



AGENDA

ORMOND BEACH BOARD OF ADJUSTMENT AND APPEALS

July 1, 2015

ORMOND BEACH CITY COMMISSION CHAMBERS

7:00 P.M.

I. ROLL CALL

II. APPROVAL OF THE MINUTES

A. May 6, 2015

III. NEW BUSINESS

A. **Case No. VAR 2015-093: 32 Foxfield Look, Screen Enclosure side yard variance.**

This is a request for a screen enclosure variance from Mr. Douglas Krueger, property owner of 32 Foxfield Look to construct a screen enclosure over an existing patio. Section 2-50(aa)(1) of the Land Development Code requires screen enclosure side yard setbacks to be the same as for the principal building. The subject property is located in the Westland Village, Phase I Replat of the Hunter's Ridge Subdivision which requires a side yard building setback for 7.5'. The variance request from Mr. Krueger seeks to allow a screen enclosure over an existing patio with a 3.12' variance to the required screen enclosure setback of 7.5', with a resulting setback of 4.38' to the side property line.

B. **Case No. VAR 2015 - 094: 542 John Anderson Drive, Front Yard and Pool Setback Variances.**

This is a request for two variances submitted by Brian Fredley, President, BPF Design Incorporated, agent on behalf of Blue Skies Real Estate, LLC, property owner of 542 John Anderson Drive. The property at 542 John Anderson Drive is zoned R-1 (Residential Estate). The applicant is requesting two variances to allow the construction of a new single family home with a separate garage, workshop and a pool as follows:

(1) Front Yard Variance: Section 2-12(B)(10) of the Land Developed Code requires an average calculated front yard setback for "estate sized lots" along John Anderson Drive, which is 120.93' for 542 John Anderson Drive. The applicant is requesting a front yard setback of 70', which would require a 50.93' variance to the average calculated front yard setback standard.

(2) Pool Variance: Section 2-50(X)(3) of the Land Development Code requires a calculated setback for pools located on an average waterfront rear yard setback, which is 49.91' for 542 John Anderson Drive. The applicant is requesting a setback of 25' to the rear property line, requiring a 24.91' variance to the pool standard.

C. Case No. VAR 2015 - 095: 7 B Oriole Circle, Screen Room Addition side yard variance.

This is a request for a side yard variance submitted by James and Stacey Bright Ingram, property owners, for a variance at 7 Oriole Circle B to construct a screen room addition (15' X 20') within the required side setback. Section 2-17.B.9.b of the Land Development Code requires a 20' side yard setback. The applicant is requesting a side yard setback of 11' to construct a hard roof screen enclosure, requiring a variance of 9' to the required 20' side yard setback. The property at 7 Oriole Circle B is zoned R-4 (Single-Family Cluster and Townhouse).

IV. OTHER BUSINESS

V. ADJOURNMENT

MINUTES
BOARD OF ADJUSTMENT

May 6, 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
Brian Nave

Staff Present

S. Lauren Kornel, Senior Planner
Ann-Margret Emery, Deputy City Attorney
Colby Cilento, Minutes Technician

II. APPROVAL OF THE MINUTES

A. March 4, 2015 Minutes

Mr. Hundredmark moved to approve the March 4, 2015 Minutes as submitted. Mr. Perricelli seconded the motion. Vote was called, and the motion was approved (4-0), with Mr. Nave abstaining.

III. NEW BUSINESS

A. Case No. 15-078: 27 Highland Avenue, fence carport variance

Ms. Kornel, Senior Planner, stated that this application is for a rear yard variance submitted by Ms. Susan Ruck, property owner of 27 Highland Avenue. The Code 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. Ms. Kornel reviewed the location, orientation and characteristics of the variance, and presented the staff report.

Ms. Ruck of 27 Highland Avenue advised she had nothing further to add to Ms. Kornel's presentation.

Mr. Nave questioned if options for the proposed variance were discussed prior to the meeting. Ms. Ruck responded that there was a discussion that took place in a pre-application meeting between her and Ms. Becky Weedo about placing the carport in front of the garage rather than in the side yard area as requested. Ms. Ruck advised it was her opinion that it would be less practical and also the least attractive option to build the carport in front of the garage because the RV would be more easily viewed from the street front view. Building the carport at the side

of the garage would provide for the maximum concealment of the RV from the front street.

Mr. Nave further asked if there was any thought to putting the carport in front of the blue entry door of the garage. Ms. Ruck explained that the point of the variance is to keep the carport as far back as possible on the lot so that the view of the carport and RV will be obscured from the front street view. She indicated that in addition to obscuring the view from the front street, the view from inside the house will also be maintained.

Mr. McNamara asked Ms. Ruck to verify that the application is simply for a carport with columns and a roof. Ms. Ruck confirmed and went on to state that the roof color would be the same as the garage roof and it would be made of galvanized steel.

Mr. McNamara questioned staff if the carport should be buffered/screened. Ms. Kornel indicated that if screening were required it would likely have been indicated in the staff report but that she did not have the Land Development Code in front of her to verify. Ms. Emery advised that screening for RVs is required. Ms. Ruck advised that the staff report does mention that she intends to install a fence at the time of completion of the carport so that the carport is screened from the front view of the street in accordance with the Land Development Code. Mr. Nave asked where the fence will be constructed. Ms. Ruck stated the fence will be 6' tall and constructed next to the carport and closing off the front to screen the RV from view. Mr. Nave said he did not see that in the plans. Mr. McNamara advised he believed the fencing requirement is in the Land Development Code. Ms. Ruck advised that she believed the Land Development Code does require screening of the RV. Ms. Emery recommended that the variance be conditioned on screening in accordance with the Land Development Code. Ms. Emery advised she was concerned that the property owner could potentially be cited for not having the screening. Ms. Ruck advised she fully intends to construct the fence to screen the RV after the carport has been installed. Mr. Nave asked Ms. Emery if she believed that the fencing should be reviewed by the Board. Ms. Emery answered she believed a motion with a condition for the screening would suffice.

Mr. Nave moved to approve the application for the rear yard variance to install a carport at a setback of 2' requiring a rear yard variance of 18' from the required 20', conditioned on screening of the RV. Mr. Hundemark seconded the motion. Vote was called and the Board unanimously approved the variance application (5-0).

B. Case No. 15-080: 56 Chippingwood Lane, rear yard setback variance

Ms. Kornel stated that this is a request for a rear yard variance submitted by George McGarry III, property owner at 56 Chippingwood Lane. The Land Development Code requires a rear yard setback of 10' 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. Ms. Kornel reviewed the location, orientation and characteristics of the variance, and presented the staff report.

Mr. Nave questioned the required rear yard setback. Ms. Kornel advised that the variance application was for a final setback of 10' with a variance of 10'.

Mr. McGarry, the applicant, advised he had nothing to add to the presentation. Mr. McNamara asked the applicant why he was considering a concrete structure when he already has a screen structure. Mr. McGarry said he wanted the use of the enclosure during the colder months so that he has the option for windows in the winter and screens in the summer.

Mr. Nave asked if the structure would be the exact same size. Ms. Kornel advised the structure would be at the exact location of the existing structure and the structure would be the same size. Some discussion ensued about the material of the addition.

Following discussion, Mr. Jenner moved to approve the variance as submitted. Mr. Hundredmark seconded the motion. Vote was called, and the motion was unanimously approved (5-0).

V. OTHER BUSINESS

Mr. Nave asked about the required rear yard setback of Case No 15-080. After further discussion, it was established that there was a scrivener's error in the variance exhibit, and that the required rear yard setback was in fact 20' as stated in the introduction of the staff report rather than 10' as stated in the variance exhibit. Ms. Kornel advised that the variance exhibit would be corrected to show that the required rear yard setback is 20' before it is recorded.

VI. ADJOURNMENT

As there was no other business, the meeting was adjourned at 7:20 p.m.

Respectfully submitted,

S. Laureen Kornel, AICP, Senior Planner

ATTEST:

Dennis McNamara, Chair

Minutes prepared by S. Laureen Kornel.

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: June 23, 2015

SUBJECT: 32 Foxfield Look

APPLICANT: Douglas Krueger, Property Owner

FILE NUMBER: VAR 2015-093

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

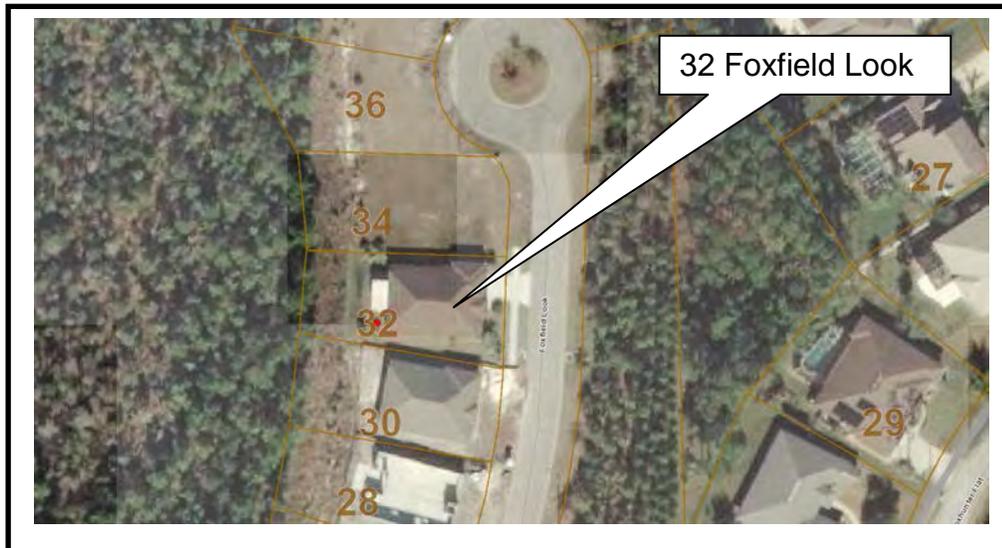
INTRODUCTION: This is a request for a screen enclosure variance from Mr. Douglas Krueger, property owner of 32 Foxfield Look to construct a screen enclosure over an existing patio. Section 2-50(aa)(1) of the Land Development Code requires screen enclosure side yard setbacks to be the same as for the principal building. The subject property is located in the Westland Village, Phase I Replat of the Hunter's Ridge Subdivision which requires a side yard building setback for 7.5'. The variance request from Mr. Krueger seeks to allow a screen enclosure over an existing patio with a 3.12' variance to the required screen enclosure setback of 7.5', with a resulting setback of 4.38' to the side property line.

BACKGROUND: The property is designated as "Suburban Low Density Residential" on the City's Future Land Use Map (FLUM) and is zoned SR (Suburban Residential) on the City's Official Zoning Map. The existing use of the property is consistent with the FLUM designation and zoning district.

Table 1: Adjacent land uses and zoning:

	Current Land Uses	Future Land Use Designation	Zoning
North	Vacant Lot	"Suburban Low Density Residential"	SR (Suburban Residential)
South	Single Family House	"Suburban Low Density Residential"	SR (Suburban Residential)
East	Common Area	"Suburban Low Density Residential"	SR (Suburban Residential)
West	Common Area	"Suburban Low Density Residential"	SR (Suburban Residential)

Site Aerial



Source: Bing Maps

Site picture, June 4, 2015 – area of encroachment where a portion of the screen enclosure is proposed.



The pie shaped lot is located at 32 Foxfield Look on a cul de sac; 52.89 feet wide at its front west side, 62.57 feet at its rear east side, 128.74 feet along the north side, and 133.58 feet along the south side. The lot is a conforming lot of record within the SR, Suburban Residential Zoning District. According to the Volusia County Property Appraiser, the house was constructed in 2011. The property is part of the Westland Village, Phase I re-plat of Hunters Ridge Subdivision. As part of the re-plat, there is a 7.5' utility easement along the north and south sides of the lot. A partial easement vacation of 36.5 square feet, that extends south 4.38' from the south property line within the utility easement was approved with Resolution 2015-102 at the May 19, 2015, City Commission meeting.

ANALYSIS:

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

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

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

Case for the variances: The special condition relates to the location of the lot on a cul de sac and the geometric shape of the lot such that the lot is pie shaped. The lot narrows along the south side of the lot thereby causing the setback to narrow at the south west corner of the home. The resulting shape of the lot due to its narrowing along its south side has created a slight constraint to the property owner to construct a screen enclosure over an existing patio without a slight impediment into the utility easement.

Case against the variances: It could be argued that the existing patio could be modified to meet the screen enclosure side yard setback requirement of the Land Development Code such that the screen enclosure could be constructed outside of the drainage easement. However, the end result would not be symmetrical with the rest of the existing home.

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

Case for the variances: The applicant constructed the patio in accordance with the Land Development Code. The proposed screen enclosure was an afterthought. Since the applicant did not plat the lot, the special conditions did not result from the actions of the applicant.

Case against the variances: None.

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

Case for the variances: The literal interpretation of the zoning regulations would prevent the construction of the screen enclosure. Meeting the 7.5' rear screen enclosure setback would require angling the screen enclosure which would result in an overall decrease in use of the property and the end result would not be visually symmetrical with the home. This condition is a direct cause of the location of the existing house on a cul de sac lot that narrows at its south side of the lot causing the lot to be angled. Screen enclosures are commonly enjoyed by other properties in the City of Ormond Beach in the same zoning district.

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

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

Case for the variances: There is one practical alternative to allowing the screen enclosure. The applicant could still construct a screen enclosure if he were to angle the enclosure at the southwest corner of the proposed enclosure thereby constructing the enclosure outside of the utility easement. However, angling the screen enclosure would not be symmetrical with the entire house. The request is the minimum necessary based on the angle or narrowing of the south property line in order to allow the construction of the screen enclosure. The applicant has provided letters of no objections from the abutting property owners.

Case against the variances: As stated in criteria 3, property owners do not have an absolute right to screen enclosures at less than 7.5' to the side property. In the past, one primary consideration of variance applications has been the impact to neighboring properties.

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

Case for the variances: The variance is not sought to reduce the cost of the construction of the pool screen enclosure. In fact, the applicant wishes to improve the property by constructing the screen enclosure thereby investing in the subject property.

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. The proposed screen enclosure is an investment commonly enjoyed by other properties in the City of Ormond Beach in the same zoning district. 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. Only a slight encroachment is proposed on the south side of the property and the abutting property owners have no objection to the proposed screen enclosure.

Case against the variances: One can argue that granting the variance request will lead to multiple applications for screen enclosures with less than a 7.5' rear yard setback. Each application is a unique circumstance that must be reviewed independently based on the variance criteria, input from the required notification, and testimony at the public hearing.

RECOMMENDATION: It is recommended that the Board of Adjustments and Appeals **APPROVE** a screen enclosure over an existing patio a 3.12' variance to the required screen enclosure setback of 7.5', with a resulting setback of 4.38' to the side property line.

Attachments:

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

Exhibit A

Variance Exhibit

Exhibit 1

- NOTES:**
- o - 5/8" Iron Rod and Cap #7370 found
 - o - Nail and Disk #7370 found - Permanent Control Point
 - o - 4" x 4" Concrete Monument and Cap #7370 found
 - * Denotes Utility Easement, per record plat.
 - * 1 Denotes Drainage Easement, per record plat.
- No overhead or underground features shown except as noted.
 Record (Plot) dimensions are equal to field measurements.
 Bearings are assumed based on the centerline of Foxfield Look shown hereon, bearing N 01°47'11" E, and are based on the record plat.
 Elevations are on National Geodetic Vertical Datum based on monument "S.R.W.M.D. 1651-2", having a published elevation of 26.21 feet.
 This survey and plat not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
 There may be additional restrictions and/or other matters not shown hereon that may be found in the public records of this County, Florida.

PLAT OF BOUNDARY SURVEY OF:

LOT 41, WESTLAND VILLAGE, PHASE 1 REPLAT OF HUNTERS RIDGE SUBDIVISION, OF RECORD IN MAP BOOK 55, PAGES 4 AND 5, PUBLIC RECORD OF VOLUSIA COUNTY, FLORIDA.

The above described property is in unshaded zone "X", per the Flood Insurance Rate Map, Community Number 125136, Map Land Panel Number 12127C0193 G, dated 15 April, 2002.

