



AGENDA

ORMOND BEACH BOARD OF ADJUSTMENT AND APPEALS

August 5, 2015

ORMOND BEACH TRAINING ROOM

7:00 P.M.

I. ROLL CALL

II. APPROVAL OF THE MINUTES

A. July 1, 2015

III. NEW BUSINESS

A. **Case No. VAR 2015-103: 69 Abacus Avenue, Pool enclosure rear yard variance.**

This is a request for a variance from Amie MacDonald, property owner of 69 Abacus Avenue to construct a pool screen enclosure over a proposed pool. Section 2-50(X)(1)(c)(2) of the Land Development Code requires a 5' setback for a pool screen enclosure to the rear property line where the property abuts a homeowner's association common area or a conservation area. The variance request seeks to allow a pool screen enclosure over a proposed pool with a varying setback based on the angle of the rear property line. The proposed pool screen enclosure setback is zero feet at the southern end of the structure and meets the 5' setback at the northern end of the structure. The variance request seeks to allow a 5' variance to the required pool screen enclosure setback of 5', with a resulting setback of 0' to the rear property line.

IV. OTHER BUSINESS

V. ADJOURNMENT

MINUTES
BOARD OF ADJUSTMENT

July 1, 2015

7:00 p.m.

Commission Chambers
22 South Beach Street
Ormond Beach, Florida

I. ROLL CALL

Members Present

Dennis McNamara
Ryck Hundredmark
Jean Jenner
Brian Nave

Staff Present

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

II. APPROVAL OF THE MINUTES

A. May 6, 2015 Minutes

Mr. Hundredmark moved to approve the May 6, 2015 Minutes as submitted. Mr. Nave seconded the motion. Vote was called, and the motion was approved (4-0).

III. NEW BUSINESS

A. Case No. 15-093: 32 Foxfield Look, Screen Enclosure Side Yard Variance

Ms. Laureen Kornel, Senior Planner, stated that this application is a request for a side yard variance submitted by Mr. Doug Krueger, property owner of 32 Foxfield Look. The applicant is seeking a variance to construct a screen enclosure over an existing patio. The variance request would be for 3.12' to the required setback of 7.5', with a resulting setback of 4.38' to the side property line. Ms. Kornel reviewed the location, orientation and characteristics of the variance, and presented the staff report. Staff is recommending approval.

Mr. McNamara asked if it was just the small triangular portion of the patio that is being discussed, and if this was due to the shape of the property. Ms. Kornel confirmed that it is a slight encroachment, since the property is not completely symmetrical.

Mr. Nave pointed out that there is a utility easement along the side of the property, but since there are already trees along the easement, utility trucks would not be able to go in there anyway. Ms. Kornel explained that the easement has been vacated through the City Commission, so it is not an issue.

Mr. Krueger, applicant, explained that he wants to construct a screen enclosure over the patio, coming straight off the back of the house. Mr. McNamara asked if

the enclosure is going over a pool. Mr. Krueger stated that it was just going over a patio.

Mr. Hundredmark moved to approve the application for the side yard variance. Mr. Nave seconded the motion. Vote was called and the Board unanimously approved the variance application (4-0).

B. Case No. 15-094: 542 John Anderson Drive, Front Yard and Pool Setback Variances

Mr. Steven Spraker, Senior Planner, stated that this is a request for a front yard setback variance, and a pool setback variance for a new single family home to be built at 542 John Anderson Drive. The Land Development Code treats waterfront lots in a unique way, requiring an average setback of homes 300' to the north, and 300' to the south, for both front and rear setbacks. There is no one setback that is going to work for all of the properties along the river. Once calculations were done for the four properties adjacent to this lot, the required front yard setback would be about 120.93'. The applicant is requesting a front yard setback of 70', which would require a variance of 50.93'.

Mr. Spraker further explained the table on page 6 of his staff report, which compares the total buildable area for this home if it would conform to the required setbacks, to the buildable area if variances are approved. The setbacks that have been calculated based on the other four houses around this house, have severely impacted the buildability of the lot. A key distinction is that the applicant is not encroaching any further into the rear yard setback than the other two properties. The proposed rear yard setback for the house is 118'. The house at 552 John Anderson is at 110' and at 520 John Anderson is 109'. By keeping the rear yard setback at 118', the view corridor of the river from either property will not be blocked. Both neighboring property owners have consented to the variance.

The second setback relates to the pool. The setback is again based on an average of the neighboring properties. The average rear yard setback is determined and then for every two feet of additional setback beyond 30', the pool is moved back further. The setback for the proposed pool is 49.91'. The applicant is requesting a setback of 25', requiring a 24.91' variance for the pool setback. The staff report has presented arguments for and against the variances and the adjoining property owners have no objections to the variances. Staff did receive a letter via FedEx, from the property owner across the street with concerns about the building construction, blocked traffic, noise and grading of the property which might push water drainage to the other side of the street. All of these issues are handled by the Building Department, and a drainage plan has to be submitted with plans to build a single family house, before getting a permit.

Staff is recommending approval of both variances, relying on the data analysis in the staff report.

Mr. Nave asked if the addresses used for calculations were from all surrounding properties. Mr. Spraker stated that the addresses used were the abutting properties to the north and south within 300 feet.

Applicant, Mr. Gary Yeoman, 30 Broadriver Road, stated that he had met with the property owners directly north and south of the property, and they do not have a problem with the proposed construction. Mr. Nave noticed that there is a boundary drawn around the pool area, and wondered if that was a fence or roof. Mr. Yeoman stated that it was just a deck. Mr. Yeoman explained that he moved the house back 10' because he was very concerned about the neighbors to the north and south and didn't want to obstruct their view.

Mr. McNamara stated that the majority of the house has a similar front setback as the house to the north. Mr. Yeoman replied yes, that the garage was the issue which was encompassing the front yard setback. The building to the north was added in to balance out the look of the front of the property. Mr. Yeoman was originally concerned about the river rear yard setback, and didn't even know there would be issues with the front yard setback until he was well into the process.

Mr. Brian Fredley, BPF Design, 207 Fairview Ave, Daytona Beach, stated that the house itself is within the setback zone. It is really the garage and the out building that are in the required setback area. They have kept the main house within the allowed setbacks, but it is the out pieces that the variance is being asked for. Mr. McNamara stated that his personal opinion is that if the house is at the required setback, then he doesn't feel that the couple of out structures are offensive.

Mr. Nave stated that the estate lots have these setbacks for a reason, and as we start pushing these out to 70' and then the next person averages that in and wants to build at 50', then 25' and pretty soon it won't be an estate lot any more. We should not be comparing an estate lot with a 110' building lot, as far as the percentage of building area. The estate lots have been set aside for a certain look and a certain yard, and this house is just too large for the lot.

Mr. Jenner stated that he just came back from Miami where there are beautiful houses and some are close to the road and some are set back further from the road. Mr. Jenner's concern is the back side of the home facing the river, and that has been addressed. Since this is a front setback, Mr. Jenner doesn't have a problem with granting the variance.

