



AGENDA

ORMOND BEACH BOARD OF ADJUSTMENT AND APPEALS

May 6, 2015

ORMOND BEACH CITY COMMISSION CHAMBERS

7:00 P.M.

I. ROLL CALL

II. APPROVAL OF THE MINUTES

A. March 4, 2015

III. NEW BUSINESS

A. Case No. 2015-078: 27 Highland Ave, fence carport rear yard variance.

This is a request for a rear yard variance submitted by Ms. Susan Ruck, property owner of 27 Highland Avenue. The subject property is zoned R-3 (Single-Family Medium Density). Pursuant to Chapter 2, Article II of the Land Development Code, Section 2-15(B)(9)(b) requires a 20' setback from the rear property line. The applicant is seeking a variance to install a 12' x 31' carport adjacent to an existing nonconforming detached garage at a setback of 2' requiring a rear yard variance of 18.0' from the required 20' setback to the rear property line.

B. Case No. 2015-080: 56 Chippingwood Lane, rear yard setback variance.

This is a request for a rear yard variance submitted by George McGarry III, property owner of 56 Chippingwood Lane. The property at 56 Chippingwood Lane is zoned as R-5 (Multi-Family Medium Density) and Chapter 2, Article II of the Land Development Code, Section 2-18(B)(9)(b) requires a rear yard setback of 20' from the property line to the principal structure. The property owner is requesting a 10' variance to demolish an existing screen room and re-construct a block wall, hard roof addition at a setback of 10'. The demolition and reconstruction of the structure does not extend the room any closer to the rear property line than exists today

IV. OTHER BUSINESS

V. ADJOURNMENT

MINUTES
BOARD OF ADJUSTMENT

March 4, 2015

7:00 p.m.

Commission Chambers
22 South Beach Street
Ormond Beach, Florida

I. ROLL CALL

Members Present

Tony Perricelli
Ryck Hundredmark
Jean Jenner
Dennis McNamara
Norman Lane

Staff Present

Lauren Kornel, Senior Planner
Becky Weedo, Senior Planner
Ann-Margret Emery, Deputy City Attorney
Cindy Berglund, Minutes Technician

II. APPROVAL OF THE MINUTES

A. February 4, 2015 Minutes

Mr. Perricelli moved to approve the February 4, 2015 Minutes as submitted. Mr. Hundredmark seconded the motion. Vote was called, and the motion was unanimously approved (4-0), with Mr. Lane arriving following the vote.

III. NEW BUSINESS

A. Case No. 15-063: 359 Ocean Shore Blvd, fence height in north and south side yard variances

Ms. Kornel, Senior Planner, stated that this application is for four variances for the north and south side yards at 359 Ocean Shore Blvd., to install a solid six foot high wall, instead of a three foot wall. Ms. Kornel reviewed the location, orientation and characteristics for each variance, and presented the staff report.

Mr. Lane questioned what other nearby beach approaches had, since they are also surrounded by residential property. Ms. Kornel stated that the south side of the Neptune beach approach had an eight foot solid masonry wall as illustrated in an earlier slide, but indicated that she was not sure what other beach approaches have. Mr. Clay Ervin, 200 Oak Grove Drive, stated that he believes both the Amsden and Standish beach approaches have double walls.

Mr. McNamara stated that the condition on Neptune is that the road was cut through the sand dunes, so there is a dune on each side. Mr. Lane stated that the 6' wall that is presently there is not acting as a retention wall, but as a privacy fence.

Mr. McNamara asked which side of the fence the 6' is measured from, since backfill will be placed against the side toward the house, and the grade will be higher than the existing road.

Mr. Don Gordon, 67 East Lake Drive, Palm Coast, contractor for the property, stated that where the fence is now to hold the dirt back, that level of grade is pretty close to where it is going to be. There will be a driveway access, about 20' feet wide, which will have a gate opening to the property. The driveway will be accessed both from A1A and from Neptune.

Mr. McNamara questioned if the height of the wall would be from the Neptune side of the wall or from the property owners side of the wall. Mr. Gordon stated that where the grade is now is where the 6' will be from. That grade is about 1.5' – 2' above Neptune. So, the maximum height would be 8' if the grade is already 2' above Neptune.

Mr. Lane asked if someone has studied the effect of the line of sight from the neighbor at 403 Ocean Shore Blvd. Ms. Kornel stated that yes, the line of sight of the neighboring property would be impacted, but the neighbor has provided written support of the variance and has no objection to it. In fact, the neighbor already has a 6' lattice fence. Mr. Lane stated that we need to not only consider the person who lives there now, but also any future property owners.

Ms. Kornel stated that Variance #4 does have the potential to change the line of sight, and when the analysis was done, staff considered if the neighboring property owners objected, looked at what would be needed from DEP, and looked at the conditions of the requested variance in terms of the applicants privacy and security, and maintaining symmetry of the property. The recommendation to support the variances was based on those factors.

Mr. Jenner asked if the height was known of the pink wall on the south side of the Neptune Avenue beach approach. Ms. Kornel stated that it was roughly 8' high, as illustrated in a previous slide. Mr. Lane asked how that wall was approved. Ms. Kornel stated that she couldn't say for sure how it was approved.

Ms. Linda Sicotakis, representative for the applicant, stated that the main reason for submitting for this variance was for security and conformity. The neighbor on the other side of Neptune stated this was a great idea and also recommended security cameras, because this is a very active beach approach, especially on the weekends.

Mr. Lane questioned if someone couldn't come in through the front or the rear of the property. Ms. Sicotakis stated that it could be easier from the front, but most people won't stop on A1A, due to the visual of people seeing them.

Mr. Perricelli stated that he used to live on Neptune Ave. and that beach approach is very busy on the weekends, and if he were living there he would want this wall. Mr. Perricelli then made a motion to approve all four variances as submitted.

Mr. Lane stated that he would like more discussion on the issue. He has also gone to the Neptune approach many times in his lifetime, and when the pink wall was constructed, it really destroyed the ambiance of that beach approach. The public is becoming walled off, breaking the line of sight not only for the neighbor, but for the people at the beach. Variance #1 is practically on the beach and is in the dune, and that is why the DEP wants to review it. It is an active dune and this could interfere with the motion of the sand. Our City should have an interest in preserving that dune. Mr. Lane believes this is not a matter of security, but of privacy.

Mr. Jenner stated that he uses the approach all of the time, and there is a lot of crime there. So, he has no doubt that the wall is for security. His issue is that he does not want to see the wall any higher than the wall on the other side of the approach.

Mr. Jenner knows that Mr. Perricelli made a motion to approve all of the variances, but Mr. Jenner would like to see each part done separately. Mr. McNamara agreed that they should be voted on, one at a time. Ms. Emery, Deputy City Attorney, stated that if there were going to be changes made to any of them, then yes, they should be voted on individually.

Mr. Lane wanted to vote on Variance #4 first. Ms Emery stated that the Board should probably vote on them in numerical order, starting with #1. Mr. Lane stated that he felt #4 was totally different than the other 3, and he would like to start with it first.

Mr. Lane moved to disapprove the #4 variance for the rear waterfront yard on the north side. Mr. Jenner seconded the motion. Vote was called. Mr. Perricelli against; Mr. Hundredmark against; Mr. Jenner for; Mr. Lane for; Mr. McNamara against. The motion to disapprove variance #4 was denied (2-3).

Mr. Perricelli then moved to approve the #4 variance for the rear waterfront yard on the north side, with the contingency of DEP approval and the replacement of the existing PVC lattice fence. Mr. Hundredmark seconded the motion. Vote was called. Mr. Perricelli for; Mr. Hundredmark for; Mr. Jenner against; Mr. Lane against; Mr. McNamara for. The motion to approve variance #4 was approved (3-2).

Mr. Hundredmark moved to approve the #1 variance for the rear waterfront yard on the south side, with the contingency of DEP approval. Mr. Perricelli seconded the motion. Vote was called. Mr. Lane against; Mr. Perricelli for; Mr. Hundredmark for; Mr. Jenner for; Mr. McNamara for. The motion to approve variance #1 was approved (4-1).

Mr. Perricelli moved to approve the #2 variance for the front side corner on the south side. Mr. Hundredmark seconded the motion. Vote was called. Mr. Hundredmark for; Mr. Jenner for; Mr. Lane against; Mr. Perricelli for; Mr. McNamara for. The motion to approve variance #2 was approved (4-1).

Mr. Hundredmark moved to approve the #3 variance for the front side yard on the north side. Mr. Perricelli seconded the motion. Vote was called. Mr. Perricelli for; Mr. Hundredmark for; Mr. Jenner for; Mr. Lane against; Mr. McNamara for. The motion to approve variance #3 was approved (4-1).

B. Case No. 15-064: 241 South Halifax Drive, rear and side yard variances related to a new pool

Ms. Kornel stated that this is a request for a rear and side yard variance to construct a new pool and associated decking at 241 South Halifax Drive. Ms. Kornel explained that the applicant had discussed the plans with neighbors, and the neighbor to the east at 88 Seminole Drive, expressed concern regarding the closeness of the pool and the existing grade between the properties, and also storm water. The applicant is proposing to install a yard drainage system, and all storm water would be routed to the Seminole Avenue ROW. The property owner at 88 Seminole has since then signed the application in support of the variance. Ms. Kornel explained the location, orientation, and characteristics of the subject property and presented the staff report. Ms. Kornel stated staff is recommending approval.