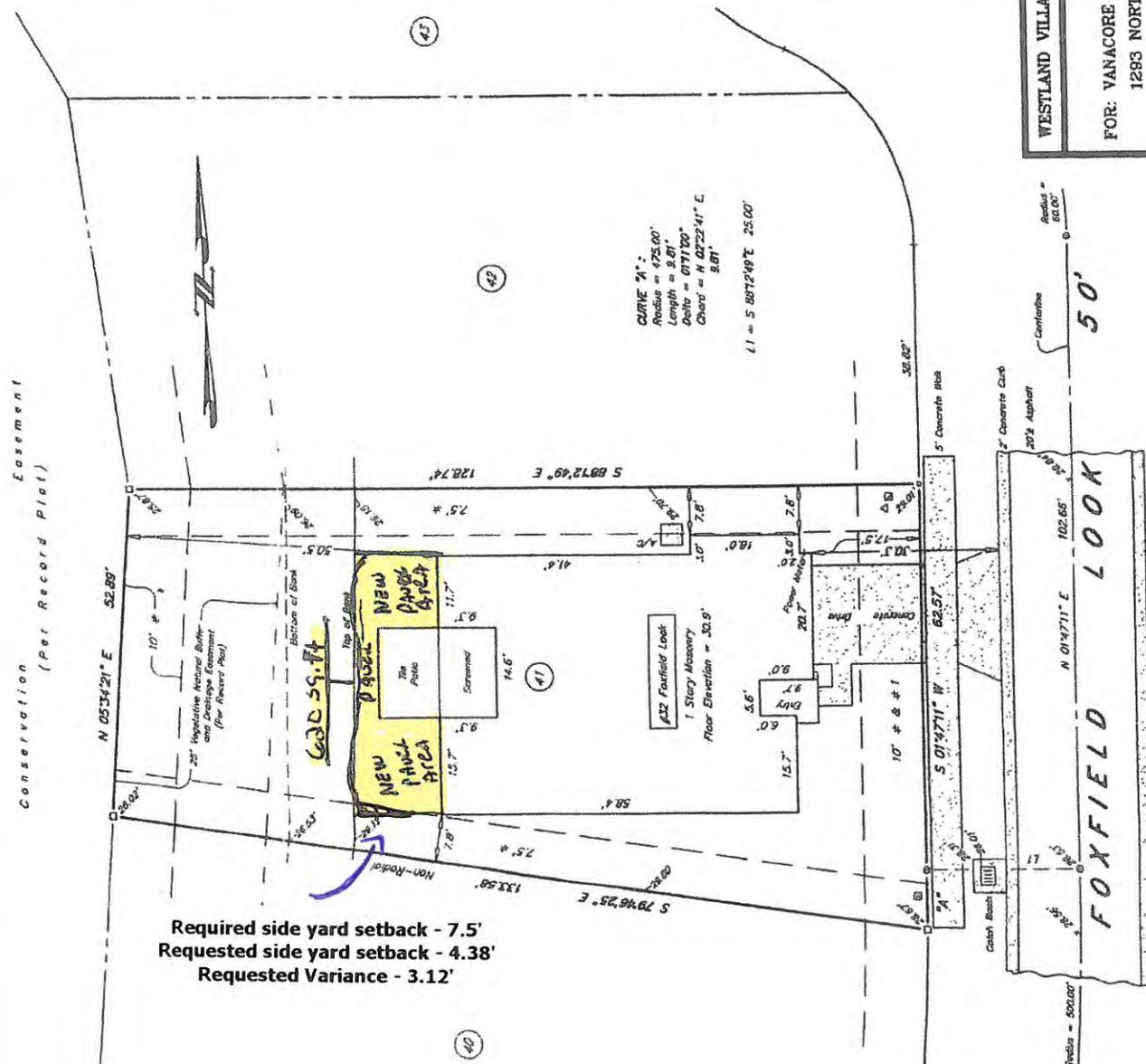
CERTIFICATE:

This is to certify that the plat delineated hereon is in compliance with the Minimum Technical Standards per Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027 of the Florida Statutes.

5 January, 2011
 (field date)

John J. Matejka, III, P.S.M. #4002
 Licensed Business #6883

Property rechecked, found to be as shown and plat recertified... 6-24-11
 Property rechecked, new construction located and plat recertified... 3-22-11
 Certified to Douglas M. Krueger, Old Republic National Insurance Company and Vanacore Construction, Incorporated. 2-23-11



Required side yard setback - 7.5'
 Requested side yard setback - 4.38'
 Requested Variance - 3.12'

WESTLAND VILLAGE, PHASE 1 REPLAT, HUNTERS RIDGE SUBDIVISION, LOT 41

BY: J. J. MATEJKA & ASSOCIATES, INC.
 PROFESSIONAL SURVEYORS & MAPPERS
 408 HARVEY AVENUE
 DAYTONA BEACH, FLORIDA
 JOB #11 17146 PLAT #11B3

FOR: VANACORE CONSTRUCTION
 1293 NORTH U.S. HIGHWAY 1
 ORMOND BEACH, FLORIDA

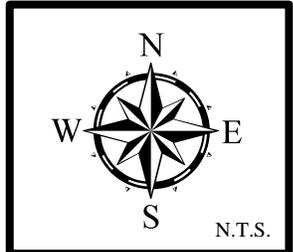
Exhibit B

- Maps and Pictures



32 FOXFIELD LOOK
LOCATION MAP

Prepared By: The City of Ormond Beach
 G.I.S. Department - May 29, 2015





PUBLIC NOTICE
FOR THE GRANTING OF A
VARIANCE
ON THE DATE OF
JULY 1, 2015
BY THE CITY OF
AT THE PUBLIC HEARING OF THE CITY OF TAMPA PLANNING
DEPARTMENT ON JULY 1, 2015, FOR THE PURPOSE OF
CITY OF TAMPA, FLORIDA

Area of
encroachment
36.5 sq. ft.



Area of
encroachment
36.5 sq. ft.





CITY OF ORMOND BEACH

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

www.ormondbeach.org comdev@ormondbeach.org

REC'D MAY 20 2015 ^{v3.2013} *90*

VARIANCE - APPLICATION

For Planning Department Use

Application Number 15-093

Date Submitted 5/26/15

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 Douglas M. Krueger

Full Address 32 Foxfield Look, Ormond Beach, FL 32174

Telephone 386-316-0832 Email krueger_twin2@yahoo.com

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

PROPERTY OWNER INFORMATION***

Name Douglas M. Krueger

Full Address 32 Foxfield Look, Ormond Beach, FL 32174

Telephone 386-316-0832 Email krueger_twin2@yahoo.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 32 Foxfield Look, Ormond Beach, FL 32174

Parcel ID Number 28-14-31-02-00-0410

Legal Description Lot 41 Westland Village Phase 1 Replat of Hunters Ridge Sub MB 55 PGS 4-5 Inc Exc 50 PC Subsurface Rights Per DB 437 PG 21 Per OR 6449 PG 2941 Per OR 6562 PG 1141 Per OR 6562 PG 1142.

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:

Install a screen enclosure around the existing patio which encroaches on the 7.5' side setback by approximately 2.5' on the left-hand side of the property.

ABUTTING PROPERTY OWNERS

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

Signature	Street Address	For	Against
Donald and Carolyn L. Parrillo	30 Foxfield Look, Ormond Beach, FL 32174	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Angela G. Parker	34 Foxfield Look, Ormond Beach, FL 32174	<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:

Lot 41 is an irregular lot that angles on the left side of the property. The geometry of the lot and the placement of the house on the property does not allow for a screen enclosure off the back of the house without a slight encroachment into the 7.5' side setback.

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

The placement of the house structure on the property was done by the builder. I did not participate in its location.

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:

Screen enclosures are an amenity commonly enjoyed by many property owners in the sub-division. Angling the screen enclosure diagonally across the patio would result in decreased use of the patio as it would not be symmetrical to the house structure and patio. The screen enclosure also would offer increased protection against airborne mosquitoes, thus reducing potential health issues from mosquito bites.

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 requested variance is the minimum required based on the angle of the property line.

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 variance request does not result in a reduced cost to construct the screen enclosure. The screen enclosure will add to the overall enjoyment and value of the property, and is an investment to improve the property.

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

The proposed variance to allow construction of a screen enclosure on the rear of the house has no negative impact on congestion on surrounding streets. Nor does it pose a hazard to the public.

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

A screen enclosure is an investment similar to what other property owners enjoy in the area. In addition I have letters of support for constructing the screen enclosure from property owners on both sides of my property.

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 would be no special privilege from the slight encroachment of the screen enclosure into the setback area. Again I have letter of support from neighbors on both sides of my property.

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

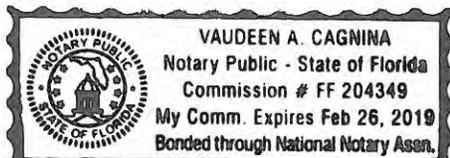
By submitting this application, I hereby certify that the information provided above is true and correct to the best of my knowledge and that I am aware of the application submittal requirements and review process for this application. I hereby authorize City of Ormond Beach Staff to place legal notice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

STATE OF FLORIDA
COUNTY OF Kalusa

The foregoing instrument was acknowledged before me this 20th day of May, 2015, by Douglas Krueger as owner (title*) for 32 Fortfield Loop (name of corporation*), who () provided K626173463300 as identification, or () who is personally known to me.

FL DL #



Vaudeen Cagnina
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.

NOTES:

SCALE: 1" = 20'

This is not a Survey – No location provided

POC – Point of Commencement

POB – Point of Beginning

The Legal Description created this plat.

* Denotes Utility Easement, per record plat.

* 1 Denotes Drainage Easement, per record plat.

No overhead or underground features shown except as noted.

Bearings are assumed based on the westerly line of Foxfield Look shown hereon, bearing S 01°47'11" W, and are based on the record plat.

This legal description and plat not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

There may be additional restrictions and/or other matters not shown hereon that may be found in the public records of this county, Florida.

PLAT OF LEGAL DESCRIPTION OF:

PARCEL A:

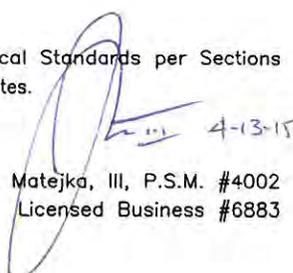
A PORTION OF THAT 7.50 FOOT UTILITY EASEMENT WITHIN LOT 41, WESTLAND VILLAGE, PHASE 1 REPLAT OF HUNTERS RIDGE SUBDIVISION, OF RECORD IN MAP BOOK 55, PAGES 4 AND 5, PUBLIC RECORD OF VOLUSIA COUNTY, FLORIDA, AS LIES ADJOINING AND/OR ADJACENT WITH THE SOUTHERLY LINE OF SAID LOT 41 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 41; THENCE N 79°46'25" W ALONG THE SOUTHERLY LINE THEREOF, 79.71 FEET TO A POINT THEREIN; THENCE DEPARTING SAID SOUTHERLY LOT LINE N 10°13'35" E, 6.12 FEET TO A POINT WITHIN SAID 7.50 FOOT UTILITY EASEMENT AND THE POINT OF BEGINNING; THENCE N 88°12'49" W, 11.83 FEET TO A POINT ON A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 10.83 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 6.36 FEET, THROUGH A CENTRAL ANGLE OF 33°36'55" TO A POINT IN THE NORTHERLY LINE OF SAID 7.50 FOOT UTILITY EASEMENT, SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF N 49°56'05" E, 6.26 FEET; THENCE S 79°46'25" E ALONG SAID NORTHERLY LINE, 16.26 FEET TO A POINT THEREIN; THENCE S 01°47'11" W, 1.40 FEET TO THE POINT OF BEGINNING.
Containing 36.5 square feet more or less.

CERTIFICATE:

This is to certify that the plat delineated hereon is in compliance with the Minimum Technical Standards per Sections 5J-17.050 to 5J-17.052, Florida Administrative Code, pursuant to Section 472.027 of the Florida Statutes.

10 April, 2015
(plat date)


John J. Matejka, III, P.S.M. #4002
Licensed Business #6883

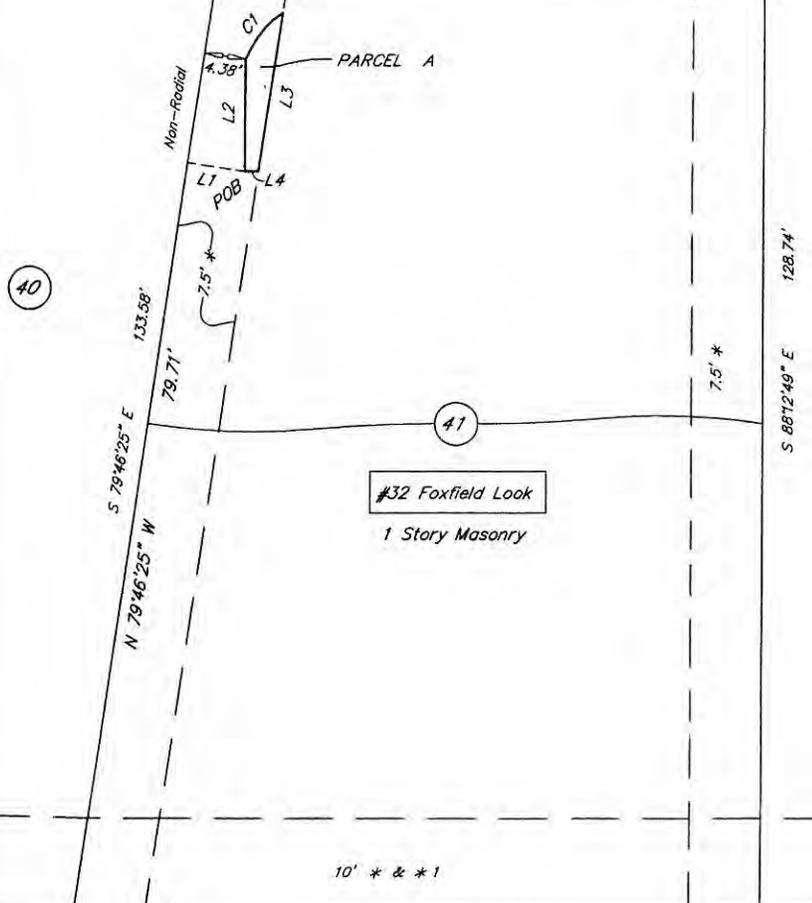
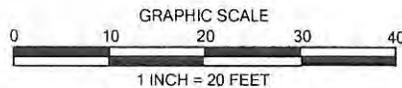
J.J. MATEJKA & ASSOCIATES, INC.
PROFESSIONAL SURVEYORS & MAPPERS
LICENSED BUSINESS #6883
408 HARVEY AVENUE
DAYTONA BEACH, FL 32118
PHONE/FAX (386) 252-7371

PLAT #15A14
HUNTERS RIDGE | WESTLAND VILLAGE | WLPK1LJ35-41

FOR: DOUG KRUEGER
32 FOXFIELD LOOK
ORMOND BEACH, FLORIDA

Conservation Easement
(Per Record Plat)

N 05°34'21" E 52.89'



POC A S 79°46'25" E 133.58' 79.71' 7.5' *
 N 79°46'25" W
 S 88°12'49" E 128.74' 7.5' *
 S 01°47'11" W 62.57'
 FOXFIELD LOOK 50'
 38.82'

CURVE A :
 Radius = 475.00'
 Length = 9.81'
 Delta = 01°11'00"
 Chord = N 02°22'41" E,
 9.81'

LINE TABLE PARCEL A:
 L1 = N 10°13'35" E 6.12'
 L2 = N 88°12'49" W 11.83'
 L3 = S 79°46'25" E 16.93'
 L4 = S 01°47'11" W 1.40'

CURVE 1 PARCEL A:
 Radius = 10.83'
 Length = 6.36'
 Delta = 33°36'55"
 Chord = N 49°56'05" E,
 6.26'

J.J. MATEJKA & ASSOCIATES, INC.
 PROFESSIONAL SURVEYORS & MAPPERS
 LICENSED BUSINESS #6883
 408 HARVEY AVENUE
 DAYTONA BEACH, FL 32118
 PHONE/FAX (386) 252-7371

PLAT #15A15
 HUNTERS RIDGE | WESTLAND VILLAGE | WLPK1L35-41

FOR: DOUG KRUEGER
 32 FOXFIELD LOOK
 ORMOND BEACH, FLORIDA

NOTES:

SCALE: 1" = 20'

- o - 5/8" Iron Rod and Cap #7370 found
- o - 5/8" Iron Rod and Cap #6883 set
- o - Nail and Disk #7370 found - Permanent Control Point
- o - 4" x 4" Concrete Monument and Cap #7370 found
- * Denotes Utility Easement, per record plat.
- * 1 Denotes Drainage Easement, per record plat.
- No overhead or underground features shown except as noted.
- Record (Plat) dimensions are equal to field measurements.
- Bearings are assumed based on the centerline of Foxfield Look shown hereon, bearing N 01°47'11" E, and are based on the record plat.
- Elevations are on National Geodetic Vertical Datum based on monument "SURWWD 1651-2", having a published elevation of 28.21 feet.
- This survey and plat not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
- There may be additional restrictions and/or other matters not shown hereon that may be found in the public records of this County, Florida.

Legend: □ - Water Meter, □ - Electric Service, △ - Television Cable Box

PLAT OF BOUNDARY SURVEY OF:

LOT 41, WESTLAND VILLAGE, PHASE 1 REPLAT OF HUNTERS RIDGE SUBDIVISION, OF RECORD IN MAP BOOK 55, PAGES 4 AND 5, PUBLIC RECORD OF VOLUSIA COUNTY, FLORIDA.

The above described property is in unshaded zone "X", per the Flood Insurance Rate Map, Community Number 125136, Map land Panel Number 12127C0193 G, dated 15 April, 2002.

CERTIFICATE:

This is to certify that the plat delineated hereon is in compliance with the Minimum Technical Standards per Chapter 61G17-5, Florida Administrative Code, pursuant to Section 472.027 of the Florida Statutes.