Mr. Spraker added that one of the neighboring setbacks was 170' which is unusual. Mr. Nave stated that one was at 92', which is just as far off the average as the other one. Mr. Spraker stated that the 170' setback was a major skew of the average. And this is why the Board of Adjustments exists, to take a look at these averages and make decisions on what should be allowed. Mr. Spraker added that this is not a unique case. There have been ocean front properties which have had issues with setbacks. Mr. Spraker understands the concern with getting too close to the road, as some houses are on John Anderson. The mass of the whole structure will not be at the 70' setback. There will just be the rectangular areas pointing out toward the street, so you won't get the full sense of the house setting at the 70'.

Mr. Nave stated that the two buildings will look like they are walling off the two houses on either side, so you won't be able to see the other houses until you get past the walls. It seems as if this will change the whole site line of the road.

Mr. Jenner stated that he can think of a couple of houses on John Anderson that sit close to the road and they still look beautiful.

Mr. Yeoman stated that as you drive along John Anderson, there is no consistent setback. There are houses that are 25' off the front, and there are houses that are some of the older homes, which have much larger setbacks. Along that road, 70' is a pretty substantial setback.

Mr. Nave stated that even with his concerns, he feels that the structure will add value to the neighboring properties. Even though he thinks it is restricting the site lines of the houses in the front, he thinks it will be a nice view.

Following discussion, Mr. Hundredmark moved to approve both variances as submitted. Mr. Jenner seconded the motion. Vote was called, and the motion was unanimously approved (4-0).

C. Case No. 15-095: 7B Oriole Circle, Screen Room Addition Side Yard Variance

Ms. Lauren Kornel, Senior Planner, stated that this is a request for a side yard variance for a hard roof screen room addition at 7B Oriole Circle. This property is located within Ocean Village Villas, which was originally constructed in 1948 as a small vacation cottage village. In the late 1980's the Ocean Village Villas was platted into single family duplexes, triplexes and 4-plexes. The existing structures do not comply with the R-4 zoning district setbacks, and there have been discussions between the city and the development over the years, to amend the development order. There still has been no amendment, and the method of addressing renovations and expansions has been through the variance process. Ms. Kornel reviewed the location, orientation and characteristics of the variance, and presented the staff report. Staff is recommending approval.

Applicant and owner, Ms. Stacy Bright, stated that they are just trying to add more living space to their home, since the units are very small. A lot of the neighbors have added screen rooms to their units.

Mr. Nave stated that most other screen rooms align with the building, but the applicant's sticks out. Is the enclosure they are planning wider than most of the other ones? Ms. Bright stated that she doesn't think so, because the neighbor in 7A was approved for a carport, and it will stick out further than what their proposed room will. Mr. Nave asked if the fence was the applicants. Ms. Bright stated yes, that the room would go out a little further than the fenced in area.

Ms. Kornel stated that the survey was older, and doesn't include the carport that was added on. Ms. Bright stated that they would not be building any further out than where the neighbor's carport has been built.

Mr. McNamara asked what size room the applicant could build without a variance. Ms. Kornel stated that they would need a variance, no matter what size they wanted to build. The development does not conform to the R-4 Zoning District.

Following discussion, Mr. Jenner moved to approve the variance as submitted. Mr. Nave seconded the motion. Vote was called, and the motion was unanimously approved (4-0).

V. OTHER BUSINESS

Mr. Nave stated that he is concerned about the site plan that was furnished in the packet for the last case, and the fact that it didn't include the carport that had already been constructed. Ms. Kornel stated that this is what was submitted with the application. Mr. Nave felt that the carport should have been included on the site plan, because he initially did not want to grant the variance, since he thought they were pushing out beyond everybody else. But, if a variance has already been given, which goes further than what the applicant is requesting, it should be designated on the plans.

Ms. Bright stated that they had gotten the survey and blueprints done some time ago, and the city outright denied it, so they didn't put the addition on. Then, after the neighbor added on a carport, they decided to try again for their addition, and they used the survey that they had obtained earlier.

Mr. Spraker stated that there is a fine line as to when to make the applicant get an updated survey prior to a variance hearing. In this case, the applicant had gotten a survey prior to when the neighbor added the carport, so that is the survey that was used until the variance is granted. Mr. Spraker stated that staff should have made a notation on the survey that the carport had been added on.

VI. ADJOURNMENT

As there was no other business, the meeting was adjourned at 7:44 p.m.

Respectfully submitted,

Steven Spraker, AICP, Senior Planner

ATTEST:

Dennis McNamara, Chair

Minutes prepared by Melanie Nagel.

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

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

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

STAFF REPORT

City of Ormond Beach Department of Planning

DATE: July 27, 2015

SUBJECT: 69 Abacus Avenue

APPLICANT: Amie MacDonald, property owner

FILE NUMBER: V2015-103

PROJECT PLANNER: Steven Spraker, AICP, Senior Planner

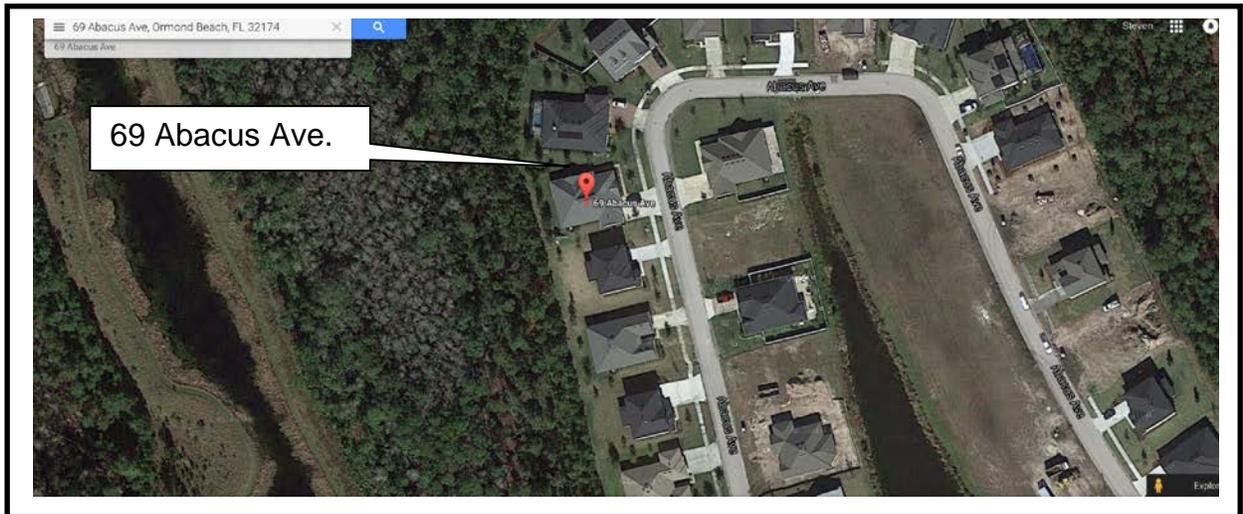
INTRODUCTION: This is a request for a variance from Amie MacDonald, property owner of 69 Abacus Avenue to construct a pool screen enclosure over a proposed pool. Section 2-50(X)(1)(c)(2) of the Land Development Code requires a 5' setback for a pool screen enclosure to the rear property line where the property abuts a homeowner's association common area or a conservation area. The variance request seeks to allow a pool screen enclosure over a proposed pool with a varying setback based on the angle of the rear property line. The proposed pool screen enclosure setback is zero feet at the southern end of the structure and meets the 5' setback at the northern end of the structure. The variance request seeks to allow a 5' variance to the required pool screen enclosure setback of 5', with a resulting setback of 0' to the rear 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 subject property is within the Deer Creek subdivision and the Hunter's Ridge Development of Regional Impact. The existing use of the property is consistent with the FLUM designation and zoning district.

