. This Board has jurisdiction of the parties and subject matter of this cause.
2. The Applicant desires to install a porte cochere at 711 South Atlantic Avenue.
3. The property is zoned as B-6 (Oceanfront Tourist Commercial).
4. Per Chapter 2, Article II of the Land Development Code, Section 2-27.B.9.a., the required front yard setback in the B-6 zoning district is 30' from the property line. The applicant is requesting one variance to install a porte cochere at a setback of 10', requiring a 20' variance. The variance request is for the porte cochere structure only and no other construction is proposed.

5. The Board is required to consider provisions of Chapter 2, Article II, Section 1-16.D.2, in reviewing the variance request: Wherefore, as to the front yard variance request this Board finds:

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

- b. The special conditions and circumstances do not result from the actions of the applicant.
- c. Literal interpretation of the provisions of these zoning regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these zoning regulations and would work unnecessary and undue hardship on the applicant.
- d. No practical alternative exists and the variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- e. The variance request is not based exclusively upon a desire to reduce the cost of developing the site. Financial disadvantages or physical inconvenience to the applicant shall not in and of themselves constitute conclusive proof of unnecessary hardship.
- f. The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.
- g. The effect of the proposed variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code and will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.
- h. Granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, buildings, or structures in the same zoning district.

Thereupon and in consideration thereof, it is

ORDERED AND ADJUDGED:

A. The property is zoned B-6 (Oceanfront Tourist Commercial). Pursuant to Chapter 2, Article II of the Land Development Code, Section 2-27.B.9.a., the required front yard setback in the B-6 zoning district is 30' from the property line. The applicant is requesting one variance to install a porte cochere at a setback of 10', requiring a 20' variance. The Applicant is hereby **GRANTED** a variance of 20', with a setback of 10' from the front property line to allow the construction of a porte cochere, said construction to conform with Exhibit "A" attached hereto and incorporated herein by reference on that real property described as: "23 14 32 LOTS 1 THRU 4 INC BLK 1 ROSEMONT MB 9 PG 109 & INC LOTS 4 & 5 BLK 6 HALIFAX BEACH MB 14 PGS 55 & 56 INC PER OR 4882 PG 3253", subject to the express condition that the variance granted above shall begin to serve its intended purpose within one (1) year from the date of this Order, or shall otherwise become void without further action by this Board.

B. The construction of the addition shall conform to all applicable local, state and federal laws, codes, rules and regulations.

ORDERED this 31st day of July, 2013.

**CITY OF ORMOND BEACH,
BOARD OF ADJUSTMENT AND APPEALS**

Dated: 8/8/2013

By: Dennis J. McNamara
DENNIS McNAMARA
CHAIRMAN

Copies to:

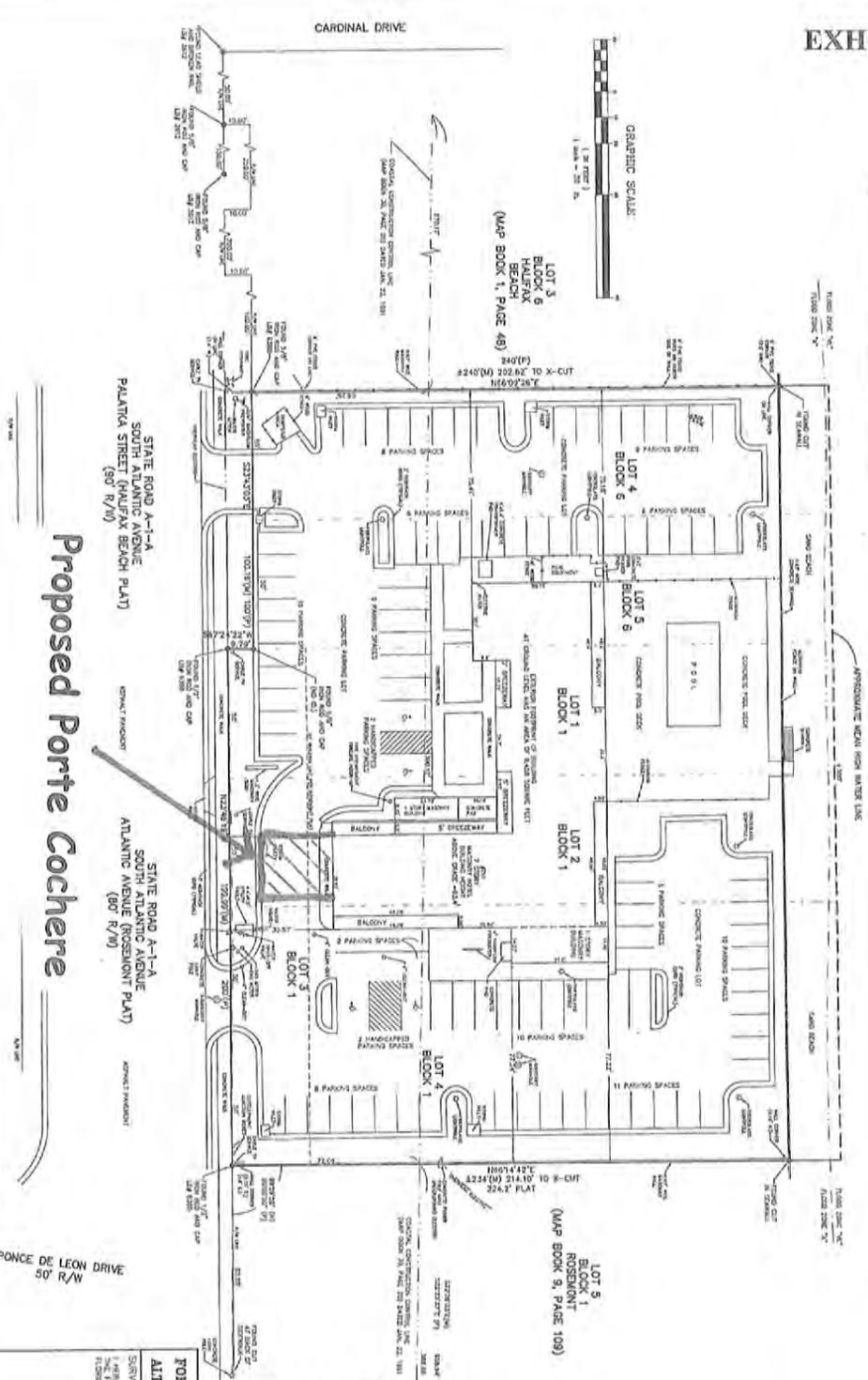
Chief Building Official
Recording Secretary

PURSUANT TO SECTION 1-16(E), CITY OF ORMOND BEACH *LAND DEVELOPMENT CODE*, ANY APPEAL OF THE PRESENT ORDER SHALL BE BY PETITION FOR WRIT OF CERTIORARI WHICH SHALL BE FILED IN CIRCUIT COURT WITHIN 30 DAYS OF THE EXECUTION OF THIS ORDER

EXHIBIT "A"

Required Setback	Setback Requested	Variance Granted
30'	10'	20'

ATLANTIC OCEAN
 MEAN HIGH WATER LINE (CORRECTED)
 FROM PHOTO SURVEY RECORDS
 BEACH



Proposed Porte Cochere

AMBERIZATION	LEGEND	FOR SITE INFORMATION	DATA COLLECTION AND STATUS	PLAN PREPARED FOR THE FOLLOWING:
1. 4" x 4" (1/2" = 1')	1. 4" x 4" (1/2" = 1')			
2. 4" x 4" (1/2" = 1')	2. 4" x 4" (1/2" = 1')			
3. 4" x 4" (1/2" = 1')	3. 4" x 4" (1/2" = 1')			
4. 4" x 4" (1/2" = 1')	4. 4" x 4" (1/2" = 1')			
5. 4" x 4" (1/2" = 1')	5. 4" x 4" (1/2" = 1')			
6. 4" x 4" (1/2" = 1')	6. 4" x 4" (1/2" = 1')			
7. 4" x 4" (1/2" = 1')	7. 4" x 4" (1/2" = 1')			
8. 4" x 4" (1/2" = 1')	8. 4" x 4" (1/2" = 1')			
9. 4" x 4" (1/2" = 1')	9. 4" x 4" (1/2" = 1')			
10. 4" x 4" (1/2" = 1')	10. 4" x 4" (1/2" = 1')			

SLIGER & ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS
 2301 SOUTH MAIN ROAD
 PALM BEACH, FLORIDA 33480
 PHONE: (561) 832-1100
 FAX: (561) 832-1101
 LICENSED BUSINESS CERTIFICATION NUMBER 2019
 EXP. DATE: 12/31/2023

FOR: ELITE HOSPITALITY
ALTA/ACSM LAND TITLE SURVEY
 JOB NO. 19-0492

DESCRIPTION (AS PROVIDED)
 Lots 1, 2, 3 and 4, BLOCK 1, ROSEMONT, according to the map or plat thereof as recorded in Map Book 9, Page 104, of the Public Records of Volusia County, Florida.
 Lots 4 AND 5, BLOCK 6, HAIRPAX BEACH, according to the map or plat thereof as recorded in Map Book 1, Page 48, of the Public Records of Volusia County, Florida.

FOR: ELITE HOSPITALITY
 ALTA/ACSM LAND TITLE SURVEY
 JOB NO. 19-0492

DESCRIPTION (AS PROVIDED)
 Lots 1, 2, 3 and 4, BLOCK 1, ROSEMONT, according to the map or plat thereof as recorded in Map Book 9, Page 104, of the Public Records of Volusia County, Florida.
 Lots 4 AND 5, BLOCK 6, HAIRPAX BEACH, according to the map or plat thereof as recorded in Map Book 1, Page 48, of the Public Records of Volusia County, Florida.



SLIGER & ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS
 2301 SOUTH MAIN ROAD
 PALM BEACH, FLORIDA 33480
 PHONE: (561) 832-1100
 FAX: (561) 832-1101
 LICENSED BUSINESS CERTIFICATION NUMBER 2019
 EXP. DATE: 12/31/2023

ATTACHMENT 4

Applicant provided
information



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

15-43

VARIANCE - APPLICATION

For Planning Department Use

Application Number

[Empty box]

Date Submitted

[Empty box]

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 JEFFREY Brock,

Full Address 444 Seabreeze Blvd. Suite 900 Daytona Beach FL 32118

Telephone 386 254 6875 Email jbrock@daytonalaw.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 Embassy Investment VII - Coral Beach LLC

Full Address 711 S. Atlantic Ave. Ormond Beach, FL 32176

Telephone 386 255 2577 Email mbhoola@elitechospitality.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 711 S. Atlantic Ave. Ormond Beach FL 32176

Parcel ID Number 4223-10-01-0010

Legal Description SEE attached deed.

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:

Approve a 6.73 Foot front set back for a porte cochere.

ABUTTING PROPERTY OWNERS

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

Signature	Street Address	For	Against
SEE Attached letters		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

CRITERIA: CONFORMING

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

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

Owner applied n received a variance to construct a porte cochere with a 10 foot front setback. The original application received no objections from abutting property owners and strong support from the Board of Adjustments and Appeals. Due to field conditions the as-built set-back is 6.73 feet.

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

Support poles needed to be placed in landscaped area to avoid driveway n utilities.

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:

Porte Cochere construction n variance was previously approved.

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

The porte cochere has been constructed in Second variance needed to make the property conforming as required by Owner's lender.

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 hotel renovations in porte cochere has greatly enhanced the hotel at considerable expense to the Owner.

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

N/A

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

Hotel renovations greatly improve the area.

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

There are a number of properties along A1A with reduced front setbacks.

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]

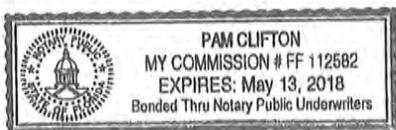
CERTIFICATION

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: _____

STATE OF FLORIDA
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 23rd day of April, 2014, by Jeffrey P Brock as agent (title*) for Embassy Investment VII, Coral Beach, LLC (name of corporation*), who () provided _____ as identification, or () who is personally known to me.