5 January, 2011 (field date)

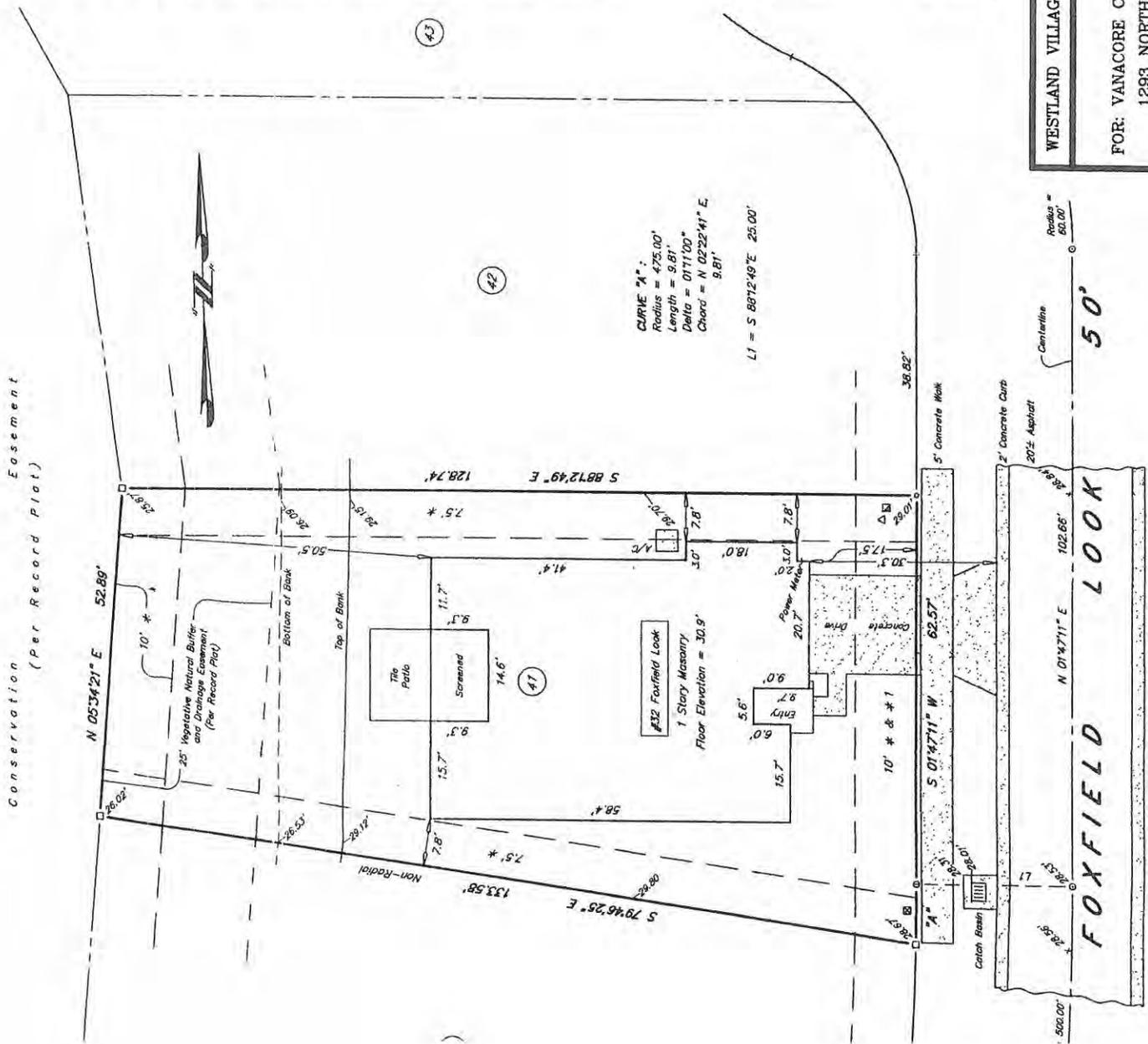
John J. Matejka, III, P.S.M. #4002 Licensed Business #6883

- Property rechecked, found to be as shown and plat recertified... 6-24-11
- Property rechecked, new construction located and plat recertified... 3-22-11
- Certified to Douglas M. Krueger, Old Republic National Insurance Company and Vanacore Construction, Incorporated. 2-23-11

WESTLAND VILLAGE, PHASE 1 REPLAT, HUNTERS RIDGE SUBDIVISION, LOT 41

FOR: VANACORE CONSTRUCTION 1293 NORTH U.S. HIGHWAY 1 ORMOND BEACH, FLORIDA

BY: J. J. MATEJKA & ASSOCIATES, INC. PROFESSIONAL SURVEYORS & MAPPERS 408 HARVEY AVENUE DAYTONA BEACH, FLORIDA JOB #11 17146 PLAT #11B3



Corporate Warranty Deed

This Indenture, made , February 3, 2011 A.D.

Between

Vanacore Construction whose post office address is: a corporation existing under the laws of the State of , Grantor and Douglas M. Krueger whose post office address is: PO Box 731345, Ormond Beach, FL 32173 , Grantee,

Witnesseth, that the said Grantor, for and in consideration of the sum of Thirty Three Thousand dollars & no cents Dollars (\$33,000.), to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee forever, the following described land, situate, lying and being in the County of Volusia, State of Florida, to wit:

Lot 41, Westland Village Phase 1 Replat of Hunters Ridge Subdivison, a subdivision according to the plat thereof recorded at Plat Book 55, Pages 34, 35 and 36, in the Public Records of Volusia County, Florida.

Subject to taxes for the current year, covenants, restrictions and easements of record, if any.

Parcel Identification Number: 412802000410

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

In Witness Whereof, the said Grantor has caused this instrument to be executed in its name by its duly authorized officer and caused its corporate seal to be affixed the day and year first above written.

Vanacore Construction

Witnessed and Sealed in Our Presence:

By: J. Scott Vanacore
J. Scott Vanacore
Its: President

Billie Jo J. Kaler
Witness Print Name: Billie Jo J. Kaler

Beau Warren
Witness Print Name: Beau Warren

(Corporate Seal)

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 3rd day of February, 2011, by J. Scott Vanacore, the President of Vanacore Construction A corporation existing under the laws of the State of , on behalf of the corporation. He/She is personally known to me or has produced Drivers License as identification.

Billie Jo J. Kaler (Seal)
Notary Public
Notary Printed Name: _____
My Commission Expires: _____

Prepared by:
Billie Jo J. Kaler, an employee of
Realty Pro Title,
1450 West Granada Boulevard, Suite 1
Ormond Beach, Florida 32174



File Number: 111001

STATE OF FLORIDA, VOLUSIA COUNTY
HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office. This
____ day of _____ 2011
Clerk of Circuit and County Court
By _____ Deputy Clerk



ADJOINING PROPERTY OWNER STATEMENT

This is to acknowledge as the adjoining property owners located at 30 Foxfield Look, we support the patio screen project proposed by Douglas M. Krueger and his application for a side setback variance.


Donald Parrillo

2-16-15
Date


Carolyn L. Parrillo

2-16-15
Date

ADJOINING PROPERTY OWNER STATEMENT

This is to acknowledge as the adjoining property owner located at 34 Foxfield Look, I support the patio screen project proposed by Douglas M. Krueger and his application for a side setback variance.

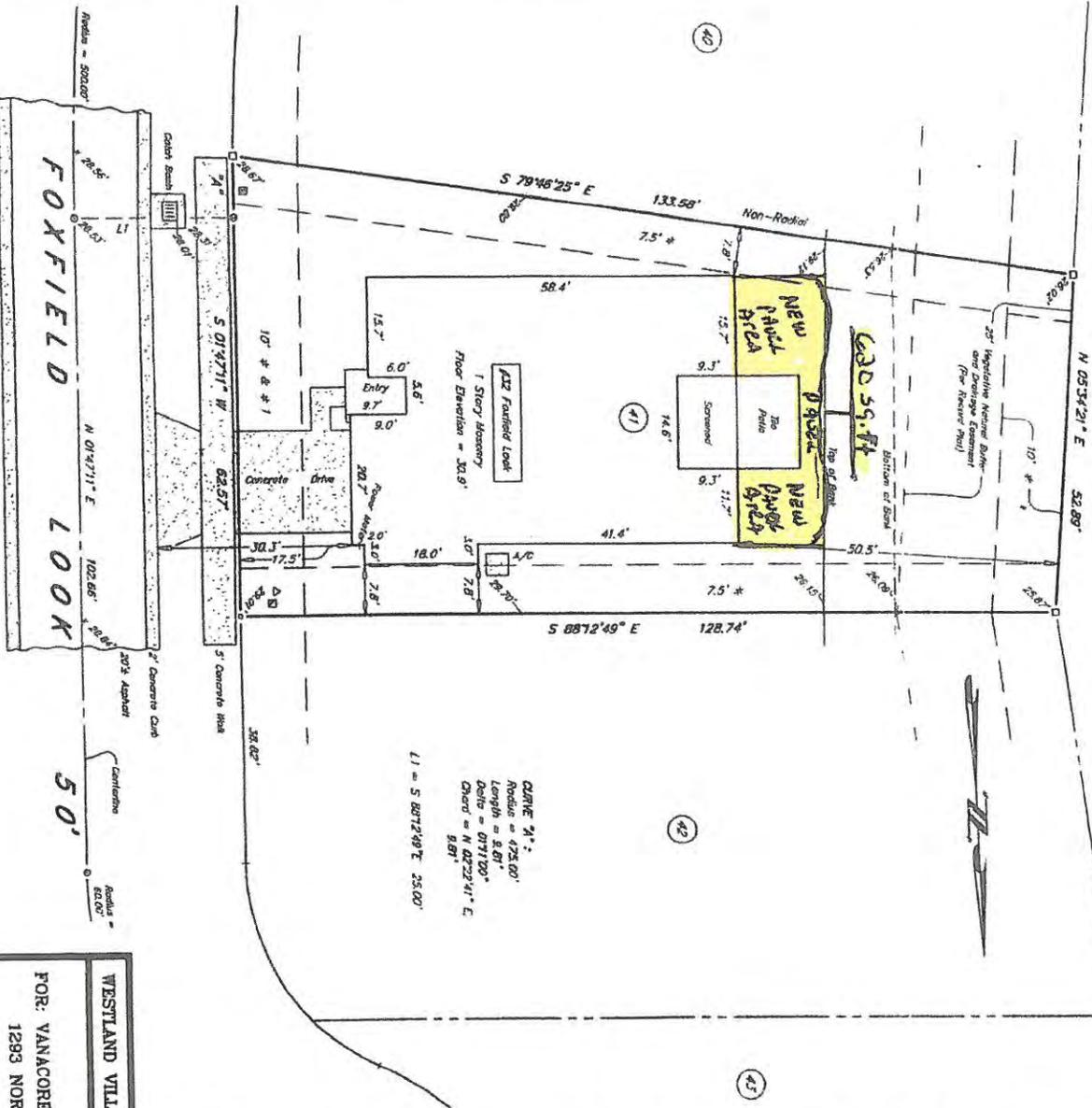


Angela G. Parker

2/18/15

Date

Conservation Easement
(Per Record Plat)



NOTES:

- o - 5/8" Iron Rod and Cap #7370 found
- o - 5/8" Iron Rod and Cap #6883 set
- o - Nail and Disk #7370 found - Permanent Control Point
- o - 4" x 4" Concrete Monument and Cap #7370 found
- * Denotes Utility Easement, per record plat.
- * 1 Denotes Drainage Easement, per record plat.
- No overhead or underground features shown except as noted.
- Record (Plat) dimensions are equal to field measurements.
- Bearings are assumed based on the centerline of Foxfield Look Subdivision, bearing N 01°47'11" E, and are based on the record plat.
- Elevations are on National Geodetic Vertical Datum based on monument "SFRWMD 1651-2", having a published elevation of 26.27 feet.
- This survey and plat not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
- There may be additional restrictions and/or other matters not shown herein that may be found in the public records of this County, Florida.

PLAT OF BOUNDARY SURVEY OF:

LOT 41, WESTLAND VILLAGE, PHASE 1 REPLAT OF HUNTERS RIDGE SUBDIVISION, OF RECORD IN MAP BOOK 55, PAGES 4 AND 5, PUBLIC RECORD OF VOLUSIA COUNTY, FLORIDA.

The above described property is in unshaded zone "X", per the Flood Insurance Rate Map, Community Number 125136, Map Land Panel Number 12127C0193 G, dated 15 April, 2002.

CERTIFICATE:

This is to certify that the plat delineated hereon is in compliance with the Minimum Technical Standards per Chapter 61G17-8, Florida Administrative Code, pursuant to Section 472.027 of the Florida Statutes.

5 January, 2011
(field date)

John J. Matejka, III, P.S.M. #4002
Licensed Business #6883

- Property rechecked, found to be as shown and plat recertified... 6-24-11
- Property rechecked, new construction located and plat recertified... 3-22-11
- Certified to Douglas M. Krueger, Old Republic National Insurance Company and Vanocore Construction, Incorporated. 2-23-11

WESTLAND VILLAGE, PHASE 1 REPLAT, HUNTERS RIDGE SUBDIVISION, LOT 41

FOR: VANACORE CONSTRUCTION
1293 NORTH U.S. HIGHWAY 1
ORMOND BEACH, FLORIDA

BY: J. J. MATEJKA & ASSOCIATES, INC.
PROFESSIONAL SURVEYORS & MAPPERS
408 HARVEY AVENUE
DAYTONA BEACH, FLORIDA
JOB #11 17148 PLAT #11B3

50'

FOXFIELD LOOK

HUNTERS RIDGE WESTLAND VILLAGE MAP BOOK 55-41

SCALE: 1" = 20'

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: June 23, 2015

SUBJECT: 542 John Anderson Drive, front yard and pool setback variances

APPLICANT: Brian Fredley, President, BPF Design Incorporated, agent on behalf of Blue Skies Real Estate, LLC

FILE NUMBER: 2015-094

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

INTRODUCTION:

This is a request for two variances submitted by Brian Fredley, President, BPF Design Incorporated, agent on behalf of Blue Skies Real Estate, LLC, property owner of 542 John Anderson Drive. The property at 542 John Anderson Drive is zoned R-1 (Residential Estate). The applicant is requesting two variances to allow the construction of a new single family home with a separate garage, workshop and a pool as follows:

(1) Front Yard Variance: Section 2-12(B)(10) of the Land Developed Code requires an average calculated front yard setback for “estate sized lots” along John Anderson Drive, which is 120.93’ for 542 John Anderson Drive. The applicant is requesting a front yard setback of 70’, which would require a 50.93’ variance to the average calculated front yard setback standard.

(2) Pool Variance: Section 2-50(X)(3) of the Land Development Code requires a calculated setback for pools located on an average waterfront rear yard setback, which is 49.91’ for 542 John Anderson Drive. The applicant is requesting a setback of 25’ to the rear property line, requiring a 24.91’ variance to the pool standard.

BACKGROUND:

The subject property is currently vacant and was previously used as a construction staging lot for right-of way improvements on John Anderson Drive. The property is designated as “Low Density Residential” on the City’s Future Land Use Map (FLUM) and is zoned R-1 (Rural Estate) on the City’s Official Zoning Map. The existing use of the property is consistent with the FLUM designation and zoning district.

The adjacent land uses and zoning are as follows:

	Current Land Uses	Future Land Use Designation	Zoning
North	Single-Family House	“Low Density Residential”	R-1 (Residential Estate)
South	Single-Family House	“Low Density Residential”	R-1 (Residential Estate)
East	Single-Family House	“Low Density Residential”	R-2 (Single-Family Low Density)
West	Halifax River	NA	NA



Source: Google maps

The applicant is seeking to construct a new single family house and related accessory uses. Because the property is a waterfront lot, the Land Development Code establishes front and rear yards based on the average setback of properties located 300’ to the north and south of the subject property.

Section 2-12, Residential Estate, of the Land Development Code establishes the following setbacks:

Front Yard:

<p>10. Additional Front Yard Setbacks:</p>	
<p>In order to preserve the character of the neighborhoods within this district that have been developed with "estate-sized" lots having deeper setbacks than required for the district, the following standards shall apply:</p>	
<p>a. The minimum front yard setback shall be the average building setback of all existing single-family dwelling units within 300' of each side lot line of the lot on which the single-family dwelling unit will be located, minus 10', provided that in no event shall the front yard setback be less than 30'. For the purpose of meeting this requirement, the 300' shall be measured along a line parallel with the street right-of-way line, even when separated by a cross street.</p>	
<p>b. In the event there is more than one principal structure located on any adjoining single lot within the 300', only the setback of the principal structure nearest the front property line will be used to calculate the applicable setback.</p>	
<p>c. Notwithstanding subsections 10.a and 10.b above, a single-family dwelling unit that is proposed to replace an existing single-family dwelling unit may be built to the same setback as the dwelling unit that it is replacing.</p>	
<p>d. Notwithstanding subsections 10.a through 10.c above, a structure may encroach into a required front yard setback provided that the new structure is so located as to allow a minimum viewing angle to the ROW or waterway of not less than 110 degrees from the closest front corner of the structure on the adjoining lot and 130 degrees from the furthest corner of the adjoining building, as shown below, and the 30' setback is met.</p>	

The front yard setback for 542 John Anderson Drive was calculated from the survey by Myer Land Surveying, Inc. as follows:

Address	Setback in feet
570 John Anderson Drive	93.00'
552 John Anderson Drive	126.40'
520 John Anderson Drive	170.70'
510 John Anderson Drive	133.60'
Total setback in feet:	523.70'
Average setback :	130.93'
Final setback (with minus 10'):	120.93'

The rear yard setback is calculated as following:

“The minimum rear yard setback from the mean or ordinary high water line for properties abutting a waterbody shall be the average building setback of all existing single family dwelling units within 300’ of each side lot line of the lot on which the single-family dwelling unit is proposed to be located, minus 5’, or as otherwise established under Florida Statutes or Chapter 3, Article II of this Code (Surface Waters and Marine Life Habitat), whichever is greater, provided that in no event shall the setback be less than 30’. For the purpose of meeting this requirement, the 300’ shall be measured from points set back 30’ from the mean high water line and shall run parallel with the street right-of-way line. The rear yard setback line may meander to follow the mean high water line.”

The waterfront rear yard setback for 542 John Anderson Drive was calculated from the survey by Myer Land Surveying, Inc. as follows:

Address	Setback in feet
570 John Anderson Drive	118.00'
552 John Anderson Drive	107.90'
520 John Anderson Drive	109.20'
510 John Anderson Drive	116.50'
Total setback in feet:	451.60'
Average setback :	112.90'
Final setback (with minus 5'):	107.90'

Section 2-50(X)(3) of the Land Development Code establishes that setbacks for pools on waterfront lots as follows: On waterfront lots (excluding oceanfront), pools and screen enclosures shall be set back ten feet (10') from the rear lot line except that where the rear yard requirement is greater than thirty feet (30), one (1) additional foot of setback for each two (2) feet of required rear yard in excess of thirty feet (30') is required. There shall be a minimum of fifteen feet (15') from edge of deck to normal water line.

Based on the 107.90' calculated rear yard waterfront setback, the pool setback would be calculated as follows:

Code regulation	Rear yard setback (in feet)	Pool Setback (in feet)
First 30' of building setback	30	10
1' additional pool setback for each 2' of required rear yard in excess of 30'	77.9	38.95
TOTAL SETBACK	107.9	48.95

ANALYSIS: The application is seeking two variances related to the construction of a single-family house and related accessory uses on a vacant lot. The variances are as follows:

(1) Front Yard Variance: Section 2-12(B)(10) of the Land Developed Code requires an average calculated front yard setback for “estate sized lots” along John Anderson Drive, which is 120.93’ for 542 John Anderson Drive. The applicant is requesting a front yard setback of 70’, which would require a 50.93’ variance to the average calculated front yard setback standard.