Table 1: Adjacent land uses and zoning:

	Current Land Uses	Future Land Use Designation	Zoning
North	Single Family House	"Suburban Low Density Residential"	SR (Suburban Residential)
South	Single Family House	"Suburban Low Density Residential"	SR (Suburban Residential)
East	Single Family House	"Suburban Low Density Residential"	SR (Suburban Residential)
West	Conservation and common area	"Open Space/Conservation"	SR (Suburban Residential)

Site Aerial



Source: Google Maps

Site picture, July 17, 2015



The subject property is 80' in width and 115' in depth along the southern property line and 127.51' in depth along the north property line. The differing depths of the property line create an angle consisting of 12' over the 80' of lot width. The lot is part of the Deer Creek, Phase Three subdivision which is also part of the Hunter's Ridge Development of Regional Impact. The existing single family home was built in 2009. Behind the rear of the lot line is a 10' back slope easement (in common area) and tract J-3 which is a conservation easement. The Deer Creek subdivision does have a community pool per the requirements of the Development of Regional Impact.

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)(3) of the Land Development Code:

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 depth dimensions of the lot and the angle created along the rear property line. The 115' depth (south property line) and 127.51' depth (north property line) create an angle where the proposed pool screen enclosure encroaches into the southern area rear yard setback.

Case against the variances: The subject property is a newer platted lot within a planned development. These lots were platted by developer and approved by the City. The development of a house that is built to the rear yard setback reduces the overall pool size. One could argue that the 115' lot depth is standard within the subdivision and the size of the existing structure caused the need for the pool screen enclosure variance. Additionally, a community pool is provided for Deer Creek.

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

Case for the variances: The lot was platted as part of the Deer Creek subdivision and the house was constructed by KB Homes. 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 significantly impact the ability to construct a pool. The subject property abuts an HOA common area and there is a 10' back slope (grading) easement abutting the rear yard. The proposed pool could be reduced in width and/or the 3' concrete area around the back of the pool reduced. In reviewing the proposed plan and conducting an on-site visit, reducing the pool and/or deck would be an undue hardship without any benefit to abutting properties. The pool screen enclosure does not impact the rear yard property owner and each side yard has a significant setback so as not to impact abutting property owners. Pool screen enclosures are commonly enjoyed by other properties in the City of Ormond Beach in the same zoning district.

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

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

Case for the variances: As stated previously, the pool width and deck width could be reduced along the southern extent of the pool and screen enclosure. The issue becomes what is a reasonable use of the rear yard of this property and staff's review has concluded that the request reasonable. In staff's review of the application, there is no other practical alternative and if the pool and screen enclosure were required to meet the required setbacks. The function and enjoyment of the pool would be severely reduced with no measurable public benefit if the setback requirements were met. The request is the minimum necessary in order to allow the construction of the screen enclosure. Staff has received signatures of no objections from the abutting property owners on Abacus Avenue.

Case against the variances: As stated in criteria 3, property owners do not have an absolute right to pool and/or screen enclosures at less than 5' to the rear property. In the past, one primary consideration of variance applications has been the impact to neighboring properties.

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

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

Case against the variances: None.

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

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

Case against the variances: None.

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

Case for the variances: The request will not diminish property values or alter the character of the surrounding area. Each of the abutting property owners have significant side yard setbacks to the pool screen enclosure. One purpose of the variance process is to measure the impact of the improvement subject to the variance on adjoining properties. Staff has not received any objections and believes that the screen enclosure would not alter the character of the neighborhood.

Case against the variances: None.

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

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

Case against the variances: One can argue that granting the variance requests will lead to multiple applications for screen enclosures for pools with less than a 5' rear setback. Each application is a unique situation that must be reviewed independently based on the variance criteria, input from the required notification, and testimony at the public hearing.

RECOMMENDATION: It is recommended that the Board of Adjustments and Appeals **APPROVE** a pool screen enclosure over a proposed pool requiring a 5' variance to the required pool screen enclosure setback of 5', with a resulting setback of 0' to the rear property line.

Attachments:

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

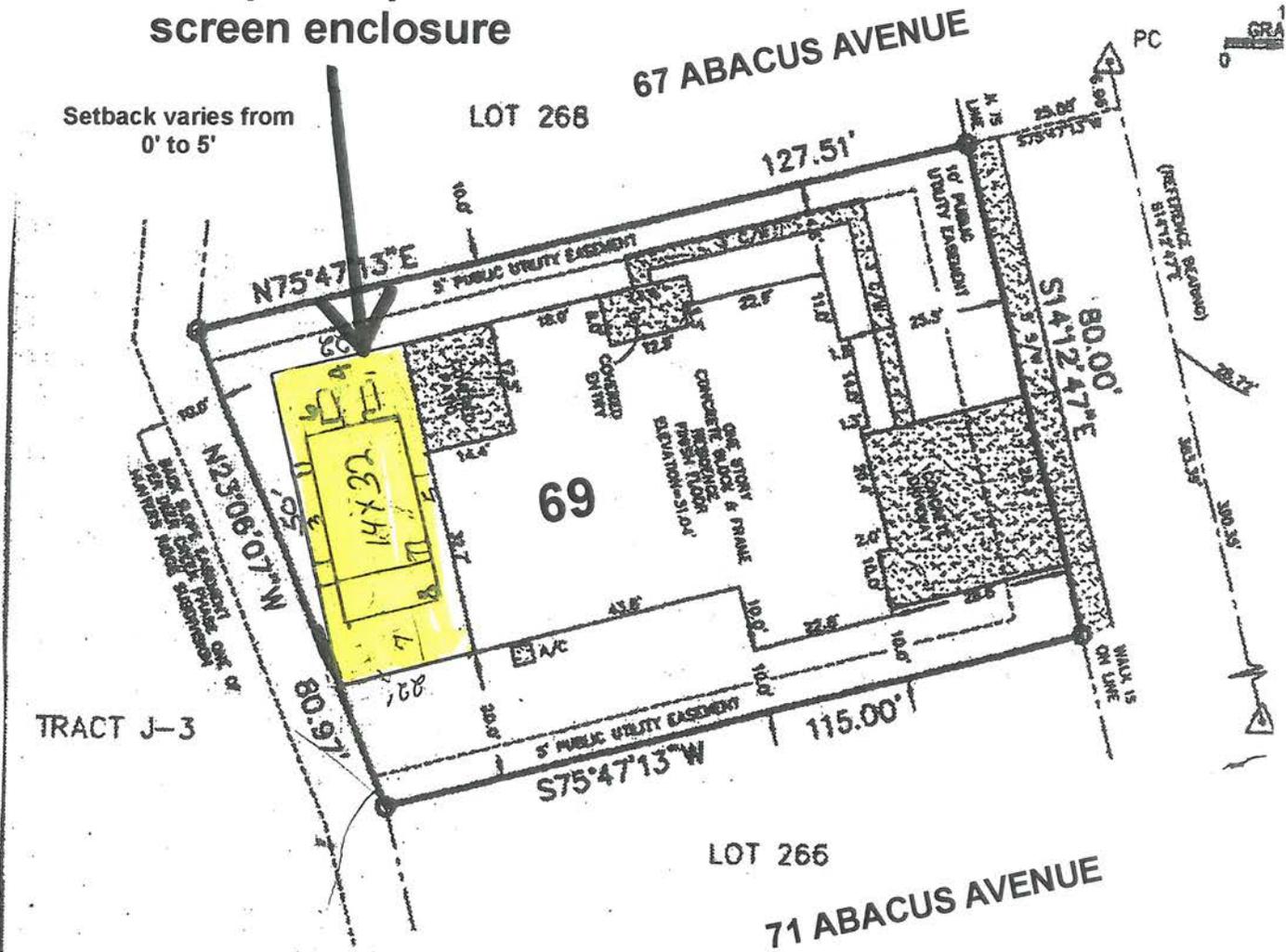
ATTACHMENT 1

Variance Exhibit

PLOT PLAN 69 ABACUS AVENUE

**Proposed pool
screen enclosure**

Setback varies from
0' to 5'



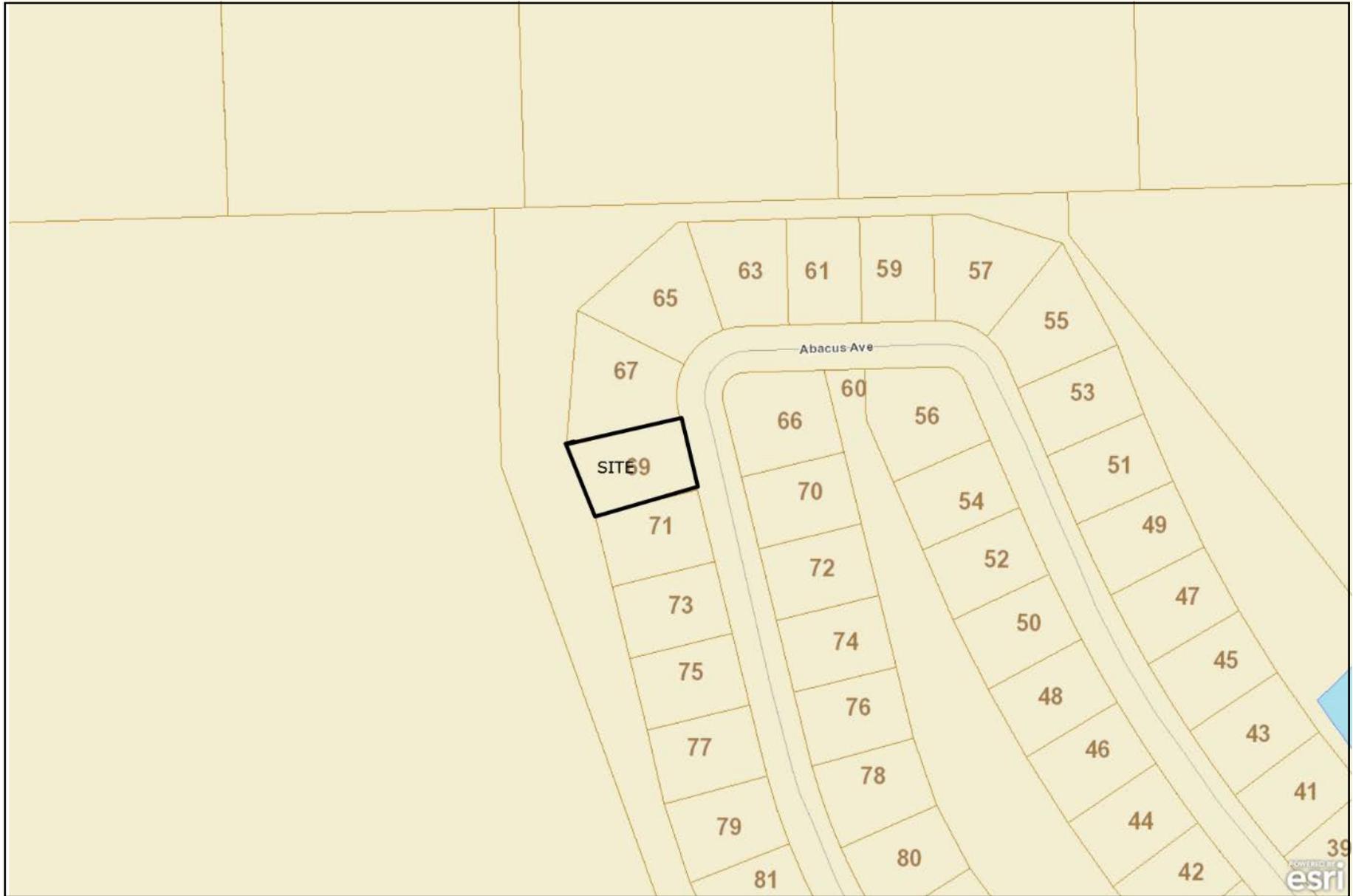
Required setback	Setback proposed	Variance required*
5'	0' to 5'	5'

* Variance is measured from closest distance to rear property line.