Pam Clifton
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.

AFFIDAVIT OF MAILING
VARIANCE REQUEST NOTICE

STATE OF FLORIDA
COUNTY OF VOLUSIA

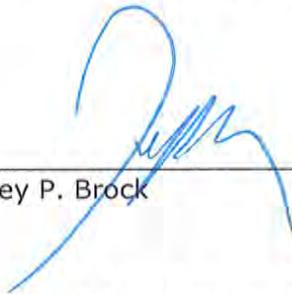
Before me, the undersigned authority, personally appeared JEFFREY P. BROCK, who being first duly sworn deposes and says:

1. Affiant is the attorney/agent for Embassy Investment VII-Coral Beach, LLC, a Florida limited liability company, the owner of The Atlantic Cove located at 711 S. Atlantic Ave., Ormond Beach, Florida, Parcel Number 4223-10-01-0010 ("Property").

2. Affiant mailed a true copy of the attached Variance Notice to the Surrounding Owners, on November 3, 2014.

3. Only two owners responded that they have no objection, to-wit: Abraham Kamaly of 720 S. Atlantic Ave., and Tracy Newman on behalf of Savashiel Dunes, LLC of 739 S. Atlantic Ave. A copy of both "no objection" responses is attached.

FURTHER AFFIANT SAYETH NOT.



Jeffrey P. Brock

Sworn to and subscribed before me this 22nd day of December, 2014, by Jeffrey P. Brock, who is personally known to me.



Notary Public, State of Florida



HORACE SMITH, JR., P.A.
JEFFREY E. BIGMAN
JEFFREY P. BROCK
AMANDA J. JACOBSEN
SARAH L. MORRISON METZ
SHEILA M. ENNIS
RUDDLEDGE H.C. SMITH
BROOKE M. GAFFNEY
LOUIS MONTONE

Of Counsel:
LARRY R. STOUT



Commitment to Excellence
SMITH BIGMAN BROCK
Smith, Stout, Bigman & Brock, P.A.

444 SEABREEZE BOULEVARD
SUITE 900
DAYTONA BEACH, FL 32118

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POST OFFICE BOX 15200
DAYTONA BEACH, FL 32115

TELEPHONE: (386) 254-6875
FACSIMILE: (386) 257-1834

www.daytonalaw.com

November 3, 2014

TO: Neighboring Property Owners
See attached Schedule A

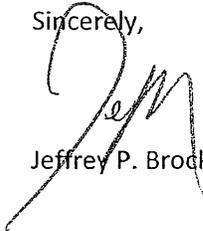
RE: Variance for 711 South Atlantic Avenue, Atlantic Cove Hotel

Dear Property Owners:

The purpose of this letter is to provide you notice that the owner of the Atlantic Cove Hotel at 711 South Atlantic Avenue is seeking a variance from the City of Ormond Beach. See attached letter from the City of Ormond Beach providing background for the necessity of the variance. As part of the recent Atlantic Cove Hotel renovations a porte-cochere was constructed over the front entrance of the Hotel. The actual as-built set back of the porte-cochere from the front property line is 6.73 feet versus the approved 10 foot setback.

I think you will agree that the recent renovations to the Hotel enhance not only the Hotel but the value of surrounding properties as well including yours. I would request that if you have no objection to the City of Ormond granting the requested variance please sign below and return this letter in the enclosed pre-addressed envelope. Thank you for your time and consideration in this matter. Feel free to give me a call if you have any questions or concerns.

Sincerely,


Jeffrey P. Brock

I do not have any objection to the City of Ormond Beach granting a variance to the owners of the Atlantic Cove Hotel located at 711 South Atlantic Avenue such that the constructed porte-cochere setback from the front property line is approved for 6.73 feet.

(signature)

(print name)

(address)

SCHEDULE A
Address List for Neighbors of
711 S. Atlantic Avenue, Ormond Beach

707 (to the North)
Lonaga Florida LLC
c/o Barbara Guy
68 Highland Avenue
Rothesay, New Brunswick E2E 5N8
Canada

712 (to the South)
Pinchas & Eva Mamane
2739 N. Atlantic Ave.
Daytona Beach, FL 32118

720 (across street)
Abraham Kamaly
P.O. Box 291244
Port Orange, FL 32129

722 (across street)
Felix N. Alvarez & Caridad C. Alvarez
58 Concord Drive
Ormond Beach, FL 32176

730 (across street)
Pyramid Man of Ormond, Inc.
730 S. Atlantic Ave., Ste 101-103
Ormond Beach, FL 32176

739 (across street)
Savashiel Dunes LLC
712 35th Ave.
Seattle, WA 98122



CITY OF ORMOND BEACH

Planning • 22 S. Beach Street • Ormond Beach • Florida • 32174 • (386) 676-3311 • Fax (386) 676-3351

December 5, 2013

Jeff Brock
Smith, Hood, Loucks
Stout, Bigman, & Brock, P.A.
444 Seabreeze Blvd. Suite 900
Daytona Beach, Florida 32118

Re: 711 South Atlantic Avenue, Atlantic Cove (Coral Beach)

Dear Mr. Brock:

The purpose of this letter is to summarize our correspondence regarding the porte cochere at 711 South Atlantic Avenue. The subject property was granted a variance on July 31, 2013 to install a porte cochere at a 10' setback from the front property line. The porte cochere was permitted by the City of Ormond Beach and received various inspections, including a final inspection on November 27, 2013 (see attached inspections).

After the porte cochere was constructed it is apparent that the final front yard setback for the porte cochere is 6.73' based on a site survey provided. It is understood during our correspondence that it was necessary to put the supporting poles for the porte cochere in the landscape planter to avoid tearing up the driveway. The City does not historically perform code enforcement on non-conforming structures that were permitted and passed inspection. The optimal solution would to amend the variance to the existing 6.73' setback needed to avoid the driveway. The original variance application received no objections from the abutting property owners and strong support from the Board of Adjustments and Appeals.

If there are any questions or additional information is required, please do not hesitate to contact me at (386) 676-3341 or by e-mail at Steven.Spraker@ormondbeach.org.

Sincerely,

Steven Spraker, AICP
Senior Planner

HORACE SMITH, JR., P.A.
JEFFREY E. BIGMAN
JEFFREY P. BROCK
AMANDA J. JACOBSEN
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Of Counsel:
LARRY R. STOUT



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TELEPHONE: (386) 254-6875
FACSIMILE: (386) 257-1834

www.daytonalaw.com

November 3, 2014

TO: Neighboring Property Owners
See attached Schedule A

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Sincerely,

A handwritten signature in blue ink, appearing to be 'Jeffrey P. Brock', written over a horizontal line.

Jeffrey P. Brock

I do not have any objection to the City of Ormond Beach granting a variance to the owners of the Atlantic Cove Hotel located at 711 South Atlantic Avenue such that the constructed porte-cochere setback from the front property line is approved for 6.73 feet.

A handwritten signature in blue ink, appearing to be 'Dinaham Kamaly', written over a horizontal line.

(signature)

Dinaham Kamaly
(print name)
720 S Atlantic Ave
Ormond Beach FL

(address)

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Seattle, WA 98122



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December 5, 2013

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Stout, Bigman, & Brock, P.A.
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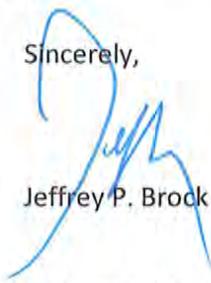
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(signature)

TRACY NEWMAN
(print name)

739 S. Atlantic Ave
(address)

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Sincerely,

Steven Spraker, AICP
Senior Planner



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Notice of Proposed Property Tax	Get the latest Adobe Reader
Requires Adobe Reader	

Last Updated: 09-30-2014 Today's Date: 10-1-2014	Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser		
Full Parcel ID	23-14-32-10-01-0010	Mill Group	201 Ormond Beach
Short Parcel ID	4223-10-01-0010		
Alternate Key	3087712	2013 Final Millage Rate	20.71670
Parcel Status	Active Parcel	PC Code	39
Date Created	23 DEC 1981		
Owner Name	EMBASSY INVESTMENT VII-CORAL	GO TO ADD'L OWNERS	
Owner Name/Address 1	BEACH LLC	ESTIMATE TAXES	
Owner Address 2	45 SETON TR		
Owner Address 3	ORMOND BEACH FL		
Owner Zip Code	32176		
Location Address	711 S ATLANTIC AV 98UTS ORMOND BEACH 32176		

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
23 14 32 LOTS 1 THRU 4 INC BLK 1 ROSEMONT MB 9 PG 109 & INC	
LOTS 4 & 5 BLK 6 HALIFAX BEACH MB 14 PGS 55 & 56 INC PER OR	

SALES HISTORY							GO TO ADD'L SALES
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	4882	3253	6/2002	Warranty Deed	Qualified Sale	Yes	6,000,000
2	4132	0454	3/1996	Warranty Deed	Qualified Sale	Yes	2,520,100
3	3290	0265	4/1989	Warranty Deed	Multi parcel sale	No	225,000

HISTORY OF VALUES											GO TO ADD'L HISTORY	
YEAR	LAND	BLDG(S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2013	1,395,641	695,664	97,402	2,188,707	2,188,707	2,188,707	2,188,707	0	2,188,707	2,188,707	0	2,188,707
2012	1,395,641	648,475	96,141	2,140,257	2,140,257	2,140,257	2,140,257	0	2,140,257	2,140,257	0	2,140,257

LAND DATA												
CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHF	PHY	JUST VAL	
3930	OCEAN FRT HOTEL/MOTL	300.0	210.0	64613.00	SQUARE FEET	24.00	100	100	90	100	1,395,641	
NEIGHBORHOOD CODE	C3917	ORMOND-OCNFRT										
TOTAL LAND CLASSIFIED											0	
TOTAL LAND JUST											1,395,641	

BUILDING CHARACTERISTICS	
BUILDING 1 OF 1	GO TO BLDG SKETCH

Physical Depreciation %	20	Next Review	2999	Obsolescence	Functional	0%
		Year Built	1990		Locational	50%
Quality Grade	300				Base Perimeter	4163

BUILDING CHARACTERISTICS

PROPERTY TYPE	Hotel or Motel	EXTERIOR WALL TYPE	%
STRUCTURE TYPE	Reinforced Concrete	REIN CONC/BLOCK VENEER	100

BUILDING REFINEMENTS

Description	# of Units	Unit Type
RES. UNIT	97	UB
Enclosed Stairwell	62	LF
Enclosed Stairwell	68	LF
Elevator Shaft	2	UB
Elevator Landing	14	UB
Baths, 2-Fixture	3	UB
Baths, 3-Fixture	101	UB
Extra Fixture	62	UB

Section #	Wall Height	# Of Stories	Year Built	Bsmt %	Ground Floor Area	Interior Finish(es)	%	Sprinkler	AC?
1	8.50	1	1990	0.00	6626	Hotel	100.00	Yes	Yes
4	8.50	7	1990	0.00	81	Warehouse	100.00	Yes	No
5	8.50	1	1990	0.00	135	Warehouse	100.00	Yes	No
6	8.50	1	1990	0.00	96	Finished Open Porch (FOP)	1.00	No	No
7	8.50	7	1990	0.00	108	Warehouse	100.00	Yes	No
8	8.50	1	1990	0.00	6261	Hotel	100.00	Yes	Yes
9	7.00	2	1990	0.00	306	Warehouse	75.00	Yes	Yes
						Light manufacturing minimum finished	25.00	Yes	No
13	8.50	1	1990	0.00	592	Canopy (CAN)	1.00	No	No
14	15.00	1	2013	0.00	1056	Canopy (CAN)	1.00	No	No
15	9.00	1	1990	0.00	240	Finished Open Porch (FOP)	1.00	No	No
16	9.00	1	1990	0.00	245	Finished Open Porch (FOP)	1.00	No	No
17	9.00	1	1990	0.00	115	Finished Open Porch (FOP)	1.00	No	No
18	9.00	7	1990	0.00	1108	Finished Open Porch (FOP)	1.00	No	No
19	9.00	7	1990	0.00	665	Finished Open Porch (FOP)	1.00	No	No
20	9.00	7	1990	0.00	240	Finished Open Porch (FOP)	1.00	No	No
21	16.00	1	1990	0.00	518	Light manufacturing minimum finished	100.00	Yes	No

MISCELLANEOUS IMPROVEMENTS

TYPE	NUMBER UNITS	UNIT TYPE	LIFE	YEAR IN	GRADE	LENGTH	WIDTH	DEPR. VALUE
PAVING CONCRET	33338	SF	15	1990	2	0	0	59,075
SEAWALL	300	LF	45	1990	5	0	0	19,203
LIGHT PK LOT	8	UT	20	1990	3	0	0	672
FENCE WOOD	60	LF	10	1990	3	0	0	147
SWM POOL ADULT	880	SF	30	1990	1	0	0	4,523
SWM POOL ADULT	544	SF	30	1990	3	0	0	3,374
RAILING, ALUM	545	LF	30	1990	2	0	0	1,390
RETAINING WALL	1666	SF	45	1990	3	0	0	6,084

PLANNING AND BUILDING

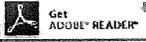
GO TO ADD'L PERMITS

PERMIT NUMBER	PERMIT AMOUNT	DATE ISSUED	DATE COMPLETED	DESCRIPTION	OCCUPANCY NBR	OCCUPANCY BLDG
05-1574	75,000.00	12-23-2004	Unknown			0
13-5733	44,768.00	10-18-2013	11-27-2013	NON COMBUSTIBLE CONS		0

TOTAL VALUES	The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section above.
---------------------	---

The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation.