(2) Pool Variance: Section 2-50(X)(3) of the Land Development Code requires a calculated setback for pools located on an average waterfront rear yard setback, which is 49.91’ for 542 John Anderson Drive. The applicant is requesting a setback of 25’ to the rear property line, requiring a 24.91’ variance to the pool standard.

All other site and building development shall be required to meet the applicable Land Development Code regulations. Each variance shall be reviewed independently and the Board may vote on each variance separately.

REVIEW CRITERIA:

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.”

FRONT YARD VARIANCE:

The applicant is requesting a front yard setback of 70’, which would require a 50.93’ variance to the average calculated front yard setback standard of 120.93’. Waterfront lots are unique in the City of Ormond Beach because they require a calculated average setback and do not have a simple numeric setback. The average setback for the front yard is based on the existing principal house structures located 300’ to the north and south of the subject property. Along the same street, such as John Anderson Drive, the average setback can change dramatically based on the existing setbacks of the house structures. As detailed earlier in this report, the house setbacks abutting this property are 93’, 126’, 170’, and 133’ within the front yard. The average required setback is 120.93’.

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 special condition of the property is the calculated average setback of 120.93' based on the surrounding existing single-family houses. One house at 520 John Anderson Drive has a front yard setback of 170' which skews the overall front yard setback. Two other houses were constructed in 1969 and 1955 and have large front yard setbacks which are not typical with newer single family construction on waterfront lots. The lot at 542 John Anderson Drive has the following characteristics:

Lot Depth = 292'

Lot Width = 174.85'

Total Lot Area = 51,056 square feet

The table below shows three alternatives related to building setbacks and the buildable area of the lot. The first column, conforming to setbacks, shows the total depth setbacks to be 228.83', with the ability to construct on a lot depth of 63'. The buildable lot depth is 21.6% of the total lot depth. The maximum buildable area, including the lot width is 19% of the lot. The second column, variance requested, shows the total depth setbacks to be 177.90', with the ability to construct on a 114.10' lot depth. The buildable lot depth is 39% of the total lot depth. The maximum buildable area, including the lot width is 35% of the lot. The additional lot depth and total buildable area is acquired with the 50' from the requested variance.

	Conforming to setbacks	Variance requested	Standard lot depth of 115'
Front yard setback	120.93' (Calculated)	70' (Variance required)	25'
Rear yard setback	107.90' (Calculated)	107.90' (Calculated)	20'
Total setbacks for lot depth	228.83'	177.90'	45'
Depth of buildable area	63.17'	114.10'	70'
Percentage of buildable area related to lot depth	21.6%	39%	61%
Total buildable area, including lot width	19%	35%	45%

The last column, standard lot depth of 115', shows the setbacks and total buildable area on a standard 75' by 115' lot. This column shows the total depth

setbacks to be 45', with the ability to construct on 70' of the lot depth. The buildable lot depth is 61% of the total lot depth. The maximum buildable area, including the lot width is 45% of the lot. Please note that the Land Development Code restricts building coverage to 35% of the lot area.

In summary, the total calculated setbacks based on the averages of other existing structures, limits that buildable area of lot depth and the total buildable area.

Argument against the variance: Based upon the calculated average setbacks, the applicant has a buildable area of 63' in depth and 154' in width. This buildable area is sufficient to construct a single-family house.

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

Argument for the variance: The setback within the front yard is calculated based on the location of structures within 300' of the subject property to the north and south. The special condition of the calculated average setback is not caused by the applicant and is based on the location of the existing homes surrounding the property.

Argument against the variance: Reducing the overall size of the house would eliminate or reduce the need for the front yard variance.

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: As stated previously in this report, average calculated setbacks are designed to protect view corridors and change depending on the abutting house(s) setbacks. Over time, as this riverfront area redevelops and homes are proposed for demolition and replacement, reconstruction will occur consistent with other riverfront houses along John Anderson Drive. The front yard setback of 120.93' is artificially large and does not protect view corridors or buffer the abutting property. The required setback is an undue hardship that limits the ability to construct the proposed single-family house and accessory use to its maximum potential. Both abutting neighbors have signed letters of no objection to the front yard variance.

Argument against the variance: A key consideration of the application is the size of house and accessory uses allowed on the subject property. One can argue that the size of the single-family structure could be reduced to decrease the variance required.

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: Variances related to the average calculated setbacks are not uncommon. The consideration in these types of cases is whether the average calculated setback is skewed based on the abutting, existing houses and whether an artificially large setback is the end result. While there is

consideration to simply make the building smaller, the total front and rear yard setback totals 79% or 229' of the 292' of the total lot depth. In reviewing the application, staff's determination is that the calculated average setbacks create an unreasonable condition that significantly reduces buildable area. The variance would allow an additional 50' of building area and reduce the total front and rear yard setback totals 61% or 179' of the 292' of the total lot depth.

Argument against the variance: As stated above in previous criteria, reducing the overall building size could reduce or eliminate the need for the front yard variance.

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.

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. The 70' front yard setback is very large and would not impact congestion on John Anderson Drive, the danger of fire, or create any hazards to the public. There are many homes along John Anderson Drive with a front yard setback of less than 70'.

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. John Anderson Drive has many waterfront homes and the proposed development would be a substantial investment to the overall character of this John Anderson roadway. Both neighbors have signed letters of no objections and the house would not be out of harmony within John Anderson Drive.

Argument against the variance: None. The proposed structure and improvements further to strengthen the residential character of John Anderson Drive.

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 calculated average front yard setback and the analysis provided in this report.

Argument against the variance: As stated above in the other criteria, reducing the overall building size could reduce or eliminate the need for the front yard variance.

POOL SETBACK VARIANCE:

The setback for the proposed pool is 49.91' based on the average waterfront rear yard setback. The applicant is requesting a setback of 25' to the rear property line, requiring a 24.91' variance to the pool standard.

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 special condition of the property is the calculated average setback of front and rear setbacks. The project proposes to meet the calculated average rear yard setback and shall be in-line with the houses located to the north and south of the property. The 49.91' pool setback average would reduce the overall buildable area of the house.

Argument against the variance: The applicant can reduce the overall square footage of the house and allow for the construction of the pool at a setback of 49.91'.

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

Argument for the variance: The setback within the front yard is calculated based on the location of structures within 300' of the subject property to the north and south. The special condition of the calculated average setback is not caused by the applicant and is based on the location of the existing homes surrounding the property.

Argument against the variance: Reducing the overall size of the house would eliminate or reduce the need for the front yard variance.

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: As stated previously in this report, average calculated setbacks are designed to protect view corridors and change depending on the abutting house(s) setbacks. Pools are a common accessory

structure and the inability to have a pool would be a hardship. Both abutting neighbors have signed letters of no objection to the front yard variance.

Argument against the variance: A key consideration of the application is the size of house and accessory uses allowed on the subject property. It could be argued that the size of the single-family structure could be reduced to allow the construction of the pool in accordance with the calculated pool setbacks.

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 have been several variances related to the average calculated setbacks. The consideration in these cases is if the average calculated setback is skewed based on the abutting, existing houses and creates an artificially large setback. While there is a consideration to simply make the building smaller, the structure and proposed pool are consistent with newer structures along John Anderson Drive.

Argument against the variance: As stated above in the other criteria, reducing the overall building size could reduce or eliminate the need for the pool variance.

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.

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. The proposed pool setback will not increase the danger of fire, or create any hazards to the public.

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. John Anderson Drive has many waterfront homes and the proposed development would substantially invest to the overall character of this roadway. Both neighbors have signed letters of no objections and the house would not be out of harmony within this roadway.

Argument against the variance: None. The proposed pool is consistent with the residential character of John Anderson Drive.

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 calculated average front yard setback and the analysis provided in this report.

Argument against the variance: As stated above in the other criteria, reducing the overall building size could reduce or eliminate the need for the pool variance.

RECOMMENDATION:

The purpose of the calculated waterfront setbacks is to protect and ensure the maintenance of view corridors along the river. Calculated waterfront setbacks can vary widely on the same street based on the location of other existing houses. In general, the calculated average setback has worked well. However, there have been projects in the past where the average setbacks have distorted the required building setbacks. The applicant has provided evidence that the calculated average setbacks on this lot create a condition which significantly reduces the total land area to construct a new riverfront house and accessory structures. Additionally, the applicant has provided the signatures of the two adjoining property owners stating there are no objections to the requests.

It is recommended that the Board of Adjustment and Appeals grant the two variances requested to allow the construction of a new single family home with a separate garage and workshop and a pool as follows:

(1) Front Yard Variance: Section 2-12(B)(10) of the Land Developed Code requires an average calculated front yard setback for “estate sized lots” along John Anderson Drive, which is 120.93’ for 542 John Anderson Drive. The applicant is requesting a front yard setback of 70’, which would require a 50.93’ variance to the average calculated front yard setback standard.

(2) Pool Variance: Section 2-50(X)(3) of the Land Development Code requires a calculated setback for pools located on an average waterfront rear yard setback, which is 49.91’ for 542 John Anderson Drive. The applicant is requesting a setback of 25’ to the rear property line, requiring a 24.91’ variance to the pool standard.

Attachments:

Attachment 1: Variance plot plan

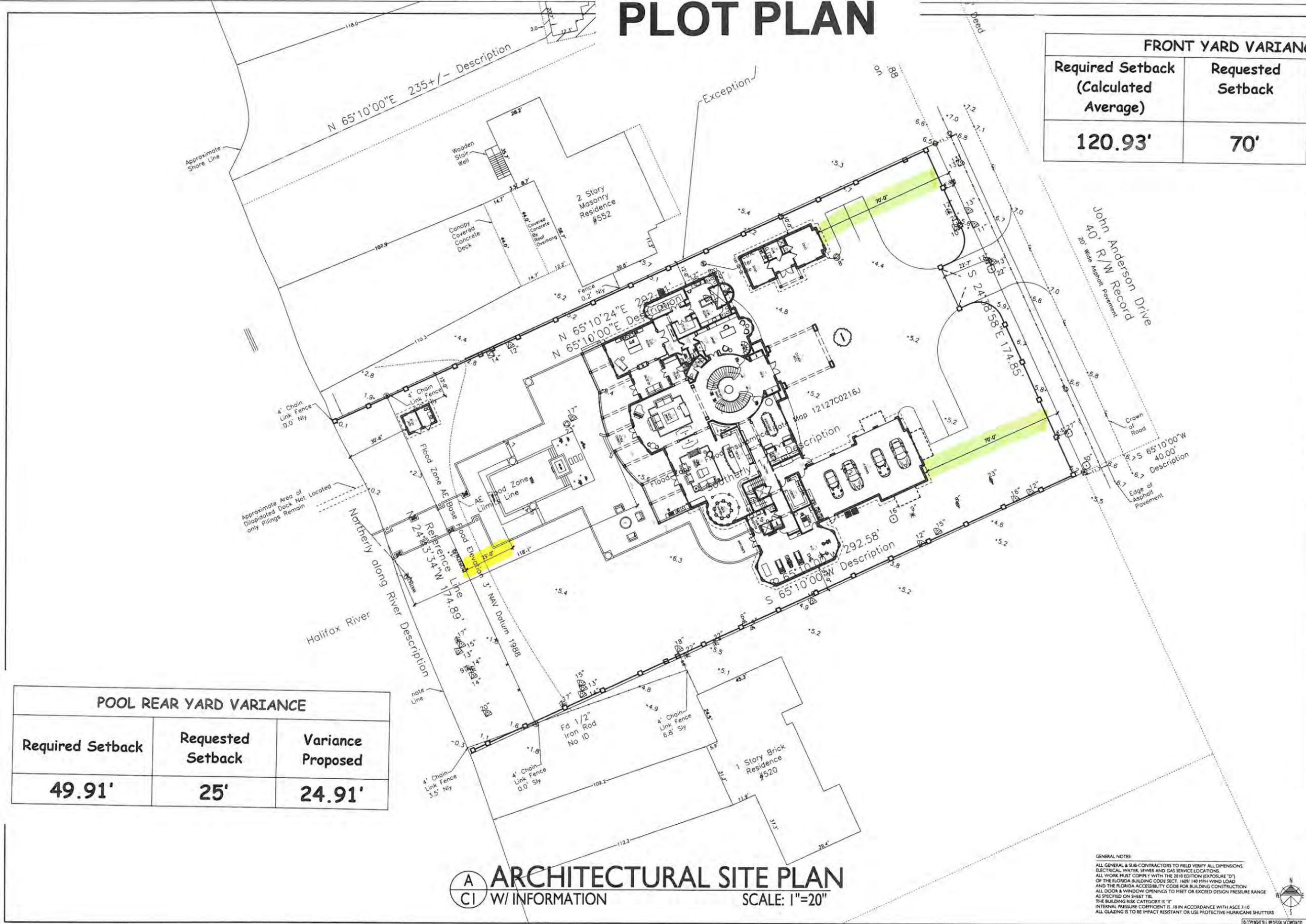
Attachment 2: Maps and pictures

Attachment 3: Application

ATTACHMENT 1

Variance Exhibit

PLOT PLAN



FRONT YARD VARIANCE		
Required Setback (Calculated Average)	Requested Setback	Variance Requested
120.93'	70'	50.93'

POOL REAR YARD VARIANCE		
Required Setback	Requested Setback	Variance Proposed
49.91'	25'	24.91'

YEOMANS PRIVATE RESIDENCE

OWNER: GARY & JILL YEOMANS, 30 BRAD RIVER ROAD, ORMOND BEACH, FL 32174 OFFICE: 386-465-1445 CELL: 386-746-8852
 PROJECT LOCATION: 542 JOHN ANDERSON DRIVE, ORMOND BEACH, FL 32176
 GENERAL CONTRACTOR: OWNER CONTRACTOR OR TO BE DETERMINED

BPF
 DESIGN INCORPORATED
 ARCHITECTURE DESIGN & DRAWING SERVICES
 # AA 26001 008
 BRIAN P. FREDLEY, ASSOC. AIA, PROJECT MANAGER
 DALLAS B. PEACOCK, AIA, ARCHITECT
 # AR 0009706
 207 FAIRVIEW AVENUE, DAYTONA BEACH, FL 32114
 PH: (386) 257-8502 FX: (386) 257-1050
 E-MAIL: bpfdesign@bpf.com WEBSITE: bpfdesign.net

ARCHITECTURAL SITE PLAN
 DATE: MAY 15, 2015
 SCALE: 1" = 20'
 SHEET NO. C1

ARCHITECT'S / ENGINEER'S SEAL

A ARCHITECTURAL SITE PLAN
CI W/ INFORMATION SCALE: 1"=20"

GENERAL NOTES:
 ALL GENERAL & SUB-CONTRACTORS TO FIELD VERIFY ALL DIMENSIONS.
 ELECTRICAL, WATER, SEWER AND GAS SERVICE LOCATIONS.
 ALL WORK MUST COMPLY WITH THE 2010 EDITION EXPOSURE 'D'
 OF THE FLORIDA BUILDING CODE SECT. 1609/ 140 MPH WIND LOAD
 AND THE FLORIDA ACCESSIBILITY CODE FOR BUILDING CONSTRUCTION.
 ALL DOOR & WINDOW OPENINGS TO MEET OR EXCEED DESIGN PRESSURE RANGE
 AS SPECIFIED ON SHEET TBL.
 THE BUILDING RISK CATEGORY IS 'II'.
 INTERNAL PRESSURE COEFFICIENT IS .18 IN ACCORDANCE WITH ASCE 7-10
 ALL GLAZING IS TO BE IMPACT RESISTANT OR USE PROTECTIVE HURRICANE SHUTTERS

ATTACHMENT 2

- Maps

542 John Anderson Drive location map



186 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.