Mr. Rick Taylor, 241 South Halifax Drive, applicant, stated that they spent a lot of time with the neighbor, and the biggest concern was the drainage, because of storm water runoff. Mr. Taylor worked with the contractor to figure out the best drainage system to be able to eliminate storm water, and made this contingent as part of the variance. In addition, the Taylors are not asking for a setback any closer than what the current concrete deck is.

Mr. McNamara stated that he had driven by the residence, and wondered if the neighbor's garage was below ground level. Ms. Dorothy Davis, 88 Seminole Ave, neighbor of the applicants, stated that their driveway goes down to a lower back yard, and they never use the garage because it is hard to get into and it floods. The house sits up higher, but is lower than the neighbor's home. Her only concern was with a hurricane, and the drainage of the pool into her side yard, which would flood.

Mr. Lane asked Ms. Davis if she felt that the drainage plan that was presented to her will address her issues. Ms. Davis replied yes. Mr. Lane asked if any engineering has been done to ensure that it will not cause a problem. Mr. Clay Ervin stated that civil engineers have looked at the drainage situation, and believe that the plan is more than enough to cover the issues.

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.

C. Case No. 15-061: 830 West River Oak Drive, pool screen enclosure rear and interior side yard variances

Ms. Kornel stated the home owner would like to put a pool screen enclosure over an existing pool. The current property owner purchased the property in January

of this year and is seeking to enclose the existing pool. Ms. Kornel explained the location, orientation, and characteristics of the subject property and presented the staff report. Ms. Kornel stated staff is recommending approval of the variance.

Mr. Lane asked the applicant if he was going to pour concrete to square everything off. The applicant, Mr. Christopher Durost, stated that the enclosure would be rectangular, but would include a footer in a dirt garden area, rather than the concrete being squared off.

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

D. Case No. 15-066: 920 Buena Vista Avenue, detached garage front and interior side setback variances

Ms. Weedo, Senior Planner, stated the home owner would like to construct a new, detached garage in an existing location. Ms. Weedo explained the location, orientation, and characteristics of the subject property and presented the staff report. Ms. Weedo stated staff is recommending approval of the variance.

Mr. McNamara asked if the applicant was just replacing what is already there. Ms. Weedo stated yes, that is correct. It was built in 1932. The applicant purchased the property in January of this year, and just wants to replace what is there already.

Mr. Lane asked if this was exactly the same footprint of what is there now? Ms. Weedo stated yes. Mr. Lane asked if the proposed plan was to make it a similar style. Ms. Weedo stated correct.

Mr. Perricelli asked if the existing garage was going to be completely demolished. Ms. Weedo stated that it has been through a review by the Chief Building Official, and Staff has reviewed due to its historical age.

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

Mr. Lane stated that he liked the last case being printed on both sides of the paper. They should all be done that way.

V. OTHER BUSINESS

None.

VI. ADJOURNMENT

As there was no other business, the meeting was adjourned at 7:59 p.m.

Respectfully submitted,

Laureen Kornel, AICP, Senior Planner

ATTEST:

Dennis McNamara, Chair

Minutes prepared by Melanie Nagel.

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

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

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

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: April 24, 2015

SUBJECT: 56 Chippingwood Lane

APPLICANT: George McGarry III, property owner

FILE NUMBER: V-2015-080

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION:

This is a request for a rear yard variance submitted by George McGarry III, property owner of 56 Chippingwood Lane. The property at 56 Chippingwood Lane is zoned as R-5 (Multi-Family Medium Density) and Chapter 2, Article II of the Land Development Code, Section 2-18(B)(9)(b) requires a rear yard setback of 20' from the property line to the principal structure. The property owner is requesting a 10' variance to demolish an existing screen room and re-construct a block wall, hard roof addition at a setback of 10'. The demolition and reconstruction of the structure does not extend the room any closer to the rear property line than exists today.

BACKGROUND:

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



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

Adjacent land uses and zoning:

	Current Land Uses	Future Land Use Designation	Zoning
North	Single-Family House Park	“Low Density Residential”	R-3 (Single Family Medium Density)
South	Gardens of New Britain multi-family	“Medium Density Residential”	R-5 (Multi Family Medium Density)
East	Gardens of New Britain multi-family	“Medium Density Residential”	R-5 (Multi Family Medium Density)
West	Gardens of New Britain multi-family	“Medium Density Residential”	R-5 (Multi Family Medium Density)

The applicant is seeking to demolish an existing screen room and re-construct a block wall, hard roof addition at a setback of 10’, as shown below. The resulting setback would be 10’. Sunroom/room additions are common in the development, however, City staff has not been able to determine how these structures have been permitted in the 20’ rear yard setback in the past.

Area of proposed addition:



Examples of existing rear yard rooms in the project.



Research through the 1977 and 1978 approvals does not indicate the establishment of a rear yard setback for sunroom or room additions, other than the zoning district requirements. There have been few building permits over the last 15 years for sunroom additions. Staff did find two permits that allowed the construction of sunrooms at a setback less than 20', however, no documentation exists on how the reduced setback was allowed. The applicant has discussed the matter with the Home Owner's Association and has been unable to determine how alternative setbacks were utilized for the existing sunrooms. Recent variances for the Gardens at New Britain project area have been approved for both 26 and 62 Chippingwood Lane and 1 London Lane. These variances utilized a 10' rear yard setback.

ANALYSIS:

Section 2-18(B)(9)(b) of the Land Development Code, requires a rear yard setback of a 20' from the property line to the principal structure. The property owners are requesting a 10' variance to demolish the existing sunroom and construct a room addition..

Rear Yard Potential Alternatives:

1. Grant the applicant's request and allow a 10' setback on the rear yard, granting a 10' variance.

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

CONCLUSION:

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

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

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

Argument for the variance: The applicant states in the submittal that a number of units have screen rooms and the building location would not allow the sunroom expansion. An additional special circumstance is that the approving Resolution does not contain any provisions to allow these types of improvements.

Argument against the variance: The Gardens of New Britain development is governed by the R-5 zoning district and 1977 approval does not provide any relief for setbacks. The HOA could apply to amend the 1977 approval to reduce the setbacks to 10’ community wide within the rear yard.

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

Argument for the variance: The Property Appraiser’s website shows the applicant as the homeowner since 2004. The applicant did not cause the building location or have a part in the approval of the 1977 approval.

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

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

Argument for the variance: The literal application of the regulation would prevent the reconstruction of the room addition and would cause a hardship. The sunroom/room is a common amenity to multiple units within the development and denial of the variance would prevent the property owners from what others currently enjoy.

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

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

Argument for the variance: Based on the building location and required 20' setback, there is no other alternative for the construction of a sunroom.

Argument against the variance: None. There is no other alternative.

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

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

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

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

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

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

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

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

Argument against the variance: None. Sunrooms/rooms are a common addition in this development and will not negatively impact any surrounding property owners.

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

Argument for the variance: The purpose of the variance process is to confer rights that are denied to a particular applicant because of a special condition or unique circumstance for their property. The special condition is related to the location of the existing building and the setback standards applied to the multi-family development.

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

RECOMMENDATION: It is recommended that the Board of Adjustments and Appeals **APPROVE** a 10' rear yard variance to construct a block wall, hard roof addition in the same location as the existing sunroom at a setback of 10' at 56 Chippingwood Lane.

ATTACHMENT 1

Variance Exhibit

MICHAEL COOLIDGE CONSTRUCTION, INC.