Land Value	1,395,641	New Construction Value	5,301
Building Value	798,639	City Econ Dev/Historic Taxable	0
Miscellaneous	94,468		
Total Just Value	2,288,748	Previous Total Just Value	2,188,707
School Assessed Value	2,288,748	Previous School Assessed	2,188,707
Non-School Assessed Value	2,288,748	Previous Non-School Assessed	2,188,707
Exemption Value	0	Previous Exemption Value	0
Additional Exemption Value	0	Previous Add'l Exempt Value	0
School Taxable Value	2,288,748	Previous School Taxable	2,188,707
Non-School Taxable Value	2,288,748	Previous Non-School Taxable	2,188,707

<p><u>Notice of Proposed Property Tax</u></p> <p>Requires Adobe Reader</p>	 <p>Get the latest Adobe Reader</p>
---	--

MapIT	PALMS	Map Kiosk	Parcel Notes
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<p>MapIT: Your basic parcel record search including sales.</p> <p>PALMS: Basic parcel record searches with enhanced features.</p> <p>Map Kiosk: More advanced tools for custom searches on several layers including parcels.</p>	
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06/21/2002 07:40
Doc stamps 42000.00
(Transfer Amt \$6000000)
Instrument # 2002-136518
Book: 4882
Page: 3253

Prepared by and return to:

William E. Loucks
Attorney at Law
Smith, Hood, Perkins, Loucks, Stout & Orfinger, P.A.
444 Seabreeze Blvd., Suite 900
Daytona Beach, FL 32118

File Number: 8672.005
Will Call No.:

_____[Space Above This Line For Recording Data]_____

Warranty Deed

This Warranty Deed made this 12th day of June, 2002 between Coral Beach Motel Partnership, a Florida General Partnership whose post office address is 1 Cobblestone Trail, Ormond Beach, FL 32174, grantor, and Embassy Investment VII-Coral Beach, LLC, a Florida limited liability company whose post office address is c/o 444 Seabreeze Blvd., Suite 200, Daytona Beach, FL 32118, grantee:

(Whenever 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, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said 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 Volusia County, Florida to-wit:

Parcel 1:

Lots 1, 2, 3, and 4, Block 1, Rosemont Subdivision, according to the plat thereof, recorded in Map Book 9, Page 109, of the Public Records of Volusia County, Florida.

Parcel 2:

Lots 4 and 5, Block 6, Halifax Beach, according to the map or plat thereof as recorded in Map Book 1, Page 48, Public Records of Volusia County, Florida.

Parcel Identification Number: 422310010010

Subject to taxes for 2002 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

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

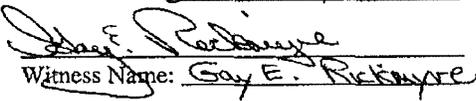
To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said

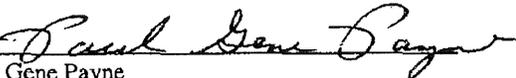
land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2001**.

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:


Witness Name: DIANE M. PAPP

Witness Name: Gay E. Rickayne

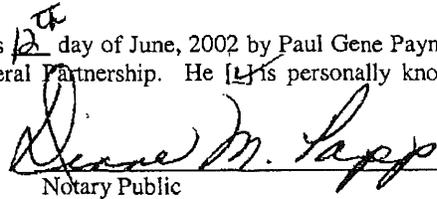
Coral Beach Motel Partnership
a Florida General Partnership

By: 
Paul Gene Payne
General Partner

State of Florida
County of Volusia

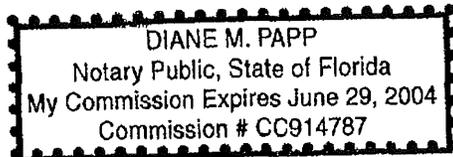
The foregoing instrument was acknowledged before me this 12th day of June, 2002 by Paul Gene Payne, General Partner on behalf of Coral Beach Motel Partnership, a Florida General Partnership. He is personally known to me or has produced a driver's license as identification.

[Notary Seal]


Notary Public

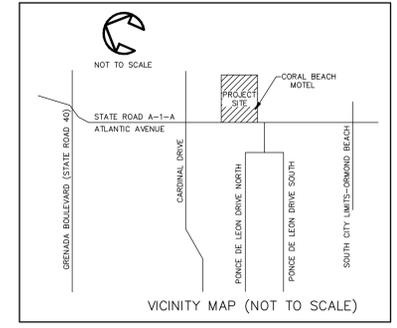
Printed Name: _____

My Commission Expires: _____

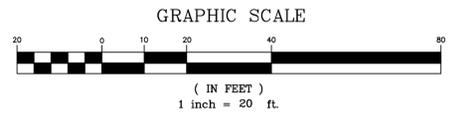


NOTES REGARDING SCHEDULE B, SECTION II EXCEPTIONS TO TITLE COMMITMENT
 1-5. NOT SURVEY RELATED.
 6. OFFICIAL RECORDS BOOK 6445, PAGE 355, BUILDING HEIGHT SHOWN ON SURVEY.
 7. OFFICIAL RECORDS BOOK 6895, PAGE 1455, SETBACK VARIANCE FOR PROPOSED PORTE COCHERE UNDER CONSTRUCTION AT THIS TIME AND SHOWN ON SURVEY.
 8-13. NOT SURVEY RELATED.

ATLANTIC OCEAN
 MEAN HIGH WATER LINE SURVEY NOT PREPARED AT CLIENTS REQUEST
 BEACH



SURVEYOR'S NOTES:
 1. NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER OF MATTERS THAT ARE NOT SHOWN ON THIS PLAT OF SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. THIS SURVEY WAS PREPARED WITH THE BENEFIT OF CHICAGO TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE DATED OCTOBER 22, 2013, ORDER NO. 4581438. ALL SURVEY MATTERS REFERENCED IN SAID COMMITMENT ARE SHOWN OR NOTED HEREON.
 2. DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
 3. BEARING STRUCTURE IS ASSUMED WITH THE BEARING ON THE EAST RIGHT OF WAY LINE OF SOUTH ATLANTIC AVENUE BEING N23°46'19"W.
 4. UNDERGROUND FOUNDATIONS, IF ANY, NOT LOCATED.
 5. THIS PROPERTY IS LOCATED IN F.I.R.M. ZONES X AND VE. THIS LOCATION IS DETERMINED BY SCALING FROM F.I.R.M. COMMUNITY MAP NO. 12127C0218 H. MAP REVISED FEB. 19, 2003. APPROXIMATE SCALE 1"=500'; AND F.I.R.M. COMMUNITY MAP NO. 12127C0219 G. MAP REVISED APRIL 15, 2002. APPROXIMATE SCALE 1"=500'.
 6. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 7. UNLESS OTHERWISE SHOWN, RECORD DISTANCES AND DIRECTIONS AND FIELD MEASURED DISTANCES AND DIRECTIONS ARE THE SAME.



LOT 3
 BLOCK 6
 HALIFAX BEACH
 (MAP BOOK 1, PAGE 48)

LOT 5
 BLOCK 1
 ROSEMONT
 (MAP BOOK 9, PAGE 109)

ZONING RESTRICTIONS (PER BRENDA BATES, CITY OF ORMOND BEACH BUILDING & ZONING DEPT.)
 ZONING CLASSIFICATION: B-6
 MINIMUM LOT SIZE: 30,000 SQ. FT.
 MINIMUM LOT WIDTH: 150.00 FT.
 REQUIRED BUILDING SETBACKS:
 FRONT - 30'
 REAR - 20'
 5' ADDITIONAL FOR EACH STORY OVER TWO SIDE - 25'
 5' ADDITIONAL FOR EACH STORY OVER TWO HEIGHT RESTRICTION - 75' MAXIMUM
 MAXIMUM DENSITY - 64 UNITS PER ACRE
 MAXIMUM COVERAGE - 40%

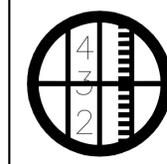
DESCRIPTION (AS PROVIDED)

Lots 1, 2, 3 and 4, BLOCK 1, ROSEMONT, according to the map or plat thereof as recorded in Map Book 9, Page 109, of the Public Records of Volusia County, Florida.
 Lots 4 AND 5, BLOCK 6, HALIFAX BEACH, according to the map or plat thereof as recorded in Map Book 1, Page 48, of the Public Records of Volusia County, Florida.

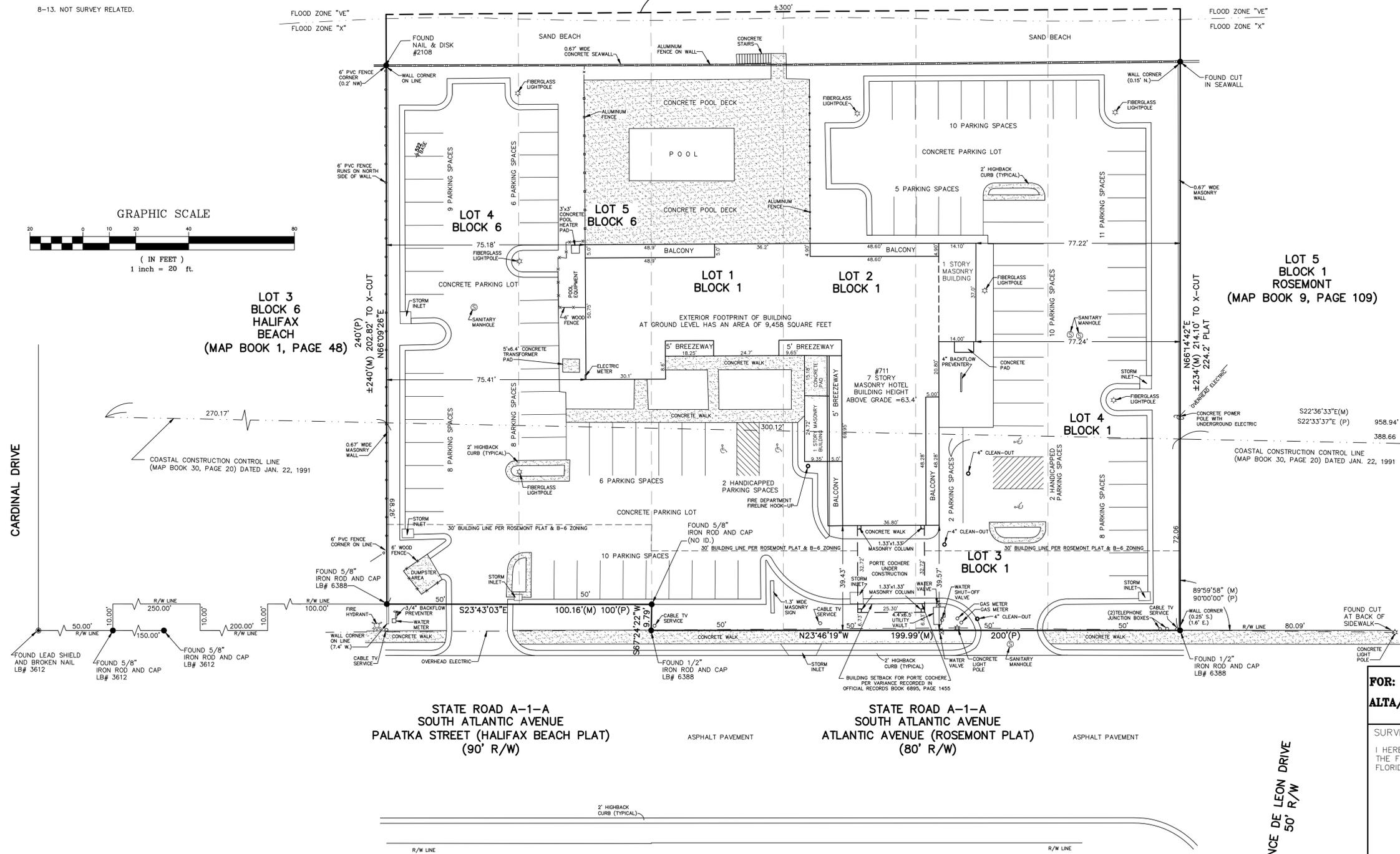
FOR: EMBASSY INVESTMENT VII - CORAL BEACH, LLC
 ALTA/ACSM LAND TITLE SURVEY
 JOB NO. 13-1031