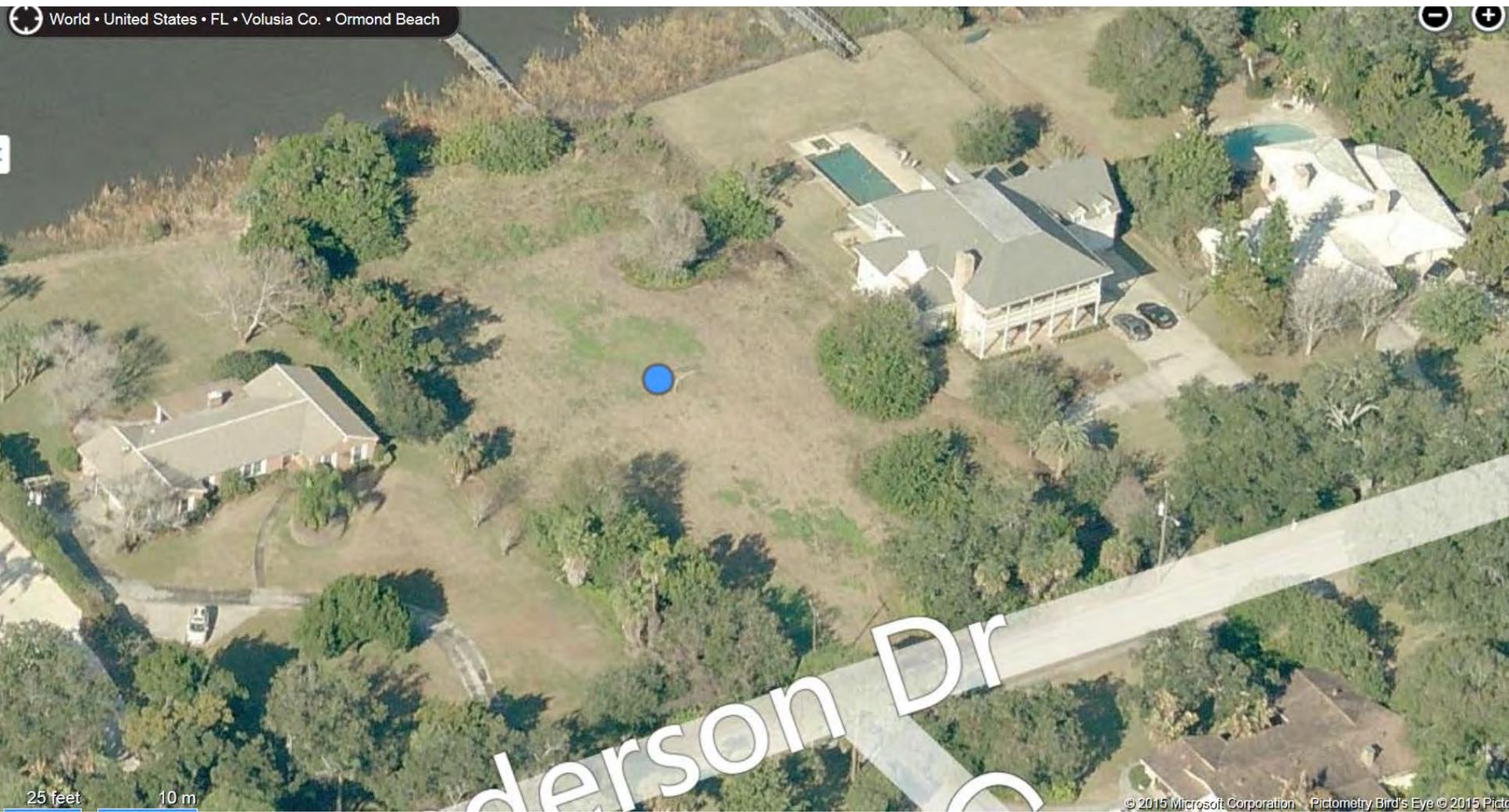


542 John Anderson Drive, site aerial



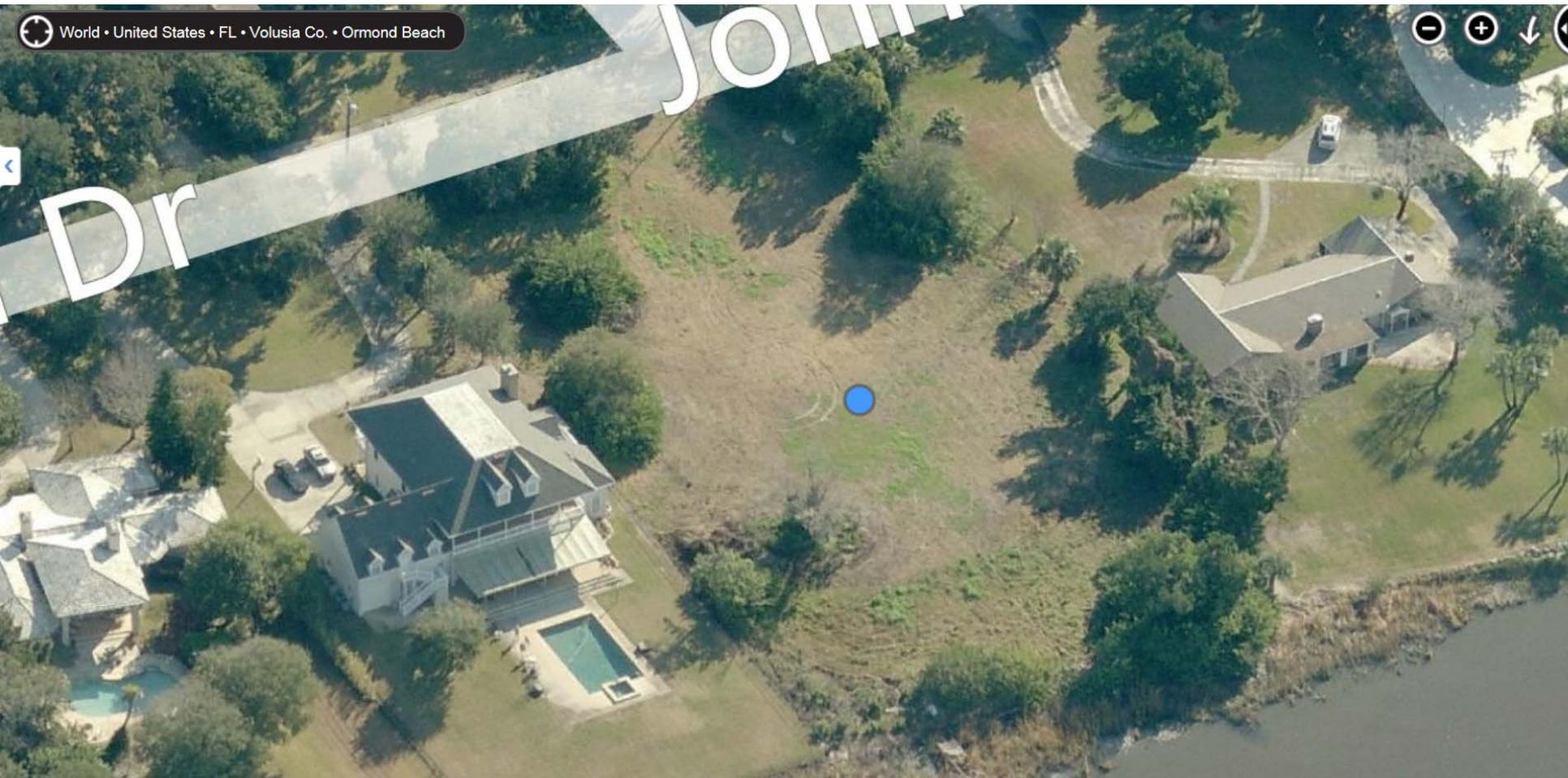
Source: Google maps

542 John Anderson Drive, site aerial



Source: Bing maps

542 John Anderson Drive, site aerial



Source: Bing maps

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

15-0094

Date Submitted

5/27/15 @w

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: Brian Fredley, President, BPF Design Incorporated

Full Address: 207 Fairview Avenue, Daytona Beach, FL 32114

Telephone: 386/257-0502 Email: bpfdesign@cfl.rr.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: Blue Skies Realestate, LLC/ Gary & Jill Yeomans

Full Address: 30 Broadriver Road, Ormond Beach, FL 32174

Telephone: 386/451-8852 Email: g2yeomans@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: 542 John Anderson Drive, Ormond Beach, FL 32176

Parcel ID Number: 10-14-32-14-05-0170

Legal Description: S 175 FT of N 548.43 FT of Lot 5 W of John Anderson Hwy & RI P RTS Assessors Triton Beach per or 2603 PG 0819 per or 5966

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:

1. Front Building Setback variance from 120'-0" to 70'-0" from East Property Line.
2. Pool Rear Setback variance from 48.95' to 25'-0" from West Property Line

ABUTTING PROPERTY OWNERS

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

Signature	Street Address	For	Against
	520 John Anderson Drive, Ormond Beach, FL	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	552 John Anderson Drive, Ormond Beach, FL	<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 would like a large pool oriented in the east/west direction on long side. Owner would also like a large house with a separate garage and workshop wing in the front setback area so that the garage doors do not have to face front or east. The architectural design will be far more successful with the variance approval.

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

Owner wants to have a front architectural designed house with a drive court and garages with doors that do not face the street.

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 setbacks are determine by a calculated method. As a result of being one of the last properties developed the setbacks are more aggressive than one of the first to develop for both front and pool areas.

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:

Correct, Yes.

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:

There is no desire to reduce cost but to provide a design that has the garage and out parcel buildings with garage doors not face the street.

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

Correct, this variance will not have any impact on the danger of fire or other hazards to 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:

Correct; and on the contrary, this project will increase the surrounding property values as a well designed and constructed contributing structure. This is likely to be one of the higher budgeted projects on John Anderson and in this 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:

No, in fact other river front property owners have been granted these same variances for their projects along John Anderson Drive.

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:

Correct, Yes.

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

Correct, Yes.

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:

Correct, Yes.

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 a new building on site. The pool has no impact of views from neighboring properties. The garages & out building on front is closer to street than requirement but is still far enough to be contextual and will allow the garage doors not to face the street.

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

Correct, Yes.

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

Correct, it will not have a negative impact by any limitation of views or increasing light or noise. Any lighting on backs of garage or out building will be minimal with glare guards.

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 26th day of MAY, 2015, by BRIAN P. FREDLEY as PRESIDENT/CEO (title*) for BPE DESIGN, INC. (name of corporation*), who () provided _____ as identification, or () who is personally known to me.



Magale Sanguine Silva
Notary Public, State of Florida
Commission Expires: NOV-16, 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.

Blue Skies Realestate, LLC

30 Broadriver Road
Ormond Beach, FL 32174
(386) 615-1445 (office)
(386) 615-1435 (fax)

June 5, 2015

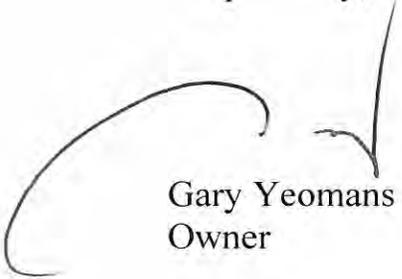
City of Ormond Beach
Building & Permits Department
22 South Beach Street
Ormond Beach, Florida 32174

Re: 542 John Anderson Drive

To Whom It May Concern:

I am requesting to please allow this letter to act as official authorization allowing Brian P. Fredley to sign on behalf of Blue Skies Realestate, LLC for the requested variance at 542 John Anderson Drive, Ormond Beach, Florida 32176.

Respectfully,



Gary Yeomans
Owner

STATE OF FLORIDA
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 5th day of June 20 15
by Gary Yeomans who is personally known to me.

Cynthia A. Brown
Notary Signature



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.

Last Updated: 05-19-2015 Today's Date: 5-19-2015		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	10-14-32-14-05-0170	Mill Group	201 Ormond Beach	
Short Parcel ID	4210-14-05-0170			
Alternate Key	3036824	2014 Final Millage Rate	20.64470	
Parcel Status	Active Parcel	PC Code	00	
Date Created	23 DEC 1981			
Owner Name	BLUE SKIES REALESTATE LLC	GO TO ADD'L OWNERS		
Owner Name/Address 1				
Owner Address 2	30 BROADRIVER RD			
Owner Address 3	ORMOND BEACH FL			
Owner Zip Code	32174			
Owner Percentage	100	Ownership Type	Fee Simple	
Location Address	542 JOHN ANDERSON DR ORMOND BEACH 32176			

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
S 175 FT OF N 548.43 FT OF LOT 5 W OF JOHN ANDERSON HWY & RI	
P RTS ASSESSORS TRITON BEACH PER OR 2603 PG 0819 PER OR 5966	

SALES HISTORY							GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE	
1	7095	0485	3/2015	Warranty Deed	Qualified Sale	No	900,000	
2	7073	4555	1/2015	Certificate of Title	Government acquisition	No	600,100	
3	5966	1194	10/2006	Warranty Deed	Unqualified Sale	No	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	803,264	0	6,171	809,435	809,435	809,435	809,435	0	809,435	809,435	0	809,435
2013	730,240	0	6,171	736,411	736,411	736,411	736,411	0	736,411	736,411	0	736,411

LAND DATA												
CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL	
0033	VAC RVRFRNT-1 <2 AC	175.0	280.0	175.00	FRONT FEET	5500.00	104	100	80	100	803,264	

Prepared By and Return To:
Lighthouse Title of East Florida
104 LaCosta Lane Suite 100
Daytona Beach, FL 32114

Parcel No. 4210-14-05-0170

03/18/2015 11:07 AM
Doc stamps 6300.00
(Transfer Amt \$ 900000)
Instrument# 2015-047950 # 1
E 7095
Page: 485

WARRANTY DEED

THIS WARRANTY DEED dated March 13, 2015 by **David Hill, Individually and As Trustee of the H & H & C #2 Investment Trust u/a/d January 2, 2015**, hereinafter called the grantor, to **Blue Skies Realestate, L.L.C., a Florida limited liability company**, whose post office address is 30 Broadriver Road, Ormond Beach, FL 32174, hereinafter called the grantee:

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

WITNESSETH, that the said grantor, for and in consideration of the sum of \$900,000.00, and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in the County of Volusia, State of Florida, viz:

The Southerly 175 feet of the following described property:

A portion of Lot 3, Section 10, Township 14 South, Range 32 East, Ormond Beach, Florida, described as follows: Beginning at an iron pipe in the East bounds of the John Anderson Highway, being southeasterly along said East bounds 523.3 feet from the South bounds of Amsden Road; thence Southeasterly along the East bounds of said John Anderson Highway, a distance of 300 feet; thence South 65 degrees 10 minutes West to a point in the East shore line of the Halifax, River; thence Northwesterly along the Halifax River to a point; thence North 65 degrees, 10 minutes East a distance of 235 feet (350 feet per previous description), more or less, to the place beginning, excepting therefrom that portion of the above described land now used for said John Anderson Highway, being a part of Lot 5, Assessor's Triton Beach, as per map in Map Book 3, Page 80, of the Public Records of Volusia County, Florida.

a/k/a

The Southerly 175 feet of the following described property:

A portion of Lot 3, Section 10, Township 14 South, Range 32 East, Ormond Beach, Florida, described as follows: Beginning at an iron pipe in the East bounds of the John Anderson Highway, being southeasterly along said East bounds 523.3 feet from the South bounds of Amsden Road; thence Southeasterly along the East bounds of said John Anderson Highway, a distance of 300 feet; thence South 65 degrees 10 minutes West to a point in the East shore line of the Halifax, River; thence Northwesterly along the Halifax River to a point; thence North 65 degrees, 10 minutes East a distance of 235 feet (350 feet per previous description), more or less, to the place beginning, excepting therefrom that portion of the above described land now used for said John Anderson Highway, being a part of Lot 5, Assessor's Triton Beach, as per map in Map Book 3, Page 80, of the Public Records of Volusia County, Florida, excepting the Northerly 25 feet of the above described property and excepting the Southerly 10 feet of the Northerly 100 feet of the Southerly 275 feet thereof.

Parcel ID#: 4210-14-05-0170

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS



Detail by Entity Name

Florida Limited Liability Company

BLUE SKIES REALESTATE, L.L.C.

Filing Information

Document Number L07000035162
FEI/EIN Number 208752854
Date Filed 04/03/2007
State FL
Status ACTIVE

Principal Address

30 BROADRIVER ROAD
ORMOND BEACH, FL 32174

Mailing Address

30 BROADRIVER ROAD
ORMOND BEACH, FL 32174

Registered Agent Name & Address

WEBSTER, DANIEL JP.A.
444 SEABREEZE BLVD, SUITE 360
DAYTONA BEACH, FL 32118

Name Changed: 02/09/2009

Address Changed: 02/09/2009

Authorized Person(s) Detail

Name & Address

Title MGRM

YEOMANS, GARY
30 BROADRIVER ROAD
ORMOND BEACH, FL 32174

Annual Reports

Report Year	Filed Date
2013	01/16/2013
2014	01/13/2014
2015	01/14/2015

Document Images

01/14/2015 -- ANNUAL REPORT	View image in PDF format
01/13/2014 -- ANNUAL REPORT	View image in PDF format
01/16/2013 -- ANNUAL REPORT	View image in PDF format
03/09/2012 -- ANNUAL REPORT	View image in PDF format
01/05/2011 -- ANNUAL REPORT	View image in PDF format
02/16/2010 -- ANNUAL REPORT	View image in PDF format
02/09/2009 -- ANNUAL REPORT	View image in PDF format
01/07/2008 -- ANNUAL REPORT	View image in PDF format
04/03/2007 -- Florida Limited Liability	View image in PDF format

Subj: **RE: (no subject)**
 Date: 5/19/2015 9:19:49 A.M. Eastern Daylight Time
 From: Steven.Spraker@ormondbeach.org
 To: G2YEOMANS@aol.com, ryanppf@cflm.com, BPFDESIGN@cflm.com

Planning staff did review the information presented regarding the property at 542 John Anderson Drive and the project would appear to need two variances:

1. Front yard: Calculated average setback is 120'. Proposed front yard setback is 70'. Variance requested is 50'. NOTE: Surveyor needs to place the front yard distances of properties 300' to the north and south. The 120' calculated average setback was based on staff's measurement off aerials – this number needs to be done by the surveyor.
2. Pool setback: Required setback = 48.95'. Proposed setback = 25'. Variance required = 23.95'.

Attached are the variance application, flowchart, and guidance notes for your use. Key points that are needed for the application include:

1. Completed application. Complete the conforming criteria only on the application. Staff is available to discuss the variance criteria and review the applicants responses.
2. Proof of ownership – such as a deed.
3. Property survey – need both the calculated front and rear yard setbacks.
4. Plot plan – Such as provided. I would recommend bolding the setbacks where variances are sought.
5. No objection letters or signatures from the two abutting property owners.
6. Would suggest an overall project letter – what you are trying to accomplish and the design philosophy (see attached example).
7. Fee - \$700 – pays all advertising cost and recording costs of the variance.

A project schedule would be as follows:

On or before, June 1, 2015	Application submittal.
June 12, 2015	Site posted by staff- staff takes pictures.
June 12, 2015	Abutter letters sent out by staff.
June 13, 2015	Newspaper ad runs, submitted by staff.
On or before June 23, 2015	Staff report published – sent to applicant via e-mail and hard copy.
July 1, 2015	BOAA meeting at 7pm – applicant required to attend.
August 1, 2015	30 day appeal period. Applicant can submit building plans which shall be reviewed, but no permits issued until 30 day appeal period is over.
July 1, 2016	Building permit is required to vest the variance. If no permit is issued by this date,

May 26, 2015

City of Ormond Beach
22 South Beach Street
Ormond Beach, FL 32174

RE: 542 John Anderson Drive

To whom it may concern:

I live at 552 John Anderson Drive, Ormond Beach, Florida and have been provided with a copy of the site plan and the request for variance in regards to the construction at the above address.

It was explained that the normal front yard set- back is based on the average of homes North and South of 542 John Anderson Drive. That average is 120 feet and the owners are requesting a set-back of 70 feet. Also, the rear pool set-back based on this is 48.95 feet and the owner is requesting a set- back of 25 feet.

I have no objections to these set-backs.