PHONE: 386-566-7561

FAX: 386-677-0951

EMAIL: m.coolidge18@gmail.com

State Licensed Home Inspector
License #HI6375



CONCRETE SLAB extension
FOR DOOR opening AND
A/C

New Room to be on
the original footprint
As Above

ATTACHMENT 2

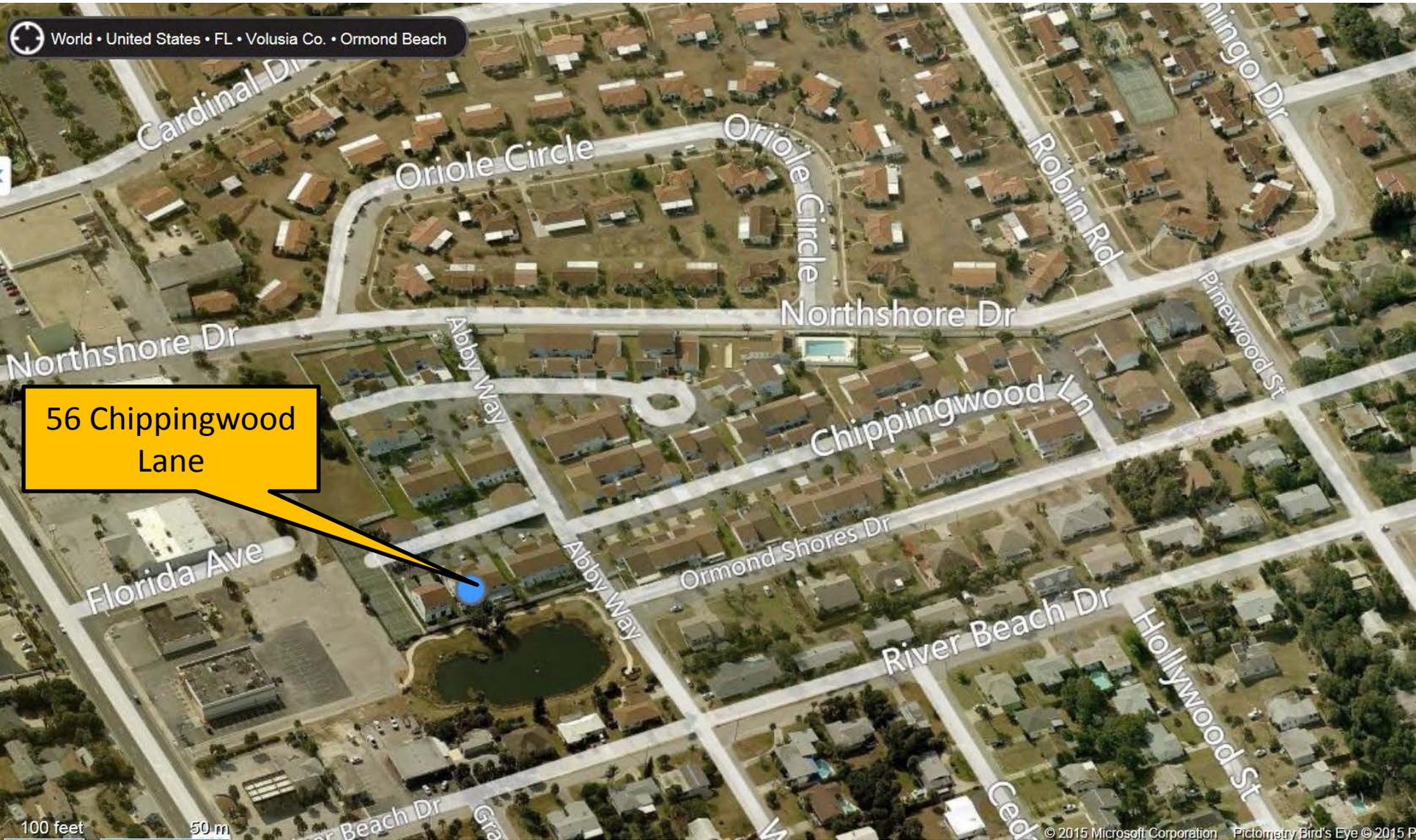
- Maps
- Pictures



LOCATION MAP

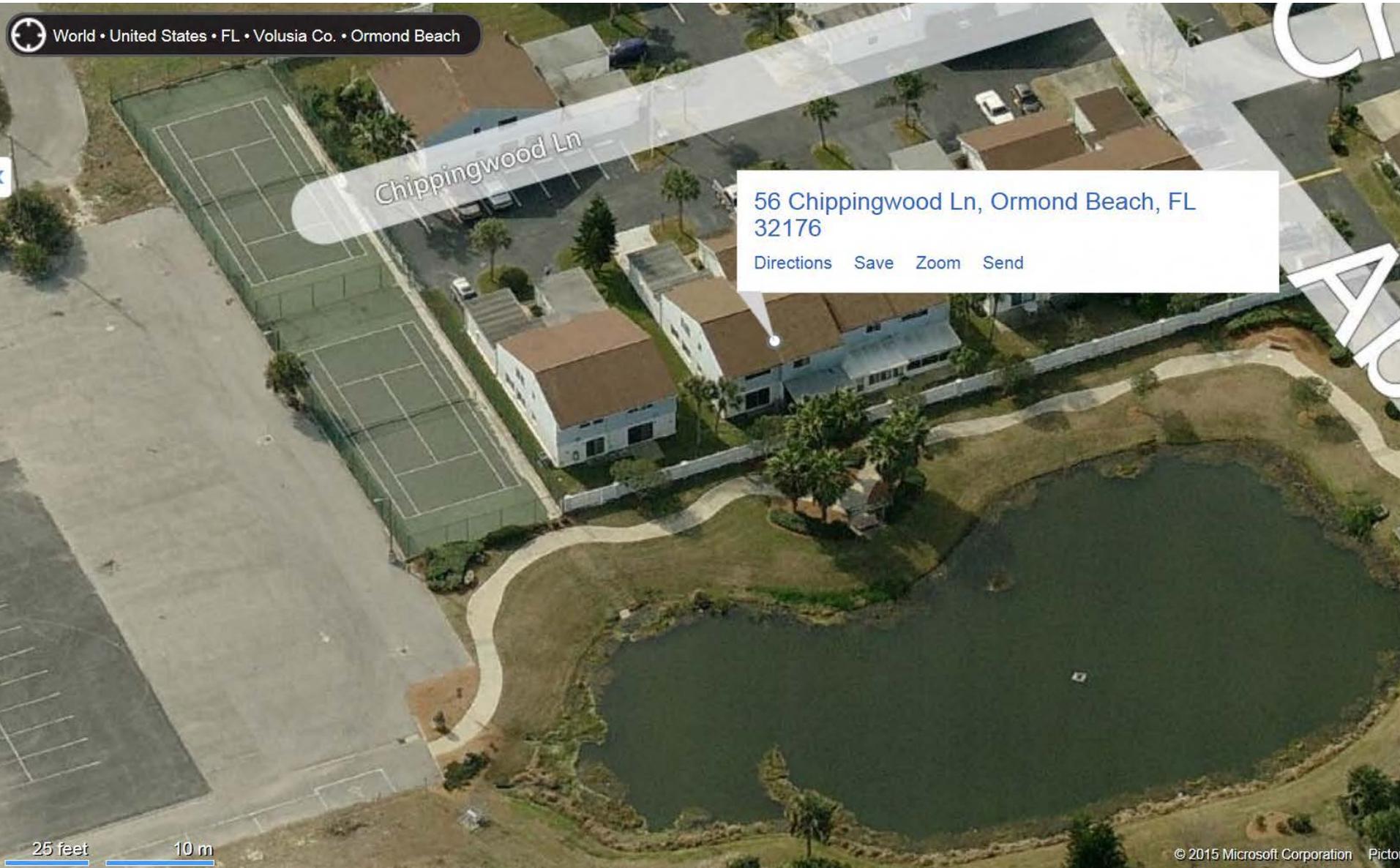


Aerial location map



Source: Bing maps

Aerial location map for 56 Chippingwood Lane



Source: Bing maps



PUBLIC NOTICE
VARIANCE
MAY 2018

56 Chippingwood Lane, front yard

**56 Chippingwood Lane, existing
screen enclosure to be replaced in
exact location**



**Examples of other room additions
in the immediate area.**







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

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: GEORGE MCGARRY III M.COOLIDGE18@GMAIL.COM

Full Address: 56 CHIPPINGWOOD LN OTHER #

Telephone: 203-451-4374 Email: 386-566-7561

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

PROPERTY OWNER INFORMATION***

Name: _____

Full Address: _____

Telephone: _____ Email: _____

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

PROPERTY DETAILS

Full Address: 56 CHIPPINGWOOD LN ORMOND BCH, FL 32176

Parcel ID Number: 23-1A-32-21-06-0070 / SUBD 4223-21-06-0070

Legal Description: LOT 7 B1K6 NEW BRITAIN III MB 35 PG 16A PER OR 4436 PG 4563 PER OR 5406 PG 4315

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:

Remove existing Screen Room + Slab. Bring slab up to city codes AND install concrete block walls, hard roof AND install Hurricane windows + doors on the same exact footprint of screen room.

ABUTTING PROPERTY OWNERS

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

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

CRITERIA: CONFORMING

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

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

Location of Building leaves no option for any other way of modernizing porch.

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

I would like to have a more secure room on the back where screen is. My grandkids are growing and visiting more and I feel the need to make this room safer from storms.

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

I feel that this variance should be approved for the reasons that when completed it will be to the cities codes and will be on the same footprint as original screen room.

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

There are no other practical Alternatives -

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:

Applying For this VARIANCE HAS NOTHING TO DO WITH THE COST

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

Agree to the Above

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

Agree to the Above

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

I feel that I AM NOT ASKING FOR ANY SPECIAL PRIVILEGES seeing that I AM going to put new PORCH BACK ON THE ORIGINAL FOOTPRINT.

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:

THIS IS TRUE AS IT WILL BE SAME SIZE AS ORIGINAL FOOTPRINT.

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

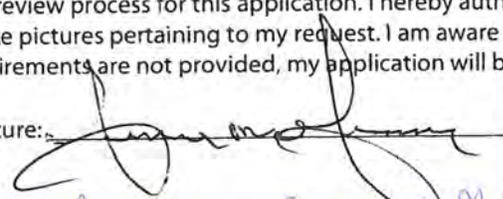
THIS IS TRUE AS IT WILL BE ON SAME FOOTPRINT.

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

THIS IS TRUE AS IT WILL BE SAME SIZE AS ORIGINAL FOOTPRINT.

CERTIFICATION

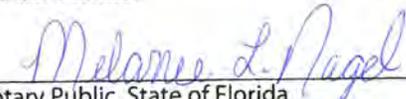
By submitting this application, I hereby certify that the information provided above is true and correct to the best of my knowledge and that I am aware of the application submittal requirements and review process for this application. I hereby authorize City of Ormond Beach Staff to place legal notice 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 6TH day of APRIL, 2015, by GEORGE J. MCGARRY III as _____ (title*) for _____ (name of corporation*), who provided CONN. DRIVERS LICENSE as identification, or who is personally known to me.




Notary Public, State of Florida
My Commission Expires: July 13, 2018

* 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.

3/20/15

**I GIVE MY PERMISSION FOR GEORG MCGARRY
TO RENOVATE HIS PORCH AT**

56 CHIPPINGWOOD

RON GUIMON



54 CHIPPINGWOOD LN

ORMOND BEACH - GARDENS OF NEW BRITAIN

3/20/15

I GIVE MY PERMISSION FOR GEORG MCGARRY
TO RENOVATE HIS PORCH AT

56 CHIPPINGWOOD

AL SALHA

A handwritten signature in black ink, appearing to read 'Al Salha', written in a cursive style.