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THIS PLAT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.05, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

J.E. ZAPERT, P.L.S. NO. 4046
 STEVEN T. KRUGER, P.L.S. NO. 4722
 C.O. VAN KLEECK, P.S.M. NO. 6149
 VALID WITH SIGNATURE & EMBOSSED SEAL ONLY



SLIGER & ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS
 3921 SOUTH NOVA ROAD
 PORT ORANGE, FL 32127
 (386) 761-5385
 LICENSED BUSINESS CERTIFICATION NUMBER 3019
 Copyright © 2013 Sliger & Associates, Inc.
 WWW.SLIGERASSOCIATES.COM



STATE ROAD A-1-A
 SOUTH ATLANTIC AVENUE
 PALATKA STREET (HALIFAX BEACH PLAT)
 (90' R/W)

STATE ROAD A-1-A
 SOUTH ATLANTIC AVENUE
 ATLANTIC AVENUE (ROSEMONT PLAT)
 (80' R/W)

ABBREVIATIONS		LEGEND	
A/C	AIR CONDITIONER	●	IRON ROD WITH CAP
R/W	RIGHT OF WAY	○	IRON PIPE
Δ	CENTRAL ANGLE	■	CONCRETE MONUMENT
R	RADIUS	□	PERMANENT REFERENCE MONUMENT
L	ARC LENGTH	△	PERMANENT CONTROL POINT
OB	CHORD BEARING	(R)	RADIAL LINE
FRAL CO.	FLORIDA POWER & LIGHT COMPANY	(NR)	NON-RADIAL LINE
N.G.V.D.	NATIONAL GEODETIC VERTICAL DATUM	○	EXISTING ELEVATION
U.S.C. & G.S.	UNITED STATES COAST AND GEODETIC SURVEY	□	PROPOSED ELEVATION

FOR: EMBASSY INVESTMENT VII - CORAL BEACH, LLC		DATA COLLECTION FILE: 052882	
SCALE: 1"=20'	FIELD BOOK: 905	PAGE(S): 49	SHEET 1 OF 1
TYPE OF SURVEY	DATE	JOB NUMBER	PARTY CHIEF
SKETCH OF DESCRIPTION :			
ALTA/ACSM	SEPTEMBER 1, 2005	05-2882	J LAMB
TOPOGRAPHIC SURVEY :			
FOUNDATION LOCATION :			
FINAL IMPROVEMENTS :			
RE-CERTIFICATION :	MAY 30, 2013	13-0492	J LAMB
RE-CERTIFICATION :	OCT. 23, 2013	13-1031	J LAMB

PLAT PREPARED FOR THE FOLLOWING: (ONLY THE LAST DATE IS CERTIFIED ON SEALED COPY)			
THIS PLAT OF SURVEY IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND/OR INDIVIDUALS LISTED BELOW, ON THE MOST CURRENT DATE, AND SHALL NOT BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL WHOMSOEVER.	CERTIFIED TO	DATE	JOB NUMBER
TYPE OF WHOM	EMBASSY INVESTMENT VII - CORAL BEACH, LLC	OCT. 23, 2013	13-1031
BOUNDARY	HOMEBANC, N.A.		
	CHICAGO TITLE INSURANCE COMPANY		
	U.S. SMALL BUSINESS ADMINISTRATION		
	NOT CERTIFIED TO ANY ENTITIES AND/OR INDIVIDUALS OTHER THAN THOSE LISTED ABOVE.		

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: January 22, 2015

SUBJECT: 417 Cherrywood Drive

APPLICANT: Sandra J. Stuart, property owner

FILE NUMBER: V2015-044

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION: This is a request to reconstruct a pool screen enclosure from Ms. Sandra J. Stuart, property owner of 417 Cherrywood Drive after damage as the result of a fallen tree. 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 seeks to replace an existing pool screen enclosure in the exact same location, with no expansion of the screen enclosure proposed. The pool screen enclosure was damaged as the result of a tree falling on top of the enclosure. In order to re-construct the existing pool screen enclosure, a 5' variance is needed to the required pool screen enclosure setback of 10'. The resulting pool screen enclosure setback shall be 5' 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-3 (Single Family Medium Density) on the City's Official Zoning Map. The existing use of the property is consistent with the FLUM designation and zoning district.

Adjacent land uses and zoning:

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

Site Aerial



Source: Bing Maps

Site picture, January 16, 2015 – existing damaged screen enclosure



The Volusia County Property Appraiser website shows that the single family structure and pool were constructed in 1979. On the applicant submitted survey, there is a surveyor's note that shows five feet of the ten foot utility easement was released on May 8, 1984. It is unclear how the existing pool screen enclosure was previously permitted with a 5' rear yard setback. Planning staff has reviewed the Board of Adjustment and Appeals cases dating back to 1978 and are unable to find a variance for the subject property.

There is also a pending Land Development Code amendment that proposes to allow non-conforming damaged pool screen to be re-built in the exact same location. It is expected that the City Commission shall act on this amendment in April of this year. Staff provided the option to the applicant of waiting for the result of this amendment, however, they elected for the variance based on the time frame of the amendment and unknown action of the City Commission.

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 depth of the property at 108' and the location of the existing house. The lot depth and house location constrain the ability to re-construct the pool screen enclosure.

Case against the variances: Typically, 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. However, the pool screen enclosure has existing since 1984 and the enclosure has no negative impacts to surrounding property owners.

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 pool screen enclosure 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 re-construction of the existing 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 and the 108' depth of the lot. Pool screen enclosures are commonly enjoyed by other properties in the City of Ormond Beach in the same zoning district.

Case against the variances: None. Denying the variance would be an undue hardship on the property owner.

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 re-constructed. As stated previously, applying the setbacks would require the pool screen enclosure to be re-constructed in the water of the pool. The request is the minimum necessary in order to allow the re-construction of the screen enclosure. Staff has received statements of no objections from the abutting property owners.

Case against the variances: None. The pool screen enclosure has existing since at least 1984 and was damaged by a tree. The request is solely to re-construct the screen enclosure in the existing footprint.

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: None.

RECOMMENDATION: It is recommended that the Board of Adjustments and Appeals **APPROVE** the re-construction of an existing pool screen enclosure in the exact same location. The re-construction requires a 5' variance to the required pool screen enclosure setback of 10', with a resulting setback of 5' to the rear property line.

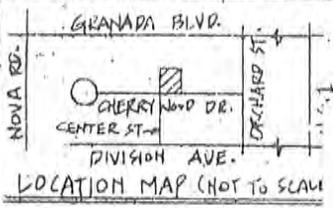
Attachments:

- 1: Variance Exhibit
- 2: Maps and pictures
- 3: Variance application

ATTACHMENT 1

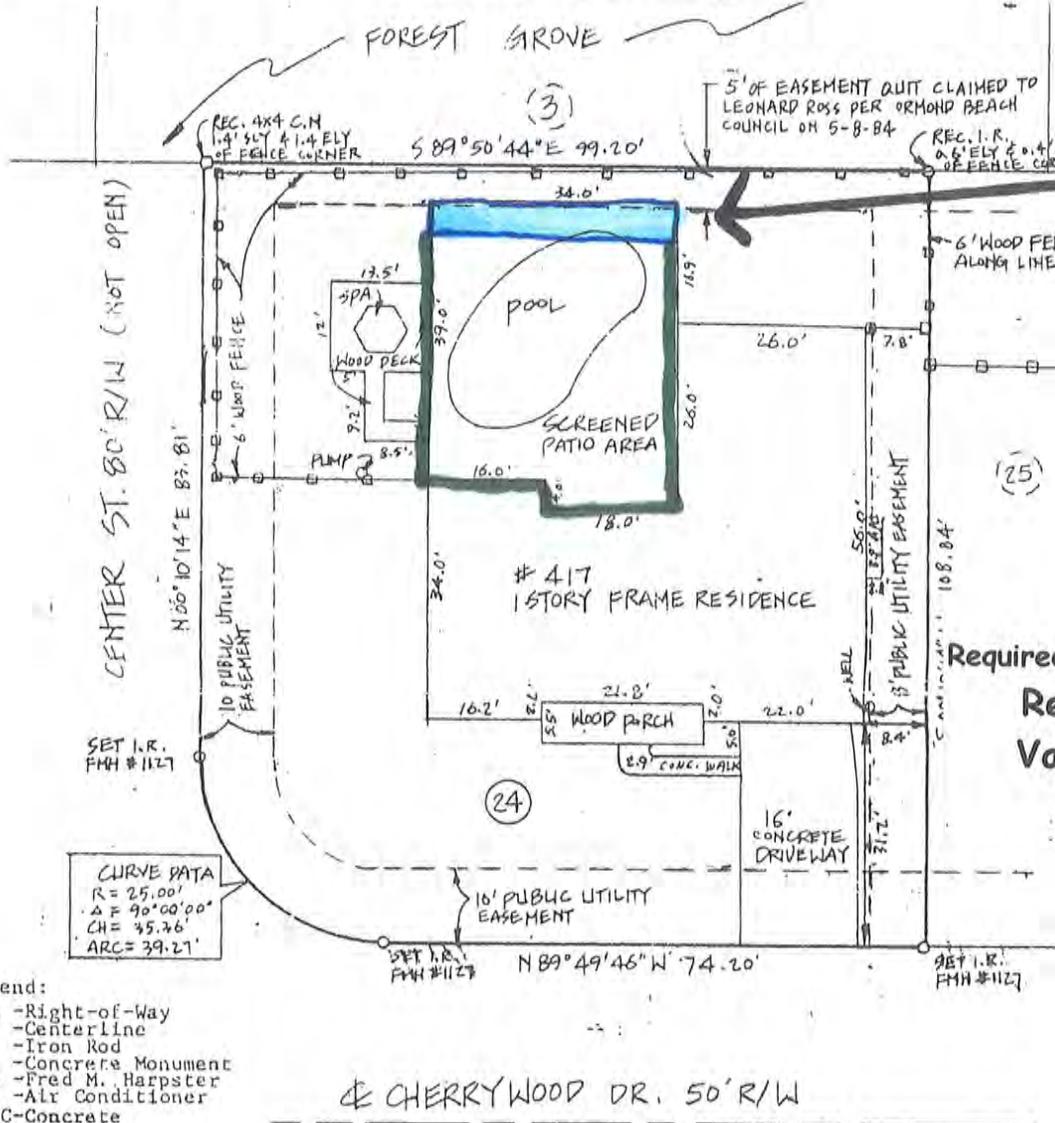
Variance Exhibit

Received and Acknowledged:



- NOTES:
1. BEARINGS BASED ON PLAT.
 2. BEARING BASE LINE IS CENTERLINE OF CURVED ROAD

417 Cherrywood Drive variance plot plan



5' encroachment of existing pool screen enclosure requiring a variance.