ATTACHMENT 2

- Maps

69 Abacus Avenue, location map



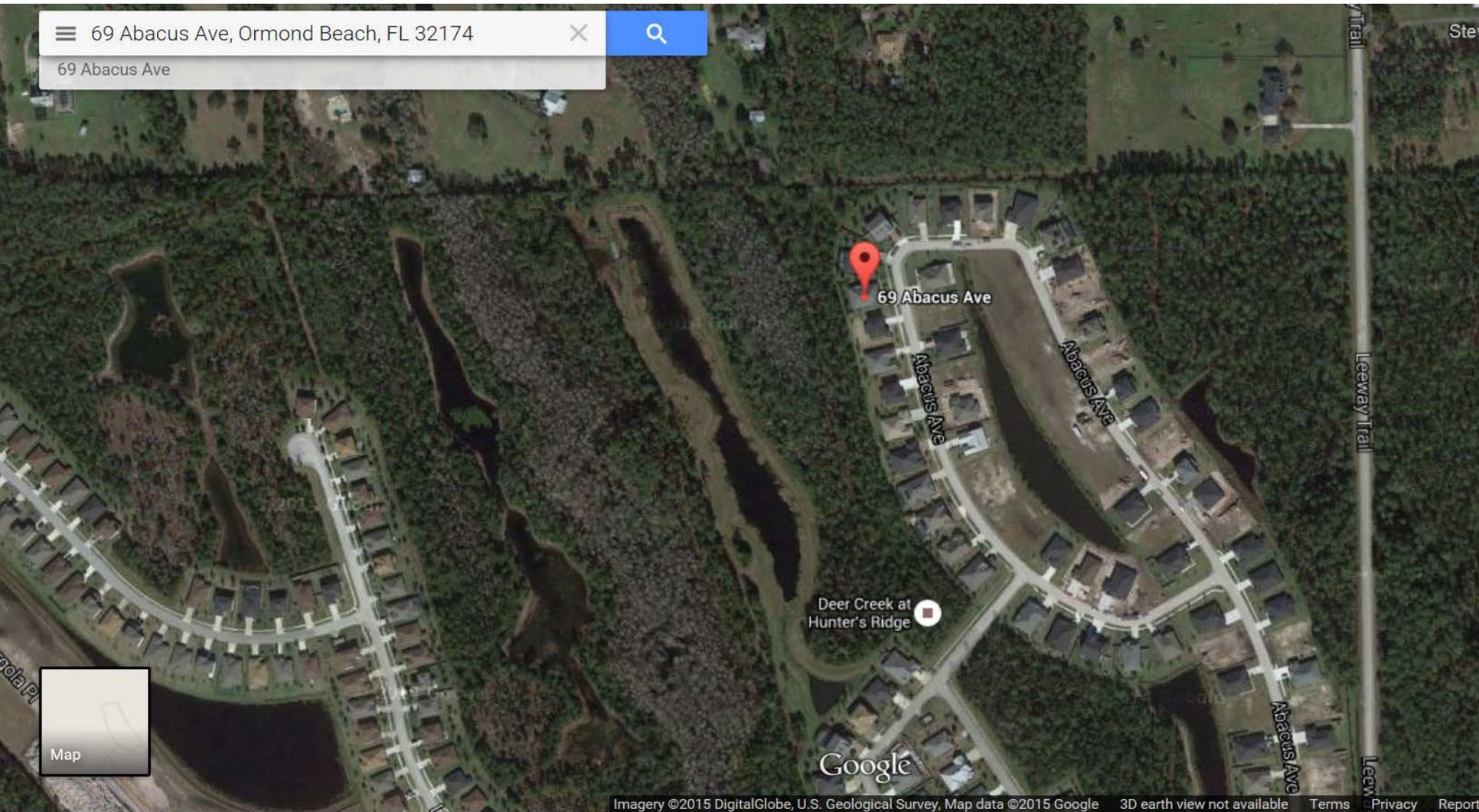
176 ft



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.

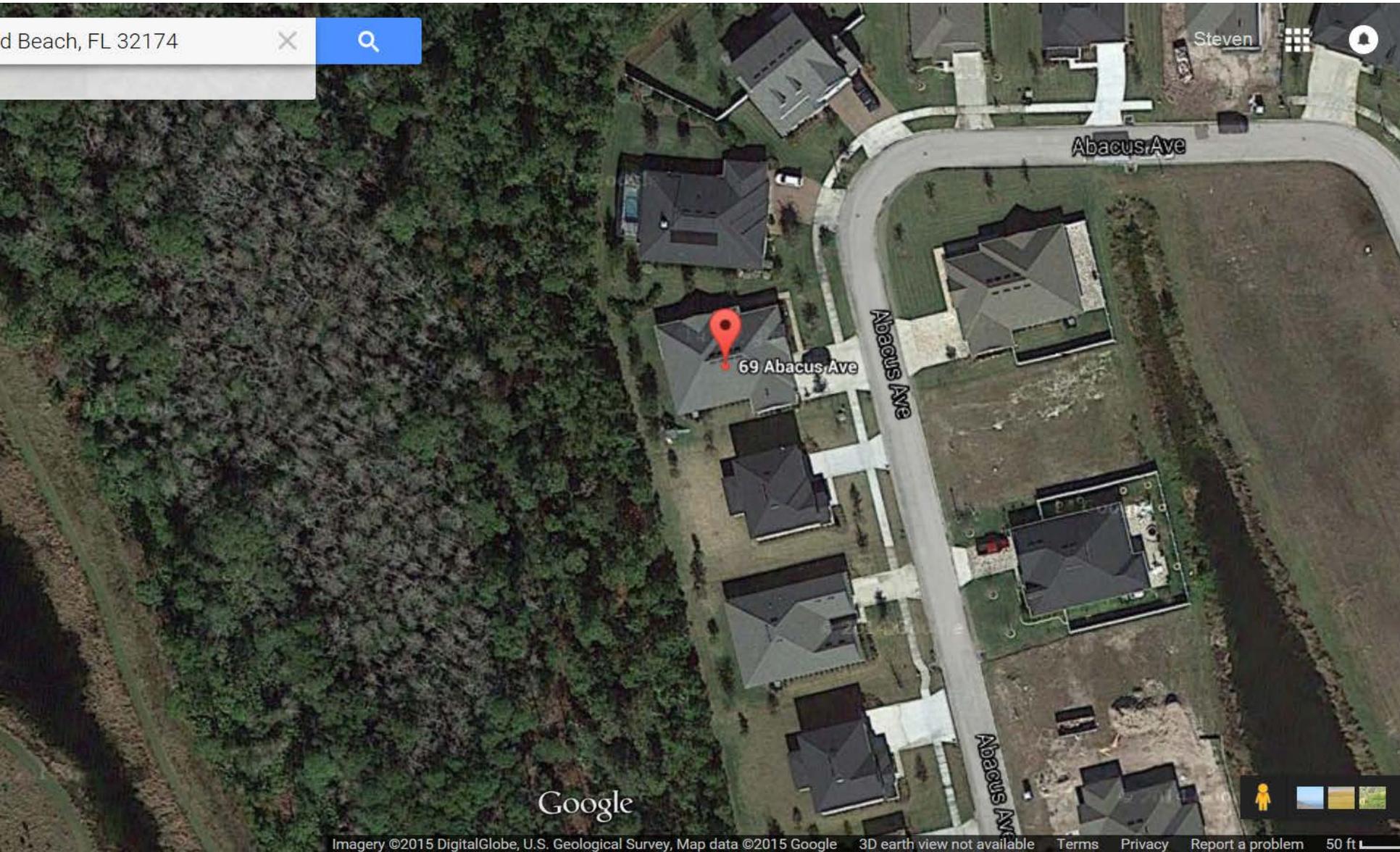


69 Abacus Avenue, site aerial



Source: Google Maps

69 Abacus Avenue, site aerial



Source: Google Maps

69 Abacus Avenue, rear yard looking south



69 Abacus Avenue, rear yard looking east, from easement



69 Abacus Avenue, rear yard looking east



ATTACHMENT 3

Applicant provided
information



CITY OF ORMOND BEACH

v3.2013

Planning Department

22 South Beach Street, Ormond Beach, FL 32174

Tel: (386) 676-3238

www.ormondbeach.org

comdev@ormondbeach.org

VARIANCE - APPLICATION

For Planning Department Use

Application Number

Date Submitted

APPLICATION TYPE AND FEES

	Application	Advertising Deposit for Advisory Board	Advertising Deposit for Commission	Total*
<input checked="" type="checkbox"/> Residential or Commercial	350	350	N/A	700
<input type="checkbox"/> After the Fact Residential or Commercial	700	350	N/A	1050

*The total is calculated as the Application plus approximate Advisory Board and Commission Public Notification Fees. Depending on the actual costs, Staff shall refund any remaining balance or require additional payment.