58 CHIPPINGWOOD LN

ORMOND BEACH - GARDENS OF NEW BRITAIN

MICHAEL COOLIDGE CONSTRUCTION, INC.

PHONE: 386-566-7561

FAX: 386-677-0951

EMAIL: m.coolidge18@gmail.com

State Licensed Home Inspector
License #HI6375



56 Chipping Wood Lane

MICHAEL COOLIDGE CONSTRUCTION, INC.

PHONE: 386-566-7561

FAX: 386-677-0951

EMAIL: m.coolidge18@gmail.com

State Licensed Home Inspector
License #HI6375



CONCRETE SLAB extension
FOR DOOR opening AND
A/c

New Room to be on
the original footprint
As Above

MICHAEL COOLIDGE CONSTRUCTION, INC.

PHONE: 386-566-7561

FAX: 386-677-0951

EMAIL: m.coolidge18@gmail.com

State Licensed Home Inspector
License #HI6375



Neighboring unit—Block and windows

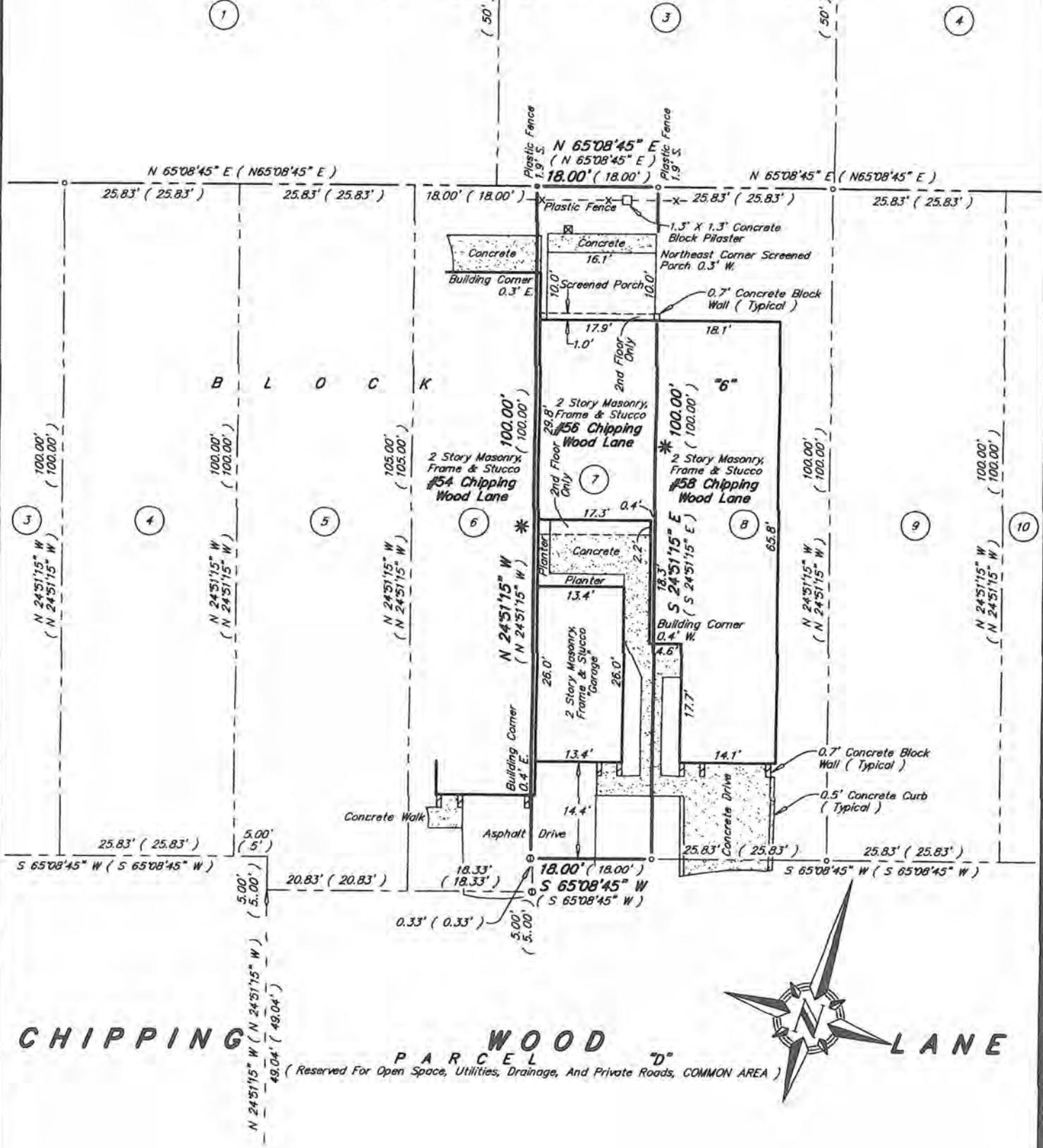


Neighboring unit—Block and windows

ORMOND SHORES DRIVE (50')

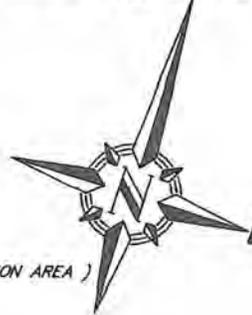
ORMOND SHORES SUBDIVISION Map Book 9, Page 72

Block B L O C K

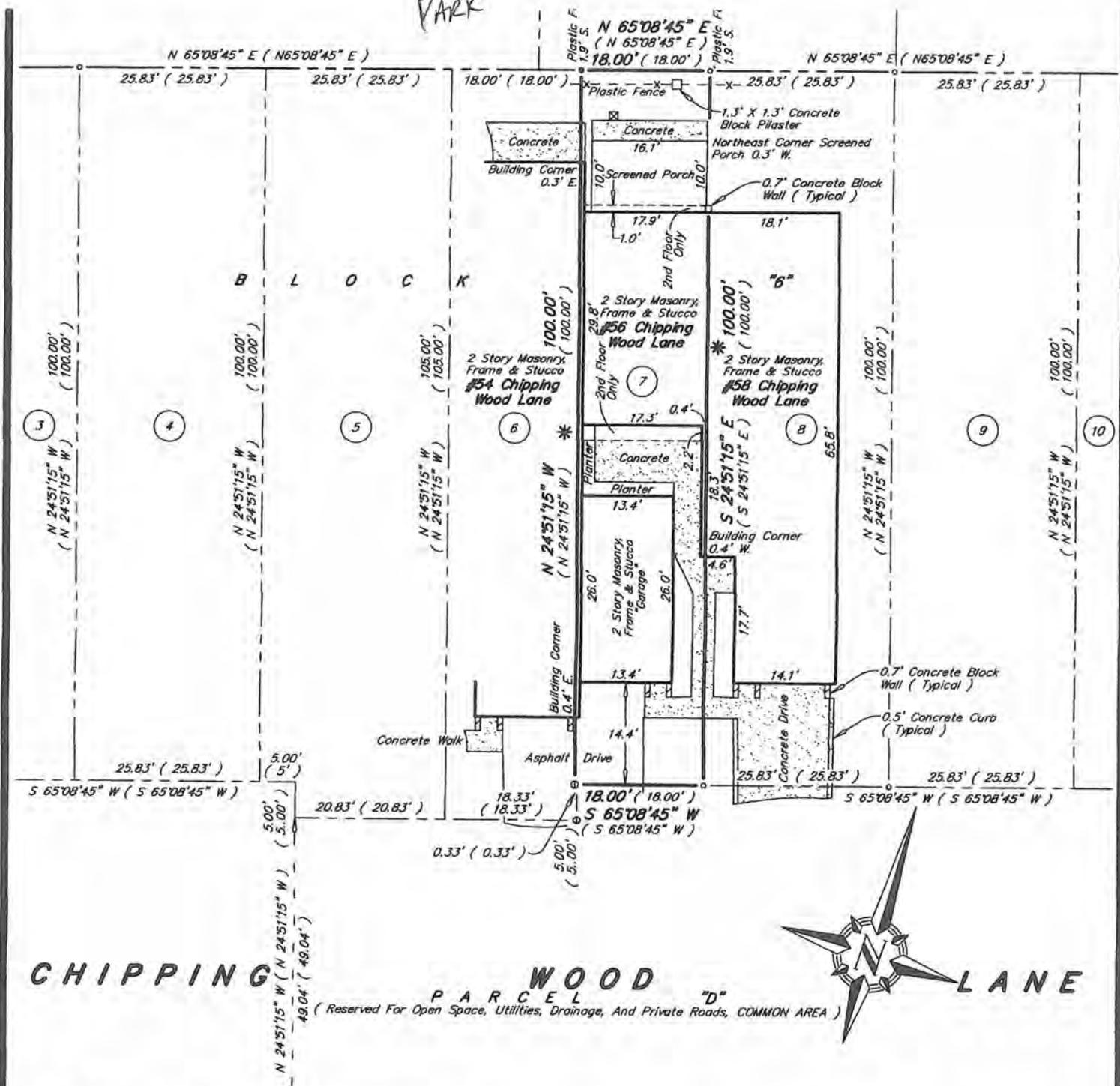


CHIPPING WOOD LANE

PARCEL D° (Reserved For Open Space, Utilities, Drainage, And Private Roads, COMMON AREA)