Required screen enclosure setback = 10'
Requested setback = 5'
Variance requested = 5'

CURVE DATA
R = 25.00'
Δ = 90°00'00"
CH = 35.76'
ARC = 39.21'

- Legend:
- R/W - Right-of-Way
 - CL - Centerline
 - IR - Iron Rod
 - CM - Concrete Monument
 - FMH - Fred M. Harpster
 - AC - Air Conditioner
 - CONC - Concrete
 - REC - Recovered

CHERRYWOOD DR. 50' R/W

Rev. 3/23/90 to Add Certification

Chicago Title Insurance Co. & Commonwealth Mortgage Company of America

TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS SURVEY FOR THE FLA. BOARD OF LAND SURVEYORS STANDARDS PER CHAPTER 21-HH6, FLORIDA ADMINISTRATIVE CODES, PURSUANT TO F.S. SECT. 472.07

UNDERGROUND UTILITIES, IF ANY, NOT LOCATED. EASEMENTS NOTED, IF ANY, ARE ONLY THOSE ON RECORD PLAT.

Commonwealth Mortgage Company of America
Chicago Title Insurance Co.
FB 1 DISK 15
DATE: 2/26/90
SCALE: 1" = 20' Drawn By: I.K.

BOUNDARY SURVEY
LOT 24, CHERRYWOOD SUBDIVISION AS RECORDED IN MAP BOOK 34, PAGE 189, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA
ORMOND BEACH

NOT VALID UNLESS ORIGINAL SIGNATURE AND EMBOSSED SEAL ARE AFFIXED
Fred M. Harpster
FRED M. HARPSTER P.E. 4723 P.L.S. 1127

FRED M. HARPSTER P.E. & P.L.S. Phone 904-253-324
ENGINEERS PLANNERS SURVEYORS
436 North Grandview Avenue Daytona Beach, Florida 32118

ATTACHMENT 2

- Maps
- Pictures

417 Cherrywood Drive location map



Address Points

 Traffic Signals

 Airport and Railroad

— AIRPORT

— RAILROAD

City Streets

--- DIRT

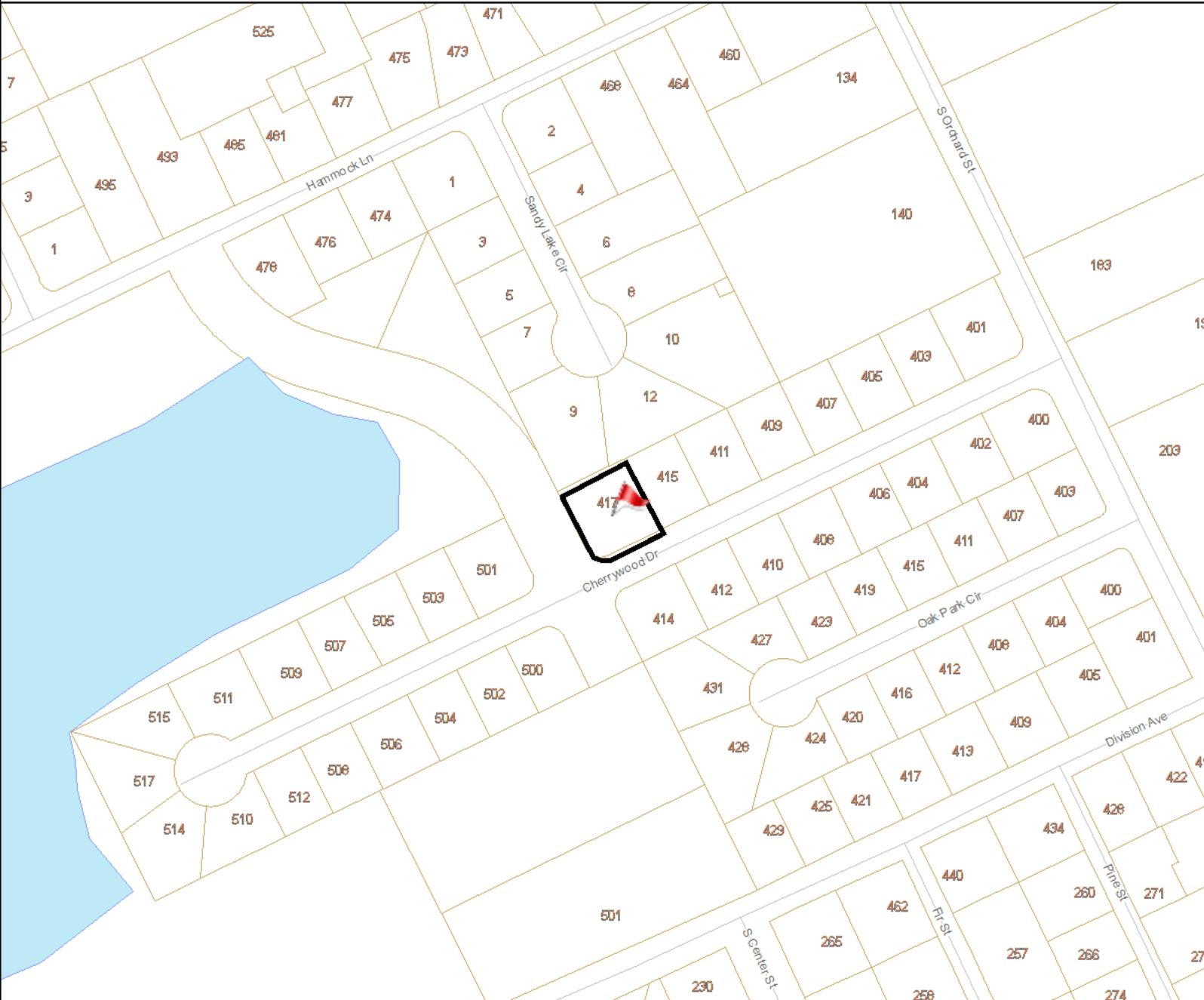
— MAJOR

— PAVED

 Water Features

 Property Lines

197 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.





Source: Bing maps



Existing screen enclosure



Existing screen enclosure



Existing screen enclosure

ATTACHMENT 3

Applicant provided
information



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

[Empty box]

Date Submitted

12/29/14

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

SANDRA J. STUART

Full Address

417 CHERRYWOOD DRIVE Ormond Beach, Fla 32174

Telephone

386-212-8026

Email

sandy.stuart@aol.com

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

PROPERTY OWNER INFORMATION***

Name

SANDRA J. STUART

Full Address

417 CHERRYWOOD DRIVE - Ormond Beach, Fla 32174

Telephone

386-212-8026

Email

sandy.stuart@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

LOT 24 CHERRYWOOD SUB. 417 CHERRYWOOD DR. Ormond Beach

Parcel ID Number

VOL. MAP Book 34, PAGE 189 424117000240

Legal Description

S 89° 50' 44" E 99.20', W 00° 10' 14" E 83.81',
3 00° 10" W 108.84', N 89° 49' 46" W 74.20"

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:

Variance from existing set back to repair/replace existing pool enclosure damaged due to tree fall on H.O

ABUTTING PROPERTY OWNERS

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

Signature	Street Address	For	Against
<i>Bradley Taylor</i>	<i>9 Sandy Lake Cir.</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Austin Sullivan</i>	<i>415 Cherrywood Dr</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>

CRITERIA: CONFORMING

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

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

Tree Fell; Law changed from 1st time of Building to now THIS IS A HARD SHIP REQUEST

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

Tree falling is act of God & Laws changing is administrative act of Ormond Beach

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:

If not granted THIS would take away too much of the screening. No one would be able to walk around POOL

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:

THIS IS MINIMUM REQUEST to safely walk around pool

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:

Asking to replace what was in existence prior to tree falling - nothing more - nothing less

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:

Asking to replace existing pool screen cage prior to tree falling - nothing more nothing less

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:

Asking to replace screen pool cage exactly as it was prior to tree falling - nothing more, nothing less

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:

[Empty box for response to criterion 1]

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

[Empty box for response to criterion 2]

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:

[Empty box for response to criterion 3]

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]

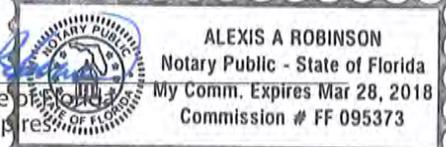
CERTIFICATION

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.

Signature: Sandra J. Stewart

STATE OF FLORIDA
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 29 day of Dec, 20 14, by Sandra Jeanne Stewart
as Owner (title*) for _____ (name of corporation*), who provided
DL# 5363-790-63-443-1 as identification, or who is personally known to me.

Alexis A. Robinson
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.

ORMOND BEACH

VOLUSIA COUNTY, FLORIDA

FOREST GROVE MB 1 PG 57

CHECKED BY: LEP
LOOSE NOTES FILED IN: CHERRYWOOD SUBDIVISION

PROJECT NUMBER: 93143
DATE FIELD SURVEYED: 03/18/93
SCALE 1" = 30' SHEET 1 OF 1

BEARING STRUCTURE PER PLATTED CENTERLINE R/W AS MONUMENTED

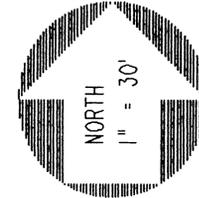
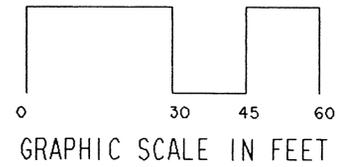
TYPE OF SURVEY: BOUNDARY & FLOOD ZONE CLASSIFICATION
PREPARED FOR: SANDRA J. STUART & NEIL J. GUSHUE

THIS PLAT IS
HEREBY CERTIFIED TO:
1) SANDRA J. STUART & NEIL J. GUSHUE
2) FIRST GUARANTY TITLE
3) GUARANTY TITLE AND TRUST
4) PRINGETON FINANCIAL CORP.