Respectfully,

Mark Kennedy / David Kelly
Printed Owners Name

[Handwritten Signature] / David Kelly
Signature of Owner

May 26, 2015

City of Ormond Beach
22 South Beach Street
Ormond Beach, FL 32174

RE: 542 John Anderson Drive

To whom it may concern:

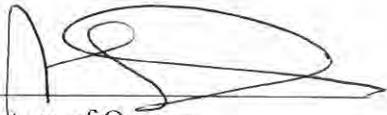
I live at 520 John Anderson Drive, Ormond Beach, Florida and have been provided with a copy of the site plan and the request for variance in regards to the construction at the above address.

It was explained that the normal front yard set-back is based on the average of homes North and South of 542 John Anderson Drive. That average is 120 feet and the owners are requesting a set-back of 70 feet. Also, the rear pool set-back based on this is 48.95 feet and the owner is requesting a set-back of 25 feet.

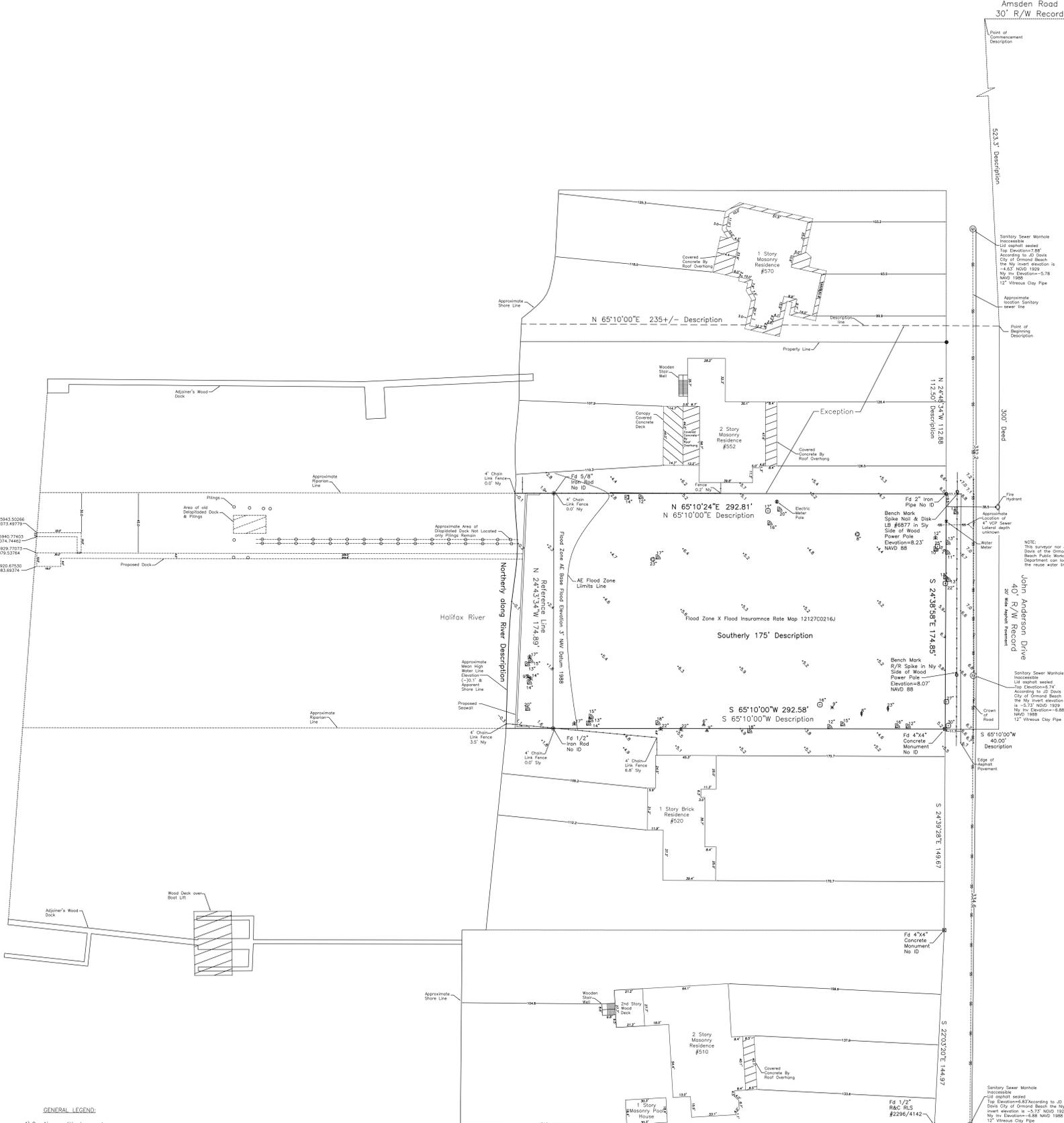
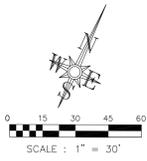
I have no objections to these set-backs.

Respectfully,

Whitney Shoemaker
Printed Owners Name


Signature of Owner

BOUNDARY & TOPOGRAPHICAL SURVEY
with tree locations



- GENERAL LEGEND:**
- A/C Air conditioning pad
 - A/U Aerial utilities
 - ACLRR Atlantic Coastline Railroad
 - CALC Calculation
 - CB Catch basin
 - CL Centerline
 - Cleanout
 - CM Concrete monument
 - CONC Concrete
 - Cable riser
 - Cable TV service
 - △ Delta
 - Degree
 - DESC Description
 - Doc Document
 - (L) East(ery)
 - (E) Electric meter
 - EMT Electrical metal tubing
 - FD Found
 - FLO Field
 - FPC Florida Power Corporation
 - FPLS Florida Professional Land Surveyor
 - Fire Hydrant
 - Gas meter
 - Guy Anchor
 - Electric Service
 - IP Iron pipe
 - L Arc length
 - LB Licensed business
 - MB Mailbox
 - (N) North(ery)
 - NGVD National Geodetic Vertical Datum
 - PC Point of curve
 - PCP Permanent control point
 - POB Point of beginning
 - POC Point of commencement
 - PT Point of tangent
 - R Radius
 - R&C Rod and cap
 - REC Recovered
 - RLS Registered land surveyor
 - R/W Right of Way
 - (S) South(ery)
 - Storm manhole
 - D Sign
 - Telephone service
 - TYP Typical
 - Utility pole
 - Water valve
 - Utility services
 - Well
 - (W) West(ery)
 - Water meter
 - Water valve
 - Light Pole

- GENERAL NOTES:**
- Field Survey completed 4/15/15. Last field work date 4-28-2015.
 - Bearing Basis description: S65°10'00"E along the southerly property line of subject parcel.
 - Underground utilities were not located except as shown.
 - No title search has been performed by or provided to MYER LAND SURVEYING.
 - Dimensions shown are feet and decimals thereof.
 - There are two hardwood trees this surveyor could not identify, indicated as "unknown".
 - The last two exception calls in the legal description have no bearing on the above described "southerly 175 feet".
 - Flood zone information taken from Flood Insurance Rate Map 12127C0216J, Map Revised 2/19/14.
 - Adjoining property setbacks are measured to the approximate shoreline of the Halifax River using a combination of field measurements and aerial photography.
 - State plane coordinates are NAD 27.
 - Elevations are North American Vertical Datum of 1988.
 - Surveyor could not find a reported existing sewer cleanout. 4-28-15: Located by JD Davis City of Ormond Beach Public Works.
 - Riparian lines are approximate having been scoled from Google Earth and Volusia County GIS records.
 - 4-28-2015: Sewer manhole inverts per JD Davis City of Ormond Beach, Public Works Department.

LEGAL DESCRIPTION:
THE SOUTHERLY 175 FEET OF THE FOLLOWING DESCRIBED PROPERTY:
A PORTION OF LOT 3, SECTION 16, TOWNSHIP 14 SOUTH, RANGE 32 EAST, ORMOND BEACH, FLORIDA, DESCRIBED AS FOLLOWS:
BEGINNING AT AN IRON PIPE IN THE EAST BOUNDS OF THE JOHN ANDERSON HIGHWAY, BEING SOUTHERLY ALONG SAID EAST BOUNDS 233 FEET FROM THE SOUTH BOUNDS OF AMSDEN ROAD, THENCE SOUTHWESTERLY ALONG THE EAST BOUNDS OF SAID JOHN ANDERSON HIGHWAY, A DISTANCE 90 FEET, THENCE S6°10'00" TO A POINT IN THE EAST SHORE LINE OF THE HALIFAX RIVER, THENCE NORTHWESTERLY ALONG THE HALIFAX RIVER TO A POINT, THENCE N68°10'00" A DISTANCE OF 233 FEET MORE OR LESS, TO THE PLACE OF BEGINNING, EXCEPTING THEREFROM THAT PORTION OF THE ABOVE DESCRIBED LAND NOW USED FOR SAID JOHN ANDERSON HIGHWAY, BEING A PART OF LOT 3, ASSASSOR'S BTRON RECAL AS PER MAP IN MAP BOOK 3, PAGE 90 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, EXCEPTING THE NORTHERLY 25 FEET OF THE ABOVE DESCRIBED PROPERTY AND EXCEPTING THE SOUTHERLY 10 FEET OF THE NORTHERLY 100 OF THE SOUTHERLY 275 FEET THEREOF.

Amsden Road
30' R/W Record

Point of Commencement Description

523.3 Description

Sanitary Sewer Manhole Invert (as noted) 2.88' Elevation 7.88' According to JD Davis City of Ormond Beach the 18" invert elevation is -5.37' NGVD 1929. Invert Elevation -5.78' NAD 1988. 12" Vitreous Clay Pipe

Approximate location of Sanitary sewer line

Point of Beginning Description

300.0' Deed

John Anderson Drive
40' R/W Record

Sanitary Sewer Manhole Invert (as noted) 2.88' Elevation 7.88' According to JD Davis City of Ormond Beach the 18" invert elevation is -5.37' NGVD 1929. Invert Elevation -5.78' NAD 1988. 12" Vitreous Clay Pipe

NOTE: This surveyor nor JD Davis City of Ormond Beach Beach Public Works Department can locate the reuse water line.

40' R/W Record

Sanitary Sewer Manhole Invert (as noted) 2.88' Elevation 7.88' According to JD Davis City of Ormond Beach the 18" invert elevation is -5.37' NGVD 1929. Invert Elevation -5.78' NAD 1988. 12" Vitreous Clay Pipe

Edge of Asphalt Pavement

Sanitary Sewer Manhole Invert (as noted) 2.88' Elevation 7.88' According to JD Davis City of Ormond Beach the 18" invert elevation is -5.37' NGVD 1929. Invert Elevation -5.78' NAD 1988. 12" Vitreous Clay Pipe

- TREE LEGEND:**
- OAK
 - CEDAR
 - PALM
 - BACCHERRY
 - Elm
 - HOLLY
 - MAGNOLIA
 - UNKNOWN
- NOTE: Number Beside Symbol Indicates Diameter of Tree at Breast Height. Site does not contain all tree types.

BOUNDARY SURVEY
Exclusively prepared for:
Gary Yeoman
Blue Sky Real Estate, LLC

MICHAEL M. MYER, FL PSM 154006
MYER LAND SURVEYING, INC., LICENSED BUSINESS #6877
(NOT VALID UNLESS SIGNED AND EMBOSSED WITH SURVEYOR'S SEAL)

MYER LAND SURVEYING, INC.
LICENSED BUSINESS #6877
MICHAEL M. MYER #LS 4006
PROFESSIONAL LAND SURVEYOR
316 RIDGWOOD AVENUE HOLLY HILL, FLORIDA 32117
386 255-6304 Phone

DATE: 4/16/15 SCALE: 1"=30' SHEET 1 of 1



REVISIONS

YEOMANS PRIVATE RESIDENCE

OWNER: GARY & ILLI YEOMANS, 30 BRADDRIVER ROAD, ORMOND BEACH, FL 32174 OFFICE: 386-745-1445 CELL: 386-745-8852
 PROJECT LOCATION: 542 JOHN ANDERSON DRIVE, ORMOND BEACH, FL 32176
 GENERAL CONTRACTOR: OWNER CONTRACTOR OR TO BE DETERMINED

BPF
 DESIGN INCORPORATED
 ARCHITECTURE, DESIGN, & DRAWING SERVICES
 # AA 26001108
 BRIAN P. FREDLEY, ASSOC. AIA, PROJECT MANAGER
 DALLAS S. PEACOCK, AIA, ARCHITECT
 # AR 0009706
 207 FAIRVIEW AVENUE, DAYTONA BEACH, FL 32114
 PH: (386) 257-0502 FX: (386) 257-1050
 E-MAIL: bpfdesign@cl.rr.com WEBSITE: bpfdesign.net

ARCHITECTURAL SITE PLAN

DATE: MAY 15, 2015
 SCALE: 1" = 20'-0"
 SHT NO. C1

ARCHITECT'S / ENGINEER'S SEAL

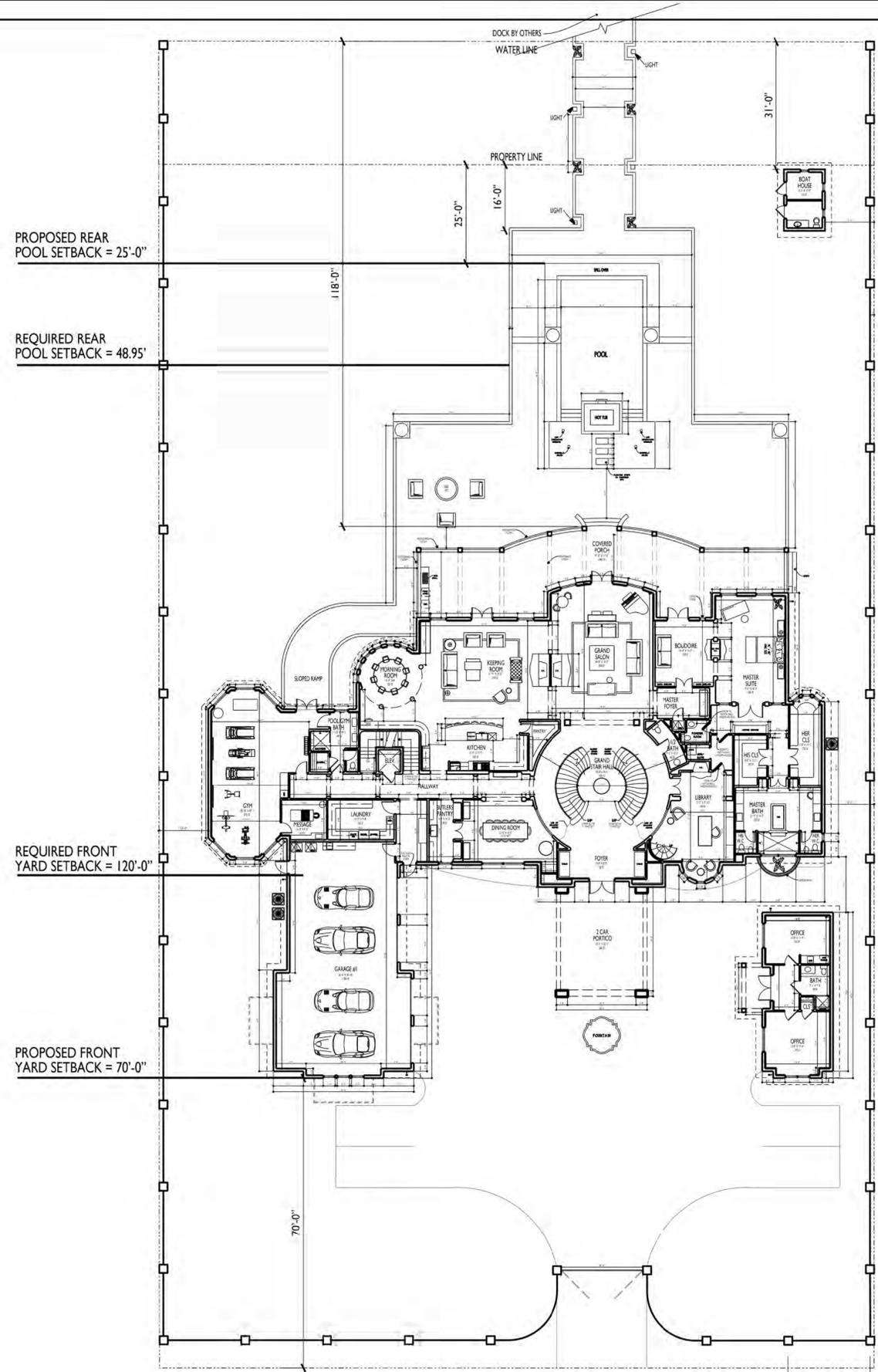
A ARCHITECTURAL SITE PLAN

C1 W/ INFORMATION

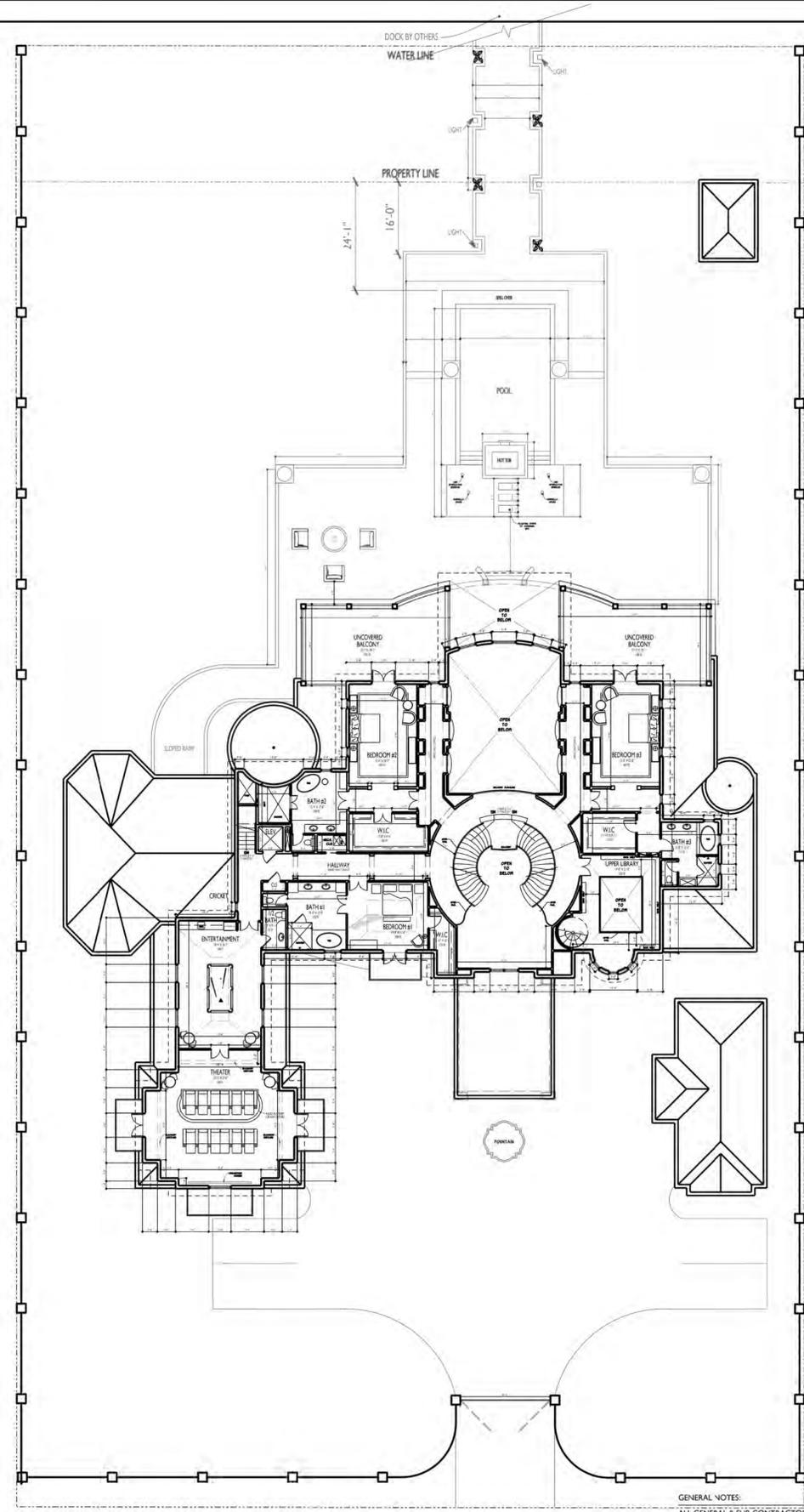
SCALE: 1"=20"