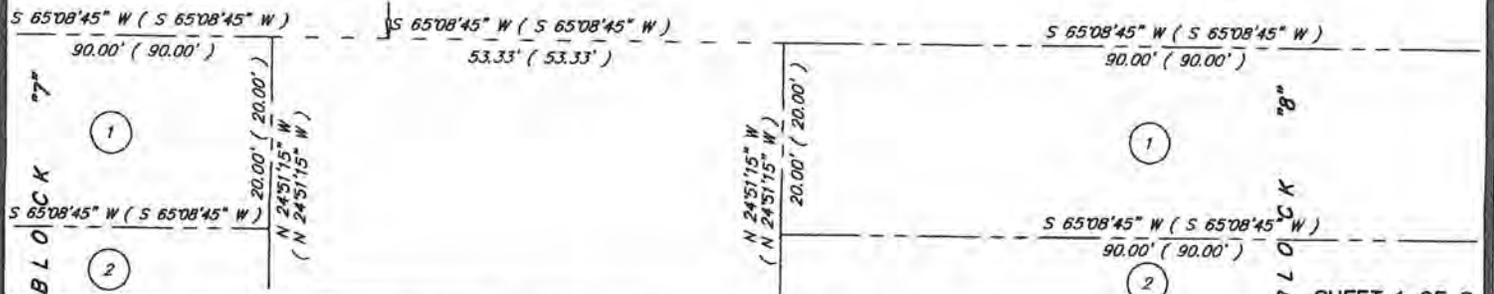


PARK



CHIPPING WOOD LANE
 PARCEL "D"

(Reserved For Open Space, Utilities, Drainage, And Private Roads, COMMON AREA)



SHEET 1 OF 2

LOCATION: NEW BRITAIN, SECTION III, BLOCK 6, LOT 7		
PREPARED FOR: GEORGE J. MCGARRY, III 56 CHIPPING WOOD LANE ORMOND BEACH, FLORIDA	PARTY CHIEF: BRYAN E. FRIES	SCALE: 1" = 20'
	DRAWN BY: JEFFREY E. FRIES	JOB NUMBER: 2676-2015
	CHECKED BY: BRYAN E. FRIES	FILE NUMBER: L10-2015

J. B. FRIES & ASSOCIATES, INC.
 Professional Surveyor & Mapper
 #3435 West State Road #40
 Ormond Beach, Florida 32174
 Office Phone: (386) 671-1700
 Cell Phone: (386) 547-7081
 Email: info@jbfries.com

LEGEND:

- o - 5/8" Iron Rod Found
- - 1" Iron Pipe Found
- ⊙ - Nail & Disk Found
- * - Denotes PartyWall Approximately Centered Along Lot Line
- ⊠ - Water Meter
- ⊘ - Wood Utility Pole

GENERAL NOTES :

No overhead or underground features shown except as noted.

Record dimensions are shown in parenthesis - field measurements are not.

Bearings are assumed, based on the Northerly Subdivision Line of New Britain, Section III, Block 6 shown hereon, bearing N 65°08'45" E, and are based on the Record Plat.

This survey and plat not valid without the signature and the original raised seal of a Florida Licensed Surveyor & Mapper.

There may be additional restrictions and/or other matters not shown hereon that may be found in the Public Records of Volusia County, Florida.

This survey not complete without both sheets 1 and 2.

The expected land use, as classified in the Minimum Technical Standards (5J-17, Florida Administrative Code) is "Suburban". The minimum relative distance accuracy obtained by measurement and calculation of a closed geometric figure was found to exceed this requirement.

Field Survey Date: 18 February, 2015.

A Non-Exclusive Blanket Easement is hereby created on the lots shown hereon for the purpose of installing and maintaining utilities and drainage facilities with the expressed provision that anyone performing work within these easements, shall restore the property to the condition existing prior to said work. Note taken from Record Plat.

PLAT OF BOUNDARY SURVEY OF :

LOT 7, BLOCK 6, NEW BRITAIN, SECTION III, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 35, PAGE(S) 164, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

Description taken from Official Records Book 5406, Page 4315.

The property described hereon is in "Unshaded Zone X" per the Flood Insurance Rate Map, Community Panel 125136 0218 J, Map Number 12127C0218J, dated 19 February, 2014.

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CERTIFIED TO:

George J. McGarry, III

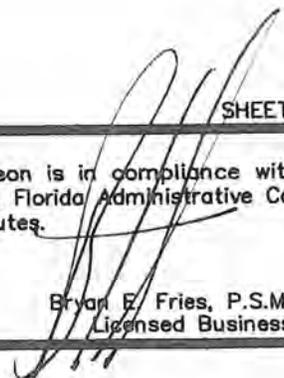
SHEET 2 OF 2

CERTIFICATE:

This is to certify that the plat delineated hereon is in compliance with the Minimum Technical Standards per Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 of the Florida Statutes.

01 March, 2015
(Signature Date)

Bryan E. Fries, P.S.M. #5602
Licensed Business #7222



STAFF REPORT

City of Ormond Beach Department of Planning

DATE: April 27, 2015

SUBJECT: 27 Highland Avenue

APPLICANT: Susan Ruck, property owner

FILE NUMBER: V2015-078

PROJECT PLANNER: Becky Weedo, AICP, Senior Planner

INTRODUCTION:

This is a request for a rear yard variance submitted by Ms. Susan Ruck, property owner of 27 Highland Avenue. The subject property is zoned R-3 (Single-Family Medium Density). Pursuant to Chapter 2, Article II of the Land Development Code, Section 2-15(B)(9)(b) requires a 20' setback from the rear property line. The applicant is seeking a variance to install a 12' x 31' carport adjacent to an existing nonconforming detached garage at a setback of 2' requiring a rear yard variance of 18.0' from the required 20' setback to the rear property line.

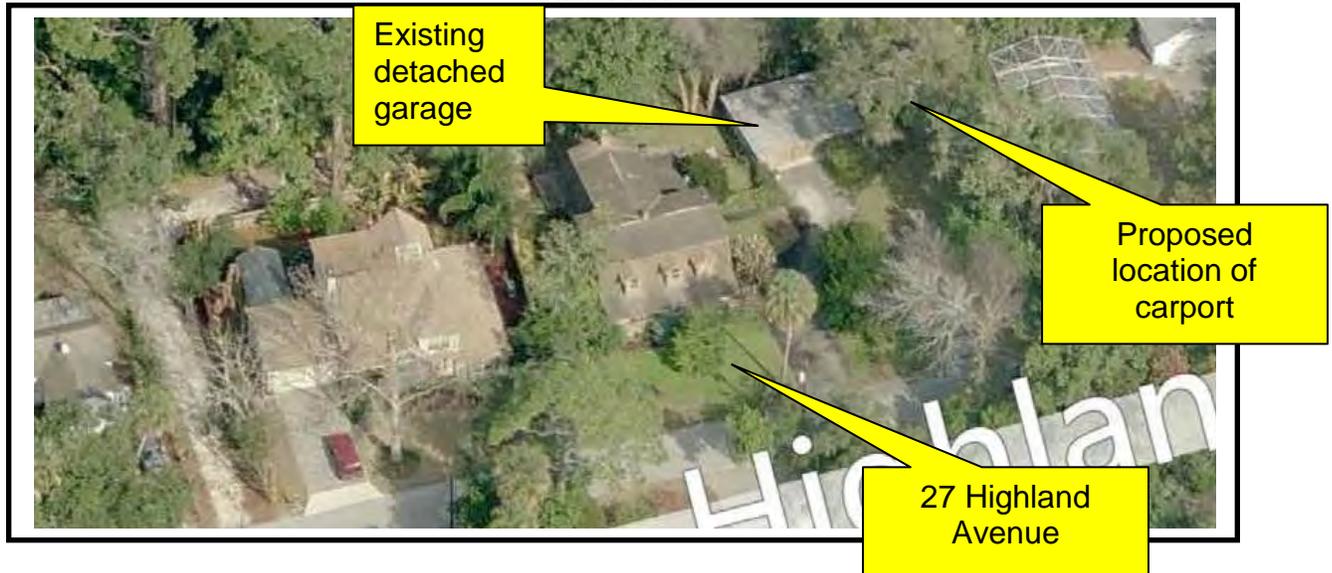
BACKGROUND:

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:

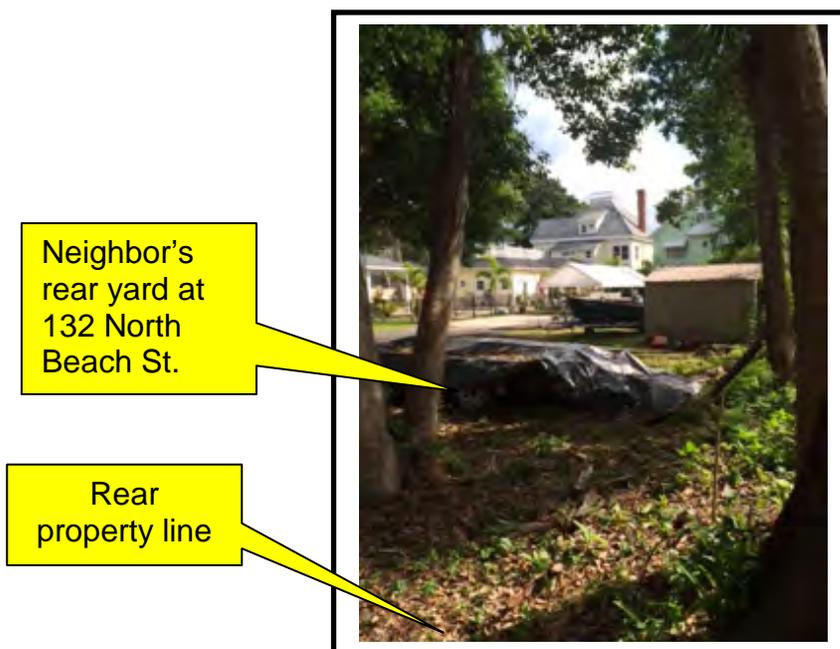
	Current Land Uses	Future Land Use Designation	Zoning
North	Single Family House	"Low Density Residential"	R-3 (Single Family Medium Density)
South	Single Family House	"Low Density Residential"	R-3 (Single Family Medium Density)
East	Single Family House	"Low Density Residential"	R-3 (Single Family Medium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

Site Aerial



According to the Volusia County Property Appraiser's records the single family structure and detached garage were constructed in 1984. The subject property has some unique qualities as listed below.