CREW CHIEF: J. BENNETT
DRAWN BY: CADD 03/18/93

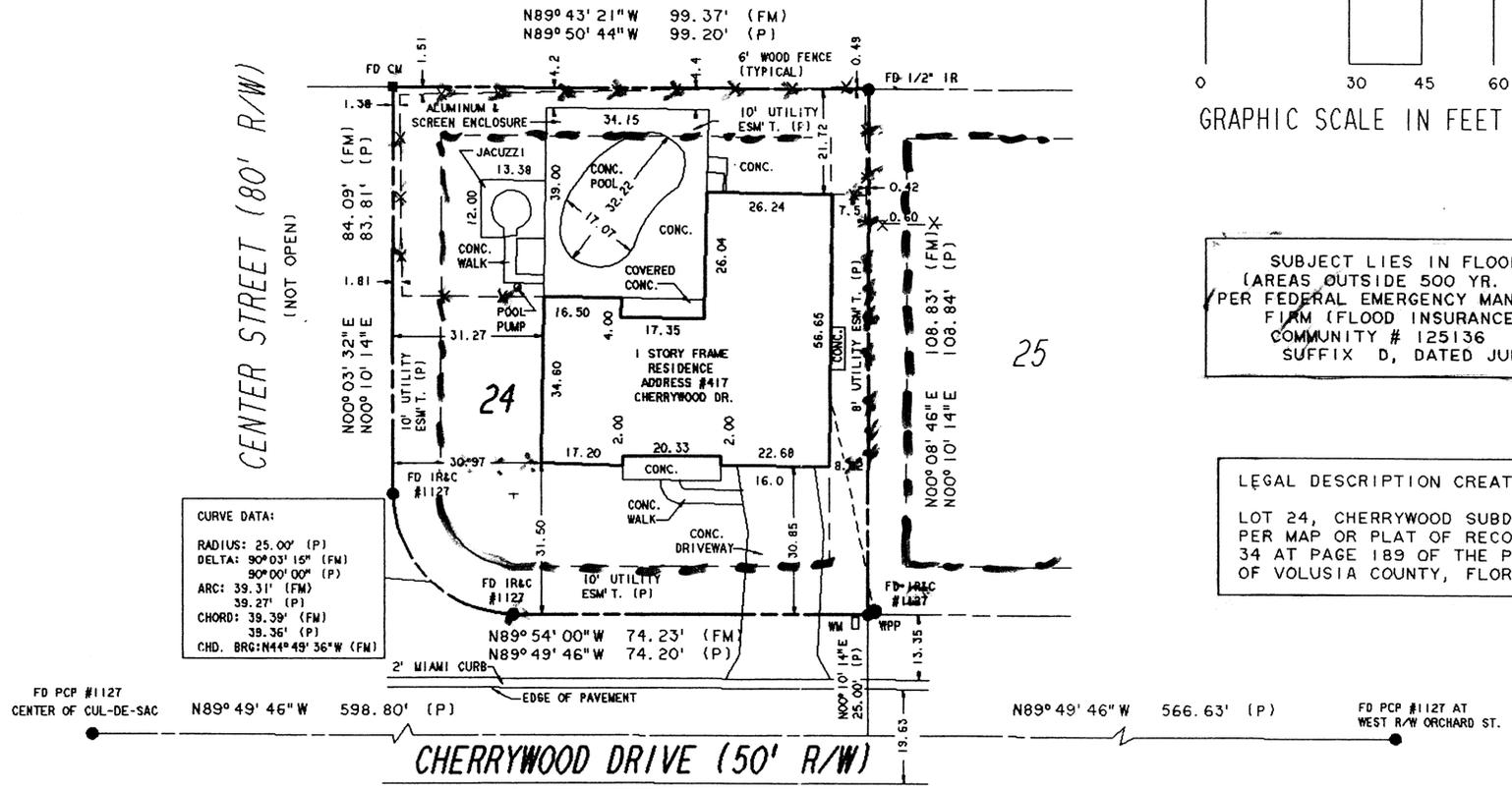
WM WATER METER	FD DENOTES FOUND	-X- DENOTES FENCE	A/C AIR CONDITIONER
O SET IRON ROD	(FM) FIELD MEASURES	CLF CHAIN LINK FENCE	-E- OVERHEAD POWER
(D) DEED	(P) PLAT	● DENOTES FD IP	WPP WOOD POWER POLE
R/W RIGHT-OF-WAY	N&W NAIL & WASHER	IP IRON PIPE	FH FIRE HYDRANT
(CALC) CALCULATED	ESM'T EASEMENT	C/O SEWER CLEANOUT	CONC CONCRETE
(PRO) PROPORTIONED	(P/L) PROPERTY LINE	CM CONCRETE MONUMENT	BLDG BUILDING
	IR&C IRON ROD AND CAP	CATV CABLE TELEVISION	SBSB PHONE BOX

NOTE: ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.



SUBJECT LIES IN FLOOD ZONE "X"
(AREAS OUTSIDE 500 YR. FLOOD PLAIN)
PER FEDERAL EMERGENCY MANAGEMENT AGENCY
FIRM (FLOOD INSURANCE RATE MAP)
COMMUNITY # 125136 PANEL 0008
SUFFIX D, DATED JUNE 4, 1990

LEGAL DESCRIPTION CREATED BY SURVEYOR:
LOT 24, CHERRYWOOD SUBDIVISION, AS
PER MAP OR PLAT OF RECORD IN MAP BOOK
34 AT PAGE 189 OF THE PUBLIC RECORDS
OF VOLUSIA COUNTY, FLORIDA.



CURVE DATA:
RADIUS: 25.00' (P)
DELTA: 90°03'15" (FM)
90°00'00" (P)
ARC: 39.31' (FM)
39.27' (P)
CHORD: 39.39' (FM)
39.36' (P)
CHD. BRG: N44°49'36"W (FM)

GENERAL NOTES: NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT-OF-WAYS AND OR OWNERSHIP WERE FURNISHED THIS SURVEYOR, EXCEPT AS SHOWN. THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN ON THIS PLAT OF SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN. THE TERM CERTIFIED AS USED ON THIS PLAT, IS UNDERSTOOD TO BE THE PROFESSIONAL OPINION OF THIS SURVEYOR AND FIRM WHICH IS FORMULATED ON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF, AND AS SUCH, IT DOES NOT CONSTITUTE A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.



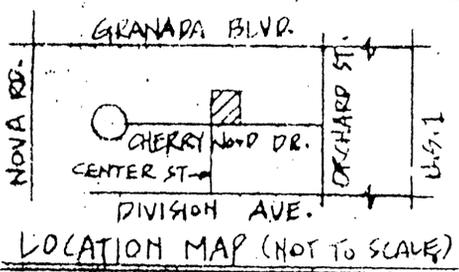
PREPARED BY
POWERS & ASSOCIATES
PROFESSIONAL LAND SURVEYORS
1402 DUNLAWTON AVE. SUITE A, PORT ORANGE, FL 32127 (904) 322-0976 FAX (904) 322-0978
LAWRENCE E. POWERS, PRESIDENT

STATE LICENSE # LB 6020
VALID ONLY WITH EMBOSSED SEAL

I THE UNDERSIGNED HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAT TO BE A TRUE REPRESENTATION OF A FIELD SURVEY MADE UNDER MY DIRECTION AND SUPERVISION AND MEETS OR EXCEEDS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYING IN THE STATE OF FLORIDA AS PER CHAPTER 21 HH-6, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES. SUBJECT TO ALL NOTES SHOWN HEREON.

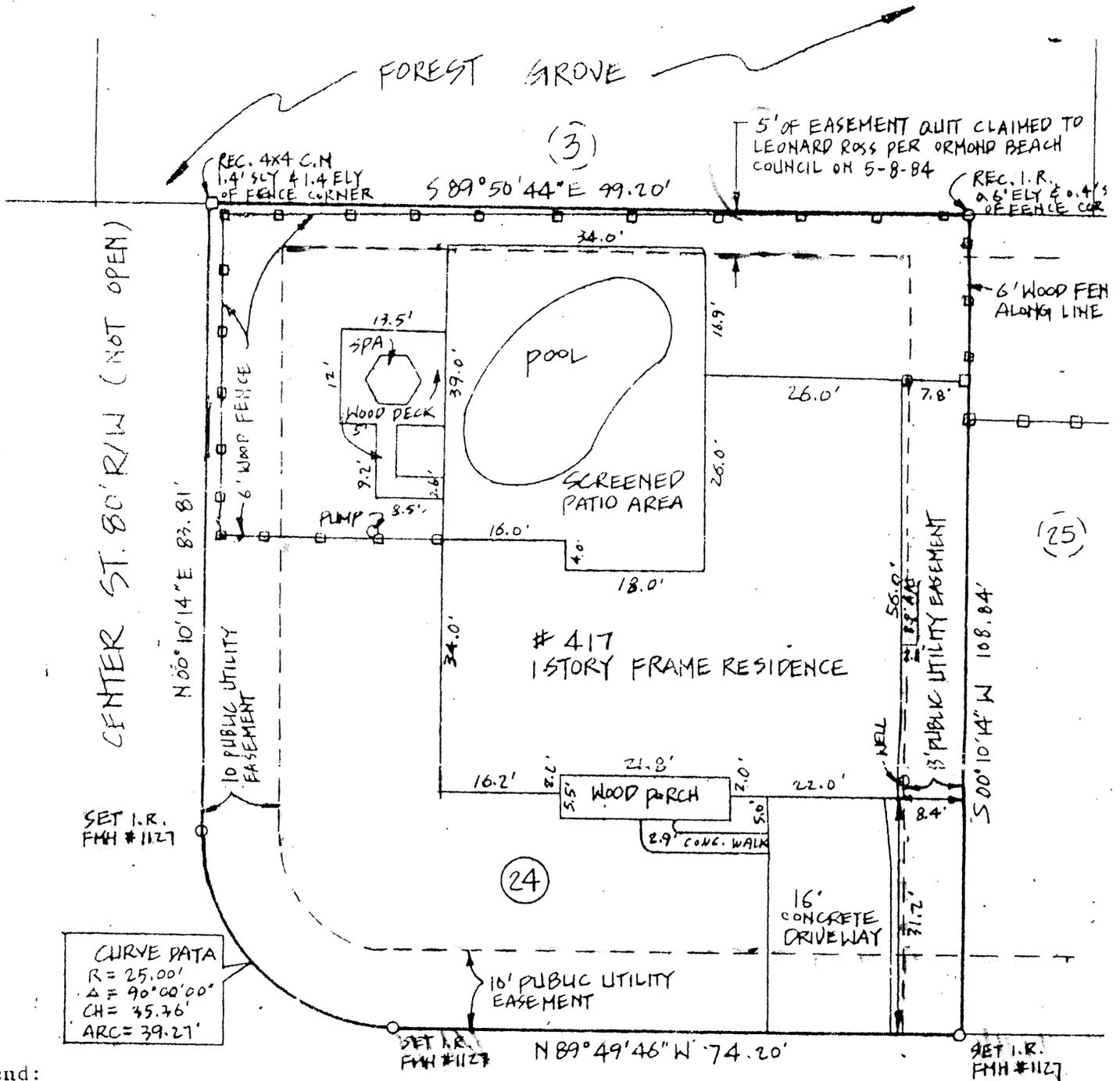
Dennis M. Wisniewski
DENNIS M. WISNIEWSKI R.L.S. # 4831

Received and Acknowledged:



NOTES:

1. BEARINGS BASED ON PLAT.
2. BEARING BASE LINE IS CENTERLINE OF CHERRYWOOD DRIVE.



CURVE DATA
 R = 25.00'
 Δ = 90°00'00"
 CH = 35.76'
 ARC = 39.27'

Legend:

- R/W - Right-of-Way
- CL - Centerline
- IR - Iron Rod
- CM - Concrete Monument
- FMH - Fred M. Harpster
- AC - Air Conditioner
- CGNC - Concrete
- REC - Recovered

CHERRYWOOD DR. 50' R/W

Rev. 3/23/90 to Add Certification

Chicago Title Insurance Co. &
 Commonwealth Mortgage
 Company of America

TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS SURVEY FOR _____ EXCEEDS
 THE FLA. BOARD OF LAND SURVEYORS STANDARDS PER CHAPTER 21-HH6, FLORIDA ADMINISTRATIVE CODES.
 PURSUANT TO F.S. SECT. 472.07

W.O. # 90-38

COPYRIGHT 1990

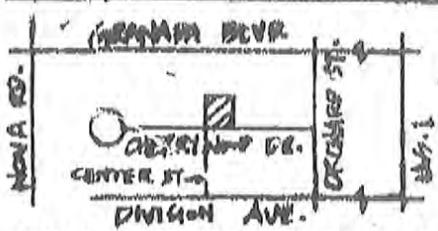
UNDERGROUND UTILITIES, IF ANY, NOT LOCATED.
 EASEMENTS NOTED, IF ANY, ARE ONLY THOSE ON RECORD PLAT.