APPLICANT INFORMATION

This application is being submitted by Property Owner Agent, on behalf of Property Owner**

Name Amie macdonald

Full Address 69 Abacus Ave Ormond Beach FL 32174

Telephone 386 566 6837 Email Amie5550@gmail.com

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

PROPERTY OWNER INFORMATION***

Name _____

Full Address _____

Telephone _____ Email _____

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

PROPERTY DETAILS

Full Address 69 Abacus Ave Ormond Beach FL 32174

Parcel ID Number 23 A-31-11-00-2670

Legal Description Lot 267, Deer Creek, Phase III Hunters Ridge Subdivision as recorded in Plat Book 5A, pages 185-189

REQUEST

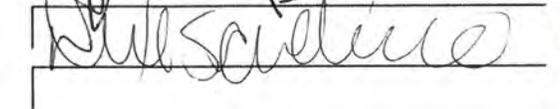
For the Board of Adjustment and Appeals to grant a variance, there must be special conditions or circumstances existing which are peculiar to a particular piece of land, structure or building. The variance should not request special privilege denied to other lands, buildings or structures, and must prove deprivation of rights commonly enjoyed by other property owners in the subject property area that results in an unnecessary hardship. The request should be the minimum possible to make reasonable use of the land and, if granted, should not be injurious to the area or materially diminish the value of the surrounding properties, alter the essential characteristics of the neighborhood or otherwise be detrimental to the public welfare or create a public nuisance. A purely financial hardship does not, except under extreme circumstances, constitute sufficient grounds for hardship.

Request:

requesting varying set back across back
50 feet of property Ranging from 0 to 5ft. (standard)

ABUTTING PROPERTY OWNERS

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

Signature	Street Address	For	Against
	67 Abacus Ave OB FL	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	71 Abacus Ave OB 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:

The property line was angled and not a straight property line, causing insufficient lot lines for screen enclosure w/ pool. Please see attached

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

owner did not create property line.
neighbors are straight:

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:

current set back limit would only allow pool to be 9 foot wide on left side of property. which can be dangerous for children.

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

due to property line being short on ~~west~~^{South} side of property, pool being on 9ft would not be sufficient size pool for a family of 5.

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:

It will actually cost more to put current size pool request w/ screen enclosure.

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

none - variance in rear of property
no affect on public or utilities
also conservation area is behind home, leaving
no construction or structures availability ^{in the} ~~area~~

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:

Variance will add to property value
and neighbors have no objections

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

Screen enclosures and pools are common in the city & zoning district.

CRITERIA: NONCONFORMING

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

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

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

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

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

[Empty 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: *Amie MacDonald*

STATE OF FLORIDA
COUNTY OF Volusia

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



C. Suzanne Thompson
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.



HUNTER'S RIDGE

July 20, 2015

Steven Spraker, Senior Planner
City of Ormond Beach
Planning 22 South Beach Street
Ormond Beach, Fl. 32174

**Re: Deer Creek, Lot 267, Phase 3, Address is 69 Abacus Ave. - ACC
application for pool from Mr. & Mrs. MacDonald**

Dear Mr. Spraker:

Once the variance is issued from the City of Ormond Beach, Hunter's Ridge Homeowners Association of East Florida, Inc. will approve the application as originally submitted for a pool at 69 Abacus Ave., Ormond Beach, Fl.

Simply provide us with a copy of the variance for the pool and the committee will reconsider the application at their next meeting.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Susan Gendes, CAM

Manager- Hunter's Ridge Homeowners' Association of East Florida, Inc.

PLAT OF SURVEY

DESCRIPTION: (AS FURNISHED)

LOT 267, DEER CREEK, PHASE THREE OF HUNTER'S RIDGE SUBDIVISION
AS RECORDED IN PLAT BOOK 54, PAGES 185-189, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

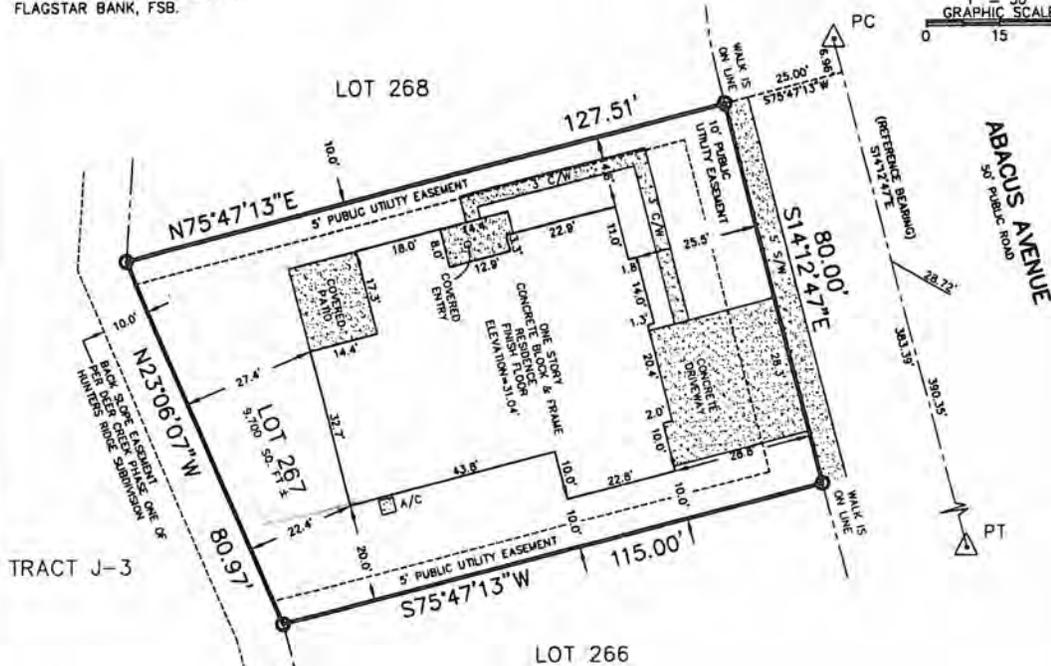
ADDRESS:
#69 ABACUS AVENUE
ORMOND BEACH FLORIDA 32174

FOR THE BENEFIT AND
EXCLUSIVE USE OF:

DEREK MacDONALD
FIRST AMERICAN TITLE INSURANCE COMPANY
KB HOME TITLE SERVICES, INC
FLAGSTAR BANK, FSB.