1. The minimum lot depth in the R-3 Zoning District is 115'. The lot depth of 27 Highland Avenue is 100'.
2. The existing detached garage was built in 1984 at the same time as the house with a 0' rear yard setback.
3. The rear property line abuts the back of the lot to the north located at 132 North Beach Street. The house and accessory dwelling unit at 132 Beach Street do not have a view of the rear yard of the subject property.



- The lot adjacent to the east of the subject property also is a deep lot that fronts North Beach Street. The abutting neighbor has a 6' privacy fence. There is vegetation on both sides of the fence which screens the view of the rear yard of the subject property.

Eastside property line, fence and vegetation



- The abutting neighbor on the west side will not be able to view the carport due to the existing garage and vegetation.

West side of the garage and vegetation.



6. There is no dwelling unit across the street that views the rear yard from the south.

Southern view of property across the street.



Installing the 12' x 31' RV carport next to the garage is the least intrusive, provides the most screening, and is the most aesthetic location to the adjacent neighboring properties. The property owner intends to install the carport with similar color as the garage as well as a fence with a gate to further screen the RV.



Garage and site of proposed carport to shelter RV.

Staff has not received any objections or inquiries since the variance case was advertised. The application provides signatures of “no objection” from the property owners located at 36 Highland Avenue, 43 Highland Avenue, and 122 North Beach Street.

ANALYSIS:

The subject property at 27 Highland Avenue is zoned R-3 (Single Family Medium Residential). Pursuant to Chapter 2, Article II of the Land Development Code, 2-15(B)(9)(b) requires a 20' setback from the rear property line. The applicant is requesting one variance to install a carport at a setback of 2', requiring an 18' variance.

Chapter 1, Article II, Section 1-16.D.2, of the Land Development Code states, “The Board of Adjustment and Appeals shall first determine whether the need for the proposed variance arises out of the physical surroundings, shape, topographical condition, or other physical or environmental conditions that are unique to the specific

property involved and are not the result of the actions of the applicant. If the basis for the request is the unique quality of the site, the Board shall make the following required findings based on the granting of the variance for that site alone. If, however, the condition is common to numerous sites so that requests for similar variances are likely to be received, the Board shall base its findings on the cumulative effect of granting the variance to all who may apply."

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

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

Case for the variance: The special condition relates to (1) the depth of the lot at $\pm 100'$ and (2) the existing location of the house, the detached garage and driveway. The shorter lot depth of 15' and the location of the detached garage constrain the ability to install the RV carport elsewhere on the property.

Case against the variance: Given the location of the existing garage and the regulations in the Land Development Code, the property owner could potentially build the carport to meet the setback requirements in the front of the garage.

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

Case for the variance: The existing structures were built in 1984 and did not result in any actions of the current property owners.

Case against the variance: The property owner bought the property knowing they would like to store four vehicles on the property. Had the property owner performed a due diligence, it would have been known that a variance was needed to expand the existing nonconformity or add a carport adjacent to the east side of the garage to meet the code.

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

Case for the variance: The literal interpretation of the zoning regulations would prevent the installation of the carport adjacent to the detached garage. Meeting the 20' rear setback would restrict vehicle access into the carport. This condition is a direct cause of the location of the existing house and nonconforming garage and the 100' depth lot. Carports are commonly enjoyed by other properties in the City of Ormond Beach in the same zoning district.

Case against the variance: Compliance with the setbacks would recognize the setbacks that other properties in the same zoning district were required to meet when carports were approved by the city.

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

Case for the variance: There is no practical alternative if a carport is to be installed in the rear yard. The request is the minimum necessary in order to allow the installation of the 12' x 31' carport in order to shelter the applicant's RV. Placing the RV carport in front of the existing garage is not viable since the carport is designed to be permanent and would prevent vehicle access into the garage. Meeting the required setback and installing the carport further to the front would make it more visible and prominent. Staff has received signatures of no objections from the abutting property owners who have responded.

Case against the variance: The new carport could be placed in the front of the existing garage.

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

Case for the variance: The variance is not sought to reduce the cost of the construction of the project. The selected location is the most logical, practical, and most aesthetic place for the RV carport.

Case against the variance: None. The variance does not reduce the construction cost of the project but actually increases it.

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

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

Case against the variance: Denial of the case and placing the carport where a variance is not needed also does not increase congestion, fire danger, or public hazards.

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

Case for the variance: The request will not diminish property values or alter the character of the surrounding area. 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 from the adjoining property owners who have responded.

Case against the variance: It is staff's opinion that the carport 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.**

Case for the variance: 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.

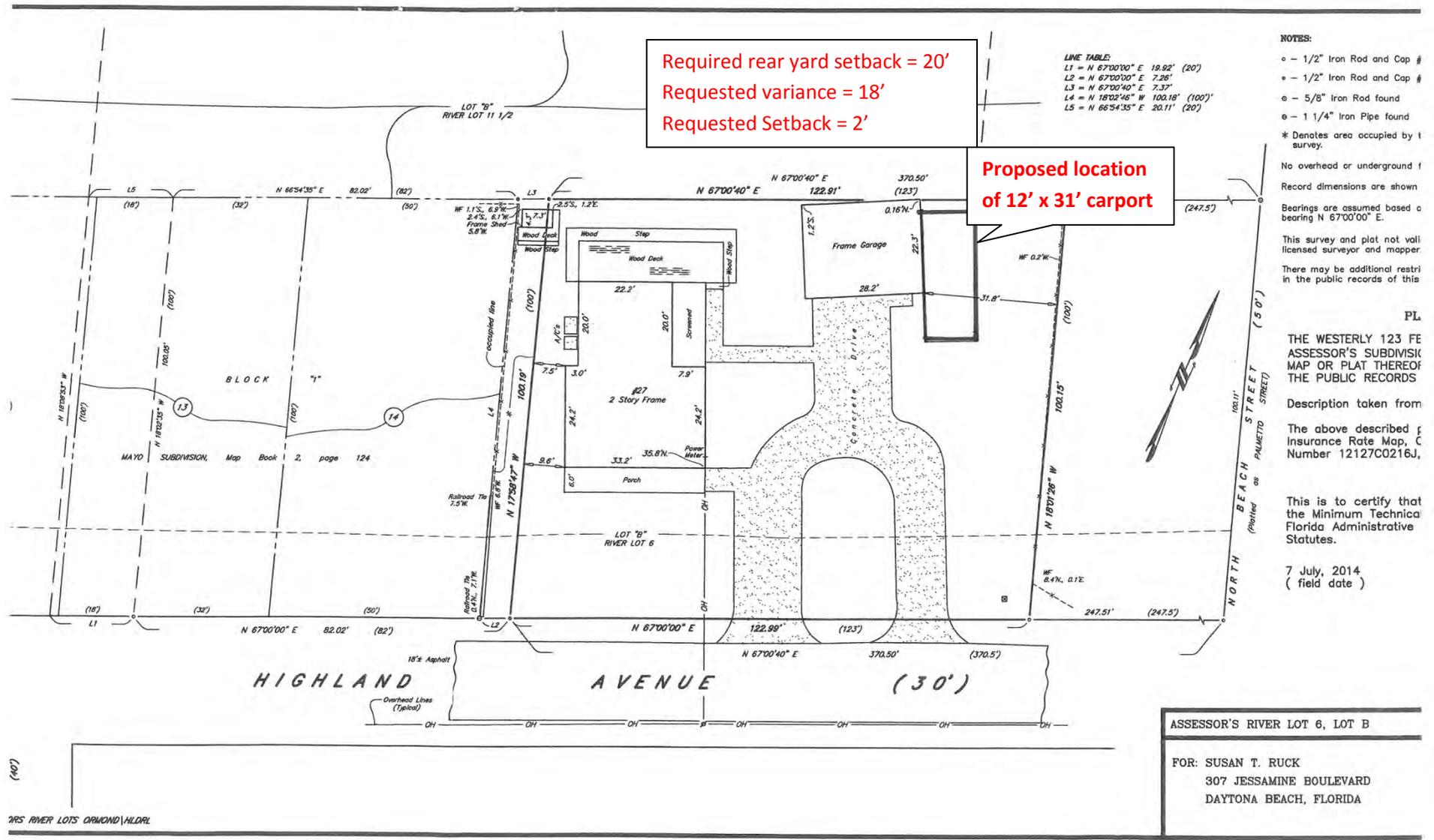
Case against the variance: The variance would make a conforming structure in terms of the rear yard setback non-conforming.

RECOMMENDATION: It is recommended that the Board of Adjustments and Appeals **APPROVE** a variance of 18.0, for a rear yard setback of 2' instead of the required 20' to install an RV carport on the eastside of the existing detached garage located at 27 Highland Avenue.

Attachments:

- 1: Variance Exhibit
- 2: Maps and Photos
- 3: Variance Application

Attachment 1 – Variance Exhibit



Required rear yard setback = 20'
 Requested variance = 18'
 Requested Setback = 2'

Proposed location
 of 12' x 31' carport

LINE TABLE:

L1	= N 67°00'00" E 19.92' (20')
L2	= N 67°00'00" E 7.26'
L3	= N 67°00'40" E 7.33'
L4	= N 18°02'46" W 100.18' (100)'
L5	= N 66°54'35" E 20.11' (20')

- NOTES:
- o - 1/2" Iron Rod and Cap #
 - o - 1/2" Iron Rod and Cap #
 - o - 5/8" Iron Rod found
 - o - 1 1/4" Iron Pipe found
 - * Denotes area occupied by 1 survey.
 - No overhead or underground f
 - Record dimensions are shown
 - Bearings are assumed based a bearing N 67°00'00" E.
 - This survey and plot not voli licensed surveyor and mapper
 - There may be additional restri in the public records of this

PL
 THE WESTERLY 123 FE
 ASSESSOR'S SUBDIVISIC
 MAP OR PLAT THEREOF
 THE PUBLIC RECORDS

Description taken from
 The above described §
 Insurance Rate Map, C
 Number 12127C0216J,

This is to certify that
 the Minimum Technica
 Florida Administrative
 Statutes.

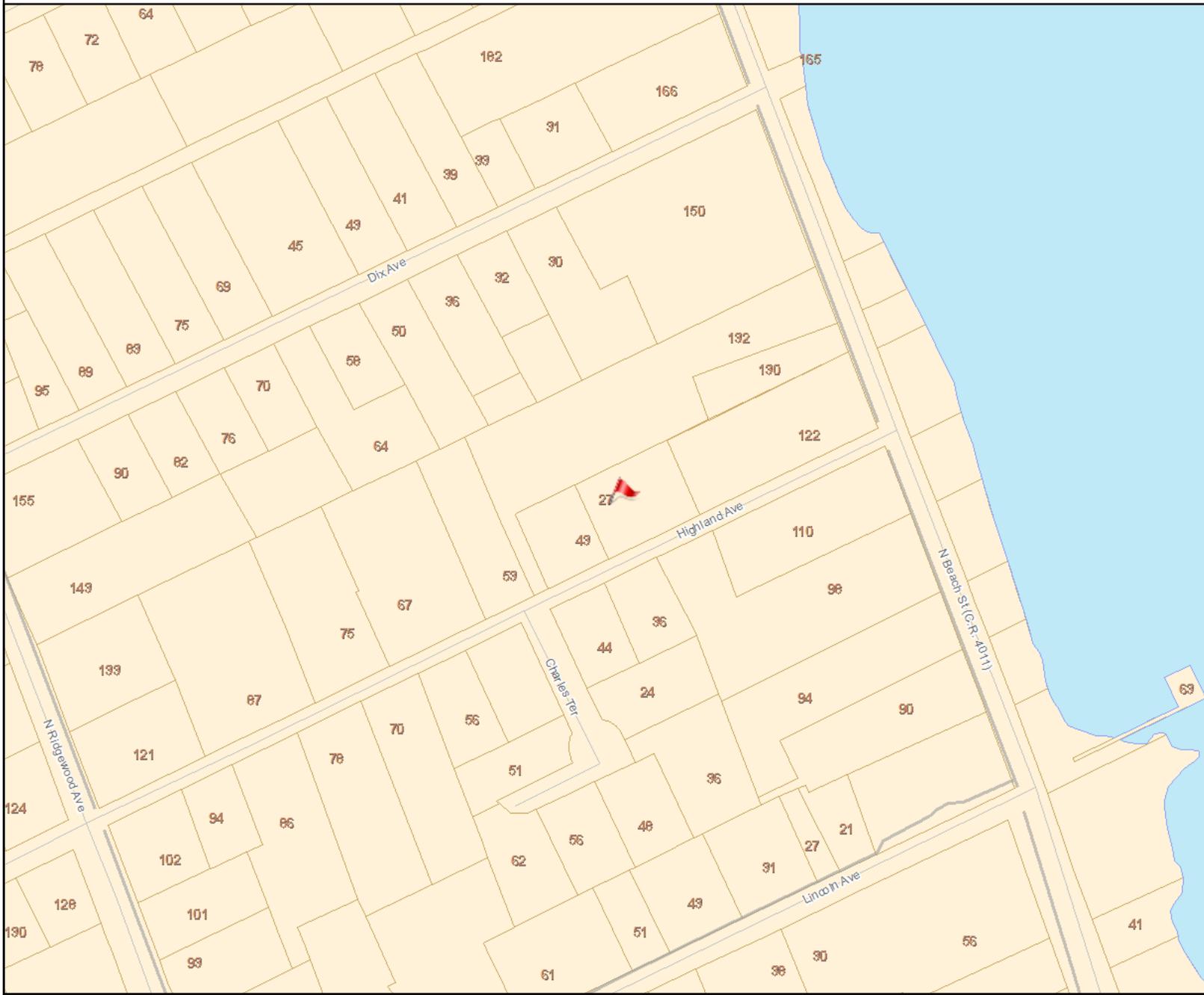
7 July, 2014
 (field date)

ASSESSOR'S RIVER LOT 6, LOT B

FOR: SUSAN T. RUCK
 307 JESSAMINE BOULEVARD
 DAYTONA BEACH, FLORIDA

(40)

ATTACHMENT 2 - LOCATION MAP - 27 HIGHLAND AVE



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



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



ATTACHMENT 2 - LOCATION OF EXISTING GARAGE AND PROPOSED SITE OF CARPORT



PROPOSED
LOCATION OF
CARPORT

ATTACHMENT 2 - LOCATION OF PROPOSED CARPORT



PUBLIC NOTICE

A PUBLIC HEARING FOR A
VARIANCE

ON THIS PROPERTY WILL BE HELD ON
MAY 6, 2015

AT 7:00 PM IN THE COMMISSION CHAMBERS AT CITY HALL, 22 SOUTH
BEACH STREET.

INTERESTED PARTIES CAN CONTACT THE CITY OF ORMOND BEACH PLANNING
DEPARTMENT (386-676-3238) FOR FURTHER INFORMATION.

CITY OF ORMOND BEACH, FLORIDA





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

15-078

Date Submitted

4-1-15

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

Susan T. Rock

Full Address

27 Highland Ave. Ormond Beach, FL 32174

Telephone

cell 386-852-5132

Email

susiewe809@gmail.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

Same

Full Address

Telephone

Email

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

PROPERTY DETAILS

Full Address

27 Highland Ave. Ormond Beach, FL 32174

Parcel ID Number

4215-06-01-0151

Legal Description

The westerly 123 feet of the easterly 370.5 feet of Lot "B" of Assessor's Subdivision of River Lot 6 Ormond, according to the map or plat thereof as recorded in map books 3, page 124, of the public records of Volusia 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:

To allow carport to be installed next to existing garage which is near rear property line. The carport is open, roof only with sides open. It will be the same color as garage. with a two foot setback from rear property line roof is 31' long and 12' wide

ABUTTING PROPERTY OWNERS

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

Signature	Street Address	For	Against
Linda Davidson, Rick Sandora	36 Highland Avenue	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert S. White, Michael White	43 Highland Ave.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	122 N. Beach	<input checked="" type="checkbox"/>	<input type="checkbox"/>

CRITERIA: CONFORMING

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

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

Existing garage is at rear property line. Neighbor's driveway and trees are behind garage. Neighbor to the east has privacy fence on property line at rear as well as between our properties. Neighbor on west side cannot view this portion of our yard. Moving the carport 20 ft. forward will make it more visible and prominent. Tucking it in beside garage is the most esthetic solution.

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

Garage was constructed before we purchased property. It has been here 30 years. Neighbor behind our property already parks trailer and a boat close to property line.

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:

The 20 ft. setback would make a portion of our yard unusable. Moving it 20 ft forward would make it more visible to neighbors as well as us.

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 proposed alternatives the board suggested are not practical because it would make our vehicles inaccessible if we put it in front of garage, and there is not enough room to put it in diagonally.

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 financial aspects have nothing to do with our request other than the desire to protect our investment in our vehicles

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

This will have absolutely no effect on traffic in the neighborhood.

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

The variance will allow the structure to blend in with its surroundings. Tucking it in beside the existing garage and next to neighbors privacy fence is the most esthetically pleasing solution.

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 already many non-conforming structures in the neighborhood.

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:

N/A

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

N/A

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:

N/A

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:

N/A

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

N/A

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

N/A

CERTIFICATION

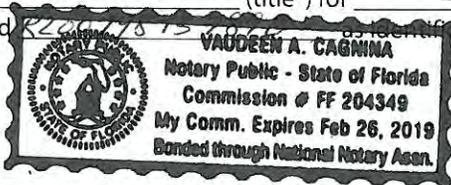
By submitting this application, I hereby certify that the information provided above is true and correct to the best of my knowledge and that I am aware of the application submittal requirements and review process for this application. I hereby authorize City of Ormond Beach Staff to place legal notice 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.