Commonwealth Mortgage Company of America Chicago Title Insurance Co.	BOUNDARY SURVEY LOT 24, CHERRYWOOD SUBDIVISION AS RECORDED IN MAP BOOK 34, PAGE 189, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA ORMOND BEACH	NOT VALID UNLESS ORIGINAL SIGNATURE AND EMBOSSED SEAL ARE AFFIXED <i>Fred M. Harpster</i> FRED M. HARPSTER - PE 4724/PL 1127
FB 1 DISK/SM 15		
DATE: 2/26/90		
SCALE: 1"=20' Drawn By: LK		

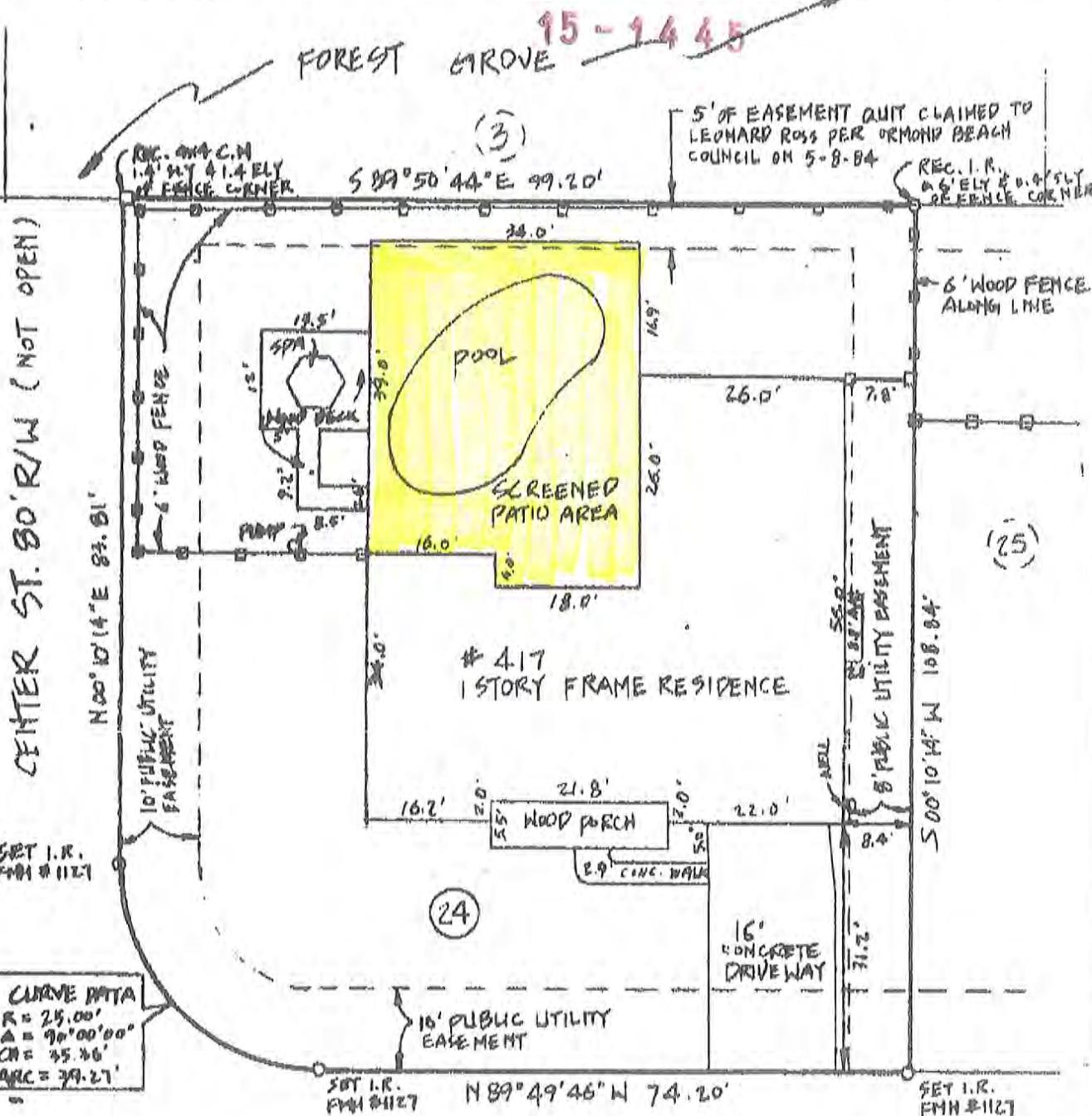
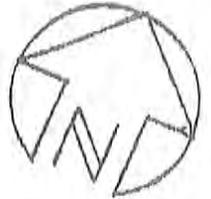
FRED M. HARPSTER PE & PLS.
 ENGINEERS PLANNERS
 436 North Grandview Avenue

Phone 904-253-324
 SURVEYORS
 Daytona Beach, Florida 32118

Notes of Ross to Stuart



- NOTES:
1. BEARINGS BASED ON PLAT.
 2. BEARING BASE LINE IS CENTERLINE OF CHERRYWOOD DRIVE.



CURVE DATA

R = 25.00'

Δ = 90° 00' 00"

CH = 35.36'

ARC = 39.27'

- Legend:
- R/W - Right-of-Way
 - CL - Centerline
 - IR - Iron Rod
 - CM - Concrete Monument
 - F.M.H. - Fred M. Harpster
 - AC - Air Conditioner
 - CONC - Concrete
 - RCC - Recovered

CHERRYWOOD DR. 50' R/W

Job Number: 141216-02
1/8" = 1'

**REVIEWED FOR
CODE COMPLIANCE***

Date: 12/19/14 By: TO

Permit No. 15 - 1445

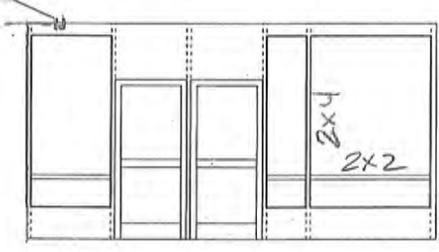
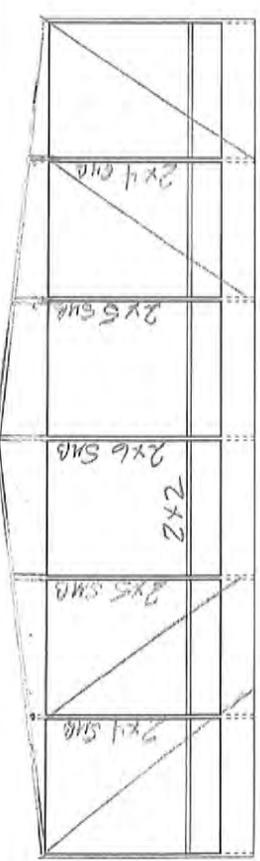
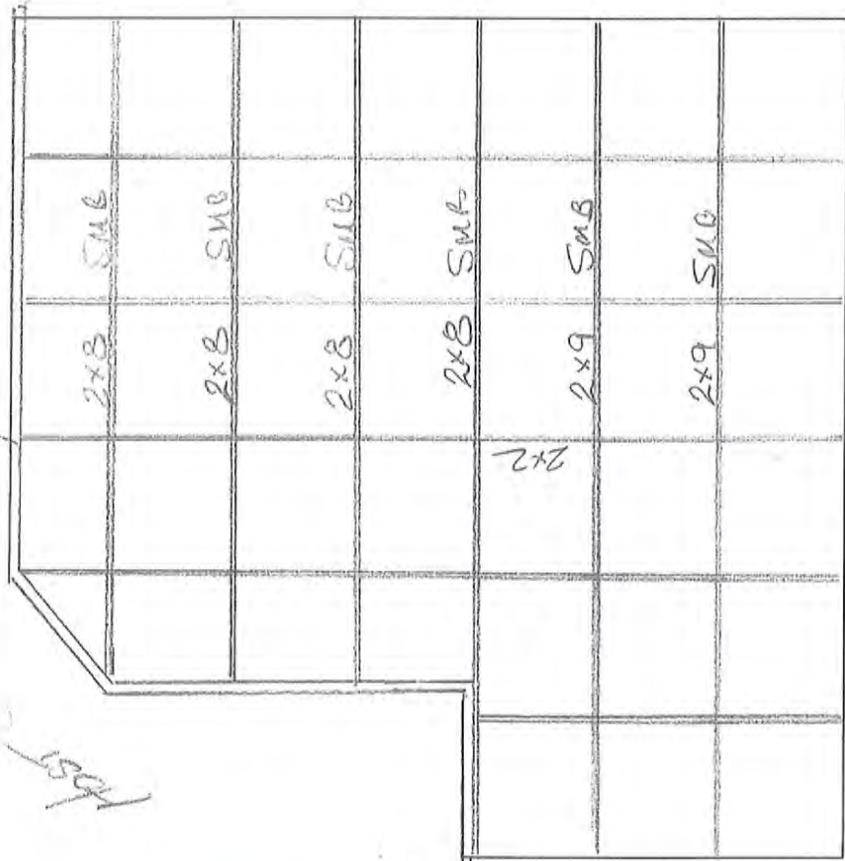
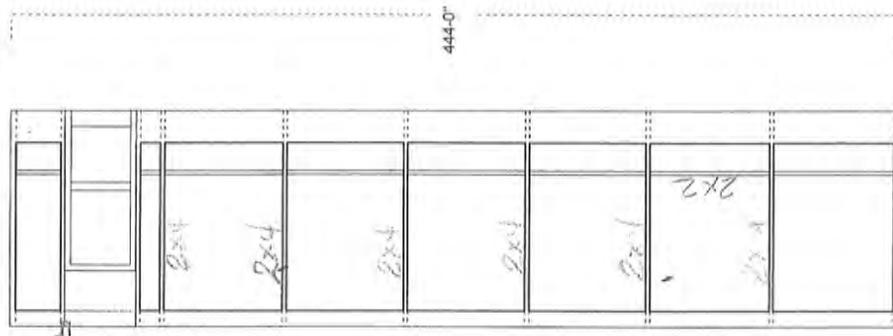
* This does not grant permission to violate
any applicable law, code, or ordinance.

Office Copy

Field Copy

REMOVE EXISTING BALCONY ENCLOSURE AND
REPLACE WITH NEW BALCONY ENCLOSURE
SHARON STUART
4117 CHERRY BLVD SE
DUBLIN GEORGIA 31009
386-253-1943 FAX 386-238-0139

1" Scale
Host
C/O
11/19/14



15 - 1445

444'-0"

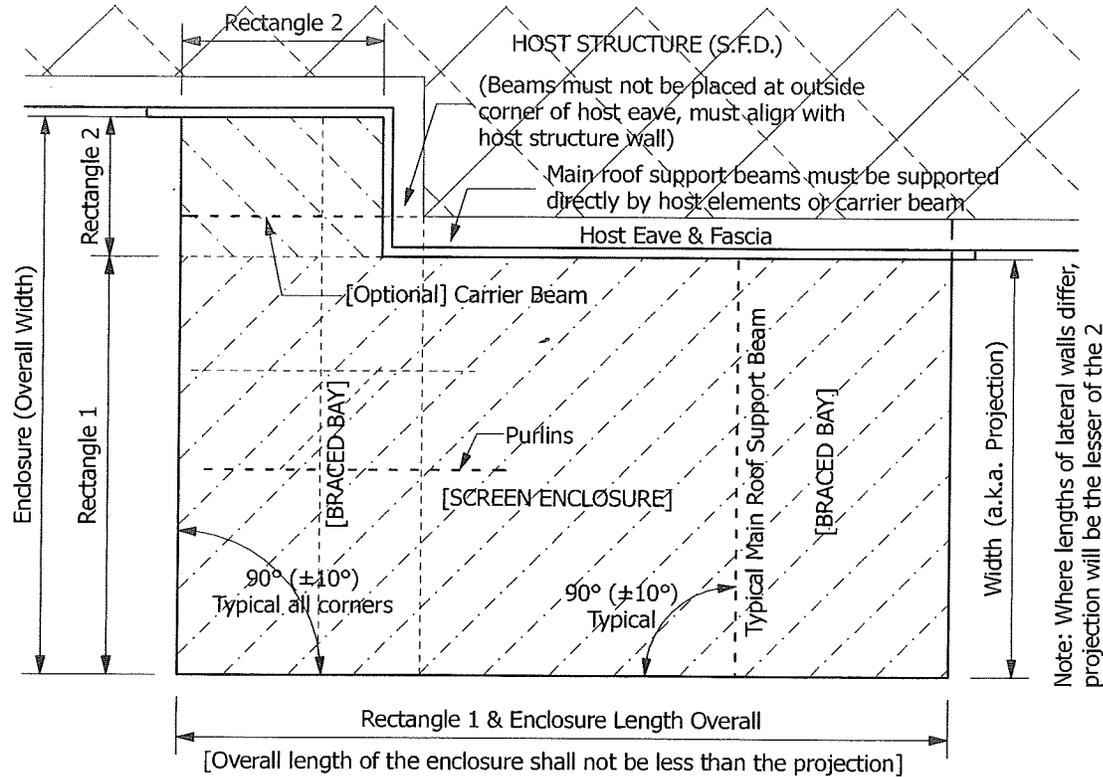
108'-0"