GENERAL NOTES:
 ALL GENERAL & SUB-CONTRACTORS TO FIELD VERIFY ALL DIMENSIONS.
 ELECTRICAL, WATER, SEWER AND GAS SERVICE LOCATIONS:
 ALL WORK MUST COMPLY WITH THE 2010 EDITION (EXPOSURE 'D')
 OF THE FLORIDA BUILDING CODE SECT. 1609/ 140 MPH WIND LOAD
 AND THE FLORIDA ACCESSIBILITY CODE FOR BUILDING CONSTRUCTION
 ALL DOOR & WINDOW OPENINGS TO MEET OR EXCEED DESIGN PRESSURE RANGE
 AS SPECIFIED ON SHEET TBL
 THE BUILDING RISK CATEGORY IS 'I'
 INTERNAL PRESSURE COEFFICIENT IS .18 IN ACCORDANCE WITH ASCE 7-10
 ALL GLAZING IS TO BE IMPACT RESISTANT OR USE PROTECTIVE HURRICANE SHUTTERS





B
AI PROPOSED FLOOR PLAN
FIRST FLOOR
SCALE: 1/16" = 1'-0"



A
AI PROPOSED FLOOR PLAN
SECOND FLOOR
SCALE: 1/16" = 1'-0"

GROSS AREA TABLE

FIRST FLOOR:	
LIVING SPACE A/C	8,100 SF
GARAGE NON A/C	1,700 SF
DRIVE PORCH/ NON A/C	360 SF
COVERED PORCH/ NON A/C	1,400 SF
FIRST FLOOR UNDER ROOF	11,560 SF
UNFINISHED BONUS SPACE (ABOVE GARAGE)	
BONUS ROOM A/C	1,445 SF
SECOND FLOOR:	
LIVING SPACE A/C	4,000 SF
UNCOVERED BALCONIES NON A/C	1,355 SF
SECOND FLOOR UNDER ROOF	4,800 SF
OFFICES & WORKSHOP A/C	840 SF
BOAT HOUSE NON A/C	300 SF
POOL DECK NON A/C	5,875 SF
TOTALS:	
TOTAL AREA A/C	14,838 SF
TOTAL AREA NON A/C	5,600 SF

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REVISIONS

YEOMANS PRIVATE RESIDENCE

OWNER: GARY & ILLI YEOMANS, 30 BRAD RIVER ROAD, ORMOND BEACH, FL 32174 OFFICE: 386-7465-1445 CELL: 386-7451-8852
 PROJECT LOCATION: 542 JOHN ANDERSON DRIVE, ORMOND BEACH, FL 32176
 GENERAL CONTRACTOR: OWNER CONTRACTOR OR TO BE DETERMINED

BPF
 DESIGN INCORPORATED
 ARCHITECTURE, DESIGN, & DRAWING SERVICES
 # AA 26001108
 BRIAN P. FREDLEY, ASSOC. AIA, PROJECT MANAGER
 DALLAS & PEACOCK, AIA, ARCHITECT
 # AR 0009706
 207 FAIRVIEW AVENUE, DAYTONA BEACH, FL 32114
 PH: (386) 257-0502 FX: (386) 257-1050
 E-MAIL: bpfdesign@cl.rr.com WEBSITE: bpfdesign.net

1ST AND 2ND FLOOR PLANS

DATE: MAY 15, 2015
 SCALE: 1/16" = 1'-0"
 SHT NO. AI

ARCHITECT'S / ENGINEER'S SEAL



B
A2 PROPOSED BUILDING ELEVATION
WEST FACADE SCALE: 1/8" = 1'-0"



A
A2 PROPOSED BUILDING ELEVATION
EAST FACADE SCALE: 1/8" = 1'-0"

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YEOMANS PRIVATE RESIDENCE

OWNER: GARY & ILL YEOMANS, 30 BRADDRIVER ROAD, ORMOND BEACH, FL 32174 OFFICE: 386-765-1445 CELL: 386-7451-8852
 PROJECT LOCATION: 542 JOHN ANDERSON DRIVE, ORMOND BEACH, FL 32176
 GENERAL CONTRACTOR: OWNER CONTRACTOR OR TO BE DETERMINED

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 # AR 0009706
 207 FAIRVIEW AVENUE, DAYTONA BEACH, FL 32114
 PH: (386) 257-0502 FX: (386) 257-1050
 E-MAIL: bpfdesign@cl.rr.com WEBSITE: bpfdesign.net

BUILDING ELEVATIONS

DATE: MAY 15, 2015

SCALE: 1/8" = 1'-0"

SHT NO. A7

ARCHITECT'S / ENGINEER'S SEAL

YEOMANS PRIVATE RESIDENCE

OWNER: GARY & ILLI YEOMANS, 30 BRADDRIVER ROAD, ORMOND BEACH, FL 32174 OFFICE: 386/765-1445 CELL: 386/451-8852
 PROJECT LOCATION: 542 JOHN ANDERSON DRIVE, ORMOND BEACH, FL 32176
 GENERAL CONTRACTOR: OWNER CONTRACTOR OR TO BE DETERMINED

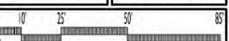
BPF
 DESIGN INCORPORATED
 ARCHITECTURE, DESIGN, & DRAWING SERVICES
 # AA 26001108
 BRIAN P. FREDLEY, ASSOC. AIA, PROJECT MANAGER
 DALLAS B. PEACOCK, AIA, ARCHITECT
 # AR 0009706
 207 FAIRVIEW AVENUE, DAYTONA BEACH, FL 32114
 PH: (386) 257-6502 FX: (386) 257-1050
 E-MAIL: bpfdesign@cl.rr.com WEBSITE: bpfdesign.net

BUILDING ELEVATIONS

DATE: MAY 15, 2015

SCALE: 1/8"=1'-0"

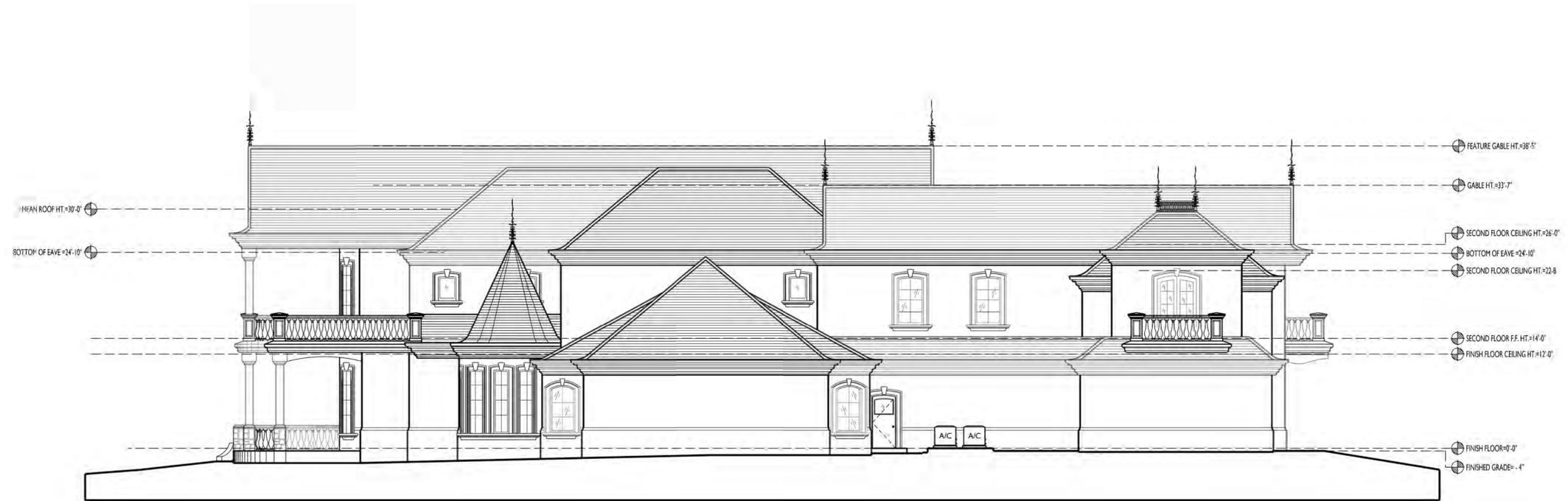
SHT NO. A3



ARCHITECT'S / ENGINEER'S SEAL



B
A3 PROPOSED BUILDING ELEVATION
 NORTH FACADE SCALE: 1/8"=1'-0"



B
A3 PROPOSED BUILDING ELEVATION
 SOUTH FACADE SCALE: 1/8"=1'-0"

GENERAL NOTES:
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STAFF REPORT

City of Ormond Beach Department of Planning

DATE: June 23, 2015

SUBJECT: 7 Oriole Circle B, Screen Room Addition Side Yard
Setback Variance

APPLICANT: James and Stacy Bright, Property Owners

FILE NUMBER: 15-095

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

INTRODUCTION:

This is a request for a side yard variance submitted by James and Stacey Bright Ingram, property owners, for a variance at 7 Oriole Circle B to construct a screen room addition (15' X 20') within the required side setback. Section 2-17.B.9.b of the Land Development Code requires a 20' side yard setback. The applicant is requesting a side yard setback of 11' to construct a hard roof screen enclosure, requiring a variance of 9' to the required 20' side yard setback. The property at 7 Oriole Circle B is zoned R-4 (Single-Family Cluster and Townhouse).

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.

Table 2: 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	Duplex	"Medium Density Residential"	R-4 (Single Family Medium Residential)
East	Triplex	"Medium Density Residential"	R-4 (Single Family Medium Residential)
West	Triplex	"Medium Density Residential"	R-4 (Single Family Medium Residential)

The subject property is part of a three unit triplex. Unit A faces Oriole Circle and unit B is located behind unit A, sharing a common wall. Unit B adjoins unit C to the south property line. There is a 10' by 10' common area located where units A and B adjoin. There is a large grass area behind the triplex that is used for common area, stormwater and utilities. The Volusia County Property Appraiser shows that the building at 7 Oriole Circle B has 535 square feet and a 25 square foot finished open porch. The proposed room addition is 15' by 20' or 300 square feet.

Site Aerial



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.

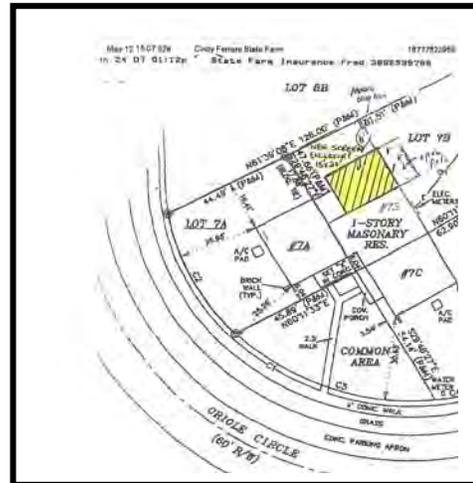
The Ocean Village Villas Development Agreement did not provide any modifications to the R-4 zoning setbacks. Beginning in 1992, there was a realization that the existing structures did not comply with R-4 zoning setbacks and that renovation, expansion, and repair of the existing structures would have setback conflicts (see Exhibit B). City staff had various communication 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. In the past, 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.

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."

SIDE YARD SETBACK

The proposed screen enclosure encroaches 9' into the required 20' side yard setback. The resulting side yard setback would be 11'. The Board must consider the following criteria established in Chapter 1, Article II, Section 1-16.D.4, of the Land Development Code for the expansion of the non-conforming structure.



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

Argument for 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 approximately 9,393 square feet and does not meet the lot standards. The lack of lot area and the existing location of the triplex further demonstrate 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 considered non-conforming, expanding nonconformities by approving additional variances violates the basic principal behind the elimination of nonconforming uses over time through redevelopment. However, it is important to review 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 a screen enclosure at 7 Oriole Circle B. The existing building configuration with respect to an exterior door and access, 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 additional building square footage.

- 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. The area of the subject property was redeveloped from cottages to multi-family and building expansion is reasonable for the enjoyment of the property.

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 11’ proposed setback will be greater than the abutting property at 7 A Oriole Drive. The proposed screen enclosure will not block any view corridors.

Argument against the variance: None.

- 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: None.

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

Argument for the variance: The proposed room addition will not impact adjacent properties by limiting view or increasing light or noise. 7 Oriole, Units A and C which abuts the subject property have provided their signatures of no objection. The property owners have discussed the proposed variance with the Home Owners Association (HOA) and the HOA has advised they intend to review the case at their July 1, 2015 meeting. In the meantime the HOA has provided their preliminary approval in the form a letter included with the application. The

property owner of the subject property has advised that it is there understanding that the HOA intends to support the proposed variance application.

Argument against the variance: None.

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.

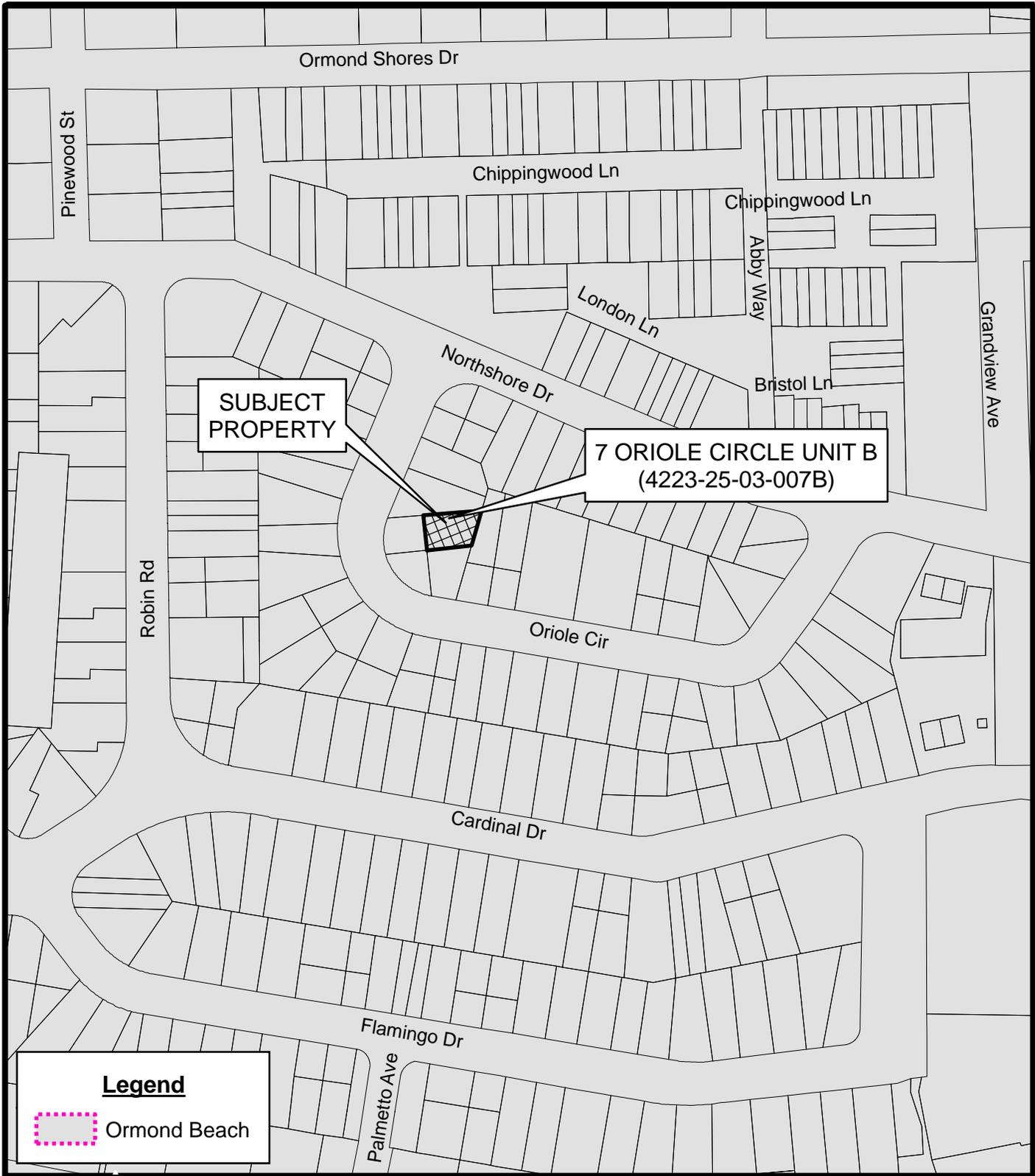
It is recommended that the Board of Adjustments and Appeals **APPROVE** the proposed variance for a hard roof screen enclosure. Section 2-17.B.9.b of the Land Development Code requires a 20' side yard setback. The applicant is requesting a side yard setback of 11' to construct a screen enclosure, requiring a variance of 9' to the required 20' side yard setback.