STATE OF FLORIDA
COUNTY OF Volusia

Susan T. Ruck
Susan T. Ruck

The foregoing instrument was acknowledged before me this 6th day of April, 2015, by Susan Ruck as owner (title*) for _____ (name of corporation*), who provided _____ as identification, or who is personally known to me.

FL DL



Vaudeen Cagnina
Notary Public, State of Florida
My Commission Expires:



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Last Updated: 04-07-2015 Today's Date: 4-13-2015		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	15-14-32-06-01-0151	Mill Group	201 Ormond Beach		
Short Parcel ID	4215-06-01-0151				
Alternate Key	3051483	2014 Final Millage Rate	20.64470		
Parcel Status	Active Parcel	PC Code	01		
Date Created	23 DEC 1981				
Owner Name	RUCK GEORGE & SUSAN		GO TO ADD'L OWNERS		
Owner Name/Address 1					
Owner Address 2	27 HIGHLAND AVE				
Owner Address 3	ORMOND BEACH FL				
Owner Zip Code	32174				
Owner Percentage	100	Ownership Type	Tenancy in the Entirety - Husband & Wife		
Location Address	27 HIGHLAND AV ORMOND BEACH 32174				

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
W 123 FT OF E 370.5 FT OF LOT B OF ASSESSORS MAP OR W 123 FT	
OF LOT 15 BLK 1 SUB RIVER LOT 6 ORMOND PER OR 4572 PGS 074	

SALES HISTORY							GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE	
1	7015	4706	7/2014	Warranty Deed	Qualified Sale	Yes	140,000	
2	6906	1166	9/2013	Personal Rep	Unqualified Sale	Yes	100	
3	6820	0433	12/2012	Death Certificate	Unqualified Sale	Yes	100	

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
2014	40,172	105,810	2,570	148,552	148,552	148,552	148,552	0	148,552	148,552	0	148,552
2013	31,685	94,554	2,592	128,831	123,807	123,807	123,807	25,000	98,807	98,807	25,000	73,807

LAND DATA												
CODE	TYPE OF LAND USE		FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL
0101	IMP PVD THRU .49 AC		123.0	100.0	123.00	FRONT FEET	355.00	92	100	100	100	40,172
NEIGHBORHOOD CODE	3525		DARGEN RESUB.CRIOLA BLK.GRAN									

TOTAL LAND CLASSIFIED	0
TOTAL LAND JUST	40,172

BUILDING CHARACTERISTICS

BUILDING 1 OF 1	GO TO BLDG SKETCH
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Physical Depreciation %	20	Next Review	2020	Obsolescence	Functional	0%
		Year Built	1984		Locational	0%
Quality Grade	300	Architecture			Base Perimeter	158

Improvement Type	Single Family				
Roof Type	GAMBREL	Bedrooms	3	7FixBath	0
Roof Cover	Asphalt / Composition Shingle	Air Conditioned	Yes	6FixBath	0
Wall Type	Masonry or Minimum	Fireplaces	1	5FixBath	0
Floor Type	Hardwood	XFixture	1	4FixBath	0
Foundation	Concrete Slab	Heat Method 1	Forced Ducted	3FixBath	3
Heat Source 1	Electric	Heat Method 2		2FixBath	0
Heat Source 2		Year Remodeled			

SECTION #	AREA TYPE	EXTERIOR WALL TYPE	NUMBER OF STORIES	YEAR BUILT	ATTIC FINISH	% BSMT AREA	% BSMT FINISH	FLOOR AREA
1	Heated Living Area (BAS)	LOG CONSTRUCTION	1.0	1984	N	0.00	0.00	1298 Sq. Feet
3	Finished Open Porch (FOP)	Non-Applicable	1.0	1984	N	0.00	0.00	198 Sq. Feet
2	Finished Screen Porch (FSP)	Non-Applicable	1.0	1984	N	0.00	0.00	160 Sq. Feet
4	Finished Upper Story (FUS)	LOG CONSTRUCTION	1.0	1984	N	0.00	0.00	1298 Sq. Feet
5	Wood Deck (WDK)	Non-Applicable	1.0	2002	N	0.00	0.00	520 Sq. Feet

MISCELLANEOUS IMPROVEMENTS

TYPE	NUMBER UNITS	UNIT TYPE	LIFE	YEAR IN	GRADE	LENGTH	WIDTH	DEPR. VALUE
GARAGE D UFN	616	SF	40	1984	3	28	22	3,325
STORAGE BLDG	32	SF	20	2002	1	8	4	110

PLANNING AND BUILDING

PERMIT NUMBER	PERMIT AMOUNT	DATE ISSUED	DATE COMPLETED	DESCRIPTION	OCCUPANCY NBR	OCCUPANCY BLDG
19900130015	0.00	1-31-1990	1-24-1991	WELL/PUMP/IRRIGATION		0
4397	60,750.00	1-1-1984	7-1-1984	SFR N.C.-PCW-GSC		0

TOTAL VALUES

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Land Value	40,172	New Construction Value	0
Building Value	116,834	City Econ Dev/Historic Taxable	0

Miscellaneous	3,435		
Total Just Value	160,441	Previous Total Just Value	148,552
School Assessed Value	139,679	Previous School Assessed	148,552
Non-School Assessed Value	139,679	Previous Non-School Assessed	148,552
Exemption Value	25,000	Previous Exemption Value	0
Additional Exemption Value	25,000	Previous Add'l Exempt Value	0
School Taxable Value	114,679	Previous School Taxable	148,552
Non-School Taxable Value	89,679	Previous Non-School Taxable	148,552

<input type="button" value="MapIT"/> <input type="button" value="PALMS"/>	<input type="button" value="Parcel Notes"/>
<input type="button" value="Map Kiosk"/>	

MapIT: Your basic parcel record search including sales.

PALMS: Basic parcel record searches with enhanced features.

Map Kiosk: More advanced tools for custom searches on several layers including parcels.



Prepared by
Wendy Perez, an employee of
First American Title Insurance Company
710 Third Avenue, Suites 1 & 2
New Smyrna Beach, Florida 32169
(877)833-1752

Return to: Grantee

File No.: 2018-2085284

Record & Return To
First American Title
710 Third Avenue
New Smyrna Beach, FL 32169

WARRANTY DEED

Made this July 18, of 2014 by and between

Johnatha Jones, Hoby Lowe, and Greg Jones

whose address is: **133C Blue Heron Dr, Daytona Beach, FL 32119**
hereinafter called the "grantor", to

George Ruck and Susan Ruck, husband and wife

whose post office address is: **27 Highland Avenue, Ormond Beach, FL 32174**
hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

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**, to-wit:

The Westerly 123 feet of the Easterly 370.5 feet of Lot "B" of Assessor's Subdivision of River Lot 6, Ormond, according to the map or plat thereof as recorded in Map Book 16, Page 62, of the Public Records of Volusia County, Florida.

Parcel Identification Number: **421506010151**

Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

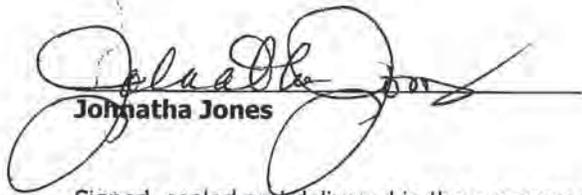
Together with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

The land is not the homestead of the Grantor under the laws and constitution of the State of Florida and neither the Grantor nor any person(s) for whose support the Grantor is responsible reside on or adjacent to the land.

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

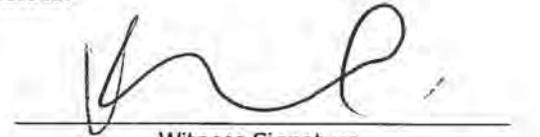
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31st of 2013.

In Witness Whereof, the grantor has hereunto set their hand(s) and seal(s) the day and year first above written.


Johnatha Jones

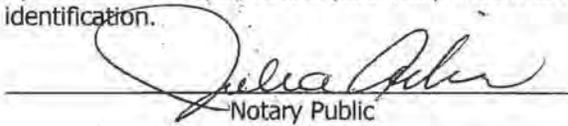
Signed, sealed and delivered in the presence of these witnesses:


Witness Signature
Print Name: MARY Adeline Andrews


Witness Signature
Kathryn Anania

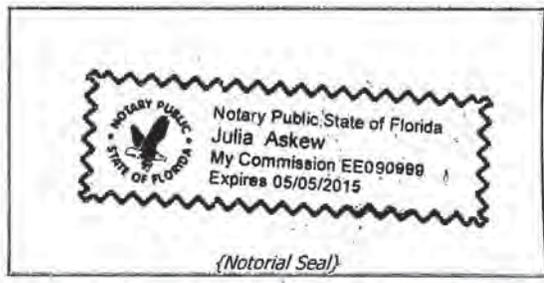
State of Florida
County of Volusia

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED before me this 15th July 2014 by **Johnatha Jones**, who is personally known to me or has produced a valid driver's license as identification.


Notary Public

JULIA ASKEW
(Printed Name)

My Commission expires: 05/05/2015



Hoby Lowe
Hoby Lowe

Greg Jones
Greg Jones

Signed, sealed and delivered in the presence of these witnesses:

[Signature]
Witness Signature
Print Name: Kathryn Ananich

[Signature]
Witness Signature
ALISON T. DUNN

State of North Carolina

County of Iredell

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED before me this July 11, 2014 by Hoby Lowe and Greg Jones, who is personally known to me or has produced a valid driver's license as identification.

[Signature]
Notary Public

April T. Pruitt
(Printed Name)

My Commission expires: 4-17-2019