420'-0"

444'-0"

108'-0"

Chapter 1 - Screen Enclosures



Typical Screen Enclosure Footprint (Size/Shape) Limitations [Schematic 1]

General Limitations on Size and Shape (Footprint):

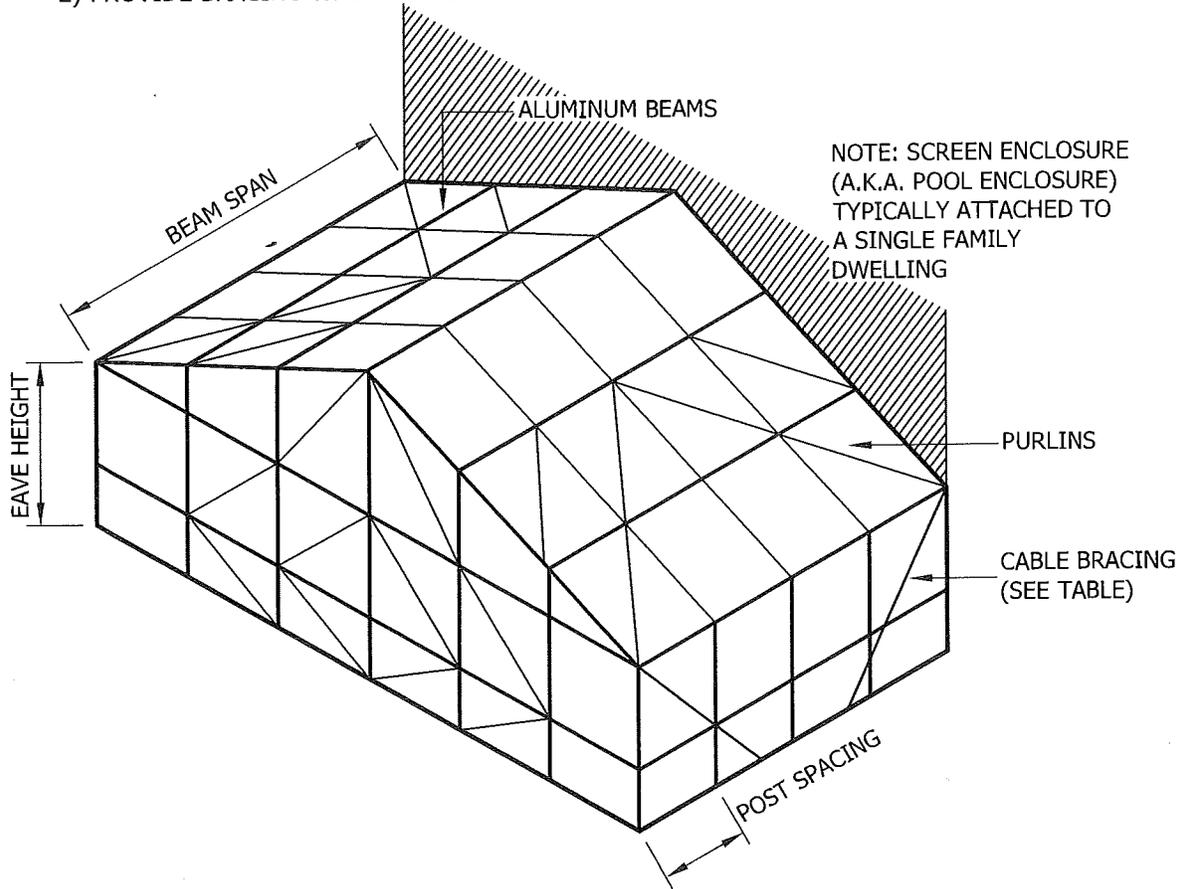
- 1) Screen enclosures must be connected to a host structure (not free-standing)
- 2) Enclosure may be simple rectangular shape; OR, may consist of no more than 2 contiguous rectangular shapes
- 3) Included angles in corners must be perpendicular $\pm 10^\circ$ (80° to 100°); AND, main roof support beams must be perpendicular (within 10°) to outboard (a.k.a. longitudinal) wall
- 4) Size of rectangles governed by member spans per tables except as noted in schematic diagrams
- 5) No maximum on length overall, minimum length must be greater than enclosure projection
- 6) Width and projection governed by beam span or 40 ft, whichever is less
- 7) Screen eave may not exceed 14 ft except for gable end of transverse gable or dome; sloping eave for transverse gable may not exceed 18 ft in height
- 8) Mean roof height in Exposure C may not exceed 15 ft
- 9) Typical bay module (typical spacing of posts, beams and purlins) may not be less than 5 ft nor more than 8 ft (refer to schematic elevations)

General Notes and Limitations for Carrier Beams:

- 1) Carrier beams must be horizontal (flat) no other shape is permitted.
- 2) Maximum carrier beam span is a single span of 16 ft
- 3) Carrier beams may not connect to any Super Gutter corner, but must be connected aligned with the host support wall.

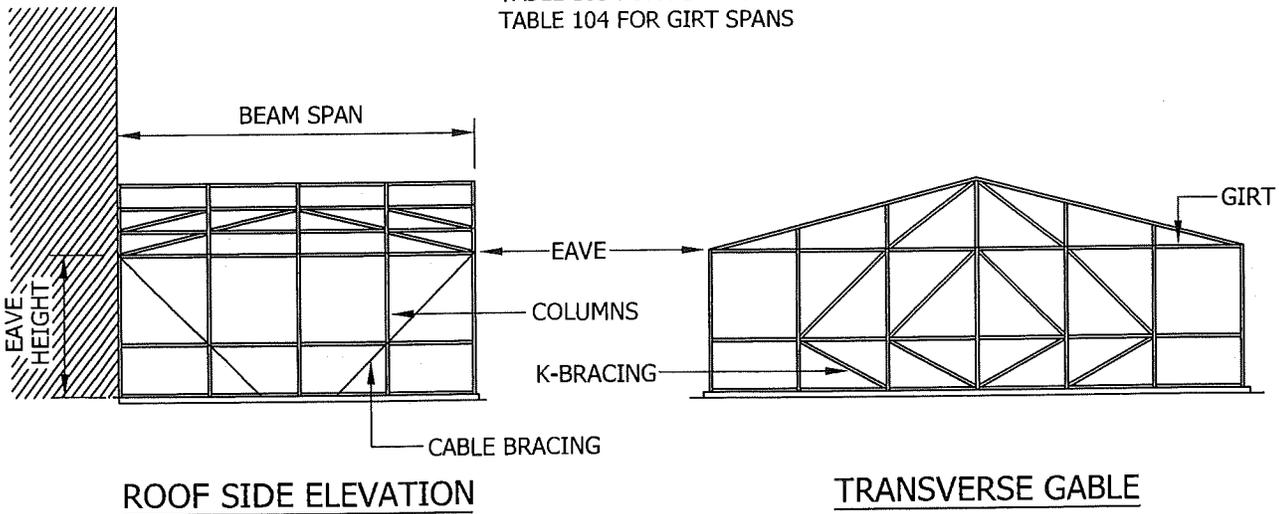
K-BRACING REQUIREMENTS FOR LONGITUDINAL GABLE END WALLS:

- 1) PROVIDE A MINIMUM OF 2 BAYS EACH END AS SHOWN
- 2) PROVIDE BRACING WHICH EXTENDS TO THE TOP OR RIDGE OF LONGITUDINAL WALL

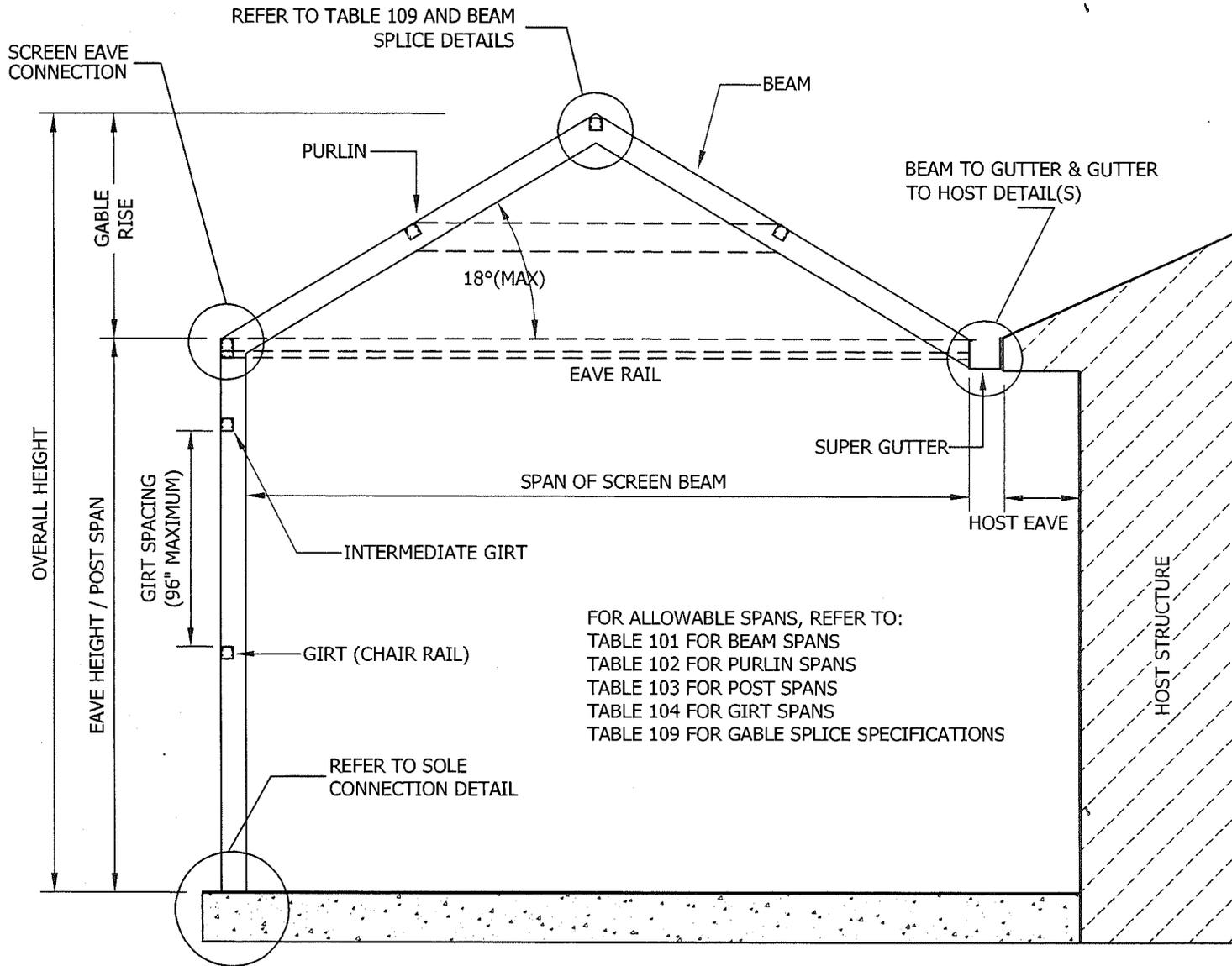


TYPICAL TRANSVERSE GABLE ROOF ISOMETRIC

FOR ALLOWABLE SPANS, REFER TO:
 TABLE 101 FOR BEAM SPANS
 TABLE 102 FOR PURLIN SPANS
 TABLE 103 FOR POST SPANS
 TABLE 104 FOR GIRT SPANS



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TYPICAL SECTION FOR GABLE & HIP