1" = 30'
GRAPHIC SCALE
0 15 30



- NOTES:**
- ALL DIRECTIONS AND DISTANCES HAVE BEEN FIELD VERIFIED, INCONSISTENCIES HAVE BEEN NOTED ON THE SURVEY, IF ANY.
 - PROPERTY CORNERS SHOWN HEREON WERE SET/FOUND ON 12-23-09, UNLESS OTHERWISE SHOWN.
 - THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.
 - NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED.
 - BUILDING TIES SHOWN HEREON ARE NOT TO BE USED TO RECONSTRUCT THE BOUNDARY LINES.
 - ELEVATIONS SHOWN HEREON ARE BASED ON BENCHMARK #3 NAIL AND DISC LB3608 IN WOOD POWER POLE I.D.#3700992060D ELEVATION=30.65', NGVD29 DATUM.

LEGEND

	CENTERLINE		FOUND NAIL AND DISC NO IDENTIFICATION
	RIGHT OF WAY LINE		FOUND 1/2" IRON ROD AND CAP LB #3608
	EXISTING ELEVATION		CENTRAL ANGLE
	AIR CONDITIONER		PER PLAT
	CONCRETE		POINT OF CURVATURE
	CHORD LENGTH		POINT OF COMPOUND CURVE
	CHORD BEARING		PERMANENT CONTROL POINT
	CORNER NOT ACCESSIBLE		POINT OF INTERSECTION
	CONCRETE PAD		PARKER KALON
	CONCRETE SLAB		POINT ON CURVE
	CONCRETE WALK		POINT ON LINE
	FEDERAL EMERGENCY MANAGEMENT AGENCY		POINT OF REVERSE CURVATURE
	FLOOD INSURANCE RATE MAP		PERMANENT REFERENCE MONUMENT
	IDENTIFICATION		PROFESSIONAL SURVEYOR AND MAPPER
	ARC LENGTH		POINT OF TANGENCY
	LICENSED BUSINESS		RADIUS
	LICENSED SURVEYOR		RADIUS POINT
	MEASURED		SIDEWALK
	OVERHEAD UTILITY LINE		TYPICAL
			UTILITY PAD

I HAVE EXAMINED THE F.I.R.M. COMMUNITY PANEL NO. 125136 0194 H, DATED 2/19/03, AND FOUND THE SUBJECT PROPERTY APPEARS TO LIE IN ZONE X, AREA OUTSIDE THE 100 YEAR FLOOD PLAIN. THE SURVEYOR MAKES NO GUARANTEES AS TO THE ABOVE INFORMATION. PLEASE CONTACT THE LOCAL F.E.M.A. AGENT FOR VERIFICATION.

BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF ABACUS AVENUE BEING S14°12'47"E, PER PLAT.

(FIELD DATE:) 08/18/09

SCALE: 1" = 30 FEET

APPROVED BY: DEB

JOB NO. 7070301 LOT 267

DRAWN BY:

REVISED:

CERTS 01-11-10 RP

FINAL 12-23-09/CC

FORMBOARD 10/21/09 CC

PLOT PLAN 08-04-09 RFO

ASAM
AMERICAN SURVEYING & MAPPING INC.

CERTIFICATION OF AUTHORIZATION NUMBER LB#6393
1030 N. ORLANDO AVE, SUITE B
WINTER PARK, FLORIDA, 32789
(407) 426-7979
WWW.AMERICANSURVEYINGANDMAPPING.COM

THIS IS A BOUNDARY SURVEY NOT VALID WITHOUT THE AUTHENTIC ELECTRONIC SIGNATURE AND THE AUTHENTIC ELECTRONIC SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

DENNIS E. BLANKENSHIP
No. 3292
STATE OF FLORIDA
REGISTERED LAND SURVEYOR

01-11-10

DENNIS E. BLANKENSHIP PLS #3292 DATE

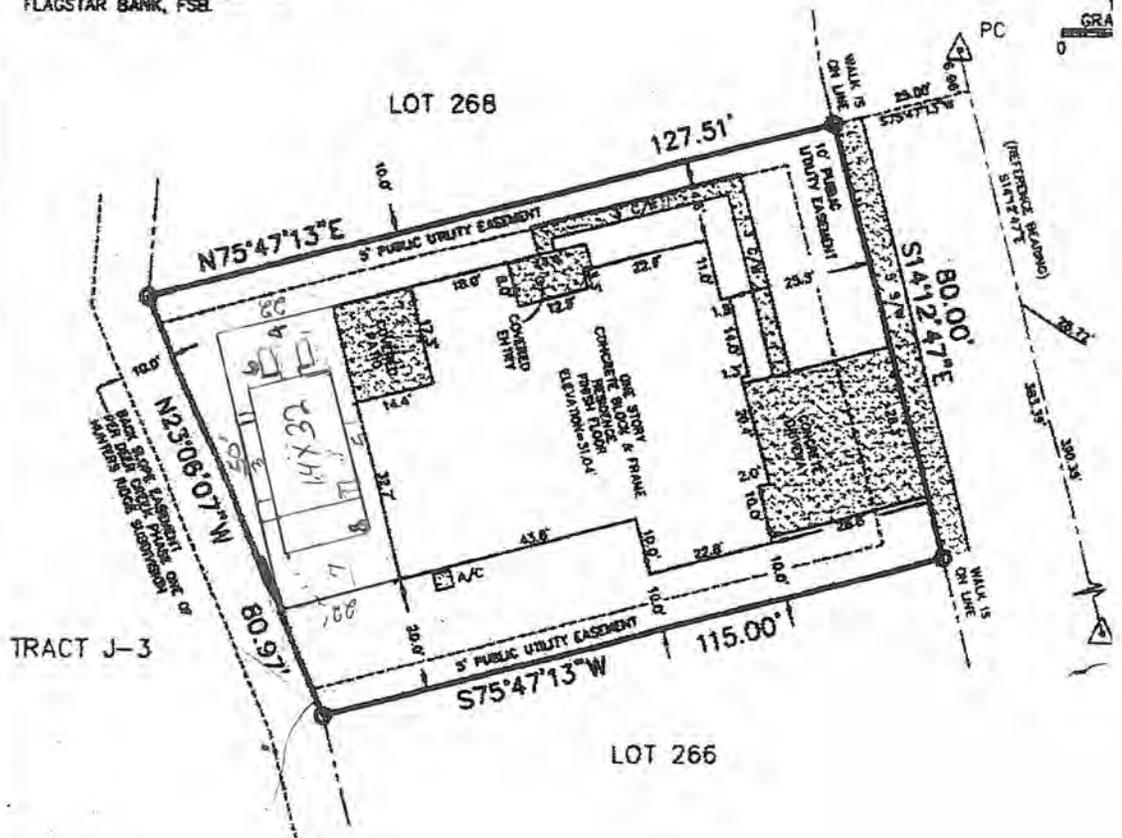
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LOT 267, DEER CREEK, PHASE THREE OF HUNTER'S RIDGE SUBDIVISION
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ADDRESS:
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FOR THE BENEFIT AND
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FIRST AMERICAN TITLE INSURANCE COMPANY
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NOTES:

1. ALL DIRECTIONS AND DISTANCES HAVE BEEN FIELD VERIFIED, INCONSISTENCIES HAVE BEEN NOTED ON THE SURVEY, IF ANY.
2. PROPERTY CORNERS SHOWN HEREON WERE SET/FOUND ON 12-23-09, UNLESS OTHERWISE SHOWN.
3. THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.
4. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED.
5. BUILDING TIES SHOWN HEREON ARE NOT TO BE USED TO RECONSTRUCT THE BOUNDARY LINES.
6. ELEVATIONS SHOWN HEREON ARE BASED ON BENCHMARK #3 NAIL AND DISC L93808 IN WOOD POWER POLE I.D.#17009920600 ELEVATION=30.65', NGVD29 DATUM.

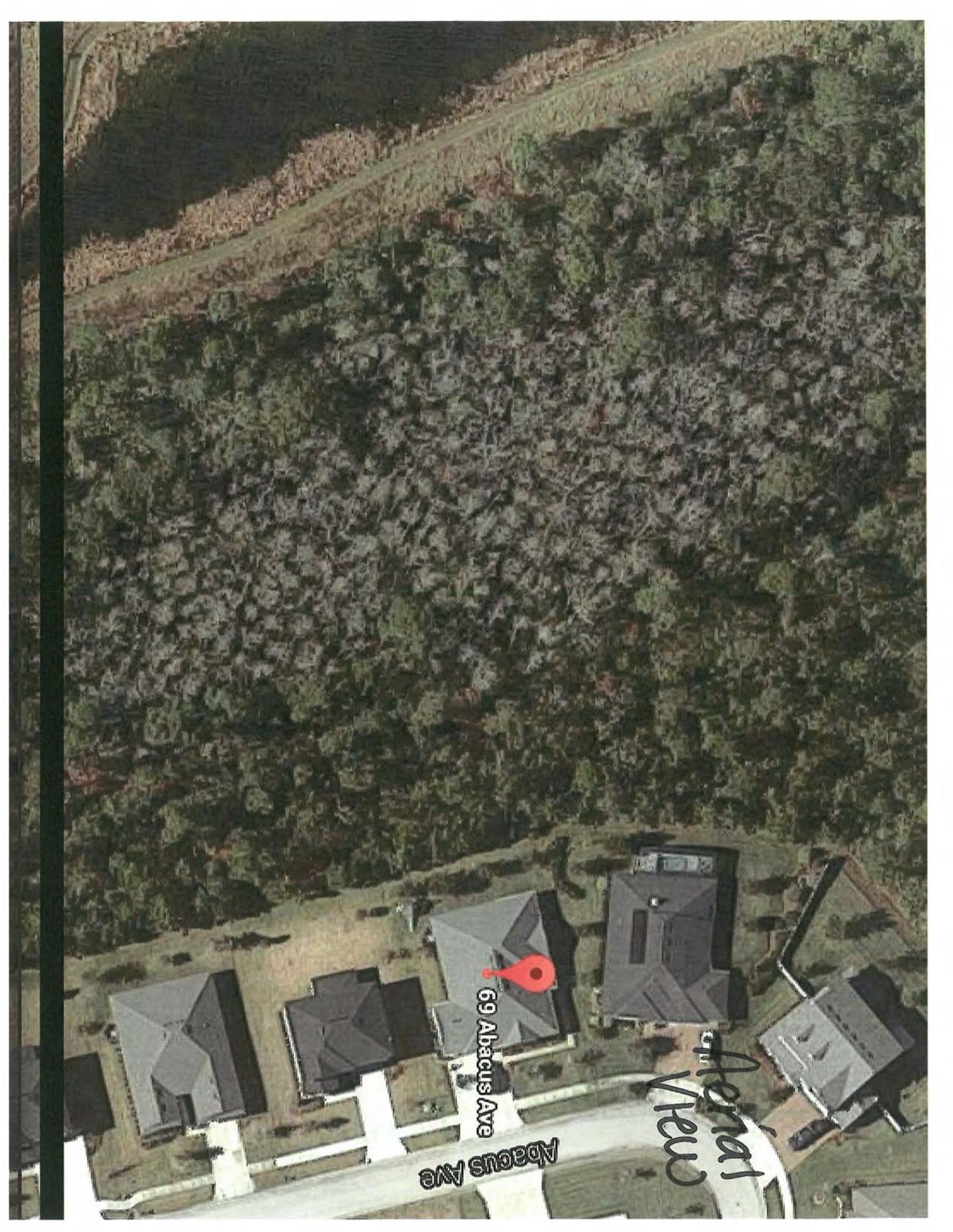
LEGEND

---	CENTERLINE	△	FOUND NAIL & NO IDENTIFICATION
---	RIGHT OF WAY LINE	○	FOUND 1/2" IRON NAIL
---	EXISTING ELEVATION	△	CENTRAL ANGLE
A/C	AIR CONDITIONER	(P)	PER PLAT
C	CHORD LENGTH	PCC	POINT OF CURVATURE
C.B.	CHORD BEARING	POP	POINT OF BEGINNING OF CURVATURE
C.B.W.	CONCRETE BLOCK WALL	PI	POINT OF INTERSECTION
C.C.A.	CORNER NOT ACCESSIBLE	PK	POINT ON CURVATURE
C.F.	CONCRETE FLOOR	POL	POINT ON LINE
C.S.	CONCRETE SLAB	PRC	POINT OF REVISION
C/W	CONCRETE WALK	PRO	PROFESSIONAL POINT OF BEGINNING
F.E.M.A.	FEDERAL EMERGENCY MANAGEMENT AGENCY	PT	POINT
F.I.R.M.	FLOOD INSURANCE RATE MAP	R	RADIUS
ID	IDENTIFICATION	RP	RADIUS POINT
L	ARC LENGTH	S/W	SIDEWALK
LB	LICENSED BUSINESS	UP	UTILITY PAD
LS	LICENSED SURVEYOR		
(M)	MEASURED		
OHU	OVERHEAD UTILITY LINE		

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THIS IS A BOUNDARY SURVEY
THE AUTHENTIC ELECTRONIC
THE AUTHENTIC ELECTRONIC
FLORIDA LICENSED SURVEYOR



69 Abacus Ave

Abacus Ave

Aerial View

Backyard of
the Adams



A photograph showing a grassy area with several trees. The grass is green with some brown patches. The trees are dense and green. A handwritten caption in black ink is overlaid on the grass. On the right side, a portion of a white building is visible.

Facing north view of 67 Abacus



Facing south view of 71 Abacus

Aerial view
of plots