Exhibit A

Variance Exhibit

Exhibit B

- Maps and Pictures



**SUBJECT
PROPERTY**

**7 ORIOLE CIRCLE UNIT B
(4223-25-03-007B)**

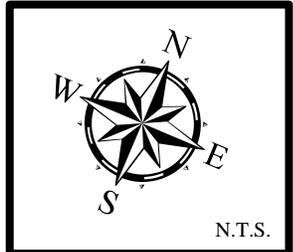
Legend

 Ormond Beach



7 ORIOLE CIRCLE UNIT B
LOCATION MAP

Prepared By: The City of Ormond Beach
 G.I.S. Department - May 29, 2015



Area of improvement

7 B Oriole

World • United States • FL • Volusia Co. • Ormond Beach



© 2013 Microsoft Corporation - Pictometry Birds Eye © 2012 Pictometry Inter



PUBLIC NOTICE

A PUBLIC HEARING FOR A
VARIANCE

UNIT 7B

ON THIS PROPERTY WILL BE HELD ON
JULY 1, 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



Area of proposed
addition (Unit 7B)



Are of Proposed
Addition (Unit B)



Area of
Proposed
Addition (Unit B)

Previously approved
Variance for Unit A



Previously Approved
carport and addition
Variance Unit 7A





Screen Room Additions are common throughout this development (facing east from the back of Unit 7B)

Exhibit C

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

15-0095

Date Submitted

5/29/15 @

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 JAMES & STACEY BRIGHT

Full Address 7B ORIOLE CIR ORMOND BEACH FL 32176

Telephone 386-334-1064 Email STACEY.BRIGHT.HGT6@STATEFARM.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 JAMES & STACEY BRIGHT

Full Address 7B ORIOLE CIR ORMOND BEACH FL 32176

Telephone 386-334-1064 Email STACEY.BRIGHT.HGT6@STATEFARM.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 7B ORIOLE CIR ORMOND BEACH FL 32176

Parcel ID Number 23-14-32-25-03-007B

Legal Description LOT 7B BLK C OCEAN VILLAGE VILLAS MD 42 PGS 192-197 INC PER OR PG 4380 OR 5820 PGS 1644-1645

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:

15X20 SCEEN ROOM WITH SOLID ROOF. CURRENT SET BACK 20FT NEED 9 FT ENCROACHMENT TO GIVE 11 FT SET BACK

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:

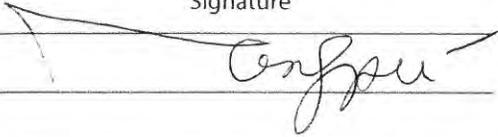
2. The special conditions and circumstances do not result from the actions of the applicant:

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:

Request:

ABUTTING PROPERTY OWNERS

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

Signature	Street Address	For	Against
	7A ORIOLE CIR ORMOND BEACH FL 32176	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	7C ORIOLE CIR ORMOND BEACH FL 32176	<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:

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:

ABUTTING PROPERTY OWNERS

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

Signature	Street Address	For	Against
	7A ORIOLE CIR ORMOND BEACH FL 32176	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	7C ORIOLE CIR ORMOND BEACH FL 32176	<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:

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

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

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

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

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

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

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

CRITERIA: NONCONFORMING

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

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

NO DOESN'T MEET THE ZONING DISTRICT 15,000 SQUARE FEET THE APPROXIMATE OF ALL OF 7 ORIOLE IS 11,000 SQUARE FEET. THE LACK OF AREA IN EXISTING BUILDING LOCATION REQUIRES THE VARIANCE.

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

NO OTHER PRACTIAL WAY THE EXISTING LAYOUT OF HOUSE IS THE REASON TO BUILD WHERE WE ARE REQUESTING

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:

TRIPLEX IS USED AS ALLOWED IN THE ZONING DISTRICK. PROPERTY WAS REDEVELOPED FROM COTTAGES TO MULTI-FAMILY AND THE EXPANSION IS NEEDED FOR ENJOYMENT OF PROPERTY.

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:

WILL HAVE A 13FT SETBACK REMAINING WHICH IS MORE OF A SETBACK THAN 7A ORIOLE CIR AND THE EXPANSION WILL NOT BLOCK ANY VIEW FROM AJOINING OWNERS.

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

YES WILL STILL BE A 1 STORY STRUCTURE. OTHER UNITS HAVE HAD EXPANSION. THIS WOULD BE NO DIFFERENT THAN OTHER EXPANSIONS.

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

CORRECT EXPANSION WILL NOT IMPACT AJOINING OWNERS. BOTH NEIGHBORS HAVE BOTH SIGNED AND ARE IN FOR THE EXPANSION.

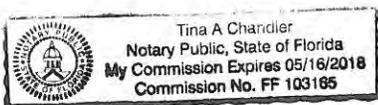
CERTIFICATION

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: Stacey Bright

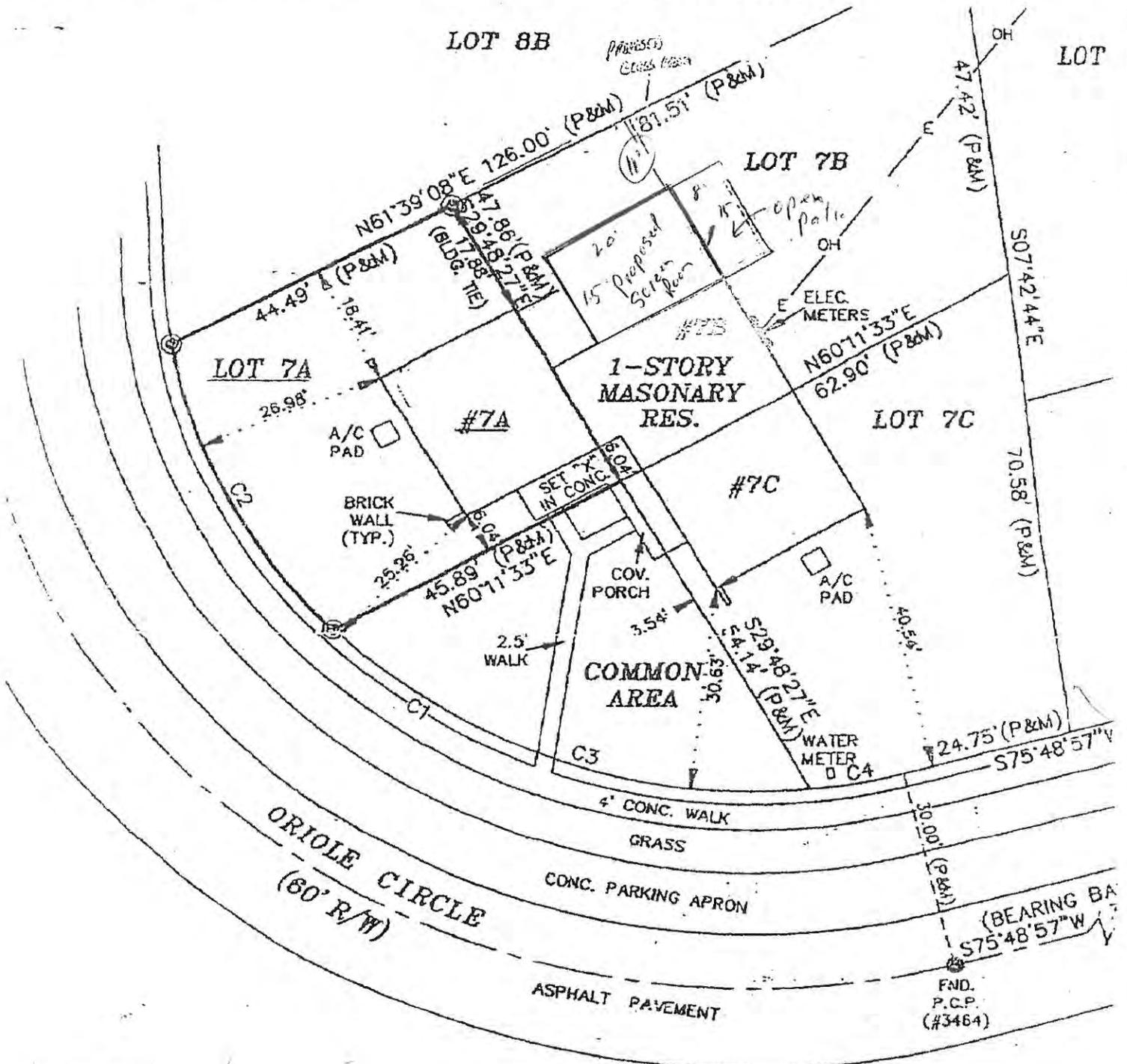
STATE OF FLORIDA
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 27 day of May, 2015, by Stacey Bright as _____ (title*) for _____ (name of corporation*), who () provided _____ as identification, or who is personally known to me.



Tina A. Chandler
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.



700

LEGAL DESCRIPTION (SUPPLIED BY CLIENT)
 LOT 7A, BLOCK C, OCEAN VILLAGE VILLAS,
 AS PER MAP RECORDED IN MAP BOOK 40, PAGES
 11-12, OF THE PUBLIC RECORDS OF ALLEN
 COUNTY, FLORIDA.

NOTES:

- 1.) 15 FOOT BLANKET EAS
 REVERSED OVER AND UP
 FROM THE FRONT OF
 THE LOT TO THE STREET
- 2.) INTERIOR PARTY WALLS...

05/02/2006 01:39 PM
Doc stamps .70
(Transfer Amt \$ 10)
Instrument# 2006-110390 # 1
Book : 5820
Page : 1644

Prepared by: James L. Rose, Esquire
RICE & ROSE, P.A.
222 Seabreeze Blvd.
Daytona Beach, FL 32118
(386) 257-1222

Return to: Same

Parcel# 4223-25-03-007B

Quit Claim Deed

THIS INDENTURE, made this 20th day of April, 2006 between James Bright, a single person, Grantor*, and James Bright and Stacey Ingram, as joint tenants with right of survivorship, whose permanent address is 7B Oriole Circle, Ormond Beach, Florida 32176 Grantee*.

WITNESSETH, That the said Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration, in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has remised, released and quit-claimed, and by these presents does remise, release and quit-claim unto the said Grantee, and Grantee's heirs and assigns forever, all the right, title, interest, claim and demand which the said Grantor has in and to the following described land, situate, lying and being in Volusia County, Florida, to-wit:

Lot 7B, Block C, OCEAN VILLAGE VILLAS, according to the plat thereof, recorded in map in Map Book 42, Page 192 through 197, of the Public Records of Volusia County, Florida.

The attorney, at the request of the parties, has not search or examined the title of the subject property and absolutely no warranties, express or implied, are made by him with regard to the state of the title or any other aspect thereof.

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

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatever of the said Grantor, either in law or equity, to the only proper use, benefit and behoof of the said Grantee, his heirs and assigns forever.

Instrument# 2006-110390 # 2
Book: 5820
Page: 1645
Diane M. Matousek
Volusia County, Clerk of Court

IN WITNESS WHEREOF, the said Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Cheryl E Johnson
Witness Signature
CHERYL E JOHNSON
Printed Name

James R Bright
James Bright

Theresa O'Neal
Witness Signature
Theresa O'Neal
Printed Name

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 26 day of April, 2006, by James Bright, a single person, who is personally known to me or who has produced a driver's license as identification and who did take an oath.

Cheryl E Johnson
Notary Public,

Printed Notary Signature
At Large
My Commission Expires:



10/04/2002 10:22
Doc stamps 343.00
(Transfer Amt \$ 49000)
Instrument # 2002-227409
Book: 4939
Page: 4380
Diane M. Matousek
Volusia County, Clerk of Court

Prepared By: KATHLEEN D. BLAD
Equity Closing and Title Corporation
400 West Granada Blvd.
Ormond Beach, FL
incidental to the issuance of a title insurance policy.
File Number: p-0336a
Parcel ID #: 4223-25-03-007B
Grantee(s) SS #:

**WARRANTY DEED
(INDIVIDUAL)**

This WARRANTY DEED, dated 09/27/2002 by
SYLVIA C. KELEMEN, A SINGLE PERSON
whose post office address is:
69 LAYOLA DRIVE, ORMOND BEACH, FL 32176
hereinafter called the GRANTOR, to
JAMES BRIGHT, A SINGLE PERSON
whose post office address is:
7B ORIOLE CIRCLE ORMOND BEACH FL 32176
hereinafter called the GRANTEE:

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

WITNESSETH: That the GRANTOR, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the GRANTEE, all that certain land situate in VOLUSIA County, Florida, viz:

Lot 7B, Block C, OCEAN VILLAGE VILLAS, according to the plat thereof, recorded in Map Book 42, Page 192 through 197 of the Public Records of VOLUSIA County, Florida.

INCLUSIVE

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2002 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, 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 except as above noted, 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.

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

Signature: Kathleen D. Blad
Print Name: Kathleen D. Blad

Sylvia C. Kelemen
SYLVIA C. KELEMEN

Signature: Kerry E. Keefe
Print Name: Kerry E. Keefe

State of Florida
County of VOLUSIA

I am a Notary Public of the State of FLORIDA and my commission expires SEPTEMBER 17, 2004.

THE FOREGOING INSTRUMENT was sworn and acknowledged before me on 09/27/2002 by:
SYLVIA C. KELEMEN, A SINGLE PERSON
who is personally known to me or who has produced DRIVER'S LICENSE as identification and who DID take an oath.



Kathleen D. Blad
MY COMMISSION # CC960746 EXPIRES
September 17, 2004
BONDED THRU TROY FARM INSURANCE, INC.

Signature: Kathleen D. Blad
Print Name: KATHLEEN D. BLAD

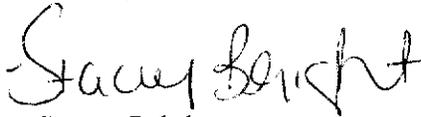
June 15, 2015

City of Ormond Beach
22 S Beach St
Ormond Beach FL 32174

To whom this may concern,

We have met with our HOA president Patrick Kelley on June 12th 2015 regarding our plans to put a 15x20 screen room on our home. Our variance meeting is going to be on July 1st 2015 at 7:00pm. This does not give our HOA enough time to review our request before the ARC board to get the approval in writing. However when we meet with the Patrick Kelley on June 12th he did come to our home and met with my husband James Bright and stated that they would approve our request and will also come to the variance meeting on July 1st to verbally state that the HOA is in approval.

Thank you,

A handwritten signature in cursive script that reads "Stacey Bright".

Stacey Bright

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

June 20, 2015

James and Stacey Bright
7B Oriole Circle
Ormond Beach, FL 32176

RE: Your property at 7B Oriole Circle, Ormond Beach, FL 32176

Dear James and Stacey,

The ARC received and considered your request, dated June 14, 2015. The ARC approves the concept of your request to construct a 15' X 20' screen room on the north side of your residence. The work will be done by Ted & Bob's Aluminum, Ormond Beach, FL. We understand that a variance has been requested of the City of Ormond Beach and that the hearing for the variance will be held on July 1st, 2015. Upon approval by the City and your receipt of a building permit, and once Ted & Bob's Aluminum have provided you with drawings and plans for the exact design and specifics of the proposed construction, please resubmit your Improvement Request Form for quick consideration and final approval by the ARC. For assistance, the ARC provides the following from the ARC Guidelines:

QUOTE

3. **Screen Rooms.** Screen rooms shall be constructed of bronze aluminum with black or bronze screening. The roof shall be constructed of white aluminum, the fascia and soffit shall be white or bronze. No solid aluminum panels are allowed with the exception of a maximum 24-inch kick plate. Screen rooms shall not be added to the front (Zone 1) of a unit or to the side (Zone 2) of a duplex unit.

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

Only fiberglass or aluminum screening which permits air to flow through shall be permitted. No solid coated screening or other similar materials shall be allowed. Screen rooms may be enclosed with vinyl window panels which shall be trimmed in bronze. The vinyl shall be either clear or bronze in color. Rooms are to be constructed on an approved concrete slab at least four (4) inches thick or on an existing slab.

Screen rooms shall be kept free and clear of unsightly material and shall not be used as area that creates a visible nuisance to other owners or residents. Screen rooms damaged by natural disasters (i.e., hurricanes, tornados, wind storms, etc.) should be removed as soon as is practical for both aesthetic and safety reasons. Any damage caused to neighboring units or Association property by debris from a

damaged screen room will be the responsibility of the owner of the material causing the damage.

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 exact same 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.

END QUOTE

Where necessary, 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 preliminary approval is valid unless all the necessary prerequisites established by the Association have been met. Once the prerequisites have been met, final approval may be granted by the ARC. Upon receipt by the Association of your signed acceptance of the terms of that 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. That approval will be 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: CC: Board of Directors, Ocean Village Villas Homeowners Association; Steven Spraker, Senior Planner, City of Ormond Beach Planning Department; Ted and Bob's Aluminum; ARC